

HOUSE BILL 341

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(PRE-FILED)

By: **Delegates Lehman, Attar, Bagnall, Bartlett, Belcastro, Crutchfield, C. Jackson, D. Jones, Johnson, Kerr, McKay, Moon, Ruth, Solomon, Terrasa, and K. Young**

Requested: September 2, 2020

Introduced and read first time: January 13, 2021

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election – Absentee Ballot Canvass – Start and Release of Tabulation**

3 FOR the purpose of altering the earliest day on which a local board of elections may open
4 an envelope of an absentee ballot; altering a requirement for a local board to release
5 an unofficial absentee ballot vote tabulation at the end of each day of canvassing to
6 apply only beginning on election day; prohibiting a person from releasing a partial
7 or complete tabulation of absentee ballot votes before a certain time; providing that
8 a person who violates a certain provision of this Act is guilty of a felony and subject
9 to a certain penalty; making conforming and stylistic changes; and generally relating
10 to the canvassing of absentee ballots.

11 BY repealing and reenacting, with amendments,
12 Article – Election Law
13 Section 11–302
14 Annotated Code of Maryland
15 (2017 Replacement Volume and 2020 Supplement)

16 BY adding to
17 Article – Election Law
18 Section 16–602
19 Annotated Code of Maryland
20 (2017 Replacement Volume and 2020 Supplement)

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

23 **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] **EACH** local board shall meet at its designated
3 counting center to canvass the absentee ballots cast in that election in accordance with the
4 regulations and guidelines established by the State Board.

5 (b) (1) A local board may not open any envelope of an absentee ballot [prior to]
6 **BEFORE** 8 a.m. on the [Wednesday following] **DAY THAT IS 14 DAYS BEFORE** election day.

7 (2) A local board may not delay the commencement of the canvass to await
8 the receipt of late-arriving, timely absentee ballots.

9 (c) (1) An absentee ballot shall be deemed timely received if it is received in
10 accordance with the regulations and guidelines established by the State Board.

11 (2) An absentee ballot that is received after the deadline specified by the
12 regulations and guidelines may not be counted.

13 (d) (1) The State Board shall adopt regulations that reflect the policy that the
14 clarity of the intent of the voter is the overriding consideration in determining the validity
15 of an absentee ballot or the vote cast in a particular contest.

16 (2) A local board may not reject an absentee ballot except by unanimous
17 vote and in accordance with regulations of the State Board.

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

19 (i) the voter failed to sign the oath on the ballot envelope;

20 (ii) the local board received more than one ballot from the same
21 individual for the same election in the same ballot envelope; or

22 (iii) the local board determines that an absentee ballot is
23 intentionally marked with an identifying mark that is clearly evident and placed on the
24 ballot for the purpose of identifying the ballot.

25 (4) If the local board receives more than one legally sufficient ballot, in
26 separate envelopes, from the same individual, the local board shall:

27 (i) count only the ballot with the latest properly signed oath; and

28 (ii) reject any other ballot.

29 (5) If the intent of the voter is not clearly demonstrated, the local board
30 shall reject only the vote for that office or question.

1 (6) If an absentee voter casts a vote for an individual who has ceased to be
2 a candidate, the vote for that candidate may not be counted, but that vote does not
3 invalidate the remainder of the ballot.

4 (e) **[At] BEGINNING ON ELECTION DAY, AT** the end of each day of canvassing,
5 a local board shall prepare and release a report of the unofficial results of the absentee
6 ballot vote tabulation.

7 **16-602.**

8 **(A) A PERSON MAY NOT RELEASE A PARTIAL OR COMPLETE TABULATION OF**
9 **ABSENTEE BALLOT VOTES BEFORE THE EARLIER OF:**

10 **(1) 1 HOUR AFTER THE CLOSING OF THE POLLS ON ELECTION DAY; OR**

11 **(2) AFTER ALL PRECINCTS HAVE REPORTED.**

12 **(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND IS**
13 **SUBJECT TO IMPRISONMENT FOR NOT MORE THAN 2 YEARS.**

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2021.