

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1379
Ways and Means

(Delegate Feldmark, *et al.*)

Election Law - Multiple Ballots Cast by an Individual - Canvassing

This bill modifies provisions that establish whether or not absentee or provisional ballots are counted if multiple ballots are received from, or cast by, an individual. The bill requires that (1) if a legally sufficient absentee ballot and a provisional ballot are received from an individual, the absentee ballot be counted and the provisional ballot be rejected and (2) in specified circumstances in which multiple legally sufficient provisional ballots are received from an individual, the provisional ballot that has the largest number of contests in which the individual is eligible to vote be counted. The bill also requires the State Board of Elections (SBE) to adopt regulations to ensure that, in any other situation, one ballot is counted if an individual cast multiple legally sufficient ballots. **The bill takes effect June 1, 2020.**

Fiscal Summary

State Effect: None. The bill does not directly affect State finances.

Local Effect: None. The bill does not directly affect local government finances.

Small Business Effect: None.

Analysis

Bill Summary: The bill establishes that, if a local board of elections receives a legally sufficient absentee ballot and a provisional ballot from the same individual, the local board must count the absentee ballot and reject the provisional ballot.

The bill repeals a requirement that a local board reject a provisional ballot if the individual cast more than one ballot for the same election and establishes that if a local board receives multiple legally sufficient provisional ballots in different envelopes from the same individual for the same election, and no other ballots from that individual, the local board must (1) count one provisional ballot that has the largest number of contests in which the individual is eligible to vote, based on the individual's address on the provisional ballot application, and (2) reject any other ballot.

The bill requires SBE to adopt regulations to ensure that, in any other situation, one ballot cast by an individual be counted if the individual cast multiple legally sufficient ballots in the same election.

Current Law:

Absentee and Provisional Ballots Received from the Same Individual

Pursuant to SBE regulations, if an absentee and provisional ballot are received from the same individual, a local board of elections must reject both ballots.

Multiple Provisional Ballots Received from the Same Individual

Statute establishes that a local board of elections must reject a provisional ballot if the individual cast more than one ballot for the same election. SBE regulations state that:

- if a single provisional ballot application envelope contains more than one voted ballot from the same individual for the same election, all ballots from that individual must be rejected; and
- if more than one provisional ballot is received from the same individual in different provisional ballot applications, all ballots must be rejected.

Multiple Absentee Ballots Received from the Same Individual

Statute establishes that, if a local board of elections receives more than one legally sufficient absentee ballot, in separate envelopes, from the same individual, the local board must count only the ballot with the latest properly signed oath and reject any other ballot. A local board must reject an absentee ballot if the board received more than one ballot from the same individual for the same election in the same ballot envelope.

SBE regulations state that if more than one absentee ballot is received from the same individual in different envelopes:

- if the signed oaths have different dates, only the ballot with the later date must be counted;
- if the signed oath associated with one ballot is dated and the signed oath associated with the other ballot is either undated or indecipherably dated, the undated or indecipherably dated ballot must be rejected;
- if the signed oaths all have the same dates or all have indecipherable dates, all ballots must be rejected; and
- if one of the ballots received is a federal write-in absentee ballot, (1) if both ballots are timely, only the State ballot is counted; but (2) if only one of the ballots is timely, the timely ballot is counted as long as the timely ballot is not rejected for other reasons.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): State Board of Elections; Carroll, Harford, Montgomery, Queen Anne's, and St. Mary's counties; Department of Legislative Services

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mm/hlb

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