

HOUSE BILL 1068

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By: **Delegate Feldmark**

Introduced and read first time: February 5, 2021

Assigned to: Ways and Means

Committee Report: Favorable

House action: Adopted

Read second time: March 4, 2021

CHAPTER _____

1 AN ACT concerning

2 **Election Law – Absentee Ballot Canvassing – Multiple Ballots Cast by an**
3 **Individual**

4 FOR the purpose of requiring a local board of elections to count an absentee ballot and
5 reject a provisional ballot if the local board receives a legally sufficient absentee
6 ballot and a provisional ballot from the same individual; and generally relating to
7 canvassing multiple ballots cast by an individual in the same election.

8 BY repealing and reenacting, with amendments,
9 Article – Election Law
10 Section 11–302
11 Annotated Code of Maryland
12 (2017 Replacement Volume and 2020 Supplement)

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

15 **Article – Election Law**

16 11–302.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (b) (1) A local board may not open any envelope of an absentee ballot prior to
2 8 a.m. on the Wednesday following election day.

3 (2) A local board may not delay the commencement of the canvass to await
4 the receipt of late-arriving, timely absentee ballots.

5 (c) (1) An absentee ballot shall be deemed timely received if it is received in
6 accordance with the regulations and guidelines established by the State Board.

7 (2) An absentee ballot that is received after the deadline specified by the
8 regulations and guidelines may not be counted.

9 (d) (1) The State Board shall adopt regulations that reflect the policy that the
10 clarity of the intent of the voter is the overriding consideration in determining the validity
11 of an absentee ballot or the vote cast in a particular contest.

12 (2) A local board may not reject an absentee ballot except by unanimous
13 vote and in accordance with regulations of the State Board.

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

15 (i) the voter failed to sign the oath on the ballot envelope;

16 (ii) the local board received more than one ballot from the same
17 individual for the same election in the same ballot envelope; or

18 (iii) the local board determines that an absentee ballot is
19 intentionally marked with an identifying mark that is clearly evident and placed on the
20 ballot for the purpose of identifying the ballot.

21 (4) (I) If the local board receives more than one legally sufficient ballot,
22 in separate envelopes, from the same individual, the local board shall:

23 [(i)] 1. count only the ballot with the latest properly signed oath;
24 and

25 [(ii)] 2. reject any other ballot.

26 (II) IF THE LOCAL BOARD RECEIVES A LEGALLY SUFFICIENT
27 ABSENTEE BALLOT AND A PROVISIONAL BALLOT FROM THE SAME INDIVIDUAL, THE
28 LOCAL BOARD SHALL:

29 1. COUNT THE ABSENTEE BALLOT; AND

30 2. REJECT THE PROVISIONAL BALLOT.

1 (5) If the intent of the voter is not clearly demonstrated, the local board
2 shall reject only the vote for that office or question.

3 (6) If an absentee voter casts a vote for an individual who has ceased to be
4 a candidate, the vote for that candidate may not be counted, but that vote does not
5 invalidate the remainder of the ballot.

6 (e) At the end of each day of canvassing, a local board shall prepare and release
7 a report of the unofficial results of the absentee ballot vote tabulation.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
9 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.