

HOUSE BILL 495

G1, E4

2lr2270

By: **Delegates Impallaria, Bates, Boteler, Cluster, DeBoy, Dwyer, Elliott,
Glass, Hough, McComas, McDonough, Minnick, and Olszewski**

Introduced and read first time: February 2, 2012

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Voting by Registered Offenders at Polling Places –**
3 **Prohibition**

4 FOR the purpose of prohibiting certain registered offenders from voting at certain
5 polling places on election day or at certain early voting centers; authorizing
6 certain registered offenders who are prohibited from voting at certain polling
7 places or early voting centers to vote at certain early voting centers or by
8 absentee ballot; requiring the supervising authority of certain registered
9 offenders to give written notice and explain the requirements of this Act when a
10 registrant registers; repealing a provision of law authorizing certain registered
11 offenders to enter school property for the purpose of voting on election day;
12 requiring the supervising authority of certain registered offenders to give
13 written notice of the requirements of this Act to each offender who is registered
14 on the date this Act takes effect; providing that the State Board of Elections and
15 local boards of elections are not required to take any action to implement or
16 administer this Act; and generally relating to prohibiting certain registered
17 offenders from voting at certain polling places and early voting centers.

18 BY adding to

19 Article – Election Law
20 Section 10–103
21 Annotated Code of Maryland
22 (2010 Replacement Volume and 2011 Supplement)

23 BY repealing and reenacting, without amendments,

24 Article – Criminal Procedure
25 Section 11–704(a)
26 Annotated Code of Maryland
27 (2008 Replacement Volume and 2011 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 Article – Criminal Procedure
3 Section 11–708(a) and 11–722
4 Annotated Code of Maryland
5 (2008 Replacement Volume and 2011 Supplement)

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

8 **Article – Election Law**

9 **10–103.**

10 (A) AN INDIVIDUAL WHO IS AN OFFENDER REQUIRED TO REGISTER
11 UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE MAY
12 NOT VOTE AT THE INDIVIDUAL’S ASSIGNED POLLING PLACE ON ELECTION DAY
13 OR AT AN EARLY VOTING CENTER IF THE POLLING PLACE OR EARLY VOTING
14 CENTER IS LOCATED ON REAL PROPERTY THAT THE OFFENDER IS FORBIDDEN
15 TO ENTER UNDER § 11–722 OF THE CRIMINAL PROCEDURE ARTICLE.

16 (B) AN INDIVIDUAL PROHIBITED FROM VOTING AT THE INDIVIDUAL’S
17 ASSIGNED POLLING PLACE OR AT AN EARLY VOTING CENTER UNDER THIS
18 SECTION MAY VOTE ONLY:

19 (1) AT AN EARLY VOTING CENTER THAT THE OFFENDER IS NOT
20 FORBIDDEN TO ENTER UNDER § 11–722 OF THE CRIMINAL PROCEDURE
21 ARTICLE; OR

22 (2) BY ABSENTEE BALLOT.

23 **Article – Criminal Procedure**

24 11–704.

25 (a) A person shall register with the person’s supervising authority if the
26 person is:

27 (1) a tier I sex offender;

28 (2) a tier II sex offender;

29 (3) a tier III sex offender; or

1 (4) a sex offender who is required to register by another jurisdiction, a
2 federal, military, or tribal court, or a foreign government, and who is not a resident of
3 this State, and who enters this State:

4 (i) to begin residing or to habitually live;

5 (ii) to carry on employment;

6 (iii) to attend a public or private educational institution,
7 including a secondary school, trade or professional institution, or institution of higher
8 education, as a full-time or part-time student; or

9 (iv) as a transient.

10 11-708.

11 (a) When a registrant registers, the supervising authority shall:

12 (1) give written notice to the registrant of the requirements of this
13 subtitle;

14 (2) explain the requirements of this subtitle to the registrant,
15 including:

16 (i) the duties of a registrant when the registrant changes
17 residence address in this State or changes the county in which the registrant
18 habitually lives;

19 (ii) the duties of a registrant under § 11-705 of this subtitle;

20 (iii) the requirement for a sex offender to register in person with
21 the local law enforcement unit of each county where the sex offender will reside or
22 habitually live or where the sex offender who is not a resident of this State is a
23 transient or will work or attend school; and

24 (iv) the requirement that if the registrant changes residence
25 address, employment, or school enrollment to another state that has a registration
26 requirement, the registrant shall register with the designated law enforcement unit or
27 sex offender registration unit of that state within 3 days after the change; [and]

28 **(3) GIVE WRITTEN NOTICE AND EXPLAIN THE REQUIREMENTS OF**
29 **§ 10-103 OF THE ELECTION LAW ARTICLE TO THE REGISTRANT; AND**

30 **[(3)] (4)** obtain a statement signed by the registrant acknowledging
31 that the supervising authority explained the requirements of this subtitle **AND §**

1 **10-103 OF THE ELECTION LAW ARTICLE** and gave written notice of the
2 requirements to the registrant.

3 11-722.

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

5 (1)] where the registrant is a student or the registrant's child is a
6 student or receives child care, if:

7 [(i)] (1) within the past year the registrant has been given the
8 specific written permission of the Superintendent of Schools, the local school board,
9 the principal of the school, or the owner or operator of the registered family child care
10 home, licensed child care home, or licensed child care institution, as applicable; and

11 [(ii)] (2) the registrant promptly notifies an agent or employee
12 of the school, home, or institution of the registrant's presence and purpose of visit[: or

13 (2) for the purpose of voting at a school on an election day in the State
14 if the registrant is properly registered to vote and the registrant's polling place is at
15 the school].

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

17 (1) that is used for public or nonpublic elementary or secondary
18 education; or

19 (2) on which is located:

20 (i) a family child care home registered under Title 5, Subtitle 5
21 of the Family Law Article; or

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

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

27 (d) A person who violates this section is guilty of a misdemeanor and on
28 conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding
29 \$5,000 or both.

30 SECTION 2. AND BE IT FURTHER ENACTED, That:

1 (a) A supervising authority of individuals required to register under Title 11,
2 Subtitle 7 of the Criminal Procedure Article shall promptly give written notice of the
3 requirements of this Act to each individual who is registered on the date this Act takes
4 effect.

5 (b) The State Board of Elections and the local boards of elections are not
6 required to take any action to implement or administer this Act.

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 June 1, 2012.