

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

House Bill 473 (Delegate McDonough)
Ways and Means

Municipal Corporations - Elections - Voter Qualifications

This bill prohibits an individual who is not a citizen of the United States from voting in an election in any municipal corporation, notwithstanding the provisions of the charter of any municipal corporation. The bill makes null and void any provision in a municipal charter that allows an individual other than a citizen of the United States to vote in an election in the municipal corporation.

Fiscal Summary

State Effect: None.

Local Effect: Any impact on local government finances is not expected to be significant.

Small Business Effect: None.

Analysis

Current Law/Background: Under the Maryland Constitution, generally every citizen of the United States, age 18 or older, who is a resident of the State as of the close of registration prior to an election is eligible to vote. The constitution requires individuals to be registered in order to vote. Under State law, with certain exceptions, an individual may register to vote if the individual is a citizen of the United States, is at least age 16, and is a resident of the State as of the day the individual seeks to register.

The constitutional qualifications to vote and requirement of registration are not applicable to municipal corporations other than Baltimore City (*Hill v. Mayor of Colmar Manor*, 210 Md. 46 (1956)) and State election law generally is not applicable to municipal

elections other than in Baltimore City. State law does, however, contain certain provisions allowing for municipal corporations to utilize the statewide voter registration list to determine eligibility of voters in municipal elections. The provisions establish a process in which the county board of elections provides the municipal corporation with a certified list of registered voters residing within the boundaries of the municipal corporation at no cost. The provisions, however, do not prohibit a municipal corporation from administering and maintaining a supplemental list of individuals who are not on the statewide voter registration list but are otherwise qualified to register to vote with the municipal corporation.

The bill would affect a small number of municipalities that currently allow individuals who are not U.S. citizens to vote in municipal elections. According to the Maryland Municipal League, these municipalities include Barnesville, Garrett Park, Glen Echo, Martin's Additions, Somerset, and Takoma Park – all located within Montgomery County.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State Board of Elections, Office of the Attorney General, Montgomery County, Maryland Municipal League, City of Salisbury, towns of Garrett Park and Leonardtown, Village of Martin's Additions, Department of Legislative Services

Fiscal Note History: First Reader - March 6, 2012
mc/hlb

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