

Department of Legislative Services

Maryland General Assembly

2001 Session

FISCAL NOTE

Senate Bill 83 (Senator Kelley, *et al.*)

Economic and Environmental Affairs

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 completing the entire court-ordered sentence imposed for conviction including any probation, parole, community service, restitution, and fines.

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.

Local Effect: By itself, altering voter disqualification criteria would not impact local government finances if the current means for determining eligibility is not changed.

Small Business Effect: None.

Analysis

Current Law: An individual with a single conviction for theft or other infamous crime may register to vote after serving the sentence on conviction. No provisions currently allow persons convicted of two or more infamous crimes to vote. Infamous crimes are defined as treason, felonies, and crimes that involve deceitfulness, untruthfulness, or falsification.

Background: Local election boards implement current law by requiring a felon to sign an oath under penalty of perjury that the felon meets the registration qualifications according to the law. 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.

State Fiscal Effect: If the State and local election boards continue the current means by which disqualification is determined, expenditures would not be affected.

The State Board of Elections recommends that a statewide, automated 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 local boards. It would require routine updating to remove individuals who had completed their State supervision from the disqualified list. Although the cost of this undertaking cannot be reliably estimated at this time, it is expected that it would be significant.

The Department of Public Safety and Correctional Services advises that there is currently no way to transfer the type of data that the State Election Board would need, and that the bill can implemented without developing an automated system. The process would involve individual requests for re-enfranchisement filled out by disenfranchised felons that would be sent by the State Election Board to the department for a search of its automated and manual systems. The department does not have an estimate of the volume of applications that might be processed under this proposal, but advises preliminarily that these internal checks may be manageable within existing agency budgets.

Additional Information

Prior Introductions: A similar bill was introduced in the 2000 session as HB 438. That bill would have allowed felons to register to vote upon completion of a five-year period after serving a sentence for an infamous crime beyond the first offense. Also, HB 25 in the 1999 session would have allowed felons to vote after completing probation, with no five-year waiting period. Both bills 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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