

by Lloyd Taylor. The Chair recognizes Delegate Key.

DELEGATE KEY: Mr. Chairman and ladies and gentlemen of the Committee: There really is no reason to belabor this amendment very long. It is strictly a matter of principle. The purpose of this amendment is to delete from the constitution any reference to disfranchisement because of conviction for serious crimes and to leave this to the General Assembly. Let them decide the need for an implementation of such disqualifying of voting.

The reasons for this can be readily seen in the committee recommendation, or rather the committee memorandum.

If we look first at page 8 of the committee memorandum, we see that the Committee strongly opposes establishing a life prohibition against the exercise of the franchise by persons who have paid their debt to society.

A look at the previous Constitutional Convention records clearly shows that the reason for such an item, appearing in the 1867 Constitution, as we know it, was to punish.

It was stated by delegates then, during that Constitutional Convention, that people who commit crimes ought not have the right of good citizens, and this was the basis for including this article in our present Constitution.

Now, our Committee on Suffrage and Elections admits that it does not feel the same as the 1867 Constitutional Convention delegates, and would not like to punish twice those who commit serious crimes, would not like to punish forever people who do get involved in these misfortunes, but they would continue this same kind of article.

I go a step further in their report. On page 7 they admit that it is hard to determine as the years go on what are serious crimes. Repeatedly the state's attorneys have come to Annapolis as the people in the General Assembly know, to change different crimes from misdemeanors to felonies which further disfranchise citizens who perhaps the day before the passage of a new bill permitting a crime to become a felony would have been permitted to vote.

Because of the changes that are going on in our society away from punishment to rehabilitation, the Committee admits in its section on page 8, lines 2 through 6, that

if at some time in the future the penal institutions of the State became truly institutions for rehabilitation, that it might be desirable to restore the right to vote simultaneously with release from an institution.

They admit that they believe that the legislature ought to be free to determine when that situation has arrived.

Now, I say to you that this statement in their memorandum and the proposed article are really not compatible for if there is a mandatory provision in this statement that the General Assembly shall disfranchise citizens for serious crimes, then there is no freedom for them to decide if such legislation is really necessary.

THE CHAIRMAN: Delegate Koss.

DELEGATE KOSS: Mr. Chairman and fellow delegates, the Committee felt that the General Assembly should certainly have the authority to provide for disqualification and without a mandatory section in here, they could very easily provide for no disqualifications.

Now, I submit and I will stand by the committee memorandum that penal laws and criminal laws are always in the process of being revised, and updated, but hopefully our penal institutions would be rehabilitative institutions at some point instead of being merely punitive institutions.

However, without this kind of mandate it would be impossible for the General Assembly to disqualify persons who indulged in election frauds or who indulged in all kinds of crimes against the electoral process.

I do not think that anybody would deny that such persons should be removed from participating in elections. For this reason, the Committee felt very strongly that there should be a mandate to the General Assembly to establish the basis for disqualification, a mandate for disqualification, because without this it seems to us that the General Assembly would have no such authority.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the amendment?

Delegate Key?

DELEGATE KEY: It is my understanding that the General Assembly does have in the conduct of elections, the right to set such laws for residence, uniform registration, and all other uniform procedures for voting.