

HOUSE BILL 871

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2002 Regular Session
2lr2217

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

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 19, 2002

CHAPTER _____

1 AN ACT concerning

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

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

1

Article 33 - Election Code

2 11-302.1.

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

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

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

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

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

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

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

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

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

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

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

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

31 (2) UPON RECEIVING A REQUEST UNDER PARAGRAPH (1) OF THIS
32 SUBSECTION, THE LOCAL ELECTION BOARD IS REQUIRED TO PROVIDE
33 CONFIRMATION THAT THE INDIVIDUAL'S BALLOT IS EITHER ACCEPTED OR
34 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 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
5 read as follows:

6 **Article - Election Law**

7 11-303.

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

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

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

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

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

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

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

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

25 (iv) The individual failed to sign the oath on the provisional ballot
26 envelope;

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

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

32 (D) (1) WITHIN 10 DAYS AFTER ANY ELECTION, AN INDIVIDUAL WHO VOTED
33 BY PROVISIONAL BALLOT MAY ~~OBTAIN~~ REQUEST CONFIRMATION FROM THE LOCAL
34 ELECTION BOARD THAT THE BALLOT ~~CAST~~ SUBMITTED BY THE INDIVIDUAL IS
35 EITHER ACCEPTED OR REJECTED BY THE LOCAL ELECTION BOARD.

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

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

8 SECTION 3. AND BE IT FURTHER ENACTED, That Section ~~1~~ 2 of this Act
9 shall take effect ~~October 1, 2002~~ on the taking effect of Chapter (S.B. 1) of the
10 Acts of the General Assembly of 2002. It shall remain effective until the taking effect
11 ~~of Section 2 of this Act.~~ If Section 2 of this Act takes effect, Section 1 of this Act shall
12 be abrogated and of no further force and effect.

13 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the
14 provisions of Section 3 of this Act, this Act shall take effect ~~January 1, 2003~~ July 1,
15 2002.