

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 542
Ways and Means

(Delegate Fair)

Election Law - Citizens Who Live Overseas - Right to Vote

This bill establishes provisions relating to the eligibility of specified U.S. citizens – those born abroad who have never resided in the United States and those living overseas who resided in the State before departing from the United States – to register to vote and vote in the State.

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances.

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

Small Business Effect: None.

Analysis

Bill Summary:

Voter Eligibility

The bill establishes (1) circumstances under which specified citizens of the United States who reside abroad must be deemed residents of the State for the purpose of qualifying to register to vote and (2) circumstances under which those citizens may register to vote and vote in a specified county and/or specified elections.

Citizens Born Abroad Who Have Never Resided in the United States: If an individual is a citizen of the United States born abroad who has never resided in the United States, in order to be deemed a resident of the State, the individual must:

- have a parent or legal guardian who (1) is registered to vote in the State or (2) lives overseas, resided in the State immediately before departing from the United States to live overseas, and immediately before departing from the United States to live overseas, was registered to vote in the State or would have been eligible to vote in an election in the State except that the parent or legal guardian was not at least age 16;
- not have established a domicile in another state; and
- not be registered to vote in another state.

An individual who is deemed to be a resident of the State under those criteria may register to vote and vote in the county in the State where a parent or legal guardian of the individual (1) resides or last resided before departing from the United States and (2) is registered to vote, was last registered to vote in the State before departing from the United States, or, if the parent or legal guardian was not registered to vote because the parent or legal guardian was not at least age 16, would have otherwise been eligible to register to vote in the State before departing from the United States.

Overseas Voters Who Resided in the State Before Departing from the United States: If an individual is a specified overseas voter who resided in the State before departing from the United States, in order to be deemed a resident of the State, the individual must:

- not have established a domicile in another state; and
- not be registered to vote in another state.

An individual who is deemed to be a resident of the State under those criteria may register to vote and vote in the federal, State, and local elections in the county where the individual (1) last resided before departing from the United States and (2) was registered to vote or, if the individual was not registered to vote because the individual was not at least age 16, would have otherwise been eligible to vote before departing from the United States.

Voter Registration

The bill requires an individual who is qualified to register to vote in the State under the bill to apply to become a registered voter using the federal post card application. The bill also specifies that the individual may not apply to register to vote in person (1) at an early voting center during early voting or (2) at a precinct polling place on election day.

Removal from the Statewide Voter Registration List

The bill alters an authorization for an election director to remove a voter from the statewide voter registration list on the grounds of a change of address if the voter confirms in writing that the voter has changed residence to a location outside the State. The bill alters the authorization so that it instead applies if the voter confirms in writing that the voter has changed residence to a location in another state or territory.

Current Law:

Voter Eligibility and Registration

Under federal law, a U.S. citizen, at least age 18, residing outside the United States – and qualified to vote in their last place of domicile – may vote in elections for federal office by submitting an absentee ballot.

Under the Maryland Constitution, generally every citizen of the United States, at least age 18, who is a resident of the State as of the close of registration prior to an election is eligible to vote. The General Assembly is authorized to regulate or prohibit the right to vote of a person convicted of a serious crime or under care or guardianship for mental disability. 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. An individual may apply to become a registered voter through a number of means including (1) visiting an election board office; (2) by mail; (3) when applying for services at a voter registration agency (specified public and nongovernmental agencies designated by the State Board of Elections (SBE), including agencies providing public assistance and services for individuals with disabilities, public higher education institutions, military recruiting offices, and one-stop career centers in the Maryland Department of Labor); (4) during an applicable transaction at automatic voter registration agencies, which are the Motor Vehicle Administration, the Maryland Health Benefit Exchange, local departments of social services, and the Mobility Certification Office in the Maryland Transit Administration; (5) through SBE's online voter registration system; or (6) at an early voting center or an election day polling place in their county of residence.

Overseas Voter Registration

SBE must establish a process for an individual to submit the federal post card application (the form that may be used by absent uniformed services voters and overseas voters to simultaneously apply to register to vote and apply for an absentee ballot) electronically and

use a common access card (an identification card issued by the U.S. Department of Defense) to sign the federal post card application.

Removal from the Statewide Voter Registration List

An election director may not remove a voter from the statewide voter registration list on the grounds of a change of address unless (1) the voter confirms in writing that the voter has changed residence to a location outside the State or (2) the voter has failed to respond to a confirmation notice (sent to a voter if it appears from information provided by the postal service or another approved source that the voter has moved to a different address outside the State) and the voter has not voted or appeared to vote (and, if necessary, corrected the record of the voter's address) in an election during the period beginning with the date of the notice through the next two general elections.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 605 (Senator Lewis Young) - Education, Energy, and the Environment.

Information Source(s): Frederick County; Colorado Secretary of State, Elections Division; Maryland State Board of Elections; Department of Legislative Services

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km/sdk

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