

Bill No.: _____

Requested: _____

Committee: _____

Drafted by: King

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By: **Montgomery County Delegation**

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County Board of Education – Elections – Voting by County**
3 **Residents**

4 **MC 25–16**

5 FOR the purpose of proposing an amendment to the Maryland Constitution to provide that
6 the Montgomery County Council may, by law, establish qualifications for voting by
7 residents of the county in an election for the elected members of the Montgomery
8 County Board of Education; altering provisions of law regarding voter registration
9 and voting by residents of Montgomery County in elections for the elected members
10 of the Montgomery County Board of Education; requiring the Montgomery County
11 Board of Elections to establish procedures, in accordance with qualifications
12 established by law by the Montgomery County Council, to allow residents of the
13 county to vote in any election for the elected members of the Montgomery County
14 Board of Education; providing for the effective date of certain provisions of this Act;
15 generally relating to voting by residents of Montgomery County in Montgomery
16 County Board of Education elections; and submitting this amendment to the
17 qualified voters of the State for their adoption or rejection.

18 BY proposing an amendment to the Maryland Constitution
19 Article I – Elective Franchise
20 Section 1

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY proposing an addition to the Maryland Constitution
2 Article I – Elective Franchise
3 Section 3A

4 BY repealing and reenacting, without amendments,
5 Article – Education
6 Section 3–901(b) and (c)
7 Annotated Code of Maryland
8 (2014 Replacement Volume and 2015 Supplement)

9 BY repealing and reenacting, with amendments,
10 Article – Education
11 Section 3–901(f)(2)
12 Annotated Code of Maryland
13 (2014 Replacement Volume and 2015 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Election Law
16 Section 3–102 and 8–101
17 Annotated Code of Maryland
18 (2010 Replacement Volume and 2015 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
20 (Three–fifths of all the members elected to each of the two Houses concurring), That it be
21 proposed that the Maryland Constitution read as follows:

22 **Article I – Elective Franchise**

23 1.

24 All elections shall be by ballot. Except as provided in [Section 3] **SECTIONS 3 AND**
25 **3A** of this article, every citizen of the United States, of the age of 18 years or upwards, who
26 is a resident of the State as of the time for the closing of registration next preceding the
27 election, shall be entitled to vote in the ward or election district in which the citizen resides
28 at all elections to be held in this State. A person once entitled to vote in any election district,
29 shall be entitled to vote there until the person shall have acquired a residence in another
30 election district or ward in this State.

1 **3A.**

2 **IN MONTGOMERY COUNTY, THE MONTGOMERY COUNTY COUNCIL MAY, BY**
3 **LAW, ESTABLISH QUALIFICATIONS FOR VOTING BY RESIDENTS OF THE COUNTY IN**
4 **ANY ELECTION FOR THE ELECTED MEMBERS OF THE MONTGOMERY COUNTY**
5 **BOARD OF EDUCATION.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
7 as follows:

8 **Article – Education**

9 3–901.

10 (b) The Montgomery County Board consists of:

- 11 (1) 5 elected members, each of whom resides in a different board of
12 education district;
- 13 (2) 2 elected members who may reside anywhere in the county; and
- 14 (3) 1 student member.

15 (c) An elected member of the county board shall be a registered voter of
16 Montgomery County.

17 (f) (2) **(I)** Elected members of the county board shall be elected by the
18 voters of the entire county.

19 **(II) A RESIDENT OF MONTGOMERY COUNTY WHO REGISTERS**
20 **TO VOTE IN ACCORDANCE WITH QUALIFICATIONS ESTABLISHED BY LAW BY THE**
21 **MONTGOMERY COUNTY COUNCIL AND WITH PROCEDURES ESTABLISHED BY THE**
22 **MONTGOMERY COUNTY BOARD OF ELECTIONS UNDER § 3–102 OF THE ELECTION**
23 **LAW ARTICLE MAY VOTE IN AN ELECTION FOR THE ELECTED MEMBERS OF THE**
24 **MONTGOMERY COUNTY BOARD.**

25 **Article – Election Law**

1 3–102.

2 (a) (1) Except as provided in [subsection (b)] **SUBSECTIONS (B) AND (C)** of
3 this section, an individual may 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) IN MONTGOMERY COUNTY, THE LOCAL BOARD SHALL ESTABLISH**
16 **PROCEDURES TO ALLOW RESIDENTS OF THE COUNTY WHO SATISFY**
17 **QUALIFICATIONS ESTABLISHED BY LAW BY THE MONTGOMERY COUNTY COUNCIL**
18 **TO REGISTER TO VOTE IN ANY ELECTION FOR THE ELECTED MEMBERS OF THE**
19 **MONTGOMERY COUNTY BOARD OF EDUCATION WHO ARE ELECTED UNDER § 3–901**
20 **OF THE EDUCATION ARTICLE.**

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

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

24 (2) is under guardianship for mental disability and a court of competent
25 jurisdiction has specifically found by clear and convincing evidence that the individual

1 cannot communicate, with or without accommodations, a desire to participate in the voting
2 process; or

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

4 8–101.

5 (a) Under the supervision of the State Board, and in accordance with regulations
6 and procedures adopted by the State Board, a local board shall conduct all elections held
7 under this article in the county in which the board is located.

8 (b) Except where it would be inappropriate, or as otherwise provided in this
9 article, the electoral process for primary elections, general elections, and special elections
10 shall be uniform.

11 **(C) IN MONTGOMERY COUNTY, THE LOCAL BOARD SHALL ESTABLISH**
12 **PROCEDURES TO ALLOW RESIDENTS OF MONTGOMERY COUNTY WHO SATISFY**
13 **QUALIFICATIONS ESTABLISHED BY LAW BY THE MONTGOMERY COUNTY COUNCIL**
14 **TO VOTE IN ANY ELECTION FOR THE ELECTED MEMBERS OF THE MONTGOMERY**
15 **COUNTY BOARD OF EDUCATION WHO ARE ELECTED UNDER § 3–901 OF THE**
16 **EDUCATION ARTICLE.**

17 SECTION 3. AND BE IT FURTHER ENACTED, That the General Assembly
18 determines that the amendment to the Maryland Constitution proposed by Section 1 of this
19 Act affects only one county and that the provisions of Article XIV, § 1 of the Maryland
20 Constitution concerning local approval of constitutional amendments apply.

21 SECTION 4. AND BE IT FURTHER ENACTED, That the amendment to the
22 Maryland Constitution proposed by Section 1 of this Act shall be submitted to the qualified
23 voters of the State at the next general election to be held in November 2016 for their
24 adoption or rejection pursuant to Article XIV of the Maryland Constitution. At that general
25 election, the vote on this proposed amendment to the Constitution shall be by ballot, and
26 upon each ballot there shall be printed the words “For the Constitutional Amendment” and
27 “Against the Constitutional Amendment,” as now provided by law. Immediately after the
28 election, all returns shall be made to the Governor of the vote for and against the proposed
29 amendment, as directed by Article XIV of the Maryland Constitution, and further
30 proceedings had in accordance with Article XIV.

1 SECTION 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take
2 effect October 1, 2019, on the taking effect of Section 1 of this Act. If Section 1 of this Act
3 does not take effect, Section 2 of this Act shall be abrogated and of no further force and
4 effect.

5 SECTION 6. AND BE IT FURTHER ENACTED, That, except as provided in
6 Sections 3, 4, and 5 of this Act, this Act shall take effect June 1, 2016.

DRAFT