

HOUSE BILL 169

G1, J2

2lr0889

(PRE-FILED)

By: **Delegates Hartman, Buckel, Cox, Krebs, McKay, Morgan, Otto, Reilly, Saab, Szeliga, and Thiam**

Requested: October 21, 2021

Introduced and read first time: January 12, 2022

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Elections – Voter Registry – Notification and Removal of Deceased Individuals**

3 FOR the purpose of requiring the State Administrator of Elections to make arrangements
4 with crematories, morticians, and funeral directors in the State to receive reports of
5 names and addresses of individuals who were Maryland residents at least a certain
6 age at the time they died and who died within a certain period of time; requiring the
7 State Administrator to transmit the names and addresses of the individuals to the
8 appropriate local boards of elections; requiring an election director to remove a voter
9 from the statewide voter registration list on receipt of a verification of the death of
10 the voter; and generally pertaining to notification and removal of deceased
11 individuals from the voter registration list.

12 BY repealing and reenacting, without amendments,
13 Article – Election Law
14 Section 3–501
15 Annotated Code of Maryland
16 (2017 Replacement Volume and 2021 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Election Law
19 Section 3–504
20 Annotated Code of Maryland
21 (2017 Replacement Volume and 2021 Supplement)

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

24 **Article – Election Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 3-501.

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

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

5 (i) signed by the voter;

6 (ii) authenticated by the election director; and

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

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

11 (i) the voter is not qualified to be a registered voter as provided in §
12 3-102(b) of this title; or

13 (ii) the voter is deceased;

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

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

19 3-504.

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

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

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

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

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

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

9 **(4) THE STATE ADMINISTRATOR SHALL MAKE ARRANGEMENTS WITH**
10 **CREMATORIES, MORTICIANS, AND FUNERAL DIRECTORS IN THE STATE TO RECEIVE**
11 **REPORTS OF NAMES AND ADDRESSES, IF AVAILABLE, OF INDIVIDUALS WHO WERE**
12 **MARYLAND RESIDENTS AT LEAST 16 YEARS OF AGE AT THE TIME THEY DIED AND**
13 **WHO DIED WITHIN THE PRECEDING 30 DAYS.**

14 (b) (1) **(I)** The State Administrator shall transmit to the appropriate local
15 board information gathered pursuant to subsection (a) of this section.

16 **(II) AT LEAST ONCE EVERY 30 DAYS, THE STATE**
17 **ADMINISTRATOR SHALL TRANSMIT TO THE APPROPRIATE LOCAL BOARD**
18 **INFORMATION GATHERED UNDER SUBSECTION (A)(4) OF THIS SECTION.**

19 (2) Every agency or instrumentality of any county which acquires or
20 condemns or razes or causes to be condemned or razed any building used as a residence
21 within the county shall promptly report this fact and the location of the building to the local
22 board in the county or city.

23 (3) Registration cancellation information provided by an applicant on any
24 voter registration application shall be provided to the appropriate local board by the State
25 Administrator or another local board.

26 (4) A local board may:

27 (i) make arrangements to receive change of address information
28 from an entity approved by the State Board; and

29 (ii) pay a reasonable fee to the entity for the information.

30 (c) (1) (i) Except as provided in paragraph (2) of this subsection, whenever
31 a local board becomes aware of an obituary or any other reliable report of the death of a
32 registered voter, the election director shall mail a notice to the registered voter, as
33 prescribed by the State Board, to verify whether the voter is in fact deceased.

34 (ii) On receipt of a verification of the death of a voter, provided in
35 accordance with the notice mailed under subparagraph (i) of this paragraph, the election

1 director [may] **SHALL** remove the voter from the statewide voter registration list under §
2 3–501 of this subtitle.

3 (2) (i) Whenever a local board receives a report obtained by the State
4 Administrator under subsection (a)(3) of this section that includes a registered voter, the
5 election director shall mail to the address shown on the statewide voter registration list, by
6 regular U.S. mail, a notice that:

7 1. states that the registered voter has been reported by the
8 Social Security Administration to have died; and

9 2. notifies the registered voter or a person attending the
10 affairs of a deceased voter that the voter will be removed from the statewide voter
11 registration list unless, within 2 weeks after the date of the letter, the registered voter or a
12 representative:

13 A. objects to the removal; and

14 B. shows cause why the removal should not proceed.

15 (ii) If the registered voter or a representative timely objects and
16 shows cause why the removal should not proceed, the election director may:

17 1. terminate the removal process and retain the registered
18 voter on the statewide voter registration list; or

19 2. refer the matter to the local board for a hearing to
20 determine the registered voter's status.

21 (iii) If the registered voter or a representative fails to timely object
22 and show cause why the removal should not proceed, the registration shall be canceled and
23 the registered voter removed from the statewide voter registration list.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2022.