

# HOUSE BILL 716

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HB 385/11 – W&M

6lr2632

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By: **Delegate Impallaria**

Introduced and read first time: February 5, 2016

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Voting by Felons at Polling Places – Prohibition**

3 FOR the purpose of requiring an applicant for voter registration to specify whether the  
4 applicant is a felon; requiring that certain information concerning voting by felons  
5 be provided to an applicant for voter registration; requiring an individual who is a  
6 felon to vote only by absentee ballot; prohibiting a felon from voting at a polling place;  
7 limiting a provision of law allowing certain registered criminal offenders to enter  
8 onto school property for the purpose of voting only to registered offenders who are  
9 not felons; and generally relating to prohibiting felons from voting at polling places.

10 BY repealing and reenacting, with amendments,  
11 Article – Election Law  
12 Section 3–202  
13 Annotated Code of Maryland  
14 (2010 Replacement Volume and 2015 Supplement)

15 BY adding to  
16 Article – Election Law  
17 Section 9–304.1  
18 Annotated Code of Maryland  
19 (2010 Replacement Volume and 2015 Supplement)

20 BY repealing and reenacting, without amendments,  
21 Article – Election Law  
22 Section 9–312  
23 Annotated Code of Maryland  
24 (2010 Replacement Volume and 2015 Supplement)

25 BY repealing and reenacting, without amendments,  
26 Article – Criminal Procedure  
27 Section 11–704(a) and 11–722(b)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland  
2 (2008 Replacement Volume and 2015 Supplement)

3 BY repealing and reenacting, with amendments,  
4 Article – Criminal Procedure  
5 Section 11–722(a)  
6 Annotated Code of Maryland  
7 (2008 Replacement Volume and 2015 Supplement)

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

10 **Article – Election Law**

11 3–202.

12 (a) (1) The statewide voter registration application shall:

13 (i) require the signature of the applicant, subject to the penalties of  
14 perjury, by which the applicant swears or affirms that the information contained in the  
15 registration application is true and that the applicant meets all of the qualifications to  
16 become a registered voter;

17 **(II) REQUIRE THE APPLICANT TO INDICATE WHETHER THE**  
18 **APPLICANT IS A FELON;**

19 **[(ii)] (III)** state the penalties for the submission of a false  
20 application; and

21 **[(iii)] (IV)** provide the applicant with the opportunity to cancel a  
22 current registration.

23 (2) The following information shall be made available to each applicant  
24 who is completing a statewide voter registration application:

25 (i) the qualifications to become a registered voter;

26 (ii) if an individual declines to register, this fact will remain  
27 confidential and be used only for voter registration purposes;

28 (iii) if an individual registers to vote, the office at which the  
29 application is submitted will remain confidential and will be used only for voter registration  
30 purposes; [and]

1 (iv) notification to the applicant that submission of the form to an  
2 individual other than an official, employee, or agent of a local board does not assure that  
3 the form will be filed or filed in a timely manner; AND

4 (V) NOTIFICATION TO THE APPLICANT THAT IF THE APPLICANT  
5 IS A FELON, THE APPLICANT MAY VOTE ONLY BY ABSENTEE BALLOT AND MAY NOT  
6 VOTE AT A POLLING PLACE.

7 (3) The statewide voter registration application may not require:

8 (i) notarization or other formal authentication; or

9 (ii) any additional information, other than the information  
10 necessary to enable election officials to determine the eligibility of the applicant and to  
11 administer voter registration and other parts of the election process.

12 (4) (i) A statewide voter registration application shall be produced  
13 exclusively by the State Board.

14 (ii) No other registration form may be used for registration purposes  
15 except:

16 1. a voter registration application produced by a local board  
17 with the approval of the State Board;

18 2. as provided in subsection (b) of this section;

19 3. as provided in § 3–203(b) of this subtitle;

20 4. any other form prescribed by federal law for voter  
21 registration; or

22 5. a federal write-in absentee ballot if used by a voter  
23 authorized to vote a federal write-in absentee ballot under federal law.

24 (b) The voter registration application form prescribed pursuant to the National  
25 Voter Registration Act of 1993 shall be accepted by the appropriate election official for  
26 purposes of voter registration.

27 (c) The application described in this section may be used by a registered voter to  
28 change the voter's name, address, or party affiliation.

29 **9–304.1.**

30 **AN INDIVIDUAL WHO IS A FELON MAY VOTE ONLY BY ABSENTEE BALLOT AND**  
31 **MAY NOT VOTE AT A POLLING PLACE.**

1 9–312.

2 Any person who is convicted of a violation of any of the provisions of this subtitle is  
3 subject to a fine of not more than \$1,000 or imprisonment for not more than 2 years or both.

#### 4 Article – Criminal Procedure

5 11–704.

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

8 (1) a tier I sex offender;

9 (2) a tier II sex offender;

10 (3) a tier III sex offender; or

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

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

15 (ii) to carry on employment;

16 (iii) to attend a public or private educational institution, including a  
17 secondary school, trade or professional institution, or institution of higher education, as a  
18 full–time or part–time student; or

19 (iv) as a transient.

20 11–722.

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

22 (1) where the registrant is a student or the registrant’s child is a student  
23 or receives child care, if:

24 (i) within the past year the registrant has been given the specific  
25 written permission of the Superintendent of Schools, the local school board, the principal  
26 of the school, or the owner or operator of the registered family day care home, licensed child  
27 care home, or licensed child care institution, as applicable; and

28 (ii) the registrant promptly notifies an agent or employee of the  
29 school, home, or institution of the registrant’s presence and purpose of visit; or

1                   (2)     for the purpose of voting at a school on an election day in the State if  
2 **THE REGISTRANT IS NOT A FELON**, the registrant is properly registered to vote, and the  
3 registrant's polling place is at the school.

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

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

6 or

7                   (2)     on which is located:

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

10                           (ii)    a child care home or a child care institution licensed under Title  
11 5, Subtitle 5 of the Family Law Article; or

12                           (iii)  a home where informal child care, as defined in child care subsidy  
13 regulations adopted under Title 13A of the Code of Maryland Regulations, is being provided  
14 or will be provided to a child who does not reside there.

15           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
16 1, 2016.