

HOUSE BILL 1485

G1, R4

0lr3312

By: **Delegates George, Bartlett, Bates, Beidle, Beitzel, Bromwell, Dwyer, Eckardt, Elliott, Elmore, Frank, Haddaway, Jenkins, Kach, Kipke, Krebs, Mathias, McComas, McConkey, Miller, Minnick, Norman, O'Donnell, Olszewski, Schuh, Serafini, Shank, Shewell, Smigiel, Sophocleus, Sossi, Stocksdales, Stull, and Weir**

Introduced and read first time: March 1, 2010

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Voter Registration – Motor Vehicle Administration – Information on**
3 **Noncitizens**

4 FOR the purpose of prohibiting the Motor Vehicle Administration from providing
5 certain individuals with an opportunity to register to vote or update a voter
6 registration; requiring the Administration to forward the name and addresses of
7 certain individuals to the State Administrator of Elections each month;
8 requiring the information forwarded to the State Administrator to be in a
9 format required by the State Administrator; requiring the State Administrator
10 to transmit certain information to the appropriate local board of elections;
11 requiring an election director to remove a voter from the statewide voter
12 registration list under certain circumstances; and generally relating to voter
13 registration and the Motor Vehicle Administration.

14 BY repealing and reenacting, with amendments,
15 Article – Election Law
16 Section 3–203(a), 3–501, and 3–504
17 Annotated Code of Maryland
18 (2003 Volume and 2009 Supplement)

19 Preamble

20 WHEREAS, On June 1, 2009, the Maryland Motor Vehicle Administration
21 began checking for lawful status of applicants for driver's licenses and determining
22 those who are compliant with lawful status and those who are noncompliant with
23 lawful status; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, Although it is the Motor Vehicle Administration's new policy not to
2 ask noncompliant applicants if they would like to register to vote, this policy is not yet
3 in statute; now, therefore,

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

6 **Article – Election Law**

7 3–203.

8 (a) **(1) [The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
9 **SUBSECTION, THE** Motor Vehicle Administration shall provide the opportunity to
10 apply to register to vote or update a voter registration record to each individual who:

11 **[(1)] (I)** applies for or renews a driver's license or identification card;
12 or

13 **[(2)] (II)** changes a name or address on an existing driver's license or
14 identification card.

15 **(2) THE MOTOR VEHICLE ADMINISTRATION MAY NOT PROVIDE**
16 **AN OPPORTUNITY TO APPLY TO REGISTER TO VOTE OR UPDATE A VOTER**
17 **REGISTRATION TO AN INDIVIDUAL WHO IS:**

18 **(I) PROHIBITED FROM RECEIVING A DRIVER'S LICENSE**
19 **UNDER § 16–103.1 OF THE TRANSPORTATION ARTICLE BECAUSE THE**
20 **INDIVIDUAL IS NOT ABLE TO PROVIDE SATISFACTORY DOCUMENTARY EVIDENCE**
21 **OF LAWFUL STATUS; OR**

22 **(II) ELIGIBLE TO RECEIVE A DRIVER'S LICENSE, BUT IS NOT**
23 **A CITIZEN OF THE UNITED STATES.**

24 3–501.

25 **(A)** An election director may remove a voter from the statewide voter
26 registration list only:

27 (1) at the request of the voter, provided the request is:

28 (i) signed by the voter;

29 (ii) authenticated by the election director; and

30 (iii) in a format acceptable to the State Board or on a
31 cancellation notice provided by the voter on a voter registration application;

1 (2) upon determining, based on information provided pursuant to §
2 3–503 of this subtitle, that the voter is no longer eligible because:

3 (i) the voter is not qualified to be a registered voter as provided
4 in § 3–102(b) of this title; or

5 (ii) the voter is deceased;

6 (3) if the voter has moved outside the State, as determined by
7 conducting the procedures established in § 3–502 of this subtitle; or

8 (4) if, in accordance with the administrative complaint process under §
9 3–602 of this title, the local board has determined that the voter is not qualified to be
10 registered to vote.

11 **(B) AN ELECTION DIRECTOR SHALL REMOVE A VOTER FROM THE**
12 **STATEWIDE VOTER REGISTRATION LIST IF THE NAME AND ADDRESS OF THE**
13 **VOTER WAS FORWARDED BY THE MOTOR VEHICLE ADMINISTRATION TO THE**
14 **STATE ADMINISTRATOR IN ACCORDANCE WITH § 3–504 OF THIS SUBTITLE.**

15 3–504.

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

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

22 (iii) The clerk of the circuit court for each county and the
23 administrative clerk for each District Court shall report the names and addresses of
24 all individuals convicted, in the respective court, of a felony since the date of the last
25 report.

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

30 (2) The State Administrator shall make arrangements with the clerk
31 of the United States District Court for the District of Maryland to receive reports of
32 names and addresses, if available, of individuals convicted of a felony in that court.

1 (b) (1) The State Administrator shall transmit to the appropriate local
2 board information gathered pursuant to [subsection (a)] **SUBSECTIONS (A) AND (D)**
3 of this section.

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

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

11 (4) A local board may:

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

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

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

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

23 **(D) (1) THE MOTOR VEHICLE ADMINISTRATION SHALL REPORT TO**
24 **THE STATE ADMINISTRATOR THE NAMES AND ADDRESSES OF INDIVIDUALS WHO**
25 **ARE NOT PROVIDED AN OPPORTUNITY TO APPLY TO REGISTER TO VOTE OR**
26 **UPDATE A VOTER REGISTRATION UNDER § 3-203 OF THIS ARTICLE.**

27 **(2) THE INFORMATION REQUIRED UNDER PARAGRAPH (1) OF**
28 **THIS SECTION SHALL BE REPORTED TO THE STATE ADMINISTRATOR EACH**
29 **MONTH IN A FORMAT REQUIRED BY THE STATE ADMINISTRATOR.**

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2010.