

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

A BILL ENTITLED

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

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

14 **Article – Election Law**

15 11–302.

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

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

20 [(ii)] **2.** reject any other **ABSENTEE** ballot.

21 **(II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS**
22 **PARAGRAPH, IF THE LOCAL BOARD RECEIVES A LEGALLY SUFFICIENT ABSENTEE**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **BALLOT AND A PROVISIONAL BALLOT FROM THE SAME INDIVIDUAL, THE LOCAL**
2 **BOARD SHALL:**

3 **1. COUNT THE ABSENTEE BALLOT; AND**

4 **2. REJECT THE PROVISIONAL BALLOT.**

5 **(III) IF THE LOCAL BOARD RECEIVES A LEGALLY SUFFICIENT**
6 **ABSENTEE BALLOT AFTER A PROVISIONAL BALLOT FROM THE SAME VOTER HAS**
7 **BEEN CANVASSED, THE LOCAL BOARD SHALL REJECT THE ABSENTEE BALLOT.**

8 11-303.

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

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

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

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

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

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
21 1, 2022.