

CHAPTER 159

(Senate Bill 488)

AN ACT concerning

Voter Registration Protection Act

FOR the purpose of altering certain qualifications for voter registration; providing that an individual is not qualified to register to vote if the individual has been convicted of a felony and is actually serving a court-ordered sentence ~~imposed of~~ imprisonment, including any term of parole or probation, for the conviction; repealing certain conditions relating to the eligibility of certain felons convicted of certain crimes to register to vote; repealing a certain definition; altering the type of crimes for which the clerks of certain courts must report the names of individuals convicted of those crimes to the State Administrator of Elections; modifying the criteria under which a certain criminal penalty may be imposed; and generally relating to voter registration eligibility requirements for individuals convicted of certain crimes.

BY repealing

Article – Election Law
Section 1–101(aa)
Annotated Code of Maryland
(2003 Volume and 2006 Supplement)

BY renumbering

Article – Election Law
Section 1–101(bb) through 1–101(zz), respectively
to be Section 1–101(aa) through 1–101(yy), respectively
Annotated Code of Maryland
(2003 Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Article – Election Law
 Section 3–102, 3–504, and 16–202
 Annotated Code of Maryland
 (2003 Volume and 2006 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 1–101(bb) through (zz), respectively, of Article – Election

Law of the Annotated Code of Maryland be renumbered to be Section(s) 1–101(aa) through (yy), respectively.

SECTION ~~4~~ 2. AND BE IT FURTHER ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Election Law

1–101.

[(aa) “Infamous crime” means any felony, treason, perjury, or any crime involving an element of deceit, fraud, or corruption.]

3–102.

(a) Except as provided in subsection (b) of this section, an individual may become registered to vote if the individual:

- (1) is a citizen of the United States;
- (2) is at least 18 years old or will be 18 years old on or before the day of the next succeeding general or special election;
- (3) is a resident of the State as of the day the individual seeks to register; and
- (4) registers pursuant to this title.

(b) An individual is not qualified to be a registered voter if the individual:

- (1) has been convicted of [theft or other infamous crime, unless the individual:
 - (i) has been pardoned; or
 - (ii) 1. in connection with a first conviction, has completed the court–ordered sentence imposed for the conviction, including probation, parole, community service, restitutions, and fines; or
 2. in connection with a subsequent conviction, has completed the court–ordered sentence imposed for the conviction, including probation, parole, community service, restitutions, and fines, and at least 3 years have elapsed since the completion of the court–ordered sentence imposed for the conviction,

including probation, parole, community service, restitutions, and fines;] **A FELONY AND IS ACTUALLY SERVING A COURT-ORDERED SENTENCE ~~IMPOSED OF IMPRISONMENT, INCLUDING ANY TERM OF PAROLE OR PROBATION, FOR THE CONVICTION; OR~~**

- (2) is under guardianship for mental disability~~;~~ or
- (3) has been convicted of buying or selling votes~~;~~.

[(c) Notwithstanding subsection (b) of this section, an individual is not qualified to be a registered voter if the individual has been convicted of a second or subsequent crime of violence, as defined in § 14-101 of the Criminal Law Article.]

3-504.

(a) (1) (i) Information from the agencies specified in this paragraph shall be reported to the State Administrator in a format and at times prescribed by the State Board.

(ii) The Department of Health and Mental Hygiene shall report the names and residence addresses (if known) of all individuals at least 16 years of age reported deceased within the State since the date of the last report.

(iii) The clerk of the circuit court for each county and the administrative clerk for each District Court shall report the names and addresses of all individuals convicted, in the respective court, of [theft or infamous crimes] **A FELONY** since the date of the last report.

(iv) The clerk of the circuit court for each county shall report the former and present names and residence addresses (if known) of all individuals whose names have been changed by decree or order of the court since the date of the last report.

(2) The State Administrator shall make arrangements with the clerk of the United States District Court for the District of Maryland to receive reports of names and addresses, if available, of individuals convicted of [infamous crimes] **A FELONY** in that court.

(b) (1) The State Administrator shall transmit to the appropriate local board information gathered pursuant to subsection (a) of this section.

(2) Every agency or instrumentality of any county which acquires or condemns or razes or causes to be condemned or razed any building used as a residence within the county shall promptly report this fact and the location of the building to the local board in the county or city.

(3) Registration cancellation information provided by an applicant on any voter registration application shall be provided to the appropriate local board by the State Administrator or another local board.

(4) A local board may:

(i) make arrangements to receive change of address information from an entity approved by the State Board; and

(ii) pay a reasonable fee to the entity for the information.

(c) (1) Whenever a local board becomes aware of an obituary or any other reliable report of the death of a registered voter, the election director shall mail a notice to the registered voter, as prescribed by the State Board, to verify whether the voter is in fact deceased.

(2) On receipt of a verification of the death of a voter, provided in accordance with the notice mailed under paragraph (1) of this subsection, the election director may remove the voter from the statewide voter registration list under § 3-501 of this subtitle.

16-202.

(a) A person who has been convicted of [an infamous crime,] **A FELONY AND IS ACTUALLY SERVING A COURT-ORDERED SENTENCE ~~IMPOSED~~ OF IMPRISONMENT, INCLUDING ANY TERM OF PAROLE OR PROBATION, FOR THE CONVICTION,** and has been rendered ineligible to vote pursuant to § 3-102(b) of this article, may not vote or attempt to vote during the time that the person is rendered ineligible to vote.

(b) A person who violates this section is guilty of a felony and is subject to imprisonment for not less than 1 year nor more than 5 years.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2007.

Approved by the Governor, April 24, 2007.