



**Testimony of Nicole D. Porter  
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The Sentencing Project**

**In support of House Bill 1022  
to Guarantee Voting Rights Regardless of Incarceration Status  
Submitted to the Maryland House Judiciary Committee**

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Established in 1986, The Sentencing Project works for a fair and effective U.S. criminal justice system by promoting reforms in sentencing policy and addressing unjust racial disparities and practices. We are grateful for this opportunity to submit testimony endorsing House Bill 1022. The Sentencing Project thanks Delegate Jheanelle Wilkins for her primary sponsorship on House Bill 1022.

I am Nicole D. Porter, Senior Director of Advocacy for The Sentencing Project. I have had extensive engagement in public policy research on criminal legal issues for many years, with a particular focus on sentencing, collateral consequences of incarceration, and racial disparity. I have also authored numerous journal articles, reports and public commentary on shifting trends in state policy impacting criminal legal reform including voting rights for people with felony convictions. It is my honor to submit testimony to the Maryland Assembly to guarantee voting rights for all persons completing their sentence inside prisons and jails regardless of their crime of conviction.

House Bill 1022 would repeal the prohibition on voting by incarcerated adults serving a felony court-ordered sentence for their conviction except for persons convicted of buying or selling votes.

**Momentum to Expand the Vote**

Felony disenfranchisement laws and policies can be traced back to the founding of the United States when settler colonialists implemented the policy during their occupation of North America. The nation was founded on a paradox, a supposed experiment in

democracy that was limited to wealthy white male property owners and excluded women, African Americans, persons who could not read, poor people, and persons with felony convictions. Over the course of two hundred years all of those voting exclusions have been eliminated with the exception of people with felony convictions.

Maryland is one of 23 states that ban voting for persons in prison with a felony conviction. The number of Maryland residents disenfranchised from voting in prison and jail numbered 16,587 as of 2022<sup>1</sup>, while nationally, over 4.6 million Americans are disenfranchised.<sup>2</sup>

Twenty-six states and Washington, DC expanded voting rights to citizens with felony convictions since 1997. Maryland expanded voting rights to persons completing their sentence on felony probation and parole in 2016.<sup>3</sup> In addition to the end of felony disenfranchisement in DC, several other states have considered guaranteeing voting rights for all regardless of incarceration status. Earlier this year, officials in Massachusetts, Illinois, and Washington state considered measures to guarantee voting rights for all citizens regardless of incarceration status.

#### Voting rights reforms in other jurisdictions and states include:

- Council Members in the District of Columbia expanded voting rights to persons completing their felony sentence in prison and jail (2020).<sup>4</sup>
- Eighteen states and Washington, DC enacted voting rights reforms between 2016 and 2023, either through legislation or executive action.
- Ten states either repealed or amended lifetime disenfranchisement laws since 1997.
- Twelve states have expanded voting rights to some or all persons on probation and/or parole since 1997.

### **Voting and Public Safety for Persons Completing their Sentence**

When this nation was founded as an experiment in democracy two centuries ago, it was a very limited experiment rooted in a paradox. Women were not permitted to vote, nor African Americans or people who were poor or could not read. Over time evolving public

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<sup>1</sup> Maryland's Department of Legislative Services might be able to provide an updated analysis on persons completing their felony sentence in state prisons and local jails who are impacted by HB 1022. *Please see [Racial Equity Impact Notes](#).*

<sup>2</sup> Uggen, C., Larson, R., Shannon, S., & Stewart, R. (2022). *[Locked out 2022: Estimates of people denied voting rights due to a felony conviction](#)*. The Sentencing Project.

<sup>3</sup> Porter, N.D., & McLeod, M. (2023). *[Expanding the Vote: State Felony Disenfranchisement Reforms, 1997-2023](#)*. The Sentencing Project.

