

have a great deal of experience in this area and is particularly mindful of problems other states have been confronted with in recent years. At the present time in the State of Maryland a person who is disqualified from voting for reasons of mental condition must be adjudicated by a court of law to be fit to manage his own business affairs. The reasons that the Commission and Mental Health Association strongly urged the Committee to adopt the language it has in the proposal is one that there is no discretion to the General Assembly. The whole area of discretion that you have given the General Assembly here is subject to standards, for instance, of commitment which is an extremely dangerous thing. At the moment in Maryland's mental hospitals, about one-third of the people there are old people for whom there are no other institutions available. For that reason they unfortunately have to enter mental hospitals. The other possibility that this lends itself to is certification by two physicians. It does not take much imagination to realize how that procedure can be abused.

The Committee did not feel competent to define the question of mental illness or mental incompetence nor do I think this body is. This is an area of medicine that is subject to daily changes and improved treatment and so on.

I admit the number of people involved here in terms of adjudication is minor. At the same time, we have had no evidence that people who should not vote by reason of insanity or mental incompetence are in any way flooding the polls. We felt very strongly that there should be some standard in order to protect their civil rights in order not to permit the undue and unreasonable limitation on a franchise. I strongly urge you reject the amendment.

THE CHAIRMAN: Does any delegate desire to speak in favor of the amendment? Delegate Sybert.

DELEGATE SYBERT: Mr. Chairman, will the Chairman of the Committee yield to a question?

THE CHAIRMAN: She has used up her time at the moment. If she can get the floor again, we will have her yield. Does any delegate desire to speak in favor of the amendment? Delegate Marion?

DELEGATE MARION: Mr. Chairman, if it is appropriate, I have a question or two of Delegate Bamberger.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the amendment? Delegate Bamberger, will you take the floor to yield to a question?

DELEGATE BAMBERGER: Yes.

THE CHAIRMAN: Delegate Marion.

DELEGATE MARION: Would it be possible under your language for the General Assembly to provide that any person who enters a plea in a criminal case of not guilty by reason of insanity under broadened tests for insanity be disqualified from voting?

THE CHAIRMAN: Delegate Bamberger.

DELEGATE BAMBERGER: It would be possible. Is it your question that merely entering the plea would disqualify him from voting?

THE CHAIRMAN: Delegate Marion.

DELEGATE MARION: That was my question, yes.

THE CHAIRMAN: Delegate Bamberger.

DELEGATE BAMBERGER: I think it would not be possible.

THE CHAIRMAN: Delegate Marion.

DELEGATE MARION: Would it be possible for the General Assembly to provide that anyone who was found not guilty after having entered a plea of not guilty by reason of insanity be disqualified from voting?

THE CHAIRMAN: Delegate Bamberger.

DELEGATE BAMBERGER: I think there would have to be some finding of his mental incompetence as a matter of fact.

THE CHAIRMAN: Delegate Marion.

DELEGATE MARION: By whom in that situation?

THE CHAIRMAN: Delegate Bamberger.

DELEGATE BAMBERGER: In that situation under the present criminal procedure by either the judge or the jury which heard the case.

THE CHAIRMAN: Do you have further questions, Delegate Marion?

DELEGATE MARION: Yes, sir.

THE CHAIRMAN: State the question.

DELEGATE MARION: As I understand your answer, the General Assembly could provide that that finding by a court