A BILL ENTITLED

AN ACT concerning

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

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

BY repealing and reenacting, with amendments, Article – Election Law Section 11–302(d)(4) and 11–303(d)(2) Annotated Code of Maryland (2017 Replacement Volume and 2021 Supplement)

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) (I) 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.

(II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) 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.

(III) 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;

(iii) EXCEPT AS PROVIDED IN § 11–302(d)(4)(III) OF THIS SUBTITLE, the individual cast more than one ballot for the same election; or

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

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