

SENATE BILL 340

G1

(5lr2273)

ENROLLED BILL

— Education, Health, and Environmental Affairs/Ways and Means —

Introduced by **Senator Conway**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

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; *making a*
5 *conforming change*; ~~requiring certain State authorities to notify certain individuals~~
6 ~~of their right to vote on release from incarceration; specifying that the notice include~~
7 ~~certain information; requiring the State Administrator of Elections to make~~
8 ~~arrangements with the Department of Public Safety and Correctional Services to~~
9 ~~receive certain monthly reports concerning certain individuals with criminal~~
10 ~~convictions who are released from incarceration; requiring certain courts to notify~~
11 ~~certain defendants concerning their voting rights prior to accepting a guilty plea and~~
12 ~~before sentencing~~; and generally relating to voting rights and ex-felons.

13 BY repealing and reenacting, with amendments,
14 Article – Election Law

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.

Italics indicate opposite chamber/conference committee amendments.



1 Section 3-102 ~~and 16-202, 3-204, 3-504, and 16-202~~
 2 Annotated Code of Maryland
 3 (2010 Replacement Volume and 2014 Supplement)

4 ~~BY adding to~~
 5 ~~Article – Criminal Procedure~~
 6 ~~Section 6-234~~
 7 ~~Annotated Code of Maryland~~
 8 ~~(2008 Replacement Volume and 2014 Supplement)~~

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

11 **Article – Election Law**

12 3-102.

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

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

16 (ii) is at least 16 years old;

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

19 (iv) registers pursuant to this title.

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

22 (i) may vote in a primary election in which candidates are
 23 nominated for a general or special election that will occur when the individual is at least
 24 18 years old; and

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

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

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

30 (2) is under guardianship for mental disability and a court of competent
 31 jurisdiction has specifically found by clear and convincing evidence that the individual

1 cannot communicate, with or without accommodations, a desire to participate in the voting
2 process; or

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

4 16-202.

5 (a) A person who has been convicted of a felony and is [actually] CURRENTLY
6 serving a court-ordered sentence of imprisonment[, including any term of parole or
7 probation,] for the conviction, and has been rendered ineligible to vote pursuant to § 3-102(b)
8 of this article, may not vote or attempt to vote during the time that the person is rendered
9 ineligible to vote.

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

12 ~~3-204.~~

13 (a) (1) ~~The State Board shall designate public agencies and nongovernmental~~
14 ~~agencies as voter registration agencies where qualified individuals may apply to register to~~
15 ~~vote.~~

16 (2) ~~The State Board shall designate the following offices as voter~~
17 ~~registration agencies:~~

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

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

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

22 (IV) ~~THE DEPARTMENT OF PUBLIC SAFETY AND~~
23 ~~CORRECTIONAL SERVICES.~~

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

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

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

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

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

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

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

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

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

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

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

28 ~~(4) accept the completed voter registration application for transmittal to~~
29 ~~the appropriate election board.~~

30 ~~(e) At the time that an individual enrolls, registers, or pays for course work~~
31 ~~provided by a public institution of higher education in the State, the institution shall~~
32 ~~provide the individual with an opportunity to request a voter registration application. If~~
33 ~~the individual requests a voter registration application, the institution shall provide, or~~
34 ~~cause to be provided, an application to the individual.~~

1 ~~(d) An applicant may mail the voter registration application to the appropriate~~
2 ~~State election official or return it to the voter registration agency for transmittal to the~~
3 ~~appropriate election official.~~

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

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

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

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

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

20 ~~(i) seek to influence an applicant's political preference or party~~
21 ~~registration;~~

22 ~~(ii) display any political preference or party allegiance; or~~

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

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

29 ~~(3) Notwithstanding § 3-501 of this title and § 4-401 of the General~~
30 ~~Provisions Article, the identity of a voter registration agency through which a particular~~
31 ~~voter has registered may not be disclosed to the public.~~

32 ~~(i) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES~~
33 ~~SHALL MEET THE REQUIREMENTS OF SUBSECTION (A)(2)(IV) OF THIS SECTION BY~~
34 ~~ESTABLISHING A PROGRAM THAT:~~

1 ~~(1) AS PART OF THE RELEASE LEADING TO AN INDIVIDUAL'S~~
2 ~~DISCHARGE FROM A CORRECTIONAL FACILITY;~~

3 ~~(I) NOTIFIES THE INDIVIDUAL IN WRITING THAT VOTING~~
4 ~~RIGHTS WILL BE RESTORED; AND~~

5 ~~(II) PROVIDES THE INDIVIDUAL WITH A VOTER REGISTRATION~~
6 ~~FORM AND A DOCUMENT THAT INCLUDES:~~

7 ~~1. THE QUESTION, "WOULD YOU LIKE TO APPLY TO~~
8 ~~REGISTER TO VOTE HERE TODAY?";~~

9 ~~2. BOXES FOR THE APPLICANT TO CHECK TO INDICATE~~
10 ~~WHETHER THE APPLICANT WOULD LIKE TO REGISTER OR DECLINES TO REGISTER~~
11 ~~TO VOTE TOGETHER WITH THE STATEMENT (IN CLOSE PROXIMITY TO THE BOXES~~
12 ~~AND IN PROMINENT TYPE), "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE~~
13 ~~CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.";~~

