

Department of Legislative Services  
Maryland General Assembly  
2016 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 1259 (Delegate Impallaria)  
Ways and Means

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**Election Law - Voting by Registered Offenders at Polling Places - Prohibition**

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This bill prohibits a registered sex offender from voting at the offender's assigned polling place on Election Day or at an early voting center if the polling place or early voting center is located on specified school or child care property. The bill repeals an existing exception to a prohibition against registered sex offenders knowingly entering on such property that applies if the person enters the property for the purpose of voting at a school on Election Day. A registered sex offender prohibited from voting at the offender's assigned polling place or at an early voting center may only vote at an early voting center not located on specified school or child care property or by absentee ballot. A supervising authority must promptly give written notice of these requirements to each individual who is a registered sex offender on the date the bill takes effect and give written notice of and explain the requirements to new registrants. The State Board of Elections (SBE) and the local boards of elections are not required to take any action to implement or administer these provisions.

The bill takes effect June 1, 2016.

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**Fiscal Summary**

**State Effect:** None. The bill's provisions are expected to be handled with the existing budgeted resources of State agencies serving as a supervising authority for an offender.

**Local Effect:** Local law enforcement agencies serving as supervising authorities are expected to be able to handle notification of registered offenders with existing resources or minimal expenditure increases. Any additional need for absentee ballots and related postage costs are assumed to be absorbable by local boards of elections.

**Small Business Effect:** None.

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## Analysis

**Current Law:** An individual convicted of a felony is not qualified to be a registered voter if the individual is currently serving a court-ordered sentence of imprisonment for the conviction. Registered voters, however, generally have the choice of voting in person or by absentee ballot.

Under the Criminal Procedure Article, registered sex offenders may not knowingly enter onto real property that is used for public or nonpublic elementary or secondary education or where a State-registered/licensed family child care home, child care home, or child care institution, or a home where specified informal child care is or will be provided, is located. The prohibition, however, does not apply to a registrant who enters real property for the purpose of voting at a school on an election day in the State if the registrant is properly registered to vote, and the registrant's polling place is at the school.

A voter may vote at any early voting center in the voter's county of residence. The number of early voting centers in each county is dependent on the number of registered voters in the county, as shown in **Exhibit 1**.

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### Exhibit 1 Early Voting Centers

<b>Registered Voters in a County</b>	<b>Early Voting Centers*</b>
< 125,000	1
125,000-300,000	3
300,000-450,000	5
>450,000	8

\*In addition to the required centers, each county may establish one additional early voting center if the State Board of Elections, in collaboration with the local board of elections, and the governing body of the county agree to establish an additional center.

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An individual may vote by absentee ballot except to the extent preempted by federal law. An absentee ballot may be requested in writing (there are State and federal forms that can be used) or online through the SBE website. The voter may choose to receive the ballot by mail, by fax, through the Internet, or by hand at a local board of elections office. The voter may return the ballot by mailing it, postmarked on or before Election Day, or delivering it to the local board of elections in person by the close of polls on Election Day.

## **Additional Information**

**Prior Introductions:** HB 495 of 2012 and HB 200 of 2012 each received a hearing in the House Ways and Means Committee, but no further action was taken. In addition, similar bills were introduced in the 2011 and 2010 sessions.

**Cross File:** None.

**Information Source(s):** State Board of Elections; Department of Public Safety and Correctional Services; Maryland State Department of Education; Baltimore City, Harford and Wicomico counties; Department of Legislative Services

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