

HOUSE BILL 539

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HB 1390/16 – W&M

7lr1178

By: **Delegates Parrott, Afzali, Aumann, Beitzel, Kittleman, Krebs, Long, Malone, McComas, McKay, Metzgar, W. Miller, Morgan, and Reilly**

Introduced and read first time: January 30, 2017

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Voter Registration and Absentee Voting – Proof of Citizenship**

3 FOR the purpose of requiring individuals who apply to register to vote after a certain date
4 to submit proof of United States citizenship; providing that individuals who are not
5 citizens of the United States are not qualified to be registered voters; requiring an
6 applicant for voter registration to submit certain documents or information to prove
7 United States citizenship; requiring that a voter registration application not
8 accompanied by proof of citizenship be accepted but prohibiting the applicant from
9 being registered until the applicant submits proof of citizenship; authorizing proof of
10 citizenship to be submitted by certain methods and at certain times; requiring each
11 applicant who is completing a voter registration application to be informed that the
12 applicant must submit proof of citizenship and that the applicant will not be
13 registered until the applicant submits proof of citizenship; authorizing an election
14 director to remove a voter from the statewide voter registration list if the election
15 director verifies that the voter is not a citizen of the United States; requiring certain
16 voters requesting an absentee ballot to submit proof of United States citizenship;
17 requiring that an absentee ballot application not accompanied by proof of citizenship
18 be accepted but prohibiting the applicant from being issued an absentee ballot until
19 the applicant submits proof of citizenship; and generally relating to requiring proof
20 of citizenship for voter registration and absentee voting.

21 BY repealing and reenacting, with amendments,
22 Article – Election Law
23 Section 3–102, 3–202, 3–501, and 9–305
24 Annotated Code of Maryland
25 (2010 Replacement Volume and 2016 Supplement)

26 BY adding to
27 Article – Election Law
28 Section 3–103

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2010 Replacement Volume and 2016 Supplement)

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

5 **Article – Election Law**

6 3–102.

7 (a) (1) Except as provided in subsection (b) of this section, an individual may
8 become registered to vote if the individual:

9 (i) [is a citizen of the United States] **HAS SUBMITTED**
10 **SATISFACTORY PROOF OF UNITED STATES CITIZENSHIP IN ACCORDANCE WITH §**
11 **3–103 OF THIS SUBTITLE;**

12 (ii) is at least 16 years old;

13 (iii) is a resident of the State as of the day the individual seeks to
14 register; and

15 (iv) registers pursuant to this title.

16 (2) Notwithstanding paragraph (1)(ii) of this subsection, an individual
17 under the age of 18 years:

18 (i) may vote in a primary election in which candidates are
19 nominated for a general or special election that will occur when the individual is at least
20 18 years old; and

21 (ii) may not vote in any other election.

22 (b) An individual is not qualified to be a registered voter if the individual:

23 (1) has been convicted of a felony and is currently serving a court-ordered
24 sentence of imprisonment for the conviction;

25 (2) is under guardianship for mental disability and a court of competent
26 jurisdiction has specifically found by clear and convincing evidence that the individual
27 cannot communicate, with or without accommodations, a desire to participate in the voting
28 process; [or]

29 (3) has been convicted of buying or selling votes; **OR**

30 (4) **IS NOT A CITIZEN OF THE UNITED STATES.**

1 **3-103.**

2 (A) THIS SECTION DOES NOT APPLY TO AN INDIVIDUAL WHO:

3 (1) IS A CITIZEN OF THE UNITED STATES WHO IS REGISTERED TO
4 VOTE AS OF JUNE 30, 2017; OR

5 (2) CHANGES THE INDIVIDUAL'S NAME, ADDRESS, OR PARTY
6 AFFILIATION IN THE INDIVIDUAL'S EXISTING VOTER REGISTRATION RECORD.

