

Department of Legislative Services  
Maryland General Assembly  
2012 Session

**FISCAL AND POLICY NOTE**  
**Revised**

House Bill 226

(Delegate Cardin)

Ways and Means

Education, Health, and Environmental Affairs

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**Election Law - Citizens Who Have Not Lived in the United States - Right to Vote**

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This bill establishes that a citizen of the United States born abroad who has never lived in the United States, but who has a parent who is a registered voter in the State, is considered a resident of the State for purposes of qualifying to register to vote, provided the individual has not established a domicile outside the State. Such an individual may register to vote and vote only in elections for federal office in the county where a parent resides, provided the individual is not registered to vote in another state and is otherwise qualified.

The bill takes effect June 1, 2012.

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**Fiscal Summary**

**State Effect:** None. The bill does not directly affect State finances.

**Local Effect:** Local boards of elections can handle the bill's changes with existing resources.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** 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.

**Background:** According to the Federal Voting Assistance Program, 22 states and the District of Columbia allow U.S. citizens, age 18 or older, who were born abroad but have never resided in the United States, to vote absentee, in some cases for federal offices only.

Currently, under the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), states are required to permit absent uniformed services voters and overseas voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for federal office. An overseas voter includes a person who resides outside the United States and, but for such residence, would be qualified to vote in the last place in which the person was domiciled before leaving the United States. An overseas voter, under UOCAVA, however, is not defined to include a U.S. citizen who has never resided in the United States. In Maryland, an overseas citizen may register to vote and vote in the State if Maryland is the state where the person last resided immediately prior to leaving the United States. Some overseas voters are eligible to vote for all federal, State, and local offices, while others are only eligible to vote for federal offices.

The Court of Appeals has stated, with respect to the term “domicile” that:

“Domicile has been defined as the place with which an individual has a settled connection for legal purposes and the place where a person has his true, fixed, permanent home, habitation and principal establishment, without any present intention of removing therefrom, and to which place he has, whenever he is absent, the intention of returning.” (*See Oglesby v. Williams*, 372 Md. 360, 372-73 (2002).)

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### **Additional Information**

**Prior Introductions:** HB 348 of 2011 and HB 444 of 2010 both passed the House and received hearings in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken on either bill. SB 788 of 2011 received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken.

**Cross File:** None.

**Information Source(s):** State Board of Elections; Maryland Department of Transportation; Carroll, Cecil, Harford, Queen Anne’s, and Montgomery counties; Federal Voting Assistance Program; Department of Legislative Services

**Fiscal Note History:** First Reader - February 6, 2012  
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