
By: **Delegates Mandel, Benson, Bobo, Brinkley, Bronrott, Clagett, DeCarlo, Dobson, Dypski, Malone, McIntosh, Paige, Parrott, Shank, Sophocleus, and Wood**

Introduced and read first time: February 7, 2002
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Elections - Provisional Ballots - Confirmation of Ballots**

3 FOR the purpose of allowing certain individuals to obtain confirmation by a certain
4 date from their local board of election regarding the status of their provisional
5 ballots; requiring a local board of election to provide certain information under
6 certain circumstances at the request of certain individuals; providing for the
7 effective date of certain provisions of this Act; providing for the termination of
8 certain provisions of this Act; and generally relating to the confirmation and
9 status of provisional ballots.

10 BY repealing and reenacting, with amendments,
11 Article 33 - Election Code
12 Section 11-302.1
13 Annotated Code of Maryland
14 (1997 Replacement Volume and 2001 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - Election Law
17 Section 11-303
18 Annotated Code of Maryland
19 (As enacted by Chapter ____ (S.B. 1) of the Acts of the General Assembly of 2002)

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

22 **Article 33 - Election Code**

23 11-302.1.

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

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

3 (c) (1) The State Board shall adopt regulations that reflect the policy that
4 the clarity of the intent of the voter is the overriding consideration in determining the
5 validity of a provisional ballot or the vote cast in a particular contest.

6 (2) A local board may not reject a provisional ballot except by unanimous
7 vote and in accordance with regulations of the State Board.

8 (3) The local board shall reject a provisional ballot if:

9 (i) The local board determines that the temporary certificate of
10 registration that corresponds to the provisional ballot is not valid;

11 (ii) The local election board determines that the individual is not a
12 registered voter;

13 (iii) The individual failed to sign the oath on the temporary
14 certificate of registration;

15 (iv) The individual failed to sign the oath on the provisional ballot
16 envelope;

17 (v) The individual received more than one ballot for the same
18 election; or

19 (vi) The local board determines that a provisional ballot is
20 intentionally marked with an identifying mark that is clearly evident and placed on
21 the ballot for the purpose of identifying the ballot.

22 (D) (1) WITHIN 10 DAYS AFTER ANY ELECTION, AN INDIVIDUAL WHO VOTED
23 BY PROVISIONAL BALLOT MAY OBTAIN CONFIRMATION FROM THE LOCAL ELECTION
24 BOARD THAT THE BALLOT CAST BY THE INDIVIDUAL IS EITHER ACCEPTED OR
25 REJECTED BY THE LOCAL ELECTION BOARD.

26 (2) UPON RECEIVING A REQUEST UNDER PARAGRAPH (1) OF THIS
27 SUBSECTION, THE LOCAL ELECTION BOARD IS REQUIRED TO PROVIDE
28 CONFIRMATION THAT THE INDIVIDUAL'S BALLOT IS EITHER ACCEPTED OR
29 REJECTED.

30 (3) IF THE BALLOT IS REJECTED, AT THE REQUEST OF THE INDIVIDUAL
31 THE LOCAL ELECTION BOARD SHALL STATE IN WRITING THE BASIS FOR REJECTING
32 THE BALLOT.

33 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
34 read as follows:

Article - Election Law

1 11-303.

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

5 (b) A local board may not open any envelope of a provisional ballot prior to 8
6 a.m. on the Wednesday following election day.

7 (c) (1) The State Board shall adopt regulations that reflect the policy that
8 the clarity of the intent of the voter is the overriding consideration in determining the
9 validity of a provisional ballot or the vote cast in a particular contest.

10 (2) A local board may not reject a provisional ballot except by unanimous
11 vote and in accordance with regulations of the State Board.

12 (3) The local board shall reject a provisional ballot if:

13 (i) The local board determines that the temporary certificate of
14 registration that corresponds to the provisional ballot is not valid;

15 (ii) The local board determines that the individual is not a
16 registered voter;

17 (iii) The individual failed to sign the oath on the temporary
18 certificate of registration;

19 (iv) The individual failed to sign the oath on the provisional ballot
20 envelope;

21 (v) The individual received more than one ballot for the same
22 election; or

23 (vi) The local board determines that a provisional ballot is
24 intentionally marked with an identifying mark that is clearly evident and placed on
25 the ballot for the purpose of identifying the ballot.

26 (D) (1) WITHIN 10 DAYS AFTER ANY ELECTION, AN INDIVIDUAL WHO VOTED
27 BY PROVISIONAL BALLOT MAY OBTAIN CONFIRMATION FROM THE LOCAL ELECTION
28 BOARD THAT THE BALLOT CAST BY THE INDIVIDUAL IS EITHER ACCEPTED OR
29 REJECTED BY THE LOCAL ELECTION BOARD.

30 (2) UPON RECEIVING A REQUEST UNDER PARAGRAPH (1) OF THIS
31 SUBSECTION, THE LOCAL ELECTION BOARD IS REQUIRED TO PROVIDE
32 CONFIRMATION THAT THE INDIVIDUAL'S BALLOT IS EITHER ACCEPTED OR
33 REJECTED.

1 (3) IF THE BALLOT IS REJECTED, AT THE REQUEST OF THE INDIVIDUAL
2 THE LOCAL ELECTION BOARD SHALL STATE IN WRITING THE BASIS FOR REJECTING
3 THE BALLOT.

4 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act
5 shall take effect October 1, 2002. It shall remain effective until the taking effect of
6 Section 2 of this Act. If Section 2 of this Act takes effect, Section 1 of this Act shall be
7 abrogated and of no further force and effect.

8 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the
9 provisions of Section 3 of this Act, this Act shall take effect January 1, 2003.