

SENATE BILL 340

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CF 5lr2264

By: **Senator Conway**

Introduced and read first time: February 6, 2015

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Voting Rights – Ex–Felons**

3 FOR the purpose of altering certain qualifications for voter registration; providing that
4 individuals discharged from incarceration are qualified to register to vote; requiring
5 certain State authorities to notify certain individuals of their right to vote on release
6 from incarceration; specifying that the notice include certain information; requiring
7 the State Administrator of Elections to make arrangements with the Department of
8 Public Safety and Correctional Services to receive certain monthly reports
9 concerning certain individuals with criminal convictions who are released from
10 incarceration; requiring certain courts to notify certain defendants concerning their
11 voting rights prior to accepting a guilty plea and before sentencing; and generally
12 relating to voting rights and ex–felons.

13 BY repealing and reenacting, with amendments,
14 Article – Election Law
15 Section 3–102, 3–204, 3–504, and 16–202
16 Annotated Code of Maryland
17 (2010 Replacement Volume and 2014 Supplement)

18 BY adding to
19 Article – Criminal Procedure
20 Section 6–234
21 Annotated Code of Maryland
22 (2008 Replacement Volume and 2014 Supplement)

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

25 **Article – Election Law**

26 3–102.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) Except as provided in subsection (b) of this section, an individual may
2 become registered to vote if the individual:

3 (i) is a citizen of the United States;

4 (ii) is at least 16 years old;

5 (iii) is a resident of the State as of the day the individual seeks to
6 register; and

7 (iv) registers pursuant to this title.

8 (2) Notwithstanding paragraph (1)(ii) of this subsection, an individual
9 under the age of 18 years:

10 (i) may vote in a primary election in which candidates are
11 nominated for a general or special election that will occur when the individual is at least
12 18 years old; and

13 (ii) may not vote in any other election.

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

15 (1) has been convicted of a felony and is [actually] **CURRENTLY** serving a
16 court-ordered sentence of imprisonment[, including any term of parole or probation,] for
17 the conviction;

18 (2) is under guardianship for mental disability and a court of competent
19 jurisdiction has specifically found by clear and convincing evidence that the individual
20 cannot communicate, with or without accommodations, a desire to participate in the voting
21 process; or

22 (3) has been convicted of buying or selling votes.

23 3-204.

24 (a) (1) The State Board shall designate public agencies and nongovernmental
25 agencies as voter registration agencies where qualified individuals may apply to register to
26 vote.

27 (2) The State Board shall designate the following offices as voter
28 registration agencies:

29 (i) all offices in the State that provide public assistance;

1 (ii) all offices in the State that provide State-funded programs
2 primarily engaged in providing services to individuals with disabilities; [and]

3 (iii) all public institutions of higher education in the State; AND

4 (IV) THE DEPARTMENT OF PUBLIC SAFETY AND
5 CORRECTIONAL SERVICES.

6 (3) The State Board and the Secretary of Defense shall jointly develop and
7 implement procedures for persons to apply to register to vote at recruitment offices of the
8 armed forces of the United States, which shall be deemed voter registration agencies.

9 (b) Except for a public institution of higher education in the State, which
10 institution shall comply with the requirements of subsection (c) of this section, AND THE
11 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, WHICH SHALL
12 COMPLY WITH SUBSECTION (I) OF THIS SECTION, each voter registration agency, as
13 provided in subsection (a)(2) and (3) of this section, shall:

14 (1) distribute a voter registration application approved by the State Board
15 or the Federal Election Commission with each application for service or assistance it
16 renders and with each recertification, renewal, or change of address form relating to such
17 service or assistance;

18 (2) provide a document to prospective registrants that includes:

19 (i) the question, "If you are not registered to vote where you live
20 now, would you like to apply to register to vote here today?";

21 (ii) if the agency provides public assistance, the statement,
22 "Applying to register or declining to register to vote will not affect the amount of assistance
23 that you will be provided by this agency.";

24 (iii) boxes for the applicant to check to indicate whether the applicant
25 would like to register or declines to register to vote together with the statement (in close
26 proximity to the boxes and in prominent type), "If you do not check either box, you will be
27 considered to have decided not to register to vote at this time.";

28 (iv) the statement, "If you would like help in filling out the voter
29 registration application form, we will help you. The decision whether to seek or accept help
30 is yours. You may fill out the application form in private.";

31 (v) the statement, "If you believe that someone has interfered with
32 your right to register or to decline to register to vote, your right to privacy in deciding
33 whether to register or in applying to register to vote, or your right to choose your own
34 political party or other political preference, you may file a complaint with the State Board
35 of Elections."; and

1 (vi) the address and toll free telephone number of the State Board;

2 (3) provide each applicant who does not decline to register to vote and who
3 accepts assistance the same degree of assistance with regard to completion of the
4 registration application as is provided by the office with regard to the completion of its own
5 applications, unless the applicant refuses such assistance; and

6 (4) accept the completed voter registration application for transmittal to
7 the appropriate election board.

