

I do not think this Convention has the knowledge and the experience to make a determination that people in any particular category of mental illness ought not be entitled to vote. I think that is a legislative judgment. The purpose of the amendment is merely to make it clear the legislature may disqualify people from voting if they have a mental illness. I presume the legislature would consider the nature of mental illness and I presume also when dealing with a right as sacred as the right to vote, that they would provide some form of hearing for a person who was going to lose his right to vote.

I also intend to provide by this amendment that if the General Assembly does provide a procedure for disqualification either by reason of mental illness or by conviction of crime, it must provide for removal of the disqualification. The "shall" is intended there to be mandatory as contrasted with "may" at the beginning of the amendment. If the General Assembly does provide a method for disqualification, it must provide a way in which that disqualification may be removed.

I understand that this particular language of the Committee was suggested by a committee which is studying the mental health laws of Maryland under the leadership of Leon Pierson. I have talked to Mr. Pierson about this. They recognize that having a standard of adjudication of non compos mentis is somewhat arbitrary, but they believe that if this must be in the constitution, they would rather that it was not there, and that the General Assembly should not be given any discretion.

While there may be some validity in that point of view, I do not think we should write into the constitution an absolute disqualification of people because they are mentally ill on the grounds that it has been decided in one forum and not in another forum.

THE CHAIRMAN: Are there any questions of the sponsor of the amendment?

DELEGATE BENNETT: Mr. Chairman, does the word "mental incompetence" encompass an epileptic?

THE CHAIRMAN: Delegate Bamberger.

DELEGATE BAMBERGER: I do not know, sir.

THE CHAIRMAN: Delegate Bennett.

DELEGATE BENNETT: I doubt that anybody else knows.

DELEGATE BAMBERGER: Mr. Chairman.

THE CHAIRMAN: Delegate Bamberger.

DELEGATE BAMBERGER: My further response to that question, Delegate Bennett, would be that it would be up to the General Assembly to examine the nature of the illness of epilepsy and if in their judgment they determined it was an illness which so impaired one's ability to function intelligently that he ought not to have the right to vote, they could so decide.

I think you get at my point. I do not think this Convention should decide this question and I would leave it to the General Assembly.

THE CHAIRMAN: Delegate Bennett, do you have a further question?

DELEGATE BENNETT: Yes. Do you think the word "mental incompetency" includes a person with an IQ, for example, under 50?

THE CHAIRMAN: Delegate Bamberger.

DELEGATE BAMBERGER: No, sir, that is not what is intended.

THE CHAIRMAN: Delegate Bennett, do you have a further question?

DELEGATE BENNETT: Of course, in this whole field—

THE CHAIRMAN: Delegate Bennett, this is a period only for questions.

DELEGATE BENNETT: Yes, sir, I understand. Do you think the word "mental incompetency" can be equated with schizophrenia?

THE CHAIRMAN: Delegate Bamberger.

DELEGATE BAMBERGER: I cannot profess to be an expert on the symptoms and effects of particular mental illnesses. The intention is that mental incompetence shall relate to diseases of the mind and certainly should not relate to measures of intelligence of healthy minds.

I am afraid that is the best answer I can give you. I certainly do not feel equipped to respond to questions relating to particular mental diseases.

THE CHAIRMAN: Are there any further questions?

Delegate Bennett?

Delegate Chabot?

DELEGATE CHABOT: Delegate Bamberger answered one of my questions. What