

HOUSE BILL 839

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CF SB 543

By: **Delegate Roberson**

Introduced and read first time: January 29, 2025

Assigned to: Ways and Means

Committee Report: Favorable

House action: Adopted

Read second time: February 26, 2025

CHAPTER _____

1 AN ACT concerning

2 **Election Law – Provisional Ballots – Nonpartisan Board of Education Contests**

3 FOR the purpose of providing that a voter is qualified to vote a provisional ballot if the
4 provisional ballot was cast because the voter claimed a different political party
5 affiliation from the political party affiliation on record for the voter and the voter
6 made a selection in a nonpartisan board of education contest; requiring a local board
7 of canvassers to count only the votes cast in a nonpartisan board of education contest
8 if the voter cast a provisional ballot for a different political party from the political
9 party affiliation on record for the voter; and generally relating to provisional ballots.

10 BY repealing and reenacting, with amendments,
11 Article – Election Law
12 Section 11–303(d) and (e)
13 Annotated Code of Maryland
14 (2022 Replacement Volume and 2024 Supplement)

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

17 **Article – Election Law**

18 11–303.

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 (d) (1) Subject to § 11-303.2 of this subtitle, a local board may not reject a
2 provisional ballot except by unanimous vote and in accordance with regulations of the State
3 Board.

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

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

8 (ii) the individual failed to sign the oath on the provisional ballot
9 application; or

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

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

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

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

18 (ii) if the provisional ballot was cast because the voter failed to
19 provide required identification, the individual who cast the provisional ballot has met the
20 identification requirements established by the State Board; [and]

21 (iii) if the provisional ballot was cast during a period covered by a
22 court order or other order extending the time for closing the polls, the order has not been
23 invalidated by a subsequent court order; **AND**

24 **(IV) IF THE PROVISIONAL BALLOT WAS CAST BECAUSE THE**
25 **VOTER CLAIMED A DIFFERENT POLITICAL PARTY AFFILIATION FROM THE**
26 **POLITICAL PARTY AFFILIATION ON RECORD FOR THE VOTER, THE VOTER MADE A**
27 **SELECTION IN A NONPARTISAN BOARD OF EDUCATION CONTEST ON THE BALLOT.**

28 (e) A local board shall count:

29 (1) the entire provisional ballot if the address on the provisional ballot
30 application is within the precinct where the provisional ballot was cast; [or]

31 (2) only the votes cast by the voter for each candidate or question applicable
32 to the precinct in which the voter resides, as determined by the address on the provisional
33 ballot application of the voter; **OR**

1 **(3) ONLY THE VOTES CAST BY THE VOTER IN A NONPARTISAN BOARD**
2 **OF EDUCATION CONTEST IF THE VOTER CAST A PROVISIONAL BALLOT FOR A**
3 **DIFFERENT POLITICAL PARTY FROM THE POLITICAL PARTY AFFILIATION ON**
4 **RECORD FOR THE VOTER.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2025.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.