

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE
Revised

House Bill 273
Ways and Means

(Delegate Braveboy, *et al.*)

Voting Rights Restoration - Ex-Offenders

This bill allows an individual convicted of any crime, regardless of the number of convictions, to register to vote if not awaiting or actually serving a court-ordered sentence imposed for a felony conviction.

The bill takes effect July 1, 2007.

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 printing and computer programming costs for the Motor Vehicle Administration in FY 2008 only.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The bill repeals provisions that require an individual convicted of theft or other infamous crime to complete the court-ordered sentence and, in the case of a second or subsequent conviction, allow three years to elapse, in order to qualify to be a registered voter. The bill also repeals a provision disqualifying an individual from being a registered voter who has been convicted of a second or subsequent crime of violence.

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 imprisoned 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.

The Maryland Constitution also specifies that a person convicted of buying and selling votes is forever disqualified to hold any office of profit or trust, or to vote at any following election.

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.

Clerks of the circuit court in each county and the administrative clerk for each District Court report the names and addresses of individuals convicted in those courts of theft or infamous crimes. The State Administrator is also required to arrange with the clerk of the U.S. District Court for the District of Maryland, to receive reports of names and addresses, if available, of individuals convicted of infamous crimes.

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 that at the time Maryland was one of two states that prohibited felons who had 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. An individual convicted of buying or selling votes or convicted of a second or subsequent crime of violence, however, remained disqualified to register to vote.

A voter registration applicant must sign an oath under penalty of perjury that the registrant meets the registration qualifications according to the law. However, according to SBE, there is not a process in place for determining whether an individual with a conviction for theft or other infamous crime is disqualified from voting since the information received from court clerks does not specify whether a conviction is a first or subsequent conviction and SBE and local boards do not have information to determine whether a previously convicted person is still under a disqualification (parole, probation, etc.).

Additional Comments: In fiscal 2006, 15,498 individuals were released from Division of Correction (DOC) facilities. DOC estimates that about 56% of those released may have been serving a sentence for a felony conviction.

Additional Information

Prior Introductions: HB 157 of 2006, a similar bill, received a hearing in the House Ways and Means Committee, but was subsequently withdrawn. HB 603 of 2006, a nearly identical bill, received a hearing in Ways and Means, but no further action was taken. HB 12 of 2005, a similar bill, received a hearing in Ways and Means, but was subsequently withdrawn. SB 462 of 2005, a similar bill, was unfavorably reported by the Education, Health, and Environmental Affairs Committee.

Cross File: None.

Information Source(s): Cecil County, Harford County, Prince George's County, Department of Public Safety and Correctional Services, Judiciary (Administrative Office of the Courts), Maryland Department of Transportation (Motor Vehicle Administration), State Board of Elections, Department of Legislative Services

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