

SENATE BILL 97

G1

5lr0815

By: **Senators Norman, Bates, Cassilly, Eckardt, Edwards, Hershey, Jennings, Reilly, Salling, Simonaire, and Waugh**

Introduced and read first time: January 26, 2015

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Death of Voter Before Canvass – Counting of Ballot**

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

25 **Article – Election Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 11-302.

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

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

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

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

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

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

14 **11-303.1.**

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

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