HOUSE BILL 1032

F3, G1   CONSTITUTIONAL AMENDMENT   6lr0880

By: **Montgomery County Delegation**
Introduced and read first time: February 11, 2016
Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County Board of Education – Elections – Voting by County**
3 **Residents**

4 **MC 25–16**

5 FOR the purpose of proposing an amendment to the Maryland Constitution to provide that
6   the Montgomery County Council may, by law, establish qualifications for voting by
7   residents of the county in an election for the elected members of the Montgomery
8   County Board of Education, provided that the qualifications may not be more
9   restrictive than the qualifications for voting established by the Maryland
10   Constitution or by State law; altering provisions of law regarding voter registration
11   and voting by residents of Montgomery County in elections for the elected members
12   of the Montgomery County Board of Education; requiring the Montgomery County
13   Board of Elections to establish procedures, in accordance with qualifications
14   established by law by the Montgomery County Council, to allow residents of the
15   county to vote in any election for the elected members of the Montgomery County
16   Board of Education; providing for the effective date of certain provisions of this Act;
17   generally relating to voting by residents of Montgomery County in Montgomery
18   County Board of Education elections; and submitting this amendment to the
19   qualified voters of the State for their adoption or rejection.

20 BY proposing an amendment to the Maryland Constitution
21   Article I – Elective Franchise
22   Section 1

23 BY proposing an addition to the Maryland Constitution
24   Article I – Elective Franchise
25   Section 3A

26 BY repealing and reenacting, without amendments,
27   Article – Education

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
    [Brackets] indicate matter deleted from existing law.

1   Section 3–901(b) and (c)
2   Annotated Code of Maryland
3   (2014 Replacement Volume and 2015 Supplement)

4 BY repealing and reenacting, with amendments,
5   Article – Education
6   Section 3–901(f)(2)
7   Annotated Code of Maryland
8   (2014 Replacement Volume and 2015 Supplement)

9 BY repealing and reenacting, with amendments,
10   Article – Election Law
11   Section 3–102 and 8–101
12   Annotated Code of Maryland
13   (2010 Replacement Volume and 2015 Supplement)

14   SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 (Three–fifths of all the members elected to each of the two Houses concurring), That it be
16 proposed that the Maryland Constitution read as follows:
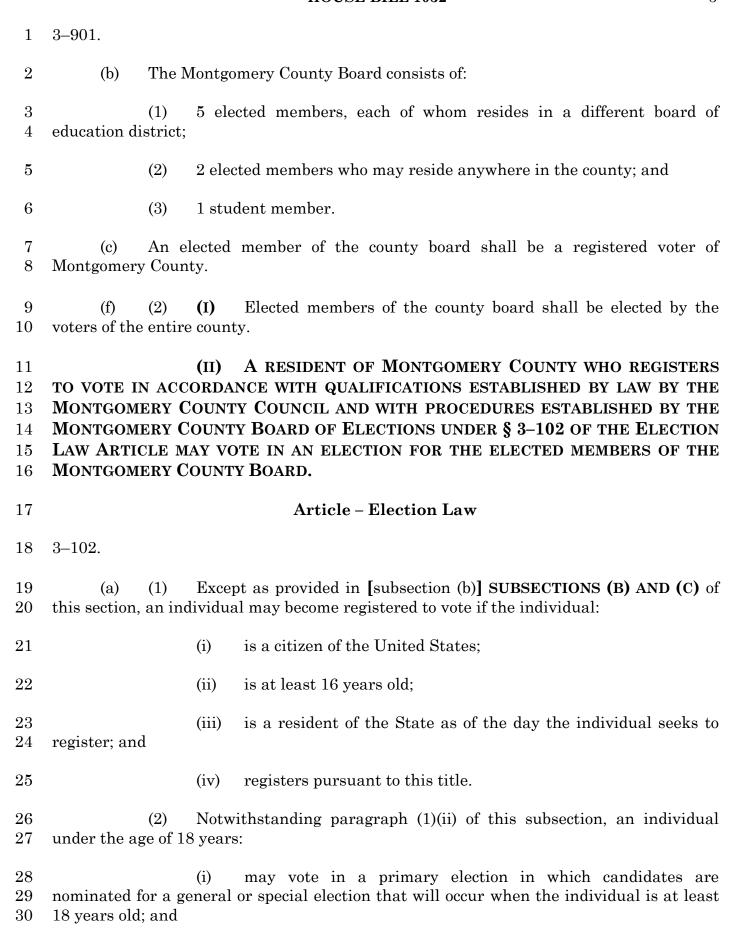
Article I – Elective Franchise

18 1.

19   All elections shall be by ballot. Except as provided in [Section 3] SECTIONS 3 AND
20 3A of this article, every citizen of the United States, of the age of 18 years or upwards, who
21 is a resident of the State as of the time for the closing of registration next preceding the
22 election, shall be entitled to vote in the ward or election district in which the citizen resides
23 at all elections to be held in this State. A person once entitled to vote in any election district,
24 shall be entitled to vote there until the person shall have acquired a residence in another
25 election district or ward in this State.

26 3A.

