

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE
Revised

Senate Bill 184

(Senator Kelley, *et al.*)

Education, Health, and Environmental Affairs

Commerce and Government Matters

Election Law - Voter Registration - Felons

This bill restores the voting rights of an individual who has been convicted more than once of theft, or other infamous crimes, provided that three years have elapsed since the completion of a court-ordered sentence imposed for conviction including probation, parole, community service, restitution, and fines. An individual convicted of a second or subsequent violent crime is permanently disqualified from registering to vote.

The bill is effective January 1, 2003.

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. The Attorney General of Maryland has compiled a nonexhaustive list of

over 500 crimes that fall within this category. Maryland is among 13 states that prohibit a convicted felon from voting once they have completed their sentence.

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. In the 2001 session, Chapter 481 (HB 495) was enacted to establish a Task Force to Study Repealing the Disenfranchisement of Convicted Felons in Maryland. The report of the task force, which was issued in January 2002, does not contain any specific recommendations.

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 be 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. Because the completion of a convicted felon's sentence is not a "reportable event" in the department's record keeping systems, determining the status of these individuals involves crosschecking of several database 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: SB 83, introduced in the 2001 session was nearly identical, and was unfavorably reported from the Senate Economic and Environmental Affairs Committee. HB 438 of the 2000 session 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 HB 438 and HB 25 received an unfavorable report from the Commerce and Government Matters Committee.

Cross File: HB 535 (Delegate Hill, *et al.*) – Commerce and Government Matters.

Information Source(s): Prince George’s County, Caroline County, Howard County, Montgomery County, Maryland State Board of Elections, Baltimore City, Department of Public Safety and Correctional Services (Division of Correction), Department of Legislative Services

Fiscal Note History: First Reader - February 5, 2002
ncs/jr Revised - Senate Third Reader - April 1, 2002

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