SENATE BILL 333

G1 8lr1161

By: **Senators Simonaire, Zucker, Hershey, Jennings, Klausmeier, and Peters**
Introduced and read first time: January 24, 2018
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

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 more than one ballot for the same election; requiring a local board
5 of elections to count a provisional ballot and reject an absentee ballot if both ballots
6 are cast in the name of the same individual in the same election under certain
7 circumstances; requiring a voter who uses the online absentee ballot application to
8 request an absentee ballot be sent by any method or who uses any method to request
9 to receive a blank absentee ballot through the Internet to provide certain
10 information; providing for the effective dates of this Act; and generally relating to
11 ballot request and canvassing procedures.

12 BY repealing and reenacting, with amendments,
13   Article – Election Law
14   Section 9–305 and 11–303
15   Annotated Code of Maryland
16   (2017 Replacement Volume and 2017 Supplement)

17 BY adding to
18   Article – Election Law
19   Section 11–303.2
20   Annotated Code of Maryland
21   (2017 Replacement Volume and 2017 Supplement)

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

Article – Election Law

25 11–303.

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

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

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

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

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

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

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

15   (iii) the individual cast more than one **PROVISIONAL** ballot for the
16 same election; or

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

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

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

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

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

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

31   (e)   A local board shall count:

32   (1)   the entire provisional ballot if the address on the provisional ballot

1 application is within the precinct where the provisional ballot was cast; or

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

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

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

11 **11–303.2.**

12   **IF BOTH A PROVISIONAL BALLOT AND AN ABSENTEE BALLOT ARE CAST IN THE**
13 **NAME OF THE SAME INDIVIDUAL FOR THE SAME ELECTION, THE LOCAL BOARD**
14 **SHALL:**

15   **(1)   COUNT THE PROVISIONAL BALLOT IF THE INDIVIDUAL IS**
16 **QUALIFIED TO VOTE THE PROVISIONAL BALLOT UNDER § 11–303(D)(4) OF THIS**
17 **SUBTITLE; AND**

18   **(2)   REJECT THE ABSENTEE BALLOT.**

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

21   **Article – Election Law**

22 9–305.

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

24   (1)   the State Board approved absentee ballot application;

25   (2)   a form provided under federal law;

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

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

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

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

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

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

12   **(2)   IF THE APPLICANT IS AN ABSENT UNIFORMED SERVICES VOTER**
13 **OR OVERSEAS VOTER AS DEFINED IN THE FEDERAL UNIFORMED AND OVERSEAS**
14 **CITIZENS ABSENTEE VOTING ACT OR A VOTER WITH A DISABILITY AND DOES NOT**
15 **HAVE A MARYLAND DRIVER'S LICENSE OR MARYLAND IDENTIFICATION CARD, A**
16 **SOCIAL SECURITY NUMBER.**

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

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

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

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

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

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

32   (2)   if the applicant is an absent uniformed services voter or overseas voter
33 as defined in the federal Uniformed and Overseas Citizens Absentee Voting Act and does
34 not have a Maryland driver's license or Maryland identification card, a Social Security

1   number.**]**

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

4   SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section
5   3 of this Act, this Act shall take effect June 1, 2018.