14 ~~3. THE STATEMENT, "IF YOU WOULD LIKE HELP IN~~
15 ~~FILLING OUT THE VOTER REGISTRATION APPLICATION FORM, WE WILL HELP YOU.~~
16 ~~THE DECISION WHETHER TO SEEK OR ACCEPT HELP IS YOURS. YOU MAY FILL OUT~~
17 ~~THE APPLICATION FORM IN PRIVATE.";~~

18 ~~4. THE STATEMENT, "IF YOU BELIEVE THAT SOMEONE~~
19 ~~HAS INTERFERED WITH YOUR RIGHT TO REGISTER OR TO DECLINE TO REGISTER TO~~
20 ~~VOTE, YOUR RIGHT TO PRIVACY IN DECIDING WHETHER TO REGISTER OR IN~~
21 ~~APPLYING TO REGISTER TO VOTE, OR YOUR RIGHT TO CHOOSE YOUR OWN POLITICAL~~
22 ~~PARTY OR OTHER POLITICAL PREFERENCE, YOU MAY FILE A COMPLAINT WITH THE~~
23 ~~STATE BOARD OF ELECTIONS."; AND~~

24 ~~5. THE ADDRESS AND TOLL FREE TELEPHONE NUMBER~~
25 ~~OF THE STATE BOARD;~~

26 ~~(2) (I) NOTIFIES EACH INDIVIDUAL DISCHARGED FROM A~~
27 ~~CORRECTIONAL FACILITY BEFORE OCTOBER 1, 2015 AND WHO REMAINS UNDER THE~~
28 ~~DEPARTMENT'S SUPERVISION, THAT THE INDIVIDUAL IS ELIGIBLE TO HAVE VOTING~~
29 ~~RIGHTS RESTORED; AND~~

30 ~~(II) PROVIDES THE INDIVIDUAL DESCRIBED UNDER ITEM (I) OF~~
31 ~~THIS ITEM WITH A VOTER REGISTRATION FORM AND THE DOCUMENT DESCRIBED IN~~
32 ~~SUBSECTION (B)(2) OF THIS SECTION AND OFFERS THE INDIVIDUAL ASSISTANCE IN~~
33 ~~FILLING OUT THE APPROPRIATE FORM; AND~~

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

4 ~~[(i)] (j) Regulations necessary to carry out the requirements of this section and~~
5 ~~§ 3-203 of this subtitle, including provisions for training the employees of voter registration~~
6 ~~agencies and the Motor Vehicle Administration, shall be adopted by the State Board in~~
7 ~~cooperation with each agency.~~

8 ~~§ 504.~~

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

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

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

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

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

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

29 ~~(4) THE STATE ADMINISTRATOR SHALL MAKE ARRANGEMENTS WITH~~
30 ~~THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES TO RECEIVE~~
31 ~~MONTHLY REPORTS CONTAINING THE FOLLOWING INFORMATION ABOUT~~
32 ~~INDIVIDUALS WITH CRIMINAL CONVICTIONS WHO HAVE BECOME ELIGIBLE TO VOTE~~
33 ~~BECAUSE OF THEIR DISCHARGE FROM INCARCERATION:~~

34 ~~(I) NAME;~~

35 ~~(II) DATE OF BIRTH;~~

1 ~~(III) DATE OF JUDGMENT OF CONVICTION;~~

2 ~~(IV) DATE OF DISCHARGE FROM INCARCERATION; AND~~

3 ~~(V) ANY ADDITIONAL IDENTIFYING INFORMATION.~~

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

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

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

13 ~~(4) A local board may:~~

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

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

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

21 ~~(ii) On receipt of a verification of the death of a voter, provided in~~
22 ~~accordance with the notice mailed under subparagraph (i) of this paragraph, the election~~
23 ~~director may remove the voter from the statewide voter registration list under § 3-501 of~~
24 ~~this subtitle.~~

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

29 ~~1. states that the registered voter has been reported by the~~
30 ~~Social Security Administration to have died; and~~

31 ~~2. notifies the registered voter or a person attending the~~
32 ~~affairs of a deceased voter that the voter will be removed from the statewide voter~~

1 ~~registration list unless, within 2 weeks after the date of the letter, the registered voter or a~~
 2 ~~representative:~~

3 ~~A. objects to the removal; and~~

4 ~~B. shows cause why the removal should not proceed.~~

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

7 ~~1. terminate the removal process and retain the registered~~
 8 ~~voter on the statewide voter registration list; or~~

9 ~~2. refer the matter to the local board for a hearing to~~
 10 ~~determine the registered voter's status.~~

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

14 ~~16-202.~~

15 ~~(a) A person who has been convicted of a felony and is [actually] CURRENTLY~~
 16 ~~-serving a court ordered sentence of imprisonment[, including any term of parole or~~
 17 ~~probation,] for the conviction, and has been rendered ineligible to vote pursuant to §~~
 18 ~~3-102(b) of this article, may not vote or attempt to vote during the time that the person is~~
 19 ~~rendered ineligible to vote.~~

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

22 ~~Article Criminal Procedure~~

23 ~~6-234.~~

24 ~~(A) BEFORE IMPOSING A SENTENCE OF INCARCERATION FOR A FELONY~~
 25 ~~CONVICTION, THE COURT SHALL ADVISE THE DEFENDANT ON THE RECORD THAT~~
 26 ~~CONVICTION WILL RESULT IN THE LOSS OF THE RIGHT TO VOTE WHILE THE~~
 27 ~~INDIVIDUAL IS SERVING A FELONY SENTENCE IN A CORRECTIONAL FACILITY.~~

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.