SENATE BILL 543

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5lr2725
CF 5lr2727

By: **Senator Kagan**
Introduced and read first time: January 23, 2025
Assigned to: Education, Energy, and the Environment
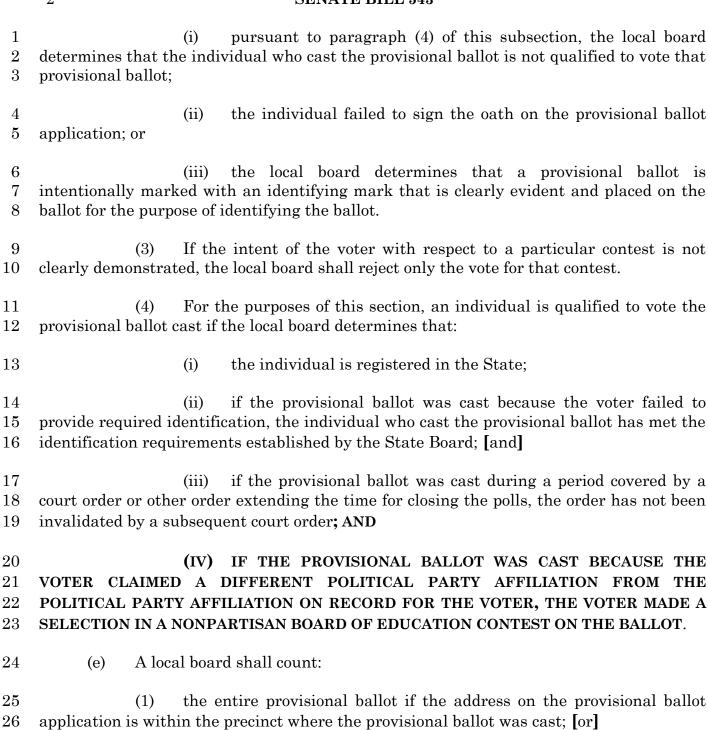
A BILL ENTITLED

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:

Article – Election Law

18 11–303.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
        [Brackets] indicate matter deleted from existing law.

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

4   (ii)   the individual failed to sign the oath on the provisional ballot
5 application; or

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

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

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

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

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

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

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

24 (e)   A local board shall count:

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

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

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

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