

March 7, 2024

Testimony on HB 1022
Election Law - Incarcerated Individuals - Voting Eligibility and Access (Voting Rights for All Act)
Judiciary, Ways & Means

Position: Favorable

Common Cause Maryland supports HB 1022 which would secure access to voting for all citizens in Maryland, including those citizens who are currently incarcerated and convicted of a felony. It would also require that the Department of Public Safety and Correctional Services (DPSCS) and other similar facilities partner with the State Board of Election (SBE) to facilitate a process for voting. It establishes an Ombudsman role within SBE, establishes a free voter hotline, and codifies processes already being implemented by DPSCS and SBE.

Our government should work for everyone – but far too often, the legal system works against us. While people see their vote as a tool to participate and have a voice in the decisions that impact their lives, mass incarceration presents a unique democratic challenge: those most affected by it are unable to express their grievances at the ballot box.

Maryland has already taken steps to provide access to voting for currently eligible incarcerated voters and is well positioned to be the first state in the country, outside of Washington DC, to put an end to felony disenfranchisement.

Maryland has already restored the right to vote for returning citizens and in 2021, created a program to provide individuals who are on pretrial or convicted of a misdemeanor access to voting materials and mail-in voting. DPSCS went beyond these requirements and worked with SBE to place secure drop boxes in prisons throughout the state as well as partnering with advocates to make digital nonpartisan voter guides available to eligible voters as well as advertisement about the upcoming elections that play regularly on televisions inside the correctional facilities. All these current processes can remain in place even with a large pool of eligible voters in the facilities. We are well positioned to eliminate the process by which an individual convicted of a felony loses a right to doing. Moving away from this practice and providing meaningful access to voting will help in efforts to ensure successful reentry and reduce recidivism.

With the 2024 elections right around the corner, we wanted to point to two critical provisions outlines in HB 222. One establishes a hotline where voters who currently residing in these facilities can make a call for free to report issues and ask questions about the election. SBE currently has no process for responding to questions and is not formally alerted about issues or even potential intimidation. Ombudsman role which we had hoped to establish in 2021 will also ensure these processes are secure and work as intended.

The General Assembly taking action to secure the freedom to vote for all, including those who have been marginalized or silenced in our unjust criminal justice system, sends a message to the nation that we are committed to enriching our democracy and ensuring that all perspectives are heard and considered in the decision-making process.

We urge a favorable report.