

Chapter 9

(Senate Bill 97)

AN ACT concerning

Election Law – ~~Death of Voter Before Canvass~~ – Counting of Ballot Properly Cast Ballots

FOR the purpose of requiring a ballot properly cast by a voter who dies before the ballot is canvassed to be counted in full unless a law or regulation requires that it be fully or partially rejected for a reason unrelated to the death of the voter; making a conforming change; and generally relating to the counting of a ballot properly cast by a voter who dies before the canvass.

BY repealing and reenacting, without amendments,
Article – Election Law
Section 11–302(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 11–302(d)(3)
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

BY adding to
Article – Election Law
Section 11–303.1
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

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

Article – Election Law

11–302.

(a) Following an election, each local board shall meet at its designated counting center to canvass the absentee ballots cast in that election in accordance with the regulations and guidelines established by the State Board.

(d) (3) The local board shall reject an absentee ballot if:

(i) [before the ballot is canvassed, the local board determines that the voter died before election day;

(ii)] the voter failed to sign the oath on the ballot envelope;

[(iii)] (II) the local board received more than one ballot from the same individual for the same election in the same ballot envelope; or

[(iv)] (III) the local board determines that an absentee ballot is intentionally marked with an identifying mark that is clearly evident and placed on the ballot for the purpose of identifying the ballot.

11-303.1.

A BALLOT PROPERLY CAST BY A VOTER WHO DIES BEFORE THE BALLOT IS CANVASSED SHALL BE COUNTED IN FULL UNLESS A LAW OR REGULATION REQUIRES THAT THE BALLOT BE FULLY OR PARTIALLY REJECTED FOR A REASON UNRELATED TO THE DEATH OF THE VOTER.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015.

Approved by the Governor, April 14, 2015.