

Department of Legislative Services
 Maryland General Assembly
 2004 Session

FISCAL AND POLICY NOTE

Senate Bill 105 (Senator Kelley, *et al.*)
 Education, Health, and Environmental Affairs

Election Law - Voter Registration - Felons

This bill repeals provisions that require an individual convicted of an infamous crime to complete the court-ordered sentence in the case of a first conviction, or in the case of a subsequent conviction, complete the court-ordered sentence, and allow three years to elapse. The bill would allow a felon convicted of theft or other infamous crime, regardless of the number of convictions, to register to vote subsequent to being released from the custody of the Division of Correction (DOC) or local correctional facility.

Fiscal Summary

State Effect: One-time general fund expenditure of approximately \$25,000 in FY 2005 for the State Board of Elections (SBE). Potential minimal increase in computer reprogramming costs for the Motor Vehicle Administration (MVA) in FY 2005 only.

(in dollars)	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	25,000	0	0	0	0
SF Expenditure	-	0	0	0	0
Net Effect	(\$25,000)	\$0	\$0	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: An individual is not qualified to be a registered voter if the individual has been convicted of theft or other infamous crime unless the individual: (1) has been pardoned; (2) has completed the court-ordered sentence imposed in connection with a first conviction; or (3) has completed the court-ordered sentence for a subsequent conviction, and at least three years have elapsed since that completion.

In addition, individuals who are under guardianship for mental disability, have been convicted of buying or selling votes, or have been convicted of a second or subsequent crime of violence, are not eligible.

An infamous crime is defined in the Election Article as any felony, treason, perjury, or any crime involving an element of deceit, fraud, or corruption.

Background: Prior to 1974, individuals who had been convicted of an infamous crime were prohibited from registering to vote. In 1974, a provision was enacted to allow an individual convicted of one infamous crime to vote provided the individual completed the sentence imposed, including any period of probation. The prohibition on voting remained for an individual convicted of a subsequent infamous crime.

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, did not contain any specific recommendations. However, its major findings revealed Maryland was one of two states that prohibited felons who have completely served their sentences after a subsequent conviction from registering to vote. Eight other states prescribed more stringent law, disenfranchising felons after one conviction.

Chapter 304 of 2002 enfranchised an individual convicted of a subsequent conviction provided that the court-ordered sentence is completed and at least three years have elapsed since that completion.

SBE has no process in place for determining whether an individual with a felony conviction for an infamous crime is disqualified from voting since the information received from court clerks do not specify whether a conviction is a first or subsequent conviction. In addition, local boards of election are prohibited by law to request this information from registrants.

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

to the law. According to SBE, there is no way for a local board to know or check if a new registration is from a previously convicted felon. The bill's provisions would allow convicted felons to register at local boards of election after providing proof of their release from a DOC or local correction facility.

State Fiscal Effect: General fund expenditures for SBE are estimated at \$25,000 in fiscal 2005 only. This includes the cost to modify, redesign, reprint, and restock the statewide voter registration application and informational brochures. Although SBE updates its publications on a regular basis, the bill would require modifying these materials in an election year. Due to the bill's October 1 effective date, those publications and materials would have to be updated after the March presidential primary and before the November general election. Revenues would not be affected.

The MVA advises that computer reprogramming costs to implement the bill's provisions would be \$15,000. The Department of Legislative Services advises that if other legislation is passed requiring computer reprogramming changes, economies of scale could be realized. This would reduce the costs associated with this bill and other legislation affecting the MVA.

DOC reported that approximately 15,000 individuals were released from its facilities in the year 2000. The federal Help America Vote Act of 2002 requires SBE to establish a centralized statewide registration database that interfaces with the appropriate State agencies to maintain accurate felon status on registered voters. The aid of the Maryland Judiciary and the Department of Public Safety and Correctional Services is anticipated in the development of these interfaces in fiscal 2005 and 2006.

Additional Information

Prior Introductions: None.

Cross File: HB 329 (Delegate Marriott, *et al.*) – Ways and Means.

Information Source(s): Baltimore City, Caroline County, Howard County, Montgomery County, Maryland State Board of Elections, Maryland Department of Transportation (Motor Vehicle Administration), Department of Public Safety and Correctional Services (Division of Correction), Department of Legislative Services

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ncs/mdr

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