

HOUSE BILL 59

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2001 Regular Session  
1r0839

(PRE-FILED)

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By: **Delegate Boschert**

Requested: November 13, 2000

Introduced and read first time: January 10, 2001

Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Election Law - Deceased Registered Voters**

3 FOR the purpose of requiring the next of kin of a deceased registered voter to present  
4 a certified copy of the deceased voter's death certificate to the Motor Vehicle  
5 Administration (MVA); requiring the Commissioner of Health of Baltimore City  
6 and the health officers of each county to report to the MVA the names and  
7 addresses of certain individuals who have died during a certain period of time;  
8 requiring the MVA to forward copies of certain documents to the State Board of  
9 Elections; authorizing the county boards of elections to remove a registered  
10 voter from the registry upon certain notification that the voter is deceased;  
11 providing certain procedures for removal; providing a penalty for certain  
12 violations; and generally relating to removing certain voters from the registry.

13 BY repealing and reenacting, with amendments,  
14 Article 33 - Election Code  
15 Section 3-505  
16 Annotated Code of Maryland  
17 (1997 Replacement Volume and 2000 Supplement)

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

20 **Article 33 - Election Code**

21 3-505.

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

24 (ii) The Commissioner of Health of Baltimore City and the health  
25 officer of each county shall report the names and residence addresses (if known) of all  
26 individuals at least 16 years of age reported deceased within the city or county since  
27 the date of the last such report.

1 (iii) The clerk of the circuit court for each county and the  
2 administrative clerk for each District Court shall report the names and addresses of  
3 all individuals convicted, in the respective court, of theft or infamous crimes since the  
4 date of the last such report.

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

9 (2) The State Board shall make arrangements with the clerk of the  
10 United States District Court for the District of Maryland to receive reports of names  
11 and addresses, if available, of individuals convicted of infamous crimes in that court.

12 (b) (1) The State Board shall transmit to the appropriate local board  
13 information gathered pursuant to subsection (a) of this section.

14 (2) Every agency or instrumentality of any county which acquires or  
15 condemns or razes or causes to be condemned or razed any building used as a  
16 residence within the county shall promptly report such fact and the location of the  
17 building to the local board in the county or city.

18 (3) Registration cancellation information provided by an applicant on  
19 any voter registration application shall be provided to the appropriate local board by  
20 the State Board or another local board.

21 (4) A local board may:

22 (i) Make arrangements to receive change of address information  
23 from an entity approved by the State Board; and

24 (ii) Pay a reasonable fee to the entity for the information.

25 (c) (1) Whenever a local board becomes aware of an obituary or any other  
26 reliable report of the death of a registered voter, the election director shall mail a  
27 notice to the registered voter, as prescribed by the State Board, to verify whether the  
28 voter is in fact deceased.

29 (2) On receipt of a verification of the death of a voter, provided in  
30 accordance with the notice mailed under paragraph (1) of this subsection, the election  
31 director may remove the voter from the registry under § 3-502 of this subtitle.

32 (D) (1) WITHIN 8 WEEKS OF THE DEATH OF A REGISTERED VOTER, THE NEXT  
33 OF KIN FOR THE REGISTERED VOTER SHALL PRESENT, EITHER IN PERSON OR BY  
34 MAIL, A CERTIFIED COPY OF THE REGISTERED VOTER'S DEATH CERTIFICATE TO THE  
35 MOTOR VEHICLE ADMINISTRATION.

36 (2) THE COMMISSIONER OF HEALTH OF BALTIMORE CITY AND THE  
37 HEALTH OFFICER OF EACH COUNTY SHALL REPORT TO THE MOTOR VEHICLE  
38 ADMINISTRATION, IN A FORMAT AND AT TIMES PRESCRIBED BY THE MOTOR VEHICLE

1 ADMINISTRATION, THE NAMES AND RESIDENCE ADDRESSES (IF KNOWN) OF ALL  
2 INDIVIDUALS AT LEAST 16 YEARS OF AGE REPORTED DECEASED WITHIN THE CITY OR  
3 COUNTY.

4 (3) ON THE FIRST DAY OF EACH MONTH, THE MOTOR VEHICLE  
5 ADMINISTRATION SHALL FORWARD TO THE STATE BOARD A COPY OF THE  
6 DOCUMENTS RECEIVED IN ACCORDANCE WITH PARAGRAPHS (1) AND (2) OF THIS  
7 SUBSECTION DURING THE PREVIOUS MONTH.

8 (4) ON RECEIPT OF A COPY OF A DEATH CERTIFICATE FROM THE MOTOR  
9 VEHICLE ADMINISTRATION, THE STATE BOARD SHALL NOTIFY THE ELECTION  
10 DIRECTOR OF THE LOCAL BOARD OF THE COUNTY IN WHICH THE DECEASED VOTER  
11 WAS REGISTERED, AND THE ELECTION DIRECTOR SHALL REMOVE THE VOTER FROM  
12 THE REGISTRY UNDER § 3-502 OF THIS SUBTITLE.

13 (5) ANY INDIVIDUAL WHO WILLFULLY AND KNOWINGLY FAILS TO  
14 NOTIFY THE MOTOR VEHICLE ADMINISTRATION, IN ACCORDANCE WITH PARAGRAPH  
15 (1) OF THIS SUBSECTION, SHALL BE SUBJECT TO A CIVIL FINE OF NOT MORE THAN  
16 \$500.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2001.