

HOUSE BILL 884

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By: **Delegates Lisanti, Adams, Aumann, Barkley, Branch, Glenn, Impallaria, Kelly, Kramer, Lam, McCray, Moon, Morales, Valderrama, Waldstreicher, M. Washington, and C. Wilson**

Introduced and read first time: February 13, 2015

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Counting of Properly Cast Ballots**

3 FOR the purpose of requiring a ballot properly cast by a voter who dies before the ballot is
4 canvassed to be counted in full unless a law or regulation requires that it be fully or
5 partially rejected for a reason unrelated to the death of the voter; making a
6 conforming change; and generally relating to the counting of a ballot properly cast
7 by a voter who dies before the canvass.

8 BY repealing and reenacting, without amendments,
9 Article – Election Law
10 Section 11–302(a)
11 Annotated Code of Maryland
12 (2010 Replacement Volume and 2014 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Election Law
15 Section 11–302(d)(3)
16 Annotated Code of Maryland
17 (2010 Replacement Volume and 2014 Supplement)

18 BY adding to
19 Article – Election Law
20 Section 11–303.1
21 Annotated Code of Maryland
22 (2010 Replacement Volume and 2014 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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Article – Election Law

2 11-302.

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

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

7 (i) [before the ballot is canvassed, the local board determines that
8 the voter died before election day;

9 (ii)] the voter failed to sign the oath on the ballot envelope;

10 [(iii)] (II) the local board received more than one ballot from the
11 same individual for the same election in the same ballot envelope; or

12 [(iv)] (III) the local board determines that an absentee ballot is
13 intentionally marked with an identifying mark that is clearly evident and placed on the
14 ballot for the purpose of identifying the ballot.

15 **11-303.1.**

16 **A BALLOT PROPERLY CAST BY A VOTER WHO DIES BEFORE THE BALLOT IS**
17 **CANVASSED SHALL BE COUNTED IN FULL UNLESS A LAW OR REGULATION REQUIRES**
18 **THAT THE BALLOT BE FULLY OR PARTIALLY REJECTED FOR A REASON UNRELATED**
19 **TO THE DEATH OF THE VOTER.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
21 1, 2015.