

School of Law

Testimony of Kurt Schmoke

I write to you today in support of Senate Bill 488, which would give back the vote to the more than 50,000 Marylanders who have finished their criminal sentences and yet do not have a voice in the governance of our state.

As most of you know, I spent 17 years as an elected official, serving first as State's Attorney for the City of Baltimore, and then for three terms as mayor of Baltimore. As a former public official in Maryland, I know the importance of full civic participation, both to the individuals who are able to cast a vote for the kind of government they want, and to our state as a whole, which would benefit from having full participation by its citizens.

More than 50,000 of the people this Assembly governs in Maryland are unable to cast a vote for the officials who govern them. These citizens, who taken together are more than the population of the city of Annapolis, are deprived of the most fundamental civil and political right we have as Americans. The right to vote is so fundamental because by choosing our elected officials, we can preserve all our other rights as citizens, as the Supreme Court of the United States said over a century ago.

Ensuring that our fellow Marylanders can vote once their sentences are complete does not only benefit them, however. By passing this bill, you can help ensure our democracy is a true democracy, in which the voices of all its citizens are heard. Governments derive their just powers from the consent of the governed. As we move into the twenty-first century, it is our obligation as Americans to fulfill the promise that the Declaration of Independence made almost two and a half centuries ago: only when our government is elected by those it governs can we truly live in a just world.

This is particularly important in Maryland, where our criminal disenfranchisement law is one of the most archaic in the nation. We are one of only two states that generally disenfranchises by law those who commit misdemeanors even if they never serve a day in jail, and one of only six states that generally disenfranchises misdemeanants by law for any length of time.¹ Maryland is also one of only eleven states that disenfranchise some set of citizens for life on the basis of criminal conviction. We should build on the partial reform we achieved in 2002 and finish the job of making Maryland a model for the nation.

The law in front of you today would simplify our complicated law. It would modernize the statute's archaic language, and it would put Maryland back in the mainstream of American democracy. But most importantly, it will give a voice back to our fellow Marylanders. I urge you to vote in favor of Senate Bill 488.

Kurt L. Schmoke
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¹ Mississippi disenfranchises those convicted of misdemeanor versions of ten enumerated crimes. South Carolina, Kentucky, Indiana, and Colorado disenfranchise misdemeanants currently in confinement. Other states may specially disenfranchise those who commit election crimes, regardless of severity.

