

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

House Bill 603
Ways and Means

(Delegate Marriott, *et al.*)

Elections - Voter Registration Eligibility Requirements - Convicted Criminals

This bill allows an individual convicted of any 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: The cost of updating voter registration applications and brochures and making changes to the State Board of Elections (SBE) web site could be handled with existing resources. Potential minimal increase in computer reprogramming costs for the Motor Vehicle Administration (MVA) in FY 2007 only.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The bill provides that an individual is not qualified to be a registered voter only if the individual has been convicted of a felony and is awaiting or actually serving a court-ordered sentence of imprisonment imposed for the conviction.

The bill repeals provisions that require an individual convicted of theft or other 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, before being eligible to vote. The bill also repeals provisions

disqualifying an individual from being a registered voter who has been convicted of buying or selling votes, or has been convicted of a second or subsequent crime of violence.

A convicted felon, awaiting or serving a court-ordered sentence of incarceration, who votes or attempts to vote during the period that he/she is ineligible, is guilty of a felony and subject to imprisonment for not less than one year, but not more than five years.

A court, prior to accepting a plea of guilty or nolo contendere and before imposing a sentence for a felony after a trial, must notify the defendant that conviction will result in loss of the right to vote while incarcerated and that voting rights will be restored on discharge.

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, an individual who is under guardianship for mental disability, has been convicted of buying or selling votes, or has been convicted of a second or subsequent crime of violence is not qualified to be a registered voter.

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, an individual convicted of one infamous crime was allowed 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.

Chapter 481 of 2001 established a Task Force to Study Repealing the Disenfranchisement of Convicted Felons in Maryland. The task force report, 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.

State Fiscal Effect: SBE periodically modifies, redesigns, reprints, and restocks the statewide voter registration application and informational brochures to reflect statutory, regulatory, or other policy changes. SBE advises that costs for application printing, brochure printing, and web site changes associated with the bill would be \$33,800. These costs could be handled with existing resources.

The Department of Legislative Services advises that any computer reprogramming costs the MVA might incur to modify its electronic voter registration application form would be minimal, especially if other legislation is passed requiring computer reprogramming changes, allowing economies of scale to be realized. This would reduce the costs associated with this bill and other legislation affecting the MVA.

Additional Comments: DOC advises that about 15,000 individuals are released from its facilities each year, and estimates that about 50% of those released may have been serving a sentence for a felony conviction.

Additional Information

Prior Introductions: HB 12 of 2005, a similar bill, had a hearing in the Ways and Means Committee and was later withdrawn.

Cross File: None.

Information Source(s): Cecil County, Harford County, Judiciary (Administrative Office of the Courts), Maryland State Board of Elections, Carroll County, Department of

Public Safety and Correctional Services, Maryland Department of Transportation,
Department of Legislative Services

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