



Lee Woo Kee, Paralegal  
Public Justice Center  
201 North Charles Street, Suite 1200  
Baltimore, Maryland 21201  
410-5815-9409, ext. 246  
wookeee@publicjustice.org

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## HB 1022: Election Law – Incarcerated Individuals - Voting Eligibility and Access (Voting Rights for All Act)

Hearing before the House Ways and Means Committee, March 7, 2024

Position: SUPPORT

The Public Justice Center (PJC) is a not-for-profit civil rights and anti-poverty legal services organization that seeks to advance social justice, economic and racial equity, and fundamental human rights in Maryland. The PJC envisions a just society where Black, Latine, Indigenous, Asian, and other historically exploited people are free from systems of oppression, exploitation, and all expressions of discrimination. **The PJC supports HB 1022 and urges a favorable report.**

**HB 1022 seeks to establish requirements regarding the provisions of ballot drop boxes and information related to voting to eligible voters in correctional facilities. This includes establishing a Voting Rights Ombudsman for Incarcerated Individuals and other processes aimed at increasing voter eligibility and access.**

Most individuals being detained in jails are eligible to vote but are not able to due to a lack of voting processes within correctional facilities and jails. Accessing resources like absentee ballots, voter registration forms, and other election-related materials is difficult when individuals can't access the internet and don't know how to contact their local board of elections. Aside from these barriers to voting, many people who are incarcerated simply do not know that they are able to vote while incarcerated. This "de facto disenfranchisement" of those who are eligible voters undermines the key facet of democracy, civic participation<sup>1</sup>. HB 1022 is part of a much larger national effort to expand voting access for eligible incarcerated individuals. **HB 1022 strengthens democracy and addresses the deepening racial disparities that come from incarceration. By expanding voter eligibility and access, HB 1022 assists in incarcerated individuals' re-entry into their communities.**

Because of the anti-Black racism that pervades criminal justice systems in the United States Black people in Maryland are incarcerated at a rate 5.3 times higher than white people<sup>2</sup>. Thus, problems

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<sup>1</sup> Porter, Nicole D. "Voting in Jails." *The Sentencing Project*, 20 Oct. 2022, [www.sentencingproject.org/policy-brief/voting-in-jails/](http://www.sentencingproject.org/policy-brief/voting-in-jails/).

<sup>2</sup> "Maryland Profile." *Prison Policy Initiative*, [www.prisonpolicy.org/profiles/MD.html](http://www.prisonpolicy.org/profiles/MD.html). Accessed 5 Mar. 2024.

with disenfranchisement of individuals who are eligible to vote disproportionately impacts people of color and their communities.

**HB 1022 not only expands voting rights, but it has a positive impact on an incarcerated person's re-entry into their community after they are released and reduces recidivism.** Research conducted by advocates shows that “having the right to vote and the act of voting is related to increasing public safety. For individuals with a criminal history, having one's right to vote restored as well as the act of voting was related to reduced recidivism.<sup>3</sup>” After incarceration, “having the right to vote and civic participation is connected to [an individual's] intentions to remain crime-free.<sup>4</sup>” **Maryland releases roughly 86,654 people from its prisons and jails each year, many of whom are eligible to vote but won't due to a lack of support and information<sup>5</sup>.** Ensuring that these individuals have voting access while incarcerated supports lifelong voter participation. Incarcerated people are no different to people who aren't incarcerated, they too want to feel like they have a voice, that they have a connection to their community, and that their vote matters.

In 2023, fifteen states introduced bills designed to expand voting rights for individuals impacted by the criminal justice system<sup>6</sup>. Historic legislation included the New Mexico Voting Rights Act that restored voting rights to over 11,000 citizens and the Restore the Vote Act in Minnesota that expanded voting rights to 46,000 Minnesotans. If Maryland wants to uphold civic engagement amongst all its citizens and support incarcerated people, it will require investing in programs that restore access to voting rights for incarcerated residents.

For the reasons mentioned above, the Public Justice Center **SUPPORTS HB 1022** and requests a **FAVORABLE** report.

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<sup>3</sup> Bishop, Breanna. “The Ballot Bulletin: Voting Rights Wins in Minnesota and New Mexico.” *The Sentencing Project*, 2 May 2023, [www.sentencingproject.org/newsletter/the-ballot-bulletin-voting-rights-wins-in-minnesota-and-new-mexico/](http://www.sentencingproject.org/newsletter/the-ballot-bulletin-voting-rights-wins-in-minnesota-and-new-mexico/).

<sup>4</sup> Bishop, Breanna. “The Ballot Bulletin: Voting Rights Wins in Minnesota and New Mexico.” *The Sentencing Project*, 2 May 2023, [www.sentencingproject.org/newsletter/the-ballot-bulletin-voting-rights-wins-in-minnesota-and-new-mexico/](http://www.sentencingproject.org/newsletter/the-ballot-bulletin-voting-rights-wins-in-minnesota-and-new-mexico/).

<sup>5</sup> “Maryland Profile.” *Prison Policy Initiative*, [www.prisonpolicy.org/profiles/MD.html](http://www.prisonpolicy.org/profiles/MD.html). Accessed 5 Mar. 2024.

<sup>6</sup> Bishop, Breanna. “The Ballot Bulletin: Voting Rights Wins in Minnesota and New Mexico.” *The Sentencing Project*, 2 May 2023, [www.sentencingproject.org/newsletter/the-ballot-bulletin-voting-rights-wins-in-minnesota-and-new-mexico/](http://www.sentencingproject.org/newsletter/the-ballot-bulletin-voting-rights-wins-in-minnesota-and-new-mexico/).