

(d) (1) The decision of the circuit court may be appealed to the Court of Special Appeals, provided the appeal is taken within 48 hours from the entry of the decision of the circuit court.

(2) The appeal shall be heard and decided on the original papers, including a written transcript of the testimony taken in the case.

(3) The original papers and the transcript shall be transmitted to the Court of Special Appeals within 5 days from the taking of the appeal, and the appeal shall be heard as soon as possible.

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

- (i) Count only the ballot with the latest properly signed oath; and
- (ii) Reject any other ballot.

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

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

REVISOR'S NOTE: This section formerly was Art. 33, § 11-303(a) through (d)(3).

Former subsection (d)(4), (5), and (6) of this section is in § 11-302(d) of this subtitle.

No changes are made.

Defined terms: "Absentee ballot" § 1-101

"Candidate" § 1-101

"Election" § 1-101

"Local board" § 1-101

[11-303.1.] 11-305.

(a) A candidate or individual who voted using a provisional ballot aggrieved by the decision of a local board to reject, or not to reject, a provisional 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.

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