

HOUSE BILL 542

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3r1512
CF 3r1394

By: **Delegate Fair**

Introduced and read first time: February 1, 2023

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Citizens Who Live Overseas – Right to Vote**

3 FOR the purpose of providing that citizens of the United States who have never resided in
4 the United States and overseas voters who resided in the State before departing from
5 the United States to live overseas are deemed to be residents of the State for
6 purposes of voter registration under certain circumstances; authorizing an
7 individual who is deemed to be a resident of the State to register to vote and vote in
8 certain elections in a certain county; requiring an individual who is deemed to be a
9 resident of the State to apply to become a registered voter using the federal post card
10 application; prohibiting an individual who is deemed to be a resident of the State
11 from applying to register to vote at an early voting center or a precinct polling place;
12 and generally relating to the right to vote of citizens of the United States who live
13 overseas.

14 BY repealing and reenacting, with amendments,
15 Article – Election Law
16 Section 3–102, 3–201, 3–305(a), 3–306(a), and 3–502
17 Annotated Code of Maryland
18 (2022 Replacement Volume and 2022 Supplement)

19 BY repealing and reenacting, without amendments,
20 Article – Election Law
21 Section 3–202.1
22 Annotated Code of Maryland
23 (2022 Replacement Volume and 2022 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**

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) (1) FOR THE PURPOSE OF QUALIFYING TO REGISTER TO VOTE UNDER**
16 **SUBSECTION (A)(1)(III) OF THIS SUBSECTION, AN INDIVIDUAL SHALL BE DEEMED A**
17 **RESIDENT OF THE STATE IF THE INDIVIDUAL MEETS THE REQUIREMENTS OF THIS**
18 **SUBSECTION.**

19 **(2) IF THE INDIVIDUAL IS A CITIZEN OF THE UNITED STATES BORN**
20 **ABROAD WHO HAS NEVER RESIDED IN THE UNITED STATES, THE INDIVIDUAL MUST:**

21 **(I) HAVE A PARENT OR LEGAL GUARDIAN WHO:**

22 **1. IS REGISTERED TO VOTE IN THE STATE; OR**

23 **2. A. LIVES OVERSEAS;**

24 **B. RESIDED IN THE STATE IMMEDIATELY BEFORE**
25 **DEPARTING FROM THE UNITED STATES TO LIVE OVERSEAS; AND**

26 **C. IMMEDIATELY BEFORE DEPARTING FROM THE**
27 **UNITED STATES TO LIVE OVERSEAS, WAS REGISTERED TO VOTE IN THE STATE OR**
28 **WOULD HAVE BEEN ELIGIBLE TO VOTE IN AN ELECTION IN THE STATE EXCEPT THAT**
29 **THE PARENT OR LEGAL GUARDIAN DID NOT QUALIFY TO REGISTER UNDER**
30 **SUBSECTION (A)(1)(II) OF THIS SECTION;**

1 (II) NOT HAVE ESTABLISHED A DOMICILE IN ANOTHER STATE;
2 AND

3 (III) NOT BE REGISTERED TO VOTE IN ANOTHER STATE.

4 (3) IF THE INDIVIDUAL IS AN OVERSEAS VOTER, AS DEFINED IN THE
5 FEDERAL UNIFORMED OVERSEAS AND ABSENTEE VOTING ACT, WHO RESIDED IN
6 THE STATE BEFORE DEPARTING FROM THE UNITED STATES TO LIVE OVERSEAS,
7 THE INDIVIDUAL MUST:

8 (I) NOT HAVE ESTABLISHED A DOMICILE IN ANOTHER STATE;
9 AND

10 (II) NOT BE REGISTERED TO VOTE IN ANOTHER STATE.

11 (4) AN INDIVIDUAL WHO IS DEEMED TO BE A RESIDENT OF THE STATE
12 UNDER PARAGRAPH (2) OF THIS SUBSECTION MAY REGISTER TO VOTE AND VOTE IN
13 THE COUNTY IN THE STATE WHERE A PARENT OR LEGAL GUARDIAN OF THE
14 INDIVIDUAL:

15 (I) RESIDES OR LAST RESIDED BEFORE DEPARTING FROM THE
16 UNITED STATES; AND

17 (II) 1. IS REGISTERED TO VOTE;

18 2. WAS LAST REGISTERED TO VOTE IN THE STATE
19 BEFORE DEPARTING FROM THE UNITED STATES; OR

20 3. IF THE PARENT OR LEGAL GUARDIAN WAS NOT
21 REGISTERED TO VOTE BECAUSE THE PARENT OR LEGAL GUARDIAN WAS NOT
22 QUALIFIED UNDER SUBSECTION (A)(1)(II) OF THIS SECTION, WOULD HAVE
23 OTHERWISE BEEN ELIGIBLE TO REGISTER TO VOTE IN THE STATE BEFORE
24 DEPARTING FROM THE UNITED STATES.

