

HOUSE BILL 473

L3, G1

2lr1212

By: **Delegate McDonough**

Introduced and read first time: February 2, 2012

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Municipal Corporations – Elections – Voter Qualifications**

3 FOR the purpose of prohibiting an individual who is not a citizen of the United States
4 from voting in an election in any municipal corporation; providing that this Act
5 makes null and void any provision in the charter of any municipal corporation
6 that allows an individual other than a citizen of the United States to vote in an
7 election in the municipal corporation; and generally relating to voter
8 qualifications in municipal elections.

9 BY repealing and reenacting, with amendments,
10 Article – Election Law
11 Section 3–102
12 Annotated Code of Maryland
13 (2010 Replacement Volume and 2011 Supplement)

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

16 **Article – Election Law**

17 3–102.

18 (a) (1) Except as provided in subsection (b) of this section, an individual
19 may become registered to vote if the individual:

20 (i) is a citizen of the United States;

21 (ii) is at least 16 years old;

22 (iii) is a resident of the State as of the day the individual seeks to
23 register; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (iv) registers pursuant to this title.

2 (2) Notwithstanding paragraph (1)(ii) of this subsection, an individual
3 under the age of 18 years:

4 (i) may vote in a primary election in which candidates are
5 nominated for a general or special election that will occur when the individual is at
6 least 18 years old; and

7 (ii) may not vote in any other election.

8 (b) An individual is not qualified to be a registered voter if the individual:

9 (1) has been convicted of a felony and is actually serving a
10 court-ordered sentence of imprisonment, including any term of parole or probation, for
11 the conviction;

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

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

17 **(c) NOTWITHSTANDING THE PROVISIONS OF THE CHARTER OF ANY**
18 **MUNICIPAL CORPORATION, AN INDIVIDUAL WHO IS NOT A CITIZEN OF THE**
19 **UNITED STATES MAY NOT VOTE IN AN ELECTION IN ANY MUNICIPAL**
20 **CORPORATION.**

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act makes null and
22 void any provision in the charter of any municipal corporation that allows an
23 individual other than a citizen of the United States to vote in an election in the
24 municipal corporation.

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2012.