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§9–308.1.

(a) In this section:

(1) “online ballot marking tool” includes a system that allows a voter to:

(i) access a blank ballot through the Internet;

(ii) electronically mark the ballot with the voter’s selections; and

(iii) print a paper copy of the marked ballot for mailing to a local board; and

(2) “online ballot marking tool” does not include a system that is capable of storing, tabulating, or transmitting votes or voted ballots by electronic or electromagnetic means through the Internet.

(b) The State Board may provide an accessible optional online ballot marking tool for use by a voter who requested to have the absentee ballot sent by the Internet.

(c) (1) Except as provided in paragraph (2) of this subsection, the State Board shall certify that an online ballot marking tool satisfies all of the certification requirements under § 9–102(d) of this title before approving an online ballot marking tool for use by voters.

(2) An online ballot marking tool is not required to satisfy the requirements of:

(i) § 9–102(d)(2) of this title if the U.S. Election Assistance Commission has not approved specific performance and test standards for online ballot marking tools; or

(ii) § 9–102(d)(1)(iii) of this title.

(d) (1) This subsection applies if an online ballot marking tool utilizes a bar code that is used to generate a ballot that is acceptable for machine tabulation.

(2) A local board shall compare the vote in each contest on the ballot marked by the voter to the vote in each contest on the ballot generated from the bar code during the canvass.

(3) If there is a discrepancy in any contest between the vote on the ballot marked by the voter and the vote on the ballot generated from the bar code, the vote on the ballot marked by the voter shall be considered valid and shall be counted.

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