

# HOUSE BILL 212

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4r1113  
CF 4r1514

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By: **Delegates Afzali, Cardin, George, and Ivey**

Introduced and read first time: January 16, 2014

Assigned to: Ways and Means

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 8, 2014

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CHAPTER \_\_\_\_\_

AN ACT concerning

## **Election Law – Statewide Voter Registration List – Removal of Deceased Voters**

FOR the purpose of requiring the State Administrator of Elections to make arrangements with the Social Security Administration ~~to receive quarterly reports of names and residence addresses of certain individuals reported deceased and to obtain the reports within a certain period; requiring a local board of elections to remove a deceased voter from the statewide voter registration list under certain circumstances or a certain entity to receive~~ reports of certain individuals who are reported deceased; requiring an election director to mail a certain notice on receipt of a certain report that a registered voter is deceased; requiring an election director to take certain actions if the election director receives a certain response to the notice; requiring an election director to remove a registered voter who is reported deceased from the statewide voter registration list if the election director does not receive a certain response to the notice; and generally relating to the removal of deceased voters from the statewide voter registration list.

BY repealing and reenacting, without amendments,

Article – Election Law

Section 3-501

Annotated Code of Maryland

(2010 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Article – Election Law  
Section 3–504  
Annotated Code of Maryland  
(2010 Replacement Volume and 2013 Supplement)

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

**Article – Election Law**

3–501.

An election director may remove a voter from the statewide voter registration list only:

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

(i) signed by the voter;

(ii) authenticated by the election director; and

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

(2) upon determining, based on information provided pursuant to § 3–504 of this subtitle, that the voter is no longer eligible because:

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

(ii) the voter is deceased;

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

(4) if, in accordance with the administrative complaint process under § 3–602 of this title, the State Administrator or the State Administrator’s designee has determined that the voter is not qualified to be registered to vote.

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 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 a felony in that court.

~~(3) THE STATE ADMINISTRATOR SHALL:~~

~~(I) MAKE ARRANGEMENTS WITH THE SOCIAL SECURITY ADMINISTRATION TO RECEIVE QUARTERLY REPORTS OF NAMES AND RESIDENCE ADDRESSES OF ALL INDIVIDUALS AT LEAST 16 YEARS OF AGE WHO ARE DEEMED MARYLAND RESIDENTS AND REPORTED DECEASED; AND~~

~~(II) PROMPTLY OBTAIN THE REPORTS AT THE END OF EACH QUARTER.~~

**(3) THE STATE ADMINISTRATOR SHALL MAKE ARRANGEMENTS WITH THE UNITED STATES SOCIAL SECURITY ADMINISTRATION OR AN ENTITY THAT RECEIVES INFORMATION FROM THE SOCIAL SECURITY ADMINISTRATION AND IS APPROVED BY THE STATE ADMINISTRATOR TO RECEIVE REPORTS OF NAMES AND ADDRESSES, IF AVAILABLE, OF ALL MARYLAND RESIDENTS AT LEAST 16 YEARS OF AGE WHO ARE REPORTED DECEASED.**

(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) **(I)** [Whenever] **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, 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)] (II)** On receipt of a verification of the death of a voter, provided in accordance with the notice mailed under [paragraph (1) of this subsection] **SUBPARAGRAPH (I) OF THIS PARAGRAPH**, the election director may remove the voter from the statewide voter registration list under § 3-501 of this subtitle.

**(2) (I) WHENEVER A LOCAL BOARD RECEIVES A ~~SOCIAL SECURITY ADMINISTRATION~~ REPORT OBTAINED BY THE STATE ADMINISTRATOR UNDER SUBSECTION (A)(3) OF THIS SECTION THAT INCLUDES A REGISTERED VOTER, THE ELECTION DIRECTOR ~~SHALL REMOVE THE VOTER FROM THE STATEWIDE VOTER REGISTRATION LIST UNDER § 3-501 OF THIS SUBTITLE~~ SHALL MAIL TO THE ADDRESS SHOWN ON THE STATEWIDE VOTER REGISTRATION LIST, BY REGULAR U.S. MAIL, A NOTICE THAT:**

**1. STATES THAT THE REGISTERED VOTER HAS BEEN REPORTED BY THE SOCIAL SECURITY ADMINISTRATION TO HAVE DIED; AND**

**2. NOTIFIES THE REGISTERED VOTER OR A PERSON ATTENDING THE AFFAIRS OF A DECEASED VOTER THAT THE VOTER WILL BE REMOVED FROM THE STATEWIDE VOTER REGISTRATION LIST UNLESS, WITHIN 2 WEEKS AFTER THE DATE OF THE LETTER, THE REGISTERED VOTER OR A REPRESENTATIVE:**

**A. OBJECTS TO THE REMOVAL; AND**

**B. SHOWS CAUSE WHY THE REMOVAL SHOULD NOT PROCEED.**

**(II) IF THE REGISTERED VOTER OR A REPRESENTATIVE TIMELY OBJECTS AND SHOWS CAUSE WHY THE REMOVAL SHOULD NOT PROCEED, THE ELECTION DIRECTOR MAY:**

**1. TERMINATE THE REMOVAL PROCESS AND RETAIN THE REGISTERED VOTER ON THE STATEWIDE VOTER REGISTRATION LIST; OR**

**2. REFER THE MATTER TO THE LOCAL BOARD FOR A HEARING TO DETERMINE THE REGISTERED VOTER'S STATUS.**

**(III) IF THE REGISTERED VOTER OR A REPRESENTATIVE FAILS TO TIMELY OBJECT AND SHOW CAUSE WHY THE REMOVAL SHOULD NOT PROCEED, THE REGISTRATION SHALL BE CANCELED AND THE REGISTERED VOTER REMOVED FROM THE STATEWIDE VOTER REGISTRATION LIST.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2014.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.