7 (B) AN APPLICANT FOR VOTER REGISTRATION SHALL SUBMIT ONE OF THE
8 FOLLOWING TO PROVE THAT THE APPLICANT IS A CITIZEN OF THE UNITED STATES:

9 (1) A COPY OF A DRIVER'S LICENSE OR AN IDENTIFICATION CARD
10 ISSUED BY THE MOTOR VEHICLE AGENCY OF A STATE IF THE LICENSE OR CARD
11 INDICATES THAT THE APPLICANT HAS SUBMITTED PROOF OF CITIZENSHIP;

12 (2) A COPY OF A BIRTH CERTIFICATE THAT VERIFIES CITIZENSHIP;

13 (3) A COPY OF THE PAGES OF A UNITED STATES PASSPORT
14 IDENTIFYING THE APPLICANT AND THE APPLICANT'S PASSPORT NUMBER;

15 (4) A COPY OF UNITED STATES NATURALIZATION DOCUMENTS OR
16 THE NUMBER OF A CERTIFICATE OF NATURALIZATION, PROVIDED THAT, IF ONLY
17 THE NUMBER OF A CERTIFICATE OF NATURALIZATION IS SUBMITTED, THE
18 APPLICANT MAY NOT BE REGISTERED UNTIL THE NUMBER IS VERIFIED WITH THE
19 UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES AGENCY;

20 (5) OTHER DOCUMENTS OR METHODS OF PROOF UNDER THE
21 FEDERAL IMMIGRATION REFORM AND CONTROL ACT OF 1986;

22 (6) A BUREAU OF INDIAN AFFAIRS CARD NUMBER, TRIBAL TREATY
23 CARD NUMBER, OR TRIBAL ENROLLMENT NUMBER; OR

24 (7) ANY OTHER FORM OF PROOF APPROVED BY THE STATE BOARD
25 THROUGH REGULATION.

26 (C) A VOTER REGISTRATION APPLICATION THAT IS NOT ACCOMPANIED BY
27 PROOF OF CITIZENSHIP SHALL BE ACCEPTED, BUT THE APPLICANT MAY NOT BE
28 REGISTERED UNTIL THE APPLICANT SUBMITS SATISFACTORY PROOF OF
29 CITIZENSHIP.

1 **(D) THE PROOF OF CITIZENSHIP REQUIRED UNDER SUBSECTION (B) OF**
2 **THIS SECTION MAY BE SUBMITTED:**

3 **(1) IN PERSON, BY MAIL, OR BY ANY OTHER METHOD REQUIRED BY**
4 **THE STATE BOARD THROUGH REGULATION; AND**

5 **(2) AT THE TIME OF SUBMITTING A VOTER REGISTRATION**
6 **APPLICATION OR AT ANY REASONABLE TIME THEREAFTER AS REQUIRED BY THE**
7 **STATE BOARD THROUGH REGULATION.**

8 3-202.

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

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

14 (ii) state the penalties for the submission of a false application; and

15 (iii) provide the applicant with the opportunity to cancel a current
16 registration.

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

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

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

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

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

28 **(V) A STATEMENT THAT THE APPLICANT:**

29 **1. IS REQUIRED TO SUBMIT PROOF OF UNITED STATES**
30 **CITIZENSHIP IN ACCORDANCE WITH § 3-103 OF THIS TITLE; AND**

1 **2. WILL NOT BE REGISTERED TO VOTE UNTIL THE**
2 **APPLICANT SUBMITS PROOF OF CITIZENSHIP.**

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

4 (i) notarization or other formal authentication; or

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

8 (4) In the section of the statewide voter registration application that asks
9 the voter whether the voter wants to affiliate with a political party, the application shall
10 list the recognized political parties in the State and include the following statement: “You
11 must register with a political party if you want to take part in that political party’s primary
12 election, caucus, or convention. Check one box only.”.

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

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

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

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

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

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

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

25 (b) The voter registration application form prescribed pursuant to the National
26 Voter Registration Act of 1993 shall satisfy the requirements prescribed under subsection
27 (a) of this section and be accepted by the appropriate election official for purposes of voter
28 registration.

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

31 3–501.

