HOUSE BILL 1314

G1 0lr1232
HB 565/19 – W&M CF SB 757

By: **Delegates Mosby, Acevero, Anderson, Attar, D. Barnes, Boyce, Bridges, Carr, Chang, Charkoudian, Charles, Conaway, Crutchfield, Ebersole, Feldmark, W. Fisher, Gilchrist, Haynes, Hettleman, Hill, Hornberger, Ivey, Kaiser, Kelly, Korman, J. Lewis, R. Lewis, Lierman, Lopez, Love, Moon, Palakovich Carr, Proctor, Qi, Queen, Rosenberg, Smith, Solomon, Stewart, Turner, Walker, Washington, R. Watson, and Wells**

Introduced and read first time: February 7, 2020
Assigned to: Ways and Means

A BILL ENTITLED

AN ACT concerning

Election Law – Voting Systems – Accessibility for Voters With Disabilities

FOR the purpose of requiring each voter to use a ballot marking device that is accessible to voters with disabilities to vote at early voting centers and election day polling places to ensure that access is provided to voters with disabilities in accordance with a certain provision of law; prohibiting certain ballots from being set apart or distinguishable, in size and form, to ensure that access is provided to voters with disabilities in accordance with a certain provision of law; providing for the application of this Act; and generally relating to voting systems and accessibility for voters with disabilities.

BY repealing and reenacting, without amendments,
Article – Election Law
Section 9–102(f)
Annotated Code of Maryland
(2017 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 9–102(g)
Annotated Code of Maryland
(2017 Replacement Volume and 2019 Supplement)

Preamble

WHEREAS, Prior to the 2016 election, all Maryland voters used the same method to

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets**]** indicate matter deleted from existing law.

mark their ballots. During the 2016 and 2018 elections, ballots cast by voters with disabilities were easily distinguished from the hand–marked ballots cast by the majority of voters resulting in a loss of privacy and secrecy. It is the policy of the State to ensure that all voters are able to cast a secret ballot; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Election Law

9–102.

(f) A voting system selected, certified, and implemented under this section shall:

(1) provide access to voters with disabilities that is equivalent to access afforded voters without disabilities without creating a segregated ballot for voters with disabilities;

(2) ensure the independent, private casting, inspection, verification, and correction of secret ballots by voters with disabilities in an accessible media by both visual and nonvisual means, including synchronized audio output and enhanced visual display; and

(3) comply with both the Americans with Disabilities Act, P.L. 101–336, and the Help America Vote Act, P.L. 107–252, including accessibility standards adopted as part of the Voluntary Voting System Guidelines pursuant to the Help America Vote Act.

(g) **[**(1) At least one voting system in each polling place on election day shall provide access for voters with disabilities in compliance with subsection (f) of this section.**]**

(1) TO ENSURE THAT ACCESS IS PROVIDED TO VOTERS WITH DISABILITIES IN ACCORDANCE WITH SUBSECTION (F)(1) OF THIS SECTION:

(I) EACH VOTER SHALL USE A BALLOT MARKING DEVICE THAT IS ACCESSIBLE TO VOTERS WITH DISABILITIES TO VOTE AT AN EARLY VOTING CENTER OR AN ELECTION DAY POLLING PLACE; AND

(II) A BALLOT CAST BY A VOTER WITH A DISABILITY MAY NOT BE SET APART OR DISTINGUISHABLE, IN SIZE AND FORM, FROM A BALLOT CAST BY A VOTER WITHOUT A DISABILITY.

(2) The State Board shall ensure that adequate backup equipment is available and contingency plans are established to ensure compliance with paragraph (1) of this subsection.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all

elections beginning with the statewide primary election held under § 8–201 of the Election Law Article in 2022.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.