

HOUSE BILL 1068

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By: **Delegate Feldmark**

Introduced and read first time: February 5, 2021

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of requiring a local board of elections to count an absentee ballot and
5 reject a provisional ballot if the local board receives a legally sufficient absentee
6 ballot and a provisional ballot from the same individual; and generally relating to
7 canvassing multiple ballots cast by an individual in the same election.

8 BY repealing and reenacting, with amendments,

9 Article – Election Law

10 Section 11–302

11 Annotated Code of Maryland

12 (2017 Replacement Volume and 2020 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

14 That the Laws of Maryland read as follows:

15 **Article – Election Law**

16 11–302.

17 (a) Following an election, each local board shall meet at its designated counting
18 center to canvass the absentee ballots cast in that election in accordance with the
19 regulations and guidelines established by the State Board.

20 (b) (1) A local board may not open any envelope of an absentee ballot prior to
21 8 a.m. on the Wednesday following election day.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

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

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

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

19 [(i)] 1. count only the ballot with the latest properly signed oath;
20 and

21 [(ii)] 2. reject any other ballot.

22 (II) IF THE LOCAL BOARD RECEIVES A LEGALLY SUFFICIENT
23 ABSENTEE BALLOT AND A PROVISIONAL BALLOT FROM THE SAME INDIVIDUAL, THE
24 LOCAL BOARD SHALL:

25 1. COUNT THE ABSENTEE BALLOT; AND

26 2. REJECT THE PROVISIONAL BALLOT.

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

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

1 (e) At the end of each day of canvassing, a local board shall prepare and release
2 a report of the unofficial results of the absentee ballot vote tabulation.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
4 1, 2021.