

SENATE BILL 333

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8lr1161

By: **Senators Simonaire, Zucker, Hershey, Jennings, Klausmeier, ~~and Peters~~
Peters, and Bates**

Introduced and read first time: January 24, 2018

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 6, 2018

CHAPTER _____

1 AN ACT concerning

2 **Election Law – Voting – Ballot Request and Canvassing Procedures**

3 FOR the purpose of altering certain requirements for canvassing provisional ballots when
4 an individual ~~cast~~ casts more than one ballot for the same election; requiring a local
5 board of elections to review all documents relating to an individual to verify certain
6 ballots if certain ballots are cast in the name of the same individual in the same
7 election; requiring a local board of elections to count a ~~provisional~~ verified ballot and
8 reject an ~~absentee unverified~~ ballot if ~~both ballots are cast in the name of the same~~
9 individual in the same election under certain circumstances the local board
10 determines that only one of the ballots was cast by the voter; requiring a local board
11 of elections to reject both ballots if the local board determines that both ballots were
12 cast by the voter; requiring a voter who uses the online absentee ballot application
13 to request an absentee ballot be sent by any method or who uses any method to
14 request to receive a blank absentee ballot through the Internet to provide certain
15 information; providing for the effective dates of this Act; and generally relating to
16 ballot request and canvassing procedures.

17 BY repealing and reenacting, with amendments,
18 Article – Election Law
19 Section 9–305 and 11–303
20 Annotated Code of Maryland
21 (2017 Replacement Volume and 2017 Supplement)

22 ~~BY adding to~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~Article – Election Law~~
 2 ~~Section 11-303.2~~
 3 ~~Annotated Code of Maryland~~
 4 ~~(2017 Replacement Volume and 2017 Supplement)~~

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

7 **Article – Election Law**

8 11-303.

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

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

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

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

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

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

21 (ii) the individual failed to sign the oath on the provisional ballot
 22 application; **OR**

23 (iii) ~~the individual cast more than one PROVISIONAL ballot for the~~
 24 ~~same election; or~~

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

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

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

32 (i) the individual is registered in the State;

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

4 (iii) if the provisional ballot was cast during a period covered by a
5 court order or other order extending the time for closing the polls, the order has not been
6 invalidated by a subsequent court order.

7 **(5) (I) IF A PROVISIONAL BALLOT AND AN ABSENTEE BALLOT OR**
8 **TWO PROVISIONAL BALLOTS ARE CAST IN THE NAME OF THE SAME INDIVIDUAL FOR**
9 **THE SAME ELECTION, THE LOCAL BOARD SHALL REVIEW ALL DOCUMENTS RELATING**
10 **TO THE INDIVIDUAL TO VERIFY THE BALLOTS.**

11 **(II) IF THE LOCAL BOARD DETERMINES THAT ONLY ONE OF THE**
12 **BALLOTS WAS CAST BY THE VOTER, THE LOCAL BOARD SHALL COUNT THE VERIFIED**
13 **BALLOT AND REJECT THE UNVERIFIED BALLOT.**

14 **(III) IF THE LOCAL BOARD DETERMINES THAT BOTH OF THE**
15 **BALLOTS WERE CAST BY THE VOTER, THE LOCAL BOARD SHALL REJECT BOTH**
16 **BALLOTS.**

17 (e) A local board shall count:

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

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

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

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

29 ~~11-303.2.~~

30 ~~IF BOTH A PROVISIONAL BALLOT AND AN ABSENTEE BALLOT ARE CAST IN THE~~
31 ~~NAME OF THE SAME INDIVIDUAL FOR THE SAME ELECTION, THE LOCAL BOARD~~
32 ~~SHALL:~~

~~(1) COUNT THE PROVISIONAL BALLOT IF THE INDIVIDUAL IS QUALIFIED TO VOTE THE PROVISIONAL BALLOT UNDER § 11-303(D)(4) OF THIS SUBTITLE; AND~~

~~(2) REJECT THE ABSENTEE BALLOT.~~

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

Article – Election Law

9–305.

(a) A voter may request an absentee ballot by completing and submitting:

(1) the State Board approved absentee ballot application;

(2) a form provided under federal law;

(3) **SUBJECT TO SUBSECTION (B) OF THIS SECTION**, a written request that includes:

(i) the voter's name, residence address, and signature; and

(ii) the address to which the ballot is to be mailed, if different from the residence address; or

(4) [as specified in subsection (c) of this section,] the accessible online absentee ballot application provided by the State Board.

(B) A VOTER WHO USES THE ONLINE ABSENTEE BALLOT APPLICATION TO REQUEST AN ABSENTEE BALLOT BE SENT BY ANY METHOD OR WHO USES ANY METHOD TO REQUEST TO RECEIVE A BLANK ABSENTEE BALLOT THROUGH THE INTERNET SHALL PROVIDE THE FOLLOWING INFORMATION:

(1) A MARYLAND DRIVER'S LICENSE NUMBER OR MARYLAND IDENTIFICATION CARD NUMBER, THE LAST FOUR DIGITS OF THE APPLICANT'S SOCIAL SECURITY NUMBER, AND OTHER INFORMATION IDENTIFIED BY THE STATE BOARD THAT IS NOT GENERALLY AVAILABLE TO THE PUBLIC BUT IS READILY AVAILABLE TO THE APPLICANT; OR

(2) IF THE APPLICANT IS AN ABSENT UNIFORMED SERVICES VOTER OR OVERSEAS VOTER AS DEFINED IN THE FEDERAL UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT OR A VOTER WITH A DISABILITY AND DOES NOT

1 HAVE A MARYLAND DRIVER'S LICENSE OR MARYLAND IDENTIFICATION CARD, A
2 SOCIAL SECURITY NUMBER.

3 [(b)] (C) An application for an absentee ballot must be received by a local board:

4 (1) if the voter requests the absentee ballot be sent by mail or facsimile
5 transmission, not later than the Tuesday preceding the election, at the time specified in the
6 guidelines;

7 (2) if the voter requests the absentee ballot be sent by the Internet, not
8 later than the Friday preceding the election, at the time specified in the guidelines; or

9 (3) if the voter or the voter's duly authorized agent applies for an absentee
10 ballot in person at the local board office, not later than the closing of the polls on election
11 day.

12 [(c) The online absentee ballot application provided by the State Board shall
13 require the applicant to provide:

14 (1) a Maryland driver's license number or Maryland identification card
15 number, the last four digits of the applicant's Social Security number, and other
16 information identified by the State Board that is not generally available to the public but
17 is readily available to the applicant; or

18 (2) if the applicant is an absent uniformed services voter or overseas voter
19 as defined in the federal Uniformed and Overseas Citizens Absentee Voting Act and does
20 not have a Maryland driver's license or Maryland identification card, a Social Security
21 number.]

22 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take
23 effect July 1, 2018.

24 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section
25 3 of this Act, this Act shall take effect June 1, 2018.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.