

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 605 (Senator Lewis Young)
Education, Energy, and the Environment

Election Law - Citizens Who Live Overseas - Right to Vote

This bill authorizes an overseas voter – who resided in the State before departing from the United States to live overseas – to register to vote and vote in federal, State, and local elections in the county where the individual last resided before departing from the United States, subject to specified criteria. The bill also 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.

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 authorizes an overseas voter, as defined in the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), who resided in the State before departing from the United States to live overseas, to register to vote and vote in federal, State, and local elections in the county where the individual (1) last resided before departing from the United States and (2) was eligible to be registered to vote before departing from the

United States or, if the individual was not eligible to be 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.

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:

“Overseas Voter” Definition

Under UOCAVA, “overseas voter” means (1) an absent uniformed services voter who, by reason of active duty or service is absent from the United States on the date of the election involved; (2) a person who resides outside the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States; or (3) a person who resides outside the United States and (but for such residence) would be qualified to vote in the last place in which the person was domiciled before leaving the United States.

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.

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: HB 542 (Delegate Fair) - Ways and Means.

Information Source(s): Baltimore City; Harford, Talbot, and Wicomico counties; Maryland State Board of Elections; Department of Legislative Services

Fiscal Note History: First Reader - March 10, 2023
km/sdk

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