

Department of Legislative Services  
Maryland General Assembly  
2012 Session

FISCAL AND POLICY NOTE

House Bill 495  
Ways and Means

(Delegate Impallaria, *et al.*)

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**Election Law - Voting by Registered Offenders at Polling Places - Prohibition**

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This bill prohibits a registered sex offender from voting at the offender's assigned polling place on election day or at an early voting center if the polling place or early voting center is located on specified school or child/day care property. The bill repeals an existing exception to a prohibition against registered sex offenders knowingly entering on such property that applies if the person enters the property for the purpose of voting at a school on election day. A registered sex offender prohibited from voting at the offender's assigned polling place on election day or at an early voting center may only vote at an early voting center not located on specified school or child/day care property or by absentee ballot. A supervising authority must promptly give written notice of these requirements to each individual who is a registered sex offender on the date the bill takes effect and give written notice of and explain the requirements to new registrants. The State Board of Elections (SBE) and the local boards of elections are not required to take any action to implement or administer these provisions.

The bill takes effect June 1, 2012.

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**Fiscal Summary**

**State Effect:** None. The bill's provisions can be handled with the existing budgeted resources of State agencies serving as a supervising authority for an offender.

**Local Effect:** Local law enforcement agencies serving as supervising authorities are expected to be able to handle notification of registered offenders with existing resources or, in some cases, minimal expenditure increases. Any additional need for absentee ballots and related postage costs are assumed to be absorbable by local boards of elections.

**Small Business Effect:** None.

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## **Analysis**

**Current Law:** A person convicted of a felony is not qualified to be a registered voter while actually serving a court-ordered sentence of imprisonment, including any term of parole or probation, for the conviction. Registered voters, however, generally have the choice of voting in person or by absentee ballot.

Under the Criminal Procedure Article, certain registered sex offenders may not knowingly enter onto real property that is used for public or nonpublic elementary or secondary education or where a State-registered/licensed family day care home, child care home, or child care institution is located. The prohibition, however, does not apply to a registrant who enters real property for the purpose of voting at a school on an election day in the State if the registrant is properly registered to vote, and the registrant's polling place is at the school.

A voter may vote at any early voting center in the voter's county of residence. The number of early voting centers in each county is dependent on the number of registered voters in the county. A county with fewer than 150,000 registered voters has one early voting center; a county with more than 150,000 but fewer than 300,000 registered voters has three early voting centers; and a county with more than 300,000 registered voters has five early voting centers.

An individual may vote by absentee ballot except to the extent preempted by federal law. An absentee ballot application generally must be received by a local board of elections not later than the Tuesday prior to an election. Absentee ballots are sent to voters as soon as practicable after the receipt and review of an application. A registered voter or the voter's duly authorized agent can also apply for an absentee ballot in person at the local board office through the closing of the polls on election day. Under SBE regulations, an absentee ballot must be returned to the local board office by the closing of polls on election day or be mailed on or before election day and received by the local board by specified dates and times.

**Background:** There are approximately 6,400 persons in the current sex offender registry that are not still incarcerated. It is not known how many would be affected by this bill as a result of their assigned polling place or an early voting center in their county being located on specified school or child/day care property.

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## **Additional Information**

**Prior Introductions:** HB 1269 of 2011 and HB 1493 of 2010 each received a hearing in the House Ways and Means Committee, but no further action was taken on either bill.

**Cross File:** None.

**Information Source(s):** Department of State Police; State Board of Elections; Department of Public Safety and Correctional Services; Department of Juvenile Services; Judiciary (Administrative Office of the Courts); Office of the Attorney General; Kent, Montgomery, Washington, and Worcester counties; Baltimore City; Department of Legislative Services

**Fiscal Note History:** First Reader - February 13, 2012  
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