

HOUSE BILL 385

G1, E2
HB 656/10 – W&M

1lr1151

By: **Delegates Impallaria, Aumann, Dwyer, Frank, McComas, McDermott,
W. Miller, Schuh, and Stocksdale**
Introduced and read first time: February 3, 2011
Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Voting by Felons at Polling Places – Prohibition**

3 FOR the purpose of requiring an applicant for voter registration to specify whether the
4 applicant is a felon; requiring that certain information concerning voting by
5 felons be provided to an applicant for voter registration; requiring an individual
6 who is a felon to vote only by absentee ballot; prohibiting a felon from voting at
7 a polling place; limiting a provision of law allowing certain registered criminal
8 offenders to enter onto school property for the purpose of voting only to
9 registered offenders who are not felons; and generally relating to prohibiting
10 felons from voting at polling places.

11 BY repealing and reenacting, with amendments,
12 Article – Election Law
13 Section 3–202
14 Annotated Code of Maryland
15 (2010 Replacement Volume)

16 BY adding to
17 Article – Election Law
18 Section 9–304.1
19 Annotated Code of Maryland
20 (2010 Replacement Volume)

21 BY repealing and reenacting, without amendments,
22 Article – Election Law
23 Section 9–312
24 Annotated Code of Maryland
25 (2010 Replacement Volume)

26 BY repealing and reenacting, without amendments,

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



1 Article – Criminal Procedure
 2 Section 11–704(a)
 3 Annotated Code of Maryland
 4 (2008 Replacement Volume and 2010 Supplement)

5 BY repealing and reenacting, with amendments,
 6 Article – Criminal Procedure
 7 Section 11–722
 8 Annotated Code of Maryland
 9 (2008 Replacement Volume and 2010 Supplement)

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

12 **Article – Election Law**

13 3–202.

14 (a) (1) The statewide voter registration application shall:

15 (i) require the signature of the applicant, subject to the
 16 penalties of perjury, by which the applicant swears or affirms that the information
 17 contained in the registration application is true and that the applicant meets all of the
 18 qualifications to become a registered voter;

19 **(II) REQUIRE THE APPLICANT TO INDICATE WHETHER THE**
 20 **APPLICANT IS A FELON;**

21 **[(ii)](III)** state the penalties for the submission of a false
 22 application; and

23 **[(iii)] (IV)** provide the applicant with the opportunity to cancel a
 24 current registration.

25 (2) The following information shall be made available to each
 26 applicant who is completing a statewide voter registration application:

27 (i) the qualifications to become a registered voter;

28 (ii) if an individual declines to register, this fact will remain
 29 confidential and be used only for voter registration purposes;

30 (iii) if an individual registers to vote, the office at which the
 31 application is submitted will remain confidential and will be used only for voter
 32 registration purposes; **[and]**

1 (iv) notification to the applicant that submission of the form to
2 an individual other than an official, employee, or agent of a local board does not assure
3 that the form will be filed or filed in a timely manner; AND

4 (V) NOTIFICATION TO THE APPLICANT THAT IF THE
5 APPLICANT IS A FELON, THE APPLICANT MAY VOTE ONLY BY ABSENTEE BALLOT
6 AND MAY NOT VOTE AT A POLLING PLACE.

7 (3) The statewide voter registration application may not require:

8 (i) notarization or other formal authentication; or

9 (ii) any additional information, other than the information
10 necessary to enable election officials to determine the eligibility of the applicant and to
11 administer voter registration and other parts of the election process.

12 (4) (i) A statewide voter registration application shall be produced
13 exclusively by the State Board.

14 (ii) No other registration form may be used for registration
15 purposes except:

16 1. a voter registration application produced by a local
17 board with the approval of the State Board;

18 2. as provided in subsection (b) of this section;

19 3. as provided in § 3-203(b) of this subtitle;

20 4. any other form prescribed by federal law for voter
21 registration; or

22 5. a federal write-in absentee ballot if used by a voter
23 authorized to vote a federal write-in absentee ballot under federal law.

24 (b) The voter registration application form prescribed pursuant to the
25 National Voter Registration Act of 1993 shall be accepted by the appropriate election
26 official for purposes of voter registration.

27 (c) The application described in this section may be used by a registered
28 voter to change the voter's name, address, or party affiliation.

29 **9-304.1.**

30 **AN INDIVIDUAL WHO IS A FELON MAY VOTE ONLY BY ABSENTEE BALLOT**
31 **AND MAY NOT VOTE AT A POLLING PLACE.**

1 9–312.

2 Any person who is convicted of a violation of any of the provisions of this
3 subtitle is subject to a fine of not more than \$1,000 or imprisonment for not more than
4 2 years or both.

5 **Article – Criminal Procedure**

6 11–704.

7 (a) A person shall register with the person’s supervising authority if the
8 person is:

9 (1) a tier I sex offender;

10 (2) a tier II sex offender;

11 (3) a tier III sex offender; or

12 (4) a sex offender who is required to register by another jurisdiction, a
13 federal, military, or tribal court, or a foreign government, and who is not a resident of
14 this State, and who enters this State:

15 (i) to begin residing or to habitually live;

16 (ii) to carry on employment;

17 (iii) to attend a public or private educational institution,
18 including a secondary school, trade or professional institution, or institution of higher
19 education, as a full–time or part–time student; or

20 (iv) as a transient.

21 11–722.

22 (a) This section does not apply to a registrant who enters real property:

23 (1) where the registrant is a student or the registrant’s child is a
24 student or receives child care, if:

25 (i) within the past year the registrant has been given the
26 specific written permission of the Superintendent of Schools, the local school board,
27 the principal of the school, or the owner or operator of the registered family day care
28 home, licensed child care home, or licensed child care institution, as applicable; and

29 (ii) the registrant promptly notifies an agent or employee of the
30 school, home, or institution of the registrant’s presence and purpose of visit; or

1 (2) for the purpose of voting at a school on an election day in the State
2 if **THE REGISTRANT IS NOT A FELON**, the registrant is properly registered to vote,
3 and the registrant's polling place is at the school.

4 (b) A registrant may not knowingly enter onto real property:

5 (1) that is used for public or nonpublic elementary or secondary
6 education; or

7 (2) on which is located:

8 (i) a family day care home registered under Title 5, Subtitle 5 of
9 the Family Law Article; or

10 (ii) a child care home or a child care institution licensed under
11 Title 5, Subtitle 5 of the Family Law Article.

12 (c) A person who enters into a contract with a county board of education or a
13 nonpublic school may not knowingly employ an individual to work at a school if the
14 individual is a registrant.

15 (d) A person who violates this section is guilty of a misdemeanor and on
16 conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding
17 \$5,000 or both.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 July 1, 2011.