25 (5) AN INDIVIDUAL WHO IS DEEMED TO BE A RESIDENT OF THE STATE
26 UNDER PARAGRAPH (3) OF THIS SUBSECTION MAY REGISTER TO VOTE AND VOTE IN
27 FEDERAL, STATE, AND LOCAL ELECTIONS IN THE COUNTY WHERE THE INDIVIDUAL:

28 (I) LAST RESIDED BEFORE DEPARTING FROM THE UNITED
29 STATES; AND

30 (II) 1. WAS REGISTERED TO VOTE; OR

1 **2. IF THE INDIVIDUAL WAS NOT REGISTERED TO VOTE**
2 **BECAUSE THE INDIVIDUAL WAS NOT QUALIFIED UNDER SUBSECTION (A)(1)(II) OF**
3 **THIS SECTION, WOULD HAVE OTHERWISE BEEN ELIGIBLE TO VOTE BEFORE**
4 **DEPARTING FROM THE UNITED STATES.**

5 **[(b)] (C)** An individual is not qualified to be a registered voter if the individual:

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

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

12 (3) has been convicted of buying or selling votes.

13 3-201.

14 (a) **[An] SUBJECT TO SUBSECTION (B) OF THIS SECTION, AN** individual may
15 apply to become a registered voter:

16 (1) at a local board office or the State Board office;

17 (2) at a registration site administered by a local board;

18 (3) by mail;

19 (4) when applying to the Motor Vehicle Administration for the issuance,
20 renewal, or modification of a driver's license or identification card;

21 (5) when applying for services at a voter registration agency;

22 (6) through the State Board's online voter registration system; or

23 (7) with the assistance of a volunteer authorized by the State or local board.

24 **(B) AN INDIVIDUAL WHO IS QUALIFIED TO REGISTER TO VOTE IN THE STATE**
25 **UNDER § 3-102(B) OF THIS TITLE SHALL APPLY TO BECOME A REGISTERED VOTER**
26 **USING THE FEDERAL POST CARD APPLICATION, AS DEFINED IN § 3-202.1 OF THIS**
27 **SUBTITLE.**

28 **[(b)] (C)** An individual who is at least 18 years old or will be 18 years old on or
29 before the day of the next succeeding general or special election may be a volunteer under
30 subsection (a)(7) of this section.

1 3–202.1.

2 (a) (1) In this section the following words have the meanings indicated.

3 (2) “Common access card” means the identification card issued by the U.S.
4 Department of Defense to active–duty military personnel, eligible reserve personnel,
5 Department of Defense civilian employees, and eligible Department of Defense contractor
6 personnel.

7 (3) “Federal post card application” means the form prescribed under 52
8 U.S.C. § 20301(b)(2) that may be used by absent uniformed services voters and overseas
9 voters to simultaneously apply to register to vote and apply for an absentee ballot.

10 (b) The State Board shall establish a process for an individual to:

11 (1) submit the federal post card application electronically; and

12 (2) use a common access card to sign the federal post card application.

13 (c) The process required to be established under subsection (b) of this section:

14 (1) may allow the use of a common access card only for the purpose of
15 verifying identity and allowing an individual to fulfill the signature requirement on the
16 federal post card application; and

17 (2) may not allow an individual to apply to register to vote solely using the
18 common access card.

19 3–305.

20 (a) (1) **[During] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
21 **SUBSECTION, DURING** early voting, an individual may appear in person at an early voting
22 center in the individual’s county of residence and apply to register to vote or change the
23 voter’s address on an existing voter registration.

24 (2) **AN INDIVIDUAL WHO IS QUALIFIED TO REGISTER TO VOTE UNDER**
25 **§ 3–102(B) OF THIS TITLE MAY NOT APPLY TO REGISTER TO VOTE IN PERSON AT AN**
26 **EARLY VOTING CENTER.**

27 3–306.

28 (a) (1) **[On] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
29 **SUBSECTION, ON** election day, an individual may appear at a precinct polling place in the
30 individual’s county of residence and apply to register to vote.

1 (2) AN INDIVIDUAL WHO IS QUALIFIED TO REGISTER TO VOTE UNDER
2 § 3-102(B) OF THIS TITLE MAY NOT APPLY TO REGISTER TO VOTE IN PERSON AT A
3 PRECINCT POLLING PLACE.

4 3-502.

5 (a) (1) In this section the following words have the meanings indicated.

6 (2) “Confirmation notice” means a notice, approved by the State Board,
7 that is sent by forwardable mail with a return card.

8 (3) “Return card” means a postage prepaid and preaddressed card on which
9 the voter may report the voter’s current address.

10 (b) [Upon] ON receiving any information that a voter currently registered in the
11 State has moved to a different address within the State, the appropriate election official
12 shall change the voter’s record and send the voter a confirmation notice.

13 (c) If it appears from information provided by the postal service or an agency
14 specified in § 3-504(b) of this subtitle that a voter has moved to a different address outside
15 the State, the election official in the county where the voter most recently resided in the
16 State shall send the voter a confirmation notice informing the voter of his or her potential
17 inactive status as described in § 3-503 of this subtitle.

18 (d) [Upon] ON receipt of a return card, the election director shall:

19 (1) make any needed corrections in the statewide voter registration list;
20 and

21 (2) in accordance with State Board guidelines, retain original voter
22 registration documents.

23 (e) The election director may not remove a voter from the statewide voter
24 registration list on the grounds of a change of address unless:

25 (1) the voter confirms in writing that the voter has changed residence to a
26 location [outside the State] **IN ANOTHER STATE OR TERRITORY**; or

27 (2) (i) the voter has failed to respond to a confirmation notice under
28 subsection (c) of this section; and

29 (ii) the voter has not voted or appeared to vote (and, if necessary,
30 corrected the record of the voter’s address) in an election during the period beginning with
31 the date of the notice through the next two general elections.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2023.