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New Report Finds That Marylanders May Be Erroneously Disenfranchised In November Elections

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NEW YORK – Eligible voters in Maryland may be prevented from casting their ballots on November 2nd due to the lack of a uniform system and a centralized database used by election officials to purge felons from voter rolls, according to a new report, “Purged!” released today by the American Civil Liberties Union and Demos, as part of the Right to Vote Campaign.

“Maryland’s patchwork system of purging voters from the voting rolls may result in erroneously disenfranchising voters in the upcoming November election,” said Amy Cruice, Community Organizer for the ACLU of Maryland.

Each county Board of Election is responsible for purging voters from the rolls based on data received from a variety of courts. But lack of coordination and confusion among the state’s boards result in a wide variety of practices regarding purging of voter lists. “Purged!” quotes a Montgomery County election supervisor noting that the system is “pretty disorganized.”

Confusion also stems from a 2002 bill passed by the General Assembly that restored the right to vote for those previously disenfranchised due to felony convictions. Prior to passage of this bill, those with two or more felony convictions permanently lost their right to vote (currently only six states permanently disenfranchise voters). In 2000, almost 129,000 Maryland residents were ineligible to vote.

The bill that re-enfranchised those with two or more non-violent felonies contains the stipulation that the right to vote will be restored only after a three-year waiting period after completion of sentence, including parole, community service, and restitution. This requirement has proved to be a major impediment for those seeking to re-register as well as for the state. The state’s criminal justice system has no mechanism for determining when ex-felons are re-eligible to register based on the criteria established by the bill. They are unable to give the state Board of Elections accurate information about the status of those who may or may not vote. Efforts to remove the waiting period and to allow citizens to vote as soon as they are released from the state’s custody have failed in the last two sessions of the General Assembly. Due to this lack of clarity, thousands of former felons who have served their sentences may not be able to vote in the 2004 elections. Del. Salima Siler Marriott has filed a fix bill for the 2005 session.

The ACLU’s report, “*Purged! How a patchwork of flawed and inconsistent voting systems could deprive millions of Americans of the right to vote,*” shows that states, even those with identical disfranchisement policies, conduct purges very unevenly because of flawed or nonexistent

legislative guidance. As a result, legal voters, including voters who share similar names with felons, are mistakenly taken off of voter rolls.

The report is the first in the nation to examine the purge structures and procedures of 15 states, which represent the wide variety of disfranchisement laws. The ACLU surveyed the states' election authorities and researched state laws to answer questions including how state elections officials "match" people with felony convictions against individuals listed on their voter registration list before purging them from the rolls, and whether states notify the individuals deemed "matched" that they will be or have been purged.

Among the key findings of the report:

- No Purge Criteria: None of the states surveyed requires its officials to use any specific or minimum criteria to ensure that an individual with a felony conviction is the same individual being purged from the voter rolls.
- A Limited Ability to Challenge Purges: Two-thirds of the states surveyed do not require elections officials to notify voters purged from the voter rolls, denying these voters an opportunity to contest erroneous purges.

The report also offers suggested improvements to purge procedures that would both benefit elections officials and protect legal voters from being erroneously purged. These improvements include:

- Mandatory Purge Criteria: Adoption of legislation that standardizes the criteria officials must use to match felons with voters, which would put states in compliance with the Help America Vote Act. Criteria should be numerous, and matches should be required to be exact and double-checked.
- Mandatory Notice & Challenge Process: Adoption of legislation requiring state officials to notify people, by certified mail, that their voter registration is in jeopardy because their voter registration data has been matched with the data of an individual with a felony conviction. Follow-up notices should include reinstatement and/or re-registration information. The notice and challenge process should be completed by no later than 90 days preceding an election.

"Given the arbitrary, vague and often unreliable criteria that officials use to remove people from voting rolls, combined with a lack of legislative standards, mistakes are inevitable," said Nick Williams, Policy Analyst at Demos and co-author of the report. "In an extremely close election, even a handful of erroneously purged voters could determine our next president."

Today's report follows revelations in July that Florida's felon purge lists – in an echo of the 2000 presidential election – again mistakenly contained the names of thousands of eligible voters. After the errors were publicized, and under pressure from the ACLU of Florida and other civil rights groups, the state withdrew its felon purge list. But under Florida law, county election officials may still purge voters based on their own, locally generated lists.

Reports also emerged from Florida in 2000 that voters without any criminal record were turned away from the polls because they had been misidentified as felons. In one such case, Tampa resident Sandylynn Williams was prevented from casting her vote because her sister, who is a felon, had once used her name.

The ACLU and Demos report is the latest initiative of the Right to Vote Campaign, which includes eight national civil rights organizations working towards the end of felon disfranchisement through research, public education, voter registration and litigation. According to the Campaign, nearly five million people – 1 in 43 adults – are disfranchised in the United States. Among African-Americans, 1 in 13, or 1.8 million people, are disfranchised. Over 600,000 women are denied the right to vote, and over half a million veterans are disfranchised.