

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1283
Ways and Means

(Delegate Mautz, *et al.*)

Election Law - Municipal Corporations - Voter Qualifications

This bill prohibits an individual who is not a citizen of the United States from voting in an election in any municipality, notwithstanding the provisions of the charter or local law of any municipality. The bill makes null and void any provision in the charter or local law of any municipality that allows an individual other than a citizen of the United States to vote in an election in the municipality. **The bill takes effect June 1, 2022.**

Fiscal Summary

State Effect: None.

Local Effect: The bill is not expected to materially affect local government finances.

Small Business Effect: None.

Analysis

Current Law: Under the Maryland Constitution, generally every citizen of the United States, age 18 or older, who is a resident of the State as of the close of registration prior to an election is eligible to vote. The constitution requires individuals to be registered in order to vote. Under State law, with certain exceptions, an individual may register to vote if the individual is a citizen of the United States, is at least age 16, and is a resident of the State as of the day the individual seeks to register.

The constitutional qualifications to vote and requirement of registration are not applicable to municipalities other than Baltimore City (*Hill v. Mayor of Colmar Manor*, 210 Md. 46 (1956)), and State election law generally is not applicable to municipal elections other than

in Baltimore City. State law does, however, contain certain provisions allowing for municipalities to utilize the statewide voter registration list to determine eligibility of voters in municipal elections. The provisions establish a process in which the county board of elections provides the municipality with a certified list of registered voters residing within the boundaries of the municipality at no cost. The provisions, however, do not prohibit a municipality from administering and maintaining a supplemental list of individuals who are not on the statewide voter registration list but are otherwise qualified to register to vote with the municipality.

Additional Information

Prior Introductions: HB 473 of 2012 received a hearing in the House Ways and Means Committee, but no further action was taken.

Cross File: None.

Information Source(s): Maryland Municipal League; State Board of Elections; Department of Legislative Services

Fiscal Note History: First Reader - March 4, 2022
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