

# HOUSE BILL 53

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1lr1108

(PRE-FILED)

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By: **Delegates Ivey, Acevero, Belcastro, Brooks, Crutchfield, and Henson**

Requested: October 24, 2020

Introduced and read first time: January 13, 2021

Assigned to: Ways and Means and Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Voting Rights – Imprisoned Felons**

3 FOR the purpose of altering the circumstances under which an individual is not qualified  
4 to be a registered voter for the purpose of allowing individuals convicted of a felony  
5 and serving a court-ordered sentence of imprisonment for the conviction to register  
6 to vote; repealing the requirement that certain officials of the circuit court and the  
7 District Courts report certain information to the State Administrator of Elections  
8 regarding individuals convicted of a felony; repealing a requirement for the State  
9 Administrator to make arrangements to receive certain information regarding  
10 individuals convicted of a felony in a certain United States District Court; repealing  
11 the prohibition on voting by individuals convicted of a felony and serving a  
12 court-ordered sentence of imprisonment for the conviction; and generally relating to  
13 voting rights and imprisoned felons.

14 BY repealing and reenacting, with amendments,  
15 Article – Election Law  
16 Section 3-102 and 3-504(a)  
17 Annotated Code of Maryland  
18 (2017 Replacement Volume and 2020 Supplement)

19 BY repealing  
20 Article – Election Law  
21 Section 16-202  
22 Annotated Code of Maryland  
23 (2017 Replacement Volume and 2020 Supplement)

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

26 **Article – Election Law**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 3–102.

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

4 (i) is a citizen of the United States;

5 (ii) is at least 16 years old;

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

8 (iv) registers pursuant to this title.

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

11 (i) may vote in a primary election in which candidates are  
12 nominated for a general or special election that will occur when the individual is at least  
13 18 years old; and

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

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

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

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

22 [(3)] (2) has been convicted of buying or selling votes.

23 3–504.

24 (a) (1) (i) Information from the agencies specified in this paragraph shall  
25 be reported to the State Administrator in a format and at times prescribed by the State  
26 Board.

27 (ii) The Maryland Department of Health shall report the names and  
28 residence addresses (if known) of all individuals at least 16 years of age reported deceased  
29 within the State since the date of the last report.

1 (iii) [The clerk of the circuit court for each county and the  
2 administrative clerk for each District Court shall report the names and addresses of all  
3 individuals convicted, in the respective court, of a felony since the date of the last report.

4 (iv) The clerk of the circuit court for each county shall report the  
5 former and present names and residence addresses (if known) of all individuals whose  
6 names have been changed by decree or order of the court since the date of the last report.

7 (2) [The State Administrator shall make arrangements with the clerk of  
8 the United States District Court for the District of Maryland to receive reports of names  
9 and addresses, if available, of individuals convicted of a felony in that court.

10 (3) The State Administrator shall make arrangements with the United  
11 States Social Security Administration or an entity that receives information from the Social  
12 Security Administration and is approved by the State Administrator to receive reports of  
13 names and addresses, if available, of all Maryland residents at least 16 years of age who  
14 are reported deceased.

15 [16–202.

16 (a) A person who has been convicted of a felony and is currently serving a  
17 court-ordered sentence of imprisonment for the conviction, and has been rendered  
18 ineligible to vote pursuant to § 3–102(b) of this article, may not vote or attempt to vote  
19 during the time that the person is rendered ineligible to vote.

20 (b) A person who violates this section is guilty of a felony and is subject to  
21 imprisonment for not less than 1 year nor more than 5 years.]

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2021.