BY: Senator Haines

AMENDMENTS TO SENATE BILL NO. 712
(First Reading File Bill)

AMENDMENT NO. 1
        On page 1, in line 10, after "Act;" insert "altering certain provisions relating to the processing and counting of certain provisional ballots;";

and after line 24, insert:

"BY repealing and reenacting, with amendments,
        Article - Election Law
        Section 11-303
        Annotated Code of Maryland
        (2003 Volume and 2005 Supplement)
        (As enacted by Chapter 4 of the Acts of the General Assembly of 2006)".

AMENDMENT NO. 2
        On page 2, before line 35, insert:

"11-303.

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

        (b)   A local board may not open an envelope of a provisional ballot until the local board has approved the provisional ballot application.

        (c)   The State Board shall adopt regulations to implement this section.

(d)   (1)   A local board may not reject a provisional ballot except by unanimous vote and in accordance with regulations of the State Board.

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

(i)   pursuant to paragraph (4) of this subsection, the local board determines that the individual who cast the provisional ballot is not qualified to vote that provisional ballot;

(ii)   the individual failed to sign the oath on the provisional ballot application;

(iii)   the individual cast more than one ballot for the same election; or

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

(3)   If the intent of the voter with respect to a particular contest is not clearly demonstrated, the local board shall reject only the vote for that contest.

(4)   For the purposes of this section, an individual is qualified to vote the provisional ballot cast if the local board determines that:

(i)   the individual is registered in the State;

(II)   BASED ON THE ADDRESS GIVEN ON THE PROVISIONAL BALLOT APPLICATION, THE INDIVIDUAL RESIDES IN THE PRECINCT IN WHICH THE INDIVIDUAL SEEKS TO VOTE;

[(ii)]   (III)   if the provisional ballot was cast because the voter failed to provide required identification, the individual who cast the provisional ballot has met the identification requirements established by the State Board; and

[(iii)]   (IV)   if the provisional ballot was cast during a period covered by a

court order or other order extending the time for closing the polls, the order has not been invalidated by a subsequent court order.

[(e)   A local board shall count:

(1)   the entire provisional ballot if the address on the provisional ballot application is within the precinct where the provisional ballot was cast; or

(2)   only the votes cast by the voter for each candidate or question applicable to the precinct in which the voter resides, as determined by the address on the provisional ballot application of the voter.]

[(f)]   (E)   (1)   The State Board shall ensure the establishment of a system that any individual who casts a provisional ballot may access without cost to discover whether the ballot was counted and, if not counted, the reason it was not.

(2)   The system established under paragraph (1) of this subsection shall ensure the confidentiality of the individual who accesses the system and the secrecy of each ballot.".