

Department of Legislative Services  
Maryland General Assembly  
2005 Session

FISCAL AND POLICY NOTE

House Joint Resolution 4 (Delegate Marriott)  
Ways and Means

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Voting Rights Amendment

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This joint resolution expresses strong support for enabling an individual citizenship right to vote in the U.S. Constitution and supports efforts in Congress to enact a constitutional amendment that guarantees such a right.

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Fiscal Summary

**State Effect:** Compliance with this joint resolution would not directly affect State operations or finances.

**Local Effect:** None.

**Small Business Effect:** None.

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Analysis

**Current Law:** While the 15<sup>th</sup> amendment to the U.S. Constitution prohibits the denial or abridgement of the right of a citizen of the United States to vote on account of race, color, or previous condition of servitude, the U.S. Supreme Court declared in *Bush v. Gore*, 531 U.S. 98, 104 (2000) that “the individual citizen has no federal constitutional right to vote for electors for the President of the United States.” The U.S. Constitution gives individual states authority to appoint presidential electors as well as the power to choose the time, place, and manner of holding elections for members of Congress. Generally, states determine who is eligible to vote, to the extent that it does not violate the constitution, including the 15<sup>th</sup> amendment.

State laws on election administration and voter eligibility vary. Election administration is implemented by approximately 13,000 separate local jurisdictions. Voter eligibility among the states is most notable in the context of individuals who have been incarcerated. All but two states disenfranchise individuals while incarcerated for a felony offense, and 35 states prohibit an individual on parole from voting.

**Background:** House Joint Resolution 28, which was introduced during the 108<sup>th</sup> Congress, proposes an amendment to the U.S. Constitution that would give all U.S. citizens 18 years of age or older the right to vote in any public election held in the jurisdiction in which they reside. This right may not be denied or abridged by the federal or a state government or other entity. The resolution establishes election day voter registration and gives Congress the power to enforce the amendment's provisions through additional legislation.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Legislative Services

**Fiscal Note History:** First Reader - March 25, 2005  
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