



**Testimony Prepared by Roni Druks, Senior Counsel, Dēmos
Maryland General Assembly Judiciary Committee
Honorable Delegate Luke Clippinger, Chair
Honorable Delegate Sandy J. Bartlett, Vice Chair
March 2024**

Thank you, Chairman Clippinger, Vice Chair Bartlett, and members of the Maryland General Assembly Judiciary Committee for the opportunity to provide written testimony for the Judiciary Committee’s hearing on House Bill 1022.

Introduction:

My name is Roni Druks, and I serve as Senior Counsel at Dēmos: A Network for Ideas and Action. Dēmos is a movement-oriented think tank committed to racial and economic justice. For over 20 years, Dēmos has championed pro-democracy and economic justice narratives and policy to build a just, inclusive, multiracial democracy and economy. Our pro-democracy work includes advocating for an end to penal disenfranchisement, which prevents millions of Americans from engaging in the franchise and which we know disproportionately impacts communities of color.

Today I am submitting written testimony on behalf of Demos to urge this committee to vote in favor of House Bill 1022, which would ensure that all residents of Maryland, including those who are currently incarcerated, have the opportunity to be heard and participate in our democracy. I urge this committee to pass House Bill 1022 because it would create a more just and inclusive democracy. Additionally, the reforms proposed by House Bill 1022 are feasible and practicable to implement.

HB 1022 would Forge a Path Toward a More Inclusive Democracy in Maryland

House Bill 1022 would forge a path toward a more inclusive democracy in Maryland. Penal disenfranchisement remains one of the primary drivers of disenfranchisement in the United States.¹ Indeed, approximately 5 million Americans are impacted by felony disenfranchisement

¹ See Laura Williamson and Naila Alwan, *Enfranchisement for All: The Case for Ending Penal Disenfranchisement in Our Democracy*, Demos, 6 (Mar. 25, 2021), available at https://www.demos.org/sites/default/files/2021-03/Demos_IDA_EFA_FA.pdf (Demos defines penal disenfranchisement as “the system of laws, policies, and practices that prevent people involved in the discriminatory criminal legal system from voting”)

laws, which strip individuals with felony convictions of their right to vote.² In addition, despite remaining legally innocent and having every constitutional right to vote, roughly 427,000 Americans held in pretrial detention are prevented from engaging in the franchise due to the nearly insurmountable barriers they face while incarcerated.³ These barriers include an inability to access voter registration applications, difficulty in obtaining absentee ballots, and a lack of information regarding their eligibility to vote.⁴

Significantly, communities of color are disproportionately impacted by penal disenfranchisement. According to a 2022 Sentencing Project Report, 1 in 19 Black Americans of voting age cannot access the ballot due to penal disenfranchisement laws, a rate 3.5 times that of non-Black Americans.⁵ As a result of these laws and barriers, more than 10% of Black Americans cannot cast a ballot in Alabama, Arizona, Florida, Kentucky, Mississippi, South Dakota, Tennessee, and Virginia.⁶ While data on other communities of color are less robust and underreported, studies show that in at least 31 states Latino voters also experience felony disenfranchisement at higher rates than the general population.⁷

With the exception of those convicted of buying or selling votes, House Bill 1022 would ensure that all Maryland residents can exercise their right to vote regardless of conviction status.⁸ Moreover, the bill would reduce barriers to the franchise typically faced by individuals held in pretrial detention.⁹ It would ensure that incarcerated individuals are informed of their eligibility to vote, are offered frequent opportunities to register to vote, are provided with access to ballot drop boxes, and can contact a hotline to answer questions related to the voting process.¹⁰

² See Nicole D. Porter and Megan McLeod, *Expanding the Vote: State Felony Disenfranchisement Reform, 1997-2003*, Sentencing Project (Oct. 18, 2023), available at <https://www.sentencingproject.org/reports/expanding-the-vote-state-felony-disenfranchisement-reform-1997-2023/> (estimating that felony disenfranchisement laws disenfranchised 4.6 million Americans).

³ See Wendy Sawyer and Peter Wagner, *Mass Incarceration the Whole Pie*, Prison Policy Initiative 2023, Prison Policy Initiative (Mar. 14, 2023), available at <https://www.prisonpolicy.org/reports/pie2023.html#slideshows/slideshow1/2> (estimating that approximately 427,000 of the 613,000 individuals held in jail facilities have not been convicted of a crime).

