

Chapter 6

(House Bill 980 of the 2015 Regular Session)

AN ACT concerning

Election Law – Voting Rights – Ex-Felons

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

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

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

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

Article – Election Law

3-102.

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

(i) is a citizen of the United States;

(ii) is at least 16 years old;

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

(iv) registers pursuant to this title.

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

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

(ii) may not vote in any other election.

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

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

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

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

~~§ 204.~~

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

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

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

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

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

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

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

~~(b) Except for a public institution of higher education in the State, which institution shall comply with the requirements of subsection (c) of this section, AND THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, WHICH SHALL COMPLY WITH SUBSECTION (1) OF THIS SECTION, each voter registration agency, as provided in subsection (a)(2) and (3) of this section, shall:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(1) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES SHALL MEET THE REQUIREMENTS OF SUBSECTION (A)(2)(IV) OF THIS SECTION BY ESTABLISHING A PROGRAM THAT:~~

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

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

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

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

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

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

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

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

~~(2) (i) NOTIFIES EACH INDIVIDUAL DISCHARGED FROM A CORRECTIONAL FACILITY BEFORE OCTOBER 1, 2015 AND WHO REMAINS UNDER THE~~

~~DEPARTMENT'S SUPERVISION, THAT THE INDIVIDUAL IS ELIGIBLE TO HAVE VOTING RIGHTS RESTORED; AND~~

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

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

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

~~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 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.~~

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

- ~~(I) NAME;~~
- ~~(II) DATE OF BIRTH;~~
- ~~(III) DATE OF JUDGMENT OF CONVICTION;~~
- ~~(IV) DATE OF DISCHARGE FROM INCARCERATION; AND~~
- ~~(V) ANY ADDITIONAL IDENTIFYING INFORMATION.~~

~~(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.~~

~~(e) (1) (i) 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.~~

~~(ii) On receipt of a verification of the death of a voter, provided in accordance with the notice mailed under 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 report obtained by the State Administrator under subsection (a)(3) of this section that includes a registered voter, the election director 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.~~

16-202.

(a) A person who has been convicted of a felony and is [actually] CURRENTLY serving a court-ordered sentence 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.

~~Article — Criminal Procedure~~

~~6-234.~~

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

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

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

Gubernatorial Veto Override, February 9, 2016.