

# HOUSE BILL 1259

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HB 495/12 – W&M

6lr2623

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By: **Delegate Impallaria**

Introduced and read first time: February 12, 2016

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

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

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

17 BY adding to

18 Article – Election Law

19 Section 10–103

20 Annotated Code of Maryland

21 (2010 Replacement Volume and 2015 Supplement)

22 BY repealing and reenacting, without amendments,

23 Article – Criminal Procedure

24 Section 11–704(a)

25 Annotated Code of Maryland

26 (2008 Replacement Volume and 2015 Supplement)

27 BY repealing and reenacting, with amendments,

28 Article – Criminal Procedure

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 11–708(a) and 11–722  
2 Annotated Code of Maryland  
3 (2008 Replacement Volume and 2015 Supplement)

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

6 **Article – Election Law**

7 **10–103.**

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

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

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

20 **(2) BY ABSENTEE BALLOT.**

21 **Article – Criminal Procedure**

22 **11–704.**

23 **(a) A person shall register with the person’s supervising authority if the person**  
24 **is:**

25 **(1) a tier I sex offender;**

26 **(2) a tier II sex offender;**

27 **(3) a tier III sex offender; or**

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

- 1 (i) to begin residing or to habitually live;
- 2 (ii) to carry on employment;
- 3 (iii) to attend a public or private educational institution, including a  
4 secondary school, trade or professional institution, or institution of higher education, as a  
5 full-time or part-time student; or
- 6 (iv) as a transient.

7 11-708.

- 8 (a) When a registrant registers, the supervising authority shall:
- 9 (1) give written notice to the registrant of the requirements of this subtitle;
- 10 (2) explain the requirements of this subtitle to the registrant, including:
- 11 (i) the duties of a registrant when the registrant changes residence  
12 address in this State or changes the county in which the registrant habitually lives;
- 13 (ii) the duties of a registrant under § 11-705 of this subtitle;
- 14 (iii) the requirement for a sex offender to register in person with the  
15 local law enforcement unit of each county where the sex offender will reside or habitually  
16 live or where the sex offender who is not a resident of this State is a transient or will work  
17 or attend school; and
- 18 (iv) the requirement that if the registrant changes residence address,  
19 employment, or school enrollment to another state that has a registration requirement, the  
20 registrant shall register with the designated law enforcement unit or sex offender  
21 registration unit of that state within 3 days after the change; [and]

22 **(3) GIVE WRITTEN NOTICE AND EXPLAIN THE REQUIREMENTS OF**  
23 **§ 10-103 OF THE ELECTION LAW ARTICLE TO THE REGISTRANT; AND**

24 **[(3)] (4)** obtain a statement signed by the registrant acknowledging that  
25 the supervising authority explained the requirements of this subtitle **AND**  
26 **§ 10-103 OF THE ELECTION LAW ARTICLE** and gave written notice of the requirements  
27 to the registrant.

28 11-722.

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

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

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

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

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

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

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

15                   (2) on which is located:

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

18                           (ii) a child care home or a child care institution licensed under Title  
19 5, Subtitle 5 of the Family Law Article; or

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

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

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

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

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

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

3           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
4 1, 2016.