

## Chapter 204

(House Bill 816)

AN ACT concerning

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

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

BY repealing and reenacting, with amendments,  
Article – Election Law  
Section 3–102  
Annotated Code of Maryland  
(2003 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

3–102.

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

- (1) is a citizen of the United States;
- (2) is at least 18 years old or will be 18 years old on or before the day of the next succeeding general or special election;
- (3) is a resident of the State as of the day the individual seeks to register; and
- (4) registers pursuant to this title.

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

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

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

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

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

**Approved by the Governor, May 4, 2010.**