

HOUSE BILL 816

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0lr2352
CF SB 28

By: **Delegates Cardin, Dumais, Hixson, Kaiser, Rice, ~~and Ross~~ Ross, George, and Shank**

Introduced and read first time: February 9, 2010

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 23, 2010

CHAPTER _____

1 AN ACT concerning

2 ~~Election Law – Voter Qualifications –~~ **Honorable Lorraine M. Sheehan Act to**
3 **Protect Voting Rights for Individuals Under Guardianship for Mental**
4 **Disability**

5 FOR the purpose of ~~repealing the disqualification of individuals under guardianship~~
6 ~~for mental disability from voting~~; providing that an individual under
7 guardianship for mental disability is not qualified to be a registered voter if a
8 certain court has made a certain finding concerning the individual's desire to
9 participate in the voting process; and generally relating to voter qualifications.

10 BY repealing and reenacting, with amendments,
11 Article – Election Law
12 Section 3–102
13 Annotated Code of Maryland
14 (2003 Volume and 2009 Supplement)

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

17 **Article – Election Law**

18 3–102.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 (1) is a citizen of the United States;

4 (2) is at least 18 years old or will be 18 years old on or before the day
5 of the next succeeding general or special election;

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

8 (4) registers pursuant to this title.

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

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

13 (2) ~~is~~ is under guardianship for mental disability AND A COURT OF
14 COMPETENT JURISDICTION HAS SPECIFICALLY FOUND BY CLEAR AND
15 CONVINCING EVIDENCE THAT THE INDIVIDUAL CANNOT COMMUNICATE, WITH
16 OR WITHOUT ACCOMMODATIONS, A DESIRE TO PARTICIPATE IN THE VOTING
17 PROCESS; or

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

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 ~~October 1, 2010~~ June 1, 2010.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.