⁴ See, e.g., *O'Brien v. Skinner*, 414 U.S. 524, 530 (1974) (holding that eligible incarcerated voters cannot be denied the right to vote merely because they are detained); Laura Williamson and Naila Alwan, *Enfranchisement for All: The Case for Ending Penal Disenfranchisement in Our Democracy*, Demos, 4 (Mar. 25, 2021), available at https://www.demos.org/sites/default/files/2021-03/Demos_IDA_EFA_FA.pdf (highlighting the administrative barriers including a lack of access to voter registration applications faced by individuals held in pretrial detention); Jackie O'Neil, *Detained and Disenfranchised: Overcoming Barriers to Voting from Jail*, Legal Defense Fund, <https://www.naacpldf.org/detained-and-disenfranchised-voting-from-jail/> (noting the various administrative barriers that individuals held in pretrial detention face including a lack of information about their right to vote and an inability to obtain voter registration applications); Wendy Sawyer and Peter Wagner, *Mass Incarceration the Whole Pie*, Prison Policy Initiative 2023, Prison Policy Initiative (Mar. 14, 2023), available at <https://www.prisonpolicy.org/reports/pie2023.html#slideshows/slideshow1/2> (estimating that approximately 427,000 of the 613,000 individuals held in jail facilities have not been convicted of a crime).

⁵ Christopher Uggen, Ryan Larson, Sarah Shannon and Robert Stewart, *Locked Out 2022: Estimates of People Denied Voting Rights*, Sentencing Project, 2 (Oct. 25, 2022), available at <https://www.sentencingproject.org/app/uploads/2024/02/Locked-Out-2022-Estimates-of-People-Denied-Voting.pdf>.

⁶ *Id.*

⁷ *Id.*

⁸ H.B. 1022, 2024 Gen. Assemb., 446th Sess. (Md. 2024).

⁹ *Id.*

¹⁰ *Id.*

Ultimately, House Bill 1022 would represent a leap forward in creating an inclusive democracy in Maryland, impacting thousands of currently incarcerated individuals and ensuring that every voice is heard.¹¹

HB 1022 can be Feasibly and Practicably Implemented

The Judiciary Committee, moreover, should vote in favor of House Bill 1022 because its reforms are feasible and practicable to implement. Indeed, Maryland's sister jurisdiction, the District of Columbia, successfully enacted similar reforms in 2020.¹² Notably, in 2020, the Restore the Vote Amendment Act (RVAA) expanded the right to vote to all eligible incarcerated people in the District of Columbia. Under the RVAA, the Department of Corrections was designated as an automatic voter registration agency; the Department of Corrections was tasked with hiring personnel whose sole responsibility was to oversee the civic engagement and enfranchisement of incarcerated individuals; and the District of Columbia Board of Elections was required to provide every unregistered elector with a voter registration form, a post-paid return envelope, as well as educational materials about the right to vote.¹³ Reflecting the success of the RVAA, as of November 2022, out of approximately 5,000 incarcerated D.C. residents, 1,687 were registered to vote for the General Election.¹⁴ Ultimately the success of the RVAA proves that it is logistically feasible for Maryland to effectively implement House Bill 1022. In doing so, Maryland would be following the lead of its sister jurisdiction in expanding the franchise and building a more inclusive political process.

Conclusion:

American democracy is strongest when all of its citizens have an equal say in the decisions affecting their lives and their communities. Unfortunately, in the present day, penal disenfranchisement prevents thousands of Maryland residents from voting and shaping their futures. House Bill 1022 would right this wrong and create a pathway toward a more inclusive democracy. The bill would expand the right to vote to thousands of currently incarcerated Maryland residents and ensure that their voices are heard in the political process. In doing so, Maryland would join its sister jurisdictions such as the District of Columbia in forging a path toward a more perfect union.

I would like to thank you for the opportunity to submit testimony in favor of HB 1022. I am available to answer any questions, and Dēmos is eager to work with you going forward. I can be reached at Dēmos, 80 Broad Street, 4th Floor, New York, NY 10004, (212) 633-1405.

¹¹ *Maryland Profile*, Prison Policy Initiative, <https://www.prisonpolicy.org/profiles/MD.html> (last visited Mar. 5, 2024).

¹² Restore the Vote Amendment Act, D.C. Law 23-277 (2020).

¹³ *Id.*

¹⁴ See, e.g., *Implementation of the Restore the Vote Amendment Act of 2020*, District of Columbia Corrections Information Council and Board of Elections 1, 6 (March 2023), available at https://cic.dc.gov/sites/default/files/dc/sites/cic/page_content/attachments/CIC%20%26%20BOE%20Voting%20Report.pdf; *District of Columbia Profile*, Prison Policy Initiative, <https://www.prisonpolicy.org/profiles/DC.html#:~:text=In%20D.C.%2C%205%2C000%20people%20are,are%20on%20probation%20or%20parole> (last visited Mar. 5, 2024).