27   IN MONTGOMERY COUNTY, THE MONTGOMERY COUNTY COUNCIL MAY, BY
28 LAW, ESTABLISH QUALIFICATIONS FOR VOTING BY RESIDENTS OF THE COUNTY IN
29 ANY ELECTION FOR THE ELECTED MEMBERS OF THE MONTGOMERY COUNTY
30 BOARD OF EDUCATION, PROVIDED THAT THE QUALIFICATIONS MAY NOT BE MORE
31 RESTRICTIVE THAN THE QUALIFICATIONS FOR VOTING ESTABLISHED BY THIS
32 CONSTITUTION OR BY STATE LAW.

33   SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
34 as follows:

Article – Education

1   3–901.

2   (b)   The Montgomery County Board consists of:

3   (1)   5 elected members, each of whom resides in a different board of
4   education district;

5   (2)   2 elected members who may reside anywhere in the county; and

6   (3)   1 student member.

7   (c)   An elected member of the county board shall be a registered voter of
8   Montgomery County.

9   (f)   (2)   **(I)**   Elected members of the county board shall be elected by the
10   voters of the entire county.

11   **(II)   A RESIDENT OF MONTGOMERY COUNTY WHO REGISTERS**
12   **TO VOTE IN ACCORDANCE WITH QUALIFICATIONS ESTABLISHED BY LAW BY THE**
13   **MONTGOMERY COUNTY COUNCIL AND WITH PROCEDURES ESTABLISHED BY THE**
14   **MONTGOMERY COUNTY BOARD OF ELECTIONS UNDER § 3–102 OF THE ELECTION**
15   **LAW ARTICLE MAY VOTE IN AN ELECTION FOR THE ELECTED MEMBERS OF THE**
16   **MONTGOMERY COUNTY BOARD.**

17   **Article – Election Law**

18   3–102.

19   (a)   (1)   Except as provided in [subsection (b)] **SUBSECTIONS (B) AND (C)** of
20   this section, an individual may become registered to vote if the individual:

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

22   (ii)   is at least 16 years old;

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

25   (iv)   registers pursuant to this title.

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

28   (i)   may vote in a primary election in which candidates are
29   nominated for a general or special election that will occur when the individual is at least
30   18 years old; and

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

2   **(B)   IN MONTGOMERY COUNTY, THE LOCAL BOARD SHALL ESTABLISH**
3   **PROCEDURES   TO   ALLOW   RESIDENTS   OF   THE   COUNTY   WHO   SATISFY**
4   **QUALIFICATIONS ESTABLISHED BY LAW BY THE MONTGOMERY COUNTY COUNCIL**
5   **TO REGISTER TO VOTE IN ANY ELECTION FOR THE ELECTED MEMBERS OF THE**
6   **MONTGOMERY COUNTY BOARD OF EDUCATION WHO ARE ELECTED UNDER § 3–901**
7   **OF THE EDUCATION ARTICLE.**

8   **[**(b)**]   (C)**   An individual is not qualified to be a registered voter if the individual:

9   (1)   has been convicted of a felony and is actually serving a court–ordered
10   sentence of imprisonment, including any term of parole or probation, for the conviction;

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

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

16   8–101.

17   (a)   Under the supervision of the State Board, and in accordance with regulations
18   and procedures adopted by the State Board, a local board shall conduct all elections held
19   under this article in the county in which the board is located.

20   (b)   Except where it would be inappropriate, or as otherwise provided in this
21   article, the electoral process for primary elections, general elections, and special elections
22   shall be uniform.

23   **(C)   IN MONTGOMERY COUNTY, THE LOCAL BOARD SHALL ESTABLISH**
24   **PROCEDURES TO ALLOW RESIDENTS OF MONTGOMERY COUNTY WHO SATISFY**
25   **QUALIFICATIONS ESTABLISHED BY LAW BY THE MONTGOMERY COUNTY COUNCIL**
26   **TO VOTE IN ANY ELECTION FOR THE ELECTED MEMBERS OF THE MONTGOMERY**
27   **COUNTY BOARD OF EDUCATION WHO ARE ELECTED UNDER § 3–901 OF THE**
28   **EDUCATION ARTICLE.**

29   SECTION 3. AND BE IT FURTHER ENACTED, That the General Assembly
30   determines that the amendment to the Maryland Constitution proposed by Section 1 of this
31   Act affects only one county and that the provisions of Article XIV, § 1 of the Maryland
32   Constitution concerning local approval of constitutional amendments apply.

33   SECTION 4. AND BE IT FURTHER ENACTED, That the amendment to the
34   Maryland Constitution proposed by Section 1 of this Act shall be submitted to the qualified

1   voters of the State at the next general election to be held in November 2016 for their
2   adoption or rejection pursuant to Article XIV of the Maryland Constitution. At that general
3   election, the vote on this proposed amendment to the Constitution shall be by ballot, and
4   upon each ballot there shall be printed the words "For the Constitutional Amendment" and
5   "Against the Constitutional Amendment," as now provided by law. Immediately after the
6   election, all returns shall be made to the Governor of the vote for and against the proposed
7   amendment, as directed by Article XIV of the Maryland Constitution, and further
8   proceedings had in accordance with Article XIV.

9   SECTION 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take
10   effect October 1, 2019, on the taking effect of Section 1 of this Act. If Section 1 of this Act
11   does not take effect, Section 2 of this Act shall be abrogated and of no further force and
12   effect.

13   SECTION 6. AND BE IT FURTHER ENACTED, That, except as provided in
14   Sections 3, 4, and 5 of this Act, this Act shall take effect June 1, 2016.