

HOUSE BILL 862

G1
HB 1068/21 – W&M

2lr2165

By: **Delegate Feldmark**

Introduced and read first time: February 7, 2022

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 8, 2022

CHAPTER _____

1 AN ACT concerning

2 **Election Law – Ballot Canvassing – Multiple Ballots Cast by an Individual**

3 FOR the purpose of altering the procedures for canvassing absentee and provisional ballots
4 when more than one ballot is cast by the same individual in the same election; and
5 generally relating to canvassing multiple ballots cast by an individual in the same
6 election.

7 BY repealing

8 Article – Election Law

9 Section 11–302(d)(4)

10 Annotated Code of Maryland

11 (2017 Replacement Volume and 2021 Supplement)

12 BY repealing and reenacting, with amendments,

13 Article – Election Law

14 Section ~~11–302(d)(4)~~ 11–302(d)(5) and (6) and 11–303(d)(2)

15 Annotated Code of Maryland

16 (2017 Replacement Volume and 2021 Supplement)

17 BY adding to

18 Article – Election Law

19 Section 11–303.2

20 Annotated Code of Maryland

21 (2017 Replacement Volume and 2021 Supplement)

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.



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

Article – Election Law

11–302.

(d) ~~(4) (1) If the local board receives more than one legally sufficient ABSENTEE ballot, in separate envelopes, from the same individual, the local board shall:~~

~~[(i) 1. count only the [ballot with the latest properly signed oath] FIRST LEGALLY SUFFICIENT ABSENTEE BALLOT RECEIVED; and~~

~~[(ii) 2. reject any other ABSENTEE ballot.~~

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

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

~~(H) EXCEPT AS PROVIDED IN SUBPARAGRAPH (H) OF THIS PARAGRAPH, IF THE LOCAL BOARD RECEIVES A LEGALLY SUFFICIENT ABSENTEE BALLOT AND A PROVISIONAL BALLOT FROM THE SAME INDIVIDUAL, THE LOCAL BOARD SHALL:~~

~~1. COUNT THE ABSENTEE BALLOT; AND~~

~~2. REJECT THE PROVISIONAL BALLOT.~~

~~(H) IF THE LOCAL BOARD RECEIVES A LEGALLY SUFFICIENT ABSENTEE BALLOT AFTER A PROVISIONAL BALLOT FROM THE SAME VOTER HAS BEEN CANVASSED, THE LOCAL BOARD SHALL REJECT THE ABSENTEE BALLOT.~~

11–303.

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

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

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

1 (iii) ~~EXCEPT AS PROVIDED IN § 11-302(D)(4)(H) OF THIS~~
2 ~~SUBTITLE, the individual cast more than one ballot for the same election; or~~

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

6 **11-303.2.**

7 **IF A LOCAL BOARD RECEIVES MORE THAN ONE BALLOT, IN SEPARATE**
8 **ENVELOPES, FROM THE SAME INDIVIDUAL, THE LOCAL BOARD SHALL:**

9 **(1) COUNT THE FIRST BALLOT FROM THE INDIVIDUAL THAT IS**
10 **DETERMINED TO BE LEGALLY SUFFICIENT; AND**

11 **(2) REJECT ANY OTHER BALLOT.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
13 1, 2022.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.