

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

(c) (1) The State Board shall adopt regulations that reflect the policy that the clarity of the intent of the voter is the overriding consideration in determining the validity of a provisional ballot or the vote cast in a particular contest.

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

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

(i) The local board determines that the temporary certificate of registration that corresponds to the provisional ballot is not valid;

(ii) The local [election] board determines that the individual is not a registered voter;

(iii) The individual failed to sign the oath on the temporary certificate of registration;

(iv) The individual failed to sign the oath on the provisional ballot envelope;

(v) The individual received more than one ballot for the same election; or

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

REVISOR'S NOTE: This section formerly was Art. 33, § 11-302.1 and is renumbered.

The only changes are in style.

Defined terms: "Local board" § 1-101

"Election" § 1-101

"Provisional ballot" § 1-101

"State Board" § 1-101

[11-303.] 11-304.

(a) A candidate or absentee voter aggrieved by the decision of a local board to reject, or not to reject, an absentee ballot shall have the right of appeal to the circuit court for the county.

(b) The appeal must be filed within 5 days from the date of the completion of the official canvass by the board of all the votes cast at the election.

(c) The appeal shall be heard de novo, without a jury, as soon as possible.