1 An election director may remove a voter from the statewide voter registration list
2 only:

3 (1) at the request of the voter, provided the request is:

4 (i) signed by the voter;

5 (ii) authenticated by the election director; and

6 (iii) in a format acceptable to the State Board or on a cancellation
7 notice provided by the voter on a voter registration application;

8 (2) upon determining, based on information provided pursuant to § 3-504
9 of this subtitle, that the voter is no longer eligible because:

10 (i) the voter is not qualified to be a registered voter as provided in §
11 3-102(b) of this title; or

12 (ii) the voter is deceased;

13 (3) if the voter has moved outside the State, as determined by conducting
14 the procedures established in § 3-502 of this subtitle; [or]

15 **(4) IF THE ELECTION DIRECTOR VERIFIES THAT THE VOTER IS NOT A**
16 **CITIZEN OF THE UNITED STATES; OR**

17 **[(4)] (5)** if, in accordance with the administrative complaint process
18 under § 3-602 of this title, the State Administrator or the State Administrator's designee
19 has determined that the voter is not qualified to be registered to vote.

20 9-305.

21 (a) A voter may request an absentee ballot by completing and submitting:

22 (1) the State Board approved absentee ballot application;

23 (2) a form provided under federal law;

24 (3) a written request that includes:

25 (i) the voter's name, residence address, and signature; and

26 (ii) the address to which the ballot is to be mailed, if different from
27 the residence address; or

28 (4) as specified in subsection (c) of this section, the accessible online
29 absentee ballot application provided by the State Board.

1 (b) An application for an absentee ballot must be received by a local board:

2 (1) if the voter requests the absentee ballot be sent by mail or facsimile
3 transmission, not later than the Tuesday preceding the election, at the time specified in the
4 guidelines;

5 (2) if the voter requests the absentee ballot be sent by the Internet, not
6 later than the Friday preceding the election, at the time specified in the guidelines; or

7 (3) if the voter or the voter's duly authorized agent applies for an absentee
8 ballot in person at the local board office, not later than the closing of the polls on election
9 day.

10 (c) The online absentee ballot application provided by the State Board shall
11 require the applicant to provide:

12 (1) a Maryland driver's license number or Maryland identification card
13 number, the last four digits of the applicant's Social Security number, and other
14 information identified by the State Board that is not generally available to the public but
15 is readily available to the applicant; or

16 (2) if the applicant is an absent uniformed services voter or overseas voter
17 as defined in the federal Uniformed and Overseas Citizens Absentee Voting Act and does
18 not have a Maryland driver's license or Maryland identification card, a Social Security
19 number.

20 **(D) (1) THIS SUBSECTION DOES NOT APPLY TO A REGISTERED VOTER**
21 **WHO SUBMITTED PROOF OF CITIZENSHIP IN ACCORDANCE WITH § 3-103 OF THIS**
22 **ARTICLE WHEN REGISTERING TO VOTE.**

23 **(2) A VOTER REQUESTING AN ABSENTEE BALLOT SHALL SUBMIT**
24 **SATISFACTORY PROOF OF UNITED STATES CITIZENSHIP AS SPECIFIED IN § 3-103(B)**
25 **OF THIS ARTICLE.**

26 **(3) AN ABSENTEE BALLOT APPLICATION THAT IS NOT ACCOMPANIED**
27 **BY PROOF OF CITIZENSHIP SHALL BE ACCEPTED, BUT AN ABSENTEE BALLOT MAY**
28 **NOT BE ISSUED TO THE APPLICANT UNTIL THE APPLICANT SUBMITS SATISFACTORY**
29 **PROOF OF CITIZENSHIP.**

30 **(4) THE PROOF OF CITIZENSHIP REQUIRED UNDER THIS SUBSECTION**
31 **MAY BE SUBMITTED:**

32 **(I) IN PERSON, BY MAIL, OR BY ANY OTHER METHOD REQUIRED**
33 **BY THE STATE BOARD THROUGH REGULATION; AND**

1 **(II) AT THE TIME OF SUBMITTING AN ABSENTEE BALLOT**
2 **APPLICATION OR AT ANY REASONABLE TIME THEREAFTER AS REQUIRED BY THE**
3 **STATE BOARD THROUGH REGULATION.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
5 1, 2017.