

# HOUSE BILL 656

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By: **Delegates Impallaria, Boteler, Costa, Dwyer, George, Kach, Krebs, McComas, McDonough, Miller, Schuh, Shewell, Sossi, and Stocksdales**  
Introduced and read first time: February 3, 2010  
Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Voting by Felons at Polling Places – Prohibition**

3 FOR the purpose of requiring an applicant for voter registration to specify whether the  
4 applicant is a felon; requiring that certain information concerning voting by  
5 felons be provided to an applicant for voter registration; requiring an individual  
6 who is a felon to vote only by absentee ballot; prohibiting a felon from voting at  
7 a polling place; limiting a provision of law allowing certain registered criminal  
8 offenders to enter onto school property for the purpose of voting only to  
9 registered offenders who are not felons; and generally relating to prohibiting  
10 felons from voting at polling places.

11 BY repealing and reenacting, with amendments,  
12 Article – Election Law  
13 Section 3–202  
14 Annotated Code of Maryland  
15 (2003 Volume and 2009 Supplement)

16 BY adding to  
17 Article – Election Law  
18 Section 9–304.1  
19 Annotated Code of Maryland  
20 (2003 Volume and 2009 Supplement)

21 BY repealing and reenacting, without amendments,  
22 Article – Election Law  
23 Section 9–312  
24 Annotated Code of Maryland  
25 (2003 Volume and 2009 Supplement)

26 BY repealing and reenacting, without amendments,

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



Article – Criminal Procedure  
Section 11–704(a)  
Annotated Code of Maryland  
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,  
Article – Criminal Procedure  
Section 11–722  
Annotated Code of Maryland  
(2008 Replacement Volume and 2009 Supplement)

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

**Article – Election Law**

3–202.

(a) (1) The statewide voter registration application shall:

(i) require the signature of the applicant, subject to the  
penalties of perjury, by which the applicant swears or affirms that the information  
contained in the registration application is true and that the applicant meets all of the  
qualifications to become a registered voter;

**(II) REQUIRE THE APPLICANT TO INDICATE WHETHER THE  
APPLICANT IS A FELON;**

**[(ii)](III)** state the penalties for the submission of a false  
application; and

**[(iii)](IV)** provide the applicant with the opportunity to cancel a  
current registration.

(2) The following information shall be made available to each  
applicant who is completing a statewide voter registration application:

(i) the qualifications to become a registered voter;

(ii) if an individual declines to register, this fact will remain  
confidential and be used only for voter registration purposes;

(iii) if an individual registers to vote, the office at which the  
application is submitted will remain confidential and will be used only for voter  
registration purposes; [and]

(iv) notification to the applicant that submission of the form to an individual other than an official, employee, or agent of a local board does not assure that the form will be filed or filed in a timely manner; AND

**(V) NOTIFICATION TO THE APPLICANT THAT IF THE APPLICANT IS A FELON, THE APPLICANT MAY VOTE ONLY BY ABSENTEE BALLOT AND MAY NOT VOTE AT A POLLING PLACE.**

(3) The statewide voter registration application may not require:

(i) notarization or other formal authentication; or

(ii) any additional information, other than the information necessary to enable election officials to determine the eligibility of the applicant and to administer voter registration and other parts of the election process.

(4) (i) A statewide voter registration application shall be produced exclusively by the State Board.

(ii) No other registration form may be used for registration purposes except:

1. a voter registration application produced by a local board with the approval of the State Board;

2. as provided in subsection (b) of this section;

3. as provided in § 3-203(b) of this subtitle;

4. any other form prescribed by federal law for voter registration; or

5. a federal write-in absentee ballot if used by a voter authorized to vote a federal write-in absentee ballot under federal law.

(b) The voter registration application form prescribed pursuant to the National Voter Registration Act of 1993 shall be accepted by the appropriate election official for purposes of voter registration.

(c) The application described in this section may be used by a registered voter to change the voter's name, address, or party affiliation.

**9-304.1.**

**AN INDIVIDUAL WHO IS A FELON MAY VOTE ONLY BY ABSENTEE BALLOT AND MAY NOT VOTE AT A POLLING PLACE.**

1 9–312.

2 Any person who is convicted of a violation of any of the provisions of this  
3 subtitle is subject to a fine of not more than \$1,000 or imprisonment for not more than  
4 2 years or both.

5 **Article – Criminal Procedure**

6 11–704.

7 (a) Subject to subsection (c) of this section, a person shall register with the  
8 person’s supervising authority if the person is:

9 (1) a child sexual offender;

10 (2) an offender;

11 (3) a sexually violent offender;

12 (4) a sexually violent predator;

13 (5) a child sexual offender who, before moving into this State, was  
14 required to register in another state or by a federal, military, or Native American  
15 tribal court for a crime that occurred before October 1, 1995;

16 (6) an offender, sexually violent offender, or sexually violent predator  
17 who, before moving into this State, was required to register in another state or by a  
18 federal, military, or Native American tribal court for a crime that occurred before July  
19 1, 1997; or

20 (7) a child sexual offender, offender, sexually violent offender, or  
21 sexually violent predator who is required to register in another state, who is not a  
22 resident of this State, and who enters this State:

23 (i) to carry on employment;

24 (ii) to attend a public or private educational institution,  
25 including a secondary school, trade or professional institution, or institution of higher  
26 education, as a full-time or part-time student; or

27 (iii) as a transient.

28 11–722.

29 (a) This section does not apply to a registrant who enters real property:

30 (1) where the registrant is a student or the registrant’s child is a  
31 student or receives child care, if:

1 (i) within the past year the registrant has been given the  
2 specific written permission of the Superintendent of Schools, the local school board,  
3 the principal of the school, or the owner or operator of the registered family day care  
4 home, licensed child care home, or licensed child care institution, as applicable; and

5 (ii) the registrant promptly notifies an agent or employee of the  
6 school, home, or institution of the registrant's presence and purpose of visit; or

7 (2) for the purpose of voting at a school on an election day in the State  
8 if **THE REGISTRANT IS NOT A FELON**, the registrant is properly registered to vote,  
9 and the registrant's polling place is at the school.

10 (b) A registrant may not knowingly enter onto real property:

11 (1) that is used for public or nonpublic elementary or secondary  
12 education; or

13 (2) on which is located:

14 (i) a family day care home registered under Title 5, Subtitle 5 of  
15 the Family Law Article; or

16 (ii) a child care home or a child care institution licensed under  
17 Title 5, Subtitle 5 of the Family Law Article.

18 (c) A person who enters into a contract with a county board of education or a  
19 nonpublic school may not knowingly employ an individual to work at a school if the  
20 individual is a registrant.

21 (d) A person who violates this section is guilty of a misdemeanor and on  
22 conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding  
23 \$5,000 or both.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 2010.