

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

Senate Bill 503 (Senator Gladden)
Judicial Proceedings

Correctional Services - Voting Rights - Notification

This bill requires the Commissioner of Correction to provide an inmate with written information concerning the inmate's eligibility to vote upon the inmate's release from a State correctional facility. The information provided by the commissioner must be prepared in consultation with the State Board of Elections (SBE).

Fiscal Summary

State Effect: The Division of Correction and SBE can handle the bill's requirements with existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Chapter 159 of 2007 allows an individual convicted of any crime, with the exception of buying or selling votes, to register to vote if not actually serving a court-ordered sentence of imprisonment, including any term of parole or probation, for a felony conviction. The Act repealed provisions that had required an individual convicted of theft or other infamous crime to complete the court-ordered sentence and, in the case of a second or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 The Act also repealed a provision disqualifying an individual from being a registered voter who has been convicted of a second or subsequent crime of violence.

Under Chapter 159, the clerk of the circuit court for each county and the administrative clerk of each District Court must report to the State Administrator of Elections the names and addresses of individuals convicted of felonies, in the respective court. The State administrator must arrange to receive reports of the names of individuals convicted of felonies, from the U.S. District Court for the District of Maryland.

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.*).

There are about 15,000 persons released from State correctional facilities annually. The Division of Correction estimates that 50-60% of those persons were convicted of a felony.

Additional Information

Prior Introductions: None.

Cross File: HB 483 (Delegate Rosenberg) - Ways and Means.

Information Source(s): Maryland State Board of Elections, Department of Public Safety and Correctional Services, Department of Legislative Services

Fiscal Note History: First Reader - February 9, 2009
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