

45. Cancellation By Reason of Not Voting Within Five Years.

(a) *Name Removed.* If a registered voter in any county has not voted at least once at a primary, general or special election within the five preceding calendar years, it shall be the duty of the Board of Election Supervisors of each county or the board of permanent registry in counties having a system of permanent registration unless cause to the contrary be shown, to cause the registration of such voter to be cancelled by erasing his name from the registry as provided in Section 33 of this Article, or, in counties having a system of permanent registration by removing the registration cards or forms of said voter from the original and duplicate files and placing the same in a transfer file; a notice of such action and the reason therefor shall be sent to the last known address of such voter; provided, however, before erasing the name of such voter, notice shall be mailed to such voter addressed to the address given in the registry of such voter, notifying such voter to appear before such Board at a date specified in such notice, not earlier than one week or later than two weeks from the date of mailing of such notice, and to show cause why his name should not be erased from the registry.

(b) *Re-registration.* A voter whose registration has been cancelled under this section shall not thereafter be eligible to vote except by registering again as in this Article provided.

REGISTRATION APPEALS

46. Appeals. (a) *Petition for Appeal.* Any person who feels aggrieved at any action of a board of registry or of a Board of Supervisors of Elections shall have a right of appeal to the Circuit Court of his respective county or the Superior Court of Baltimore City as to a refusal to register him as a qualified voter, the erasure or misspelling of his or of any other person's name, or the registration or non-registration of any fictitious, deceased or disqualified person. Such appeal may be brought at any time, except that in Baltimore City it may not be later than the Saturday next preceding the election and in any of the counties it may not be later than the Tuesday next preceding the election. The appeal shall be taken by filing a petition, verified by affidavit, in the Circuit Court for the county, or, if the cause of complaint arises in Baltimore City, in any Court of said City, setting forth the ground of his application and asking to have the registry corrected.

(b) *Hearing.* The Court shall forthwith set the petition for hearing and direct summons to be issued requiring the said Board or other appropriate official to attend at the hearing in person or by counsel; and when the object of the petition is to strike off the name of any person alleged to be fictitious, deceased or disqualified, summons shall also be issued to such person.

(c) *Residence.* In determining whether any person is or is not a resident of any precinct, it shall be presumed that if a person is shown to have acquired a residence in one locality, he retains the same until it is affirmatively shown that he has acquired a residence elsewhere.

(d) *Judgment.* The court shall dispose of the matter summarily by granting or refusing the order prayed. If the board of registry shall have returned the registers to the Supervisors of Elections, a