<sup>4</sup> D.C. Law 23-277. *Restore the Vote Amendment Act of 2020*. <https://code.dccouncil.gov/us/dc/council/laws/23-27>

sentiment has enfranchised all those groups, and we now look back on that moment with a great deal of national embarrassment. It is long past time to remedy the exclusion of the last remaining group of citizens who are denied the right to vote. This would represent a healthy expansion of our democracy and public safety. Voting is among several prosocial behaviors for justice impacted persons, like getting a college education, that is associated with reduced criminal conduct.<sup>5</sup> Having the right to vote or voting is related to reduced recidivism for persons with a criminal legal history.<sup>6</sup>

Disenfranchisement has no deterrent effect on crime.<sup>7</sup> Some critics of prisoner voting contend that being sentenced to a felony is an indicator of being “untrustworthy.” Any character test is a slippery slope and this minimizes eligible voters. You might be concerned that your neighbor is an alcoholic or has personality flaws, but they still maintain the right to vote in a democracy.<sup>8</sup>

Felony disenfranchisement also ignores the important distinction between legitimate punishment for a crime and one’s rights as a citizen. Convicted individuals may be sentenced to prison, but they generally maintain their basic rights. Even if someone is held in a maximum security prison cell, they still have the right to get married or divorced, or to buy or sell property. And to the extent that voting is an extension of free speech, consider that a person in prison may have an op-ed published, perhaps with greater impact than casting a single vote. Persons who are currently disenfranchised are anchoring policy change campaigns in Nebraska and Texas.<sup>9</sup>

Disenfranchisement proponents sometimes raise the possibility of a prisoners’ “voting bloc” that would run counter to the interests of the “law-abiding public.” The assertion of such a scenario should be obvious. If such a group of “pro-crime” individuals were a real threat, they would somehow have to convince the public into electing a majority of state

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<sup>5</sup> Bozick, R., Steele, J., Davis, L., & Turner, S. (2018). Does providing inmates with education improve postrelease outcomes? A meta analysis of correctional education programs in the United States. *Journal of Experimental Criminology*, 14, 389-428. <https://doi.org/10.1007/s11292-018-9334-6>; Uggen, C., Manza, J., & Behrens, A. (2013). ‘Less than the average citizen’: Stigma, role transition and the civic reintegration of convicted felons. In S. Maruna & R. Immarigeon (Eds.), *After crime and punishment* (pp. 258-287). Willan. <https://doi.org/10.4324/9781843924203>; Uggen, C., & Manza, J. (2004). Voting and subsequent crime and arrest: Evidence from a community sample. *Columbia Human Rights Law Review*, 36(1), 193-216.

<sup>6</sup> Hamilton-Smith, G. P., & Vogel, M. (2012). The violence of voicelessness: The impact of felony disenfranchisement on recidivism. *Berkeley La Raza Law Journal*, 22, 407-432. <https://doi.org/10.15779/Z38Z66E>; Uggen & Manza (2004), see note 8.

<sup>7</sup> Poulos, C. (2019). *The fight against felony disenfranchisement*. Harvard Law and Policy Review Blog. <https://journals.law.harvard.edu/lpr/2019/05/30/the-fight-against-felon-disenfranchisement/>

<sup>8</sup> Mauer, M. (2011). *Voting behind bars: An argument for voting by prisoners*. in Howard Law Journal. <https://www.prisonpolicy.org/scans/sp/Voting-Behind-Bars-An-Argument-for-Voting-by-Prisoners.pdf>

<sup>9</sup> Demetrius Gatson, an organizer with the ACLU of Nebraska, is disenfranchised while completing her parole sentence.; Jorge Renaud, director of criminal justice for LatinoJustice, is disenfranchised while completing his parole sentence in Texas.

legislators as well as a governor who shared their position. This far fetched concern is hardly a threat to public safety.

### **The Case to Guarantee Voting Rights for All**

Felony disenfranchisement policies, including for persons completing their prison sentence, are inherently undemocratic. The United States is very much out of line with world standards, and it is important to take a fresh look at the rationale and impact of policies that can only be described as aberrant by international norms.<sup>10</sup>

A prison term results in barriers to employment including reduced lifetime earnings, and restrictions on access to various public benefits. Families of incarcerated residents themselves experience the shame and stigma of incarceration, as well as the loss of financial and emotional support with a loved one behind bars. For the community at large, the challenges of reentry result in high rates of recidivism, extraction of social and political capital, and the collateral impact of mass incarceration.

The Sentencing Project applauds House Bill 1022 and is eager to see it advance through the House Judiciary Committee.

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<sup>10</sup> Ispahani, L. (2009). Voting rights and human rights: A comparative analysis of criminal disenfranchisement laws. In A. C. Ewald & B. Rottinghaus (Eds.), *Criminal disenfranchisement in an international perspective* (pp.25-58). Cambridge University Press. <https://doi.org/10.1017/CBO9780511576713.003>