8 (c) At the time that an individual enrolls, registers, or pays for course work
9 provided by a public institution of higher education in the State, the institution shall
10 provide the individual with an opportunity to request a voter registration application. If
11 the individual requests a voter registration application, the institution shall provide, or
12 cause to be provided, an application to the individual.

13 (d) An applicant may mail the voter registration application to the appropriate
14 State election official or return it to the voter registration agency for transmittal to the
15 appropriate election official.

16 (e) Within 5 days from the acceptance of a voter registration application, the voter
17 registration agency shall forward the application to the appropriate State election official.

18 (f) (1) An applicant registering to vote at a voter registration agency may
19 affirmatively consent to the use of an electronic copy of the individual's signature that is on
20 file with the voter registration agency as the individual's signature for the application being
21 submitted.

22 (2) If an applicant signs a voter registration application as provided in
23 paragraph (1) of this subsection, the voter registration agency shall transmit an electronic
24 copy of the applicant's signature to the State Board within 5 days after the day on which
25 the agency accepted the application.

26 (g) If a voter registration agency is an office described in subsection (a)(2)(ii) of
27 this section, which provides services to an individual with a disability at the individual's
28 home, the agency shall provide the services described in subsection (b) of this section at the
29 individual's home.

30 (h) (1) An individual who provides any service described in subsection (b) of
31 this section may not:

32 (i) seek to influence an applicant's political preference or party
33 registration;

34 (ii) display any political preference or party allegiance; or

1 (iii) make any statement to an applicant or take any action the
2 purpose or effect of which is to lead the applicant to believe that a decision to register or
3 not to register has any bearing on the availability of services or benefits.

4 (2) No information relating to a declination to register to vote in connection
5 with an application made at an office designated as a voter registration agency may be used
6 for any purpose other than the maintenance of voter registration statistics.

7 (3) Notwithstanding § 3–501 of this title and § 4–401 of the General
8 Provisions Article, the identity of a voter registration agency through which a particular
9 voter has registered may not be disclosed to the public.

10 **(I) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES**
11 **SHALL MEET THE REQUIREMENTS OF SUBSECTION (A)(2)(IV) OF THIS SECTION BY**
12 **ESTABLISHING A PROGRAM THAT:**

13 **(1) AS PART OF THE RELEASE LEADING TO AN INDIVIDUAL’S**
14 **DISCHARGE FROM A CORRECTIONAL FACILITY:**

15 **(I) NOTIFIES THE INDIVIDUAL IN WRITING THAT VOTING**
16 **RIGHTS WILL BE RESTORED; AND**

17 **(II) PROVIDES THE INDIVIDUAL WITH A VOTER REGISTRATION**
18 **FORM AND A DOCUMENT THAT INCLUDES:**

19 **1. THE QUESTION, “WOULD YOU LIKE TO APPLY TO**
20 **REGISTER TO VOTE HERE TODAY?”;**

21 **2. BOXES FOR THE APPLICANT TO CHECK TO INDICATE**
22 **WHETHER THE APPLICANT WOULD LIKE TO REGISTER OR DECLINES TO REGISTER**
23 **TO VOTE TOGETHER WITH THE STATEMENT (IN CLOSE PROXIMITY TO THE BOXES**
24 **AND IN PROMINENT TYPE), “IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE**
25 **CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.”;**

26 **3. THE STATEMENT, “IF YOU WOULD LIKE HELP IN**
27 **FILLING OUT THE VOTER REGISTRATION APPLICATION FORM, WE WILL HELP YOU.**
28 **THE DECISION WHETHER TO SEEK OR ACCEPT HELP IS YOURS. YOU MAY FILL OUT**
29 **THE APPLICATION FORM IN PRIVATE.”;**

30 **4. THE STATEMENT, “IF YOU BELIEVE THAT SOMEONE**
31 **HAS INTERFERED WITH YOUR RIGHT TO REGISTER OR TO DECLINE TO REGISTER TO**
32 **VOTE, YOUR RIGHT TO PRIVACY IN DECIDING WHETHER TO REGISTER OR IN**
33 **APPLYING TO REGISTER TO VOTE, OR YOUR RIGHT TO CHOOSE YOUR OWN POLITICAL**

1 PARTY OR OTHER POLITICAL PREFERENCE, YOU MAY FILE A COMPLAINT WITH THE
2 STATE BOARD OF ELECTIONS.”; AND

3 5. THE ADDRESS AND TOLL FREE TELEPHONE NUMBER
4 OF THE STATE BOARD;

5 (2) (I) NOTIFIES EACH INDIVIDUAL DISCHARGED FROM A
6 CORRECTIONAL FACILITY BEFORE OCTOBER 1, 2015 AND WHO REMAINS UNDER THE
7 DEPARTMENT’S SUPERVISION, THAT THE INDIVIDUAL IS ELIGIBLE TO HAVE VOTING
8 RIGHTS RESTORED; AND

9 (II) PROVIDES THE INDIVIDUAL DESCRIBED UNDER ITEM (I) OF
10 THIS ITEM WITH A VOTER REGISTRATION FORM AND THE DOCUMENT DESCRIBED IN
11 SUBSECTION (B)(2) OF THIS SECTION AND OFFERS THE INDIVIDUAL ASSISTANCE IN
12 FILLING OUT THE APPROPRIATE FORM; AND

13 (3) PERMITS INCARCERATED INDIVIDUALS TO PARTICIPATE IN
14 EDUCATIONAL PROGRAMS INFORMING THEM OF THEIR RIGHTS UNDER THIS
15 SECTION BEFORE THEIR RELEASE FROM INCARCERATION.

