

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

House Bill 438 (Delegate Hill. *et al.*)

Commerce and Government Matters

Election Law - Voter Registration - Felons

This bill provides that individuals who have been convicted more than once of theft or other infamous crimes may vote after a period of five years has elapsed since the completion of the sentence imposed for the conviction. Individuals convicted even once of specified violent crimes, however, are excluded permanently from becoming registered voters in Maryland.

Fiscal Summary

State Effect: By itself, altering voter disqualification criteria would not impact State finances if the current means for determining eligibility is not changed. However, to properly implement the bill's provisions, significant resources would be needed to develop a system or database that would identify citizens who are ineligible to register to vote. Currently, no such system exists.

Local Effect: Any additional training in the use of a database or other system for determining voter disqualification as new registrations are received could probably be absorbed within the existing resources of local boards of elections.

Small Business Effect: None.

Analysis

Current Law: An individual with a single conviction for theft or an infamous crime may register to vote after serving the sentence on the conviction. No provisions exclude a person convicted of a single violent offense from registering to vote. An individual with two convictions for theft or other infamous crimes may not register to vote. Infamous crimes are defined as treason, felonies, and crimes which involve some element of deceitfulness, untruthfulness, or falsification. The State Board of Elections keeps a list of the crimes that have been legally defined as infamous.

Background: According to the State Board of Elections, there is no way for a local board of elections to know or check if a new registration is from a previously convicted felon who is under disqualification. Therefore, the current law is probably not always applied as written.

State Fiscal Effect: Changing the eligibility criteria for registered voters by itself would not alter State finances. If the State continues the current means by which disqualification is determined, there would be no fiscal impact.

However, for the bill's provisions to be implemented as written, significant State resources would have to be funneled into the effort. The State Board of Elections recommends that a statewide database be developed with the aid of the Maryland Judiciary and the Department of Public Safety and Correctional Services. The database would contain all data applicable to an individual's voting eligibility and would be available to the State Board of Elections and to all the local boards. It would require routine updating to move off the disqualified list those individuals who had completed their first sentence or who had allowed five years to elapse since a subsequent sentence. Although the cost of this undertaking cannot be reliably estimated at this time, it is expected that it would be significant.

Additional Information

Prior Introductions: A similar bill was introduced in the 1999 session as HB 25 and received an unfavorable report from the Commerce and Government Matters Committee.

Cross File: None.

Information Source(s): State Board of Elections, Department of Public Safety and Correctional Services (Division of Correction), Department of Legislative Services

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