

SENATE BILL 788

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HB 444/10 – W&M

1lr2484

By: **Senator Raskin**

Introduced and read first time: February 4, 2011

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Citizens Who Have Not Lived in the United States –**
3 **Right to Vote**

4 FOR the purpose of providing that a citizen who has not lived in the United States but
5 has a parent who is a resident of the State is a resident of the State for purposes
6 of voter registration; prohibiting an individual from being considered a resident
7 of the State if the individual has established a domicile outside the State;
8 authorizing an individual to register to vote and vote only in elections for
9 federal office in the county in the State where a parent resides if the individual
10 meets certain requirements; and generally relating to enfranchising certain
11 citizens who have not lived in the United States.

12 BY repealing and reenacting, with amendments,
13 Article – Election Law
14 Section 3–102
15 Annotated Code of Maryland
16 (2010 Replacement)

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

19 **Article – Election Law**

20 3–102.

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

23 (i) is a citizen of the United States;

24 (ii) is at least 16 years old;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (iii) is a resident of the State as of the day the individual seeks to
2 register; and

3 (iv) registers pursuant to this title.

4 (2) Notwithstanding paragraph (1)(ii) of this subsection, an individual
5 under the age of 18 years:

6 (i) may vote in a primary election in which candidates are
7 nominated for a general or special election that will occur when the individual is at
8 least 18 years old; and

9 (ii) may not vote in any other election.

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

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

14 (2) is under guardianship for mental disability and a court of
15 competent jurisdiction has specifically found by clear and convincing evidence that the
16 individual cannot communicate, with or without accommodations, a desire to
17 participate in the voting process; or

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

19 **(C) (1) FOR PURPOSES OF VOTER REGISTRATION UNDER**
20 **SUBSECTION (A)(1)(III) OF THIS SECTION, A RESIDENT OF THE STATE SHALL**
21 **INCLUDE A CITIZEN OF THE UNITED STATES BORN ABROAD WHO HAS NEVER**
22 **LIVED IN THE UNITED STATES BUT WHO HAS A PARENT WHO IS A RESIDENT OF**
23 **THE STATE.**

24 **(2) AN INDIVIDUAL MAY NOT BE CONSIDERED A RESIDENT OF**
25 **THE STATE UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THE INDIVIDUAL**
26 **HAS ESTABLISHED A DOMICILE OUTSIDE THE STATE.**

27 **(3) AN INDIVIDUAL WHO IS CONSIDERED A RESIDENT OF THE**
28 **STATE UNDER THIS SUBSECTION, IS NOT REGISTERED TO VOTE IN ANOTHER**
29 **STATE, AND IS OTHERWISE QUALIFIED MAY REGISTER TO VOTE AND VOTE ONLY**
30 **IN ELECTIONS FOR FEDERAL OFFICE IN THE COUNTY IN THE STATE WHERE A**
31 **PARENT RESIDES.**

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 June 1, 2011.