16 [(i)] (J) Regulations necessary to carry out the requirements of this section and
17 § 3–203 of this subtitle, including provisions for training the employees of voter registration
18 agencies and the Motor Vehicle Administration, shall be adopted by the State Board in
19 cooperation with each agency.

20 3–504.

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

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

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

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

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

4 (3) The State Administrator shall make arrangements with the United
5 States Social Security Administration or an entity that receives information from the Social
6 Security Administration and is approved by the State Administrator to receive reports of
7 names and addresses, if available, of all Maryland residents at least 16 years of age who
8 are reported deceased.

9 **(4) THE STATE ADMINISTRATOR SHALL MAKE ARRANGEMENTS WITH**
10 **THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES TO RECEIVE**
11 **MONTHLY REPORTS CONTAINING THE FOLLOWING INFORMATION ABOUT**
12 **INDIVIDUALS WITH CRIMINAL CONVICTIONS WHO HAVE BECOME ELIGIBLE TO VOTE**
13 **BECAUSE OF THEIR DISCHARGE FROM INCARCERATION:**

14 **(I) NAME;**

15 **(II) DATE OF BIRTH;**

16 **(III) DATE OF JUDGMENT OF CONVICTION;**

17 **(IV) DATE OF DISCHARGE FROM INCARCERATION; AND**

18 **(V) ANY ADDITIONAL IDENTIFYING INFORMATION.**

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

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

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

28 (4) A local board may:

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

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

1 (c) (1) (i) Except as provided in paragraph (2) of this subsection, whenever
2 a local board becomes aware of an obituary or any other reliable report of the death of a
3 registered voter, the election director shall mail a notice to the registered voter, as
4 prescribed by the State Board, to verify whether the voter is in fact deceased.

5 (ii) On receipt of a verification of the death of a voter, provided in
6 accordance with the notice mailed under subparagraph (i) of this paragraph, the election
7 director may remove the voter from the statewide voter registration list under § 3–501 of
8 this subtitle.

9 (2) (i) Whenever a local board receives a report obtained by the State
10 Administrator under subsection (a)(3) of this section that includes a registered voter, the
11 election director shall mail to the address shown on the statewide voter registration list, by
12 regular U.S. mail, a notice that:

13 1. states that the registered voter has been reported by the
14 Social Security Administration to have died; and

15 2. notifies the registered voter or a person attending the
16 affairs of a deceased voter that the voter will be removed from the statewide voter
17 registration list unless, within 2 weeks after the date of the letter, the registered voter or a
18 representative:

19 A. objects to the removal; and

20 B. shows cause why the removal should not proceed.

21 (ii) If the registered voter or a representative timely objects and
22 shows cause why the removal should not proceed, the election director may:

23 1. terminate the removal process and retain the registered
24 voter on the statewide voter registration list; or

25 2. refer the matter to the local board for a hearing to
26 determine the registered voter's status.

27 (iii) If the registered voter or a representative fails to timely object
28 and show cause why the removal should not proceed, the registration shall be canceled and
29 the registered voter removed from the statewide voter registration list.

30 16–202.

31 (a) A person who has been convicted of a felony and is [actually] **CURRENTLY**
32 serving a court–ordered sentence of imprisonment[, including any term of parole or
33 probation,] for the conviction, and has been rendered ineligible to vote pursuant to §
34 3–102(b) of this article, may not vote or attempt to vote during the time that the person is
35 rendered ineligible to vote.

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

3 **Article – Criminal Procedure**

4 **6-234.**

5 (A) BEFORE IMPOSING A SENTENCE OF INCARCERATION FOR A FELONY
6 CONVICTION, THE COURT SHALL ADVISE THE DEFENDANT ON THE RECORD THAT
7 CONVICTION WILL RESULT IN THE LOSS OF THE RIGHT TO VOTE WHILE THE
8 INDIVIDUAL IS SERVING A FELONY SENTENCE IN A CORRECTIONAL FACILITY.

9 (B) BEFORE ACCEPTING A DEFENDANT'S PLEA OF GUILTY TO A COUNT OR
10 COUNTS OF AN INDICTMENT CHARGING A FELONY OFFENSE WHICH WILL IMPOSE A
11 SENTENCE OF INCARCERATION, THE COURT SHALL ADVISE THE DEFENDANT ON THE
12 RECORD THAT CONVICTION WILL RESULT IN LOSS OF THE RIGHT TO VOTE WHILE
13 THE INDIVIDUAL IS SERVING A FELONY SENTENCE IN A CORRECTIONAL FACILITY.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2015.