

February 4, 2026

Submitted Electronically

Melissa Wells, Chair
Kenneth Kerr, Vice Chair
House Government, Labor, and Elections Committee
145 Lowe House Office Building
Annapolis, Maryland 21401

RE: House Bill 115 – Election Law – Individuals Released From State Correctional Facilities – Automatic Restoration of Voter Registration

Chair Wells and Vice Chair Kerr:

On behalf of the NAACP Legal Defense and Educational Fund, Inc. (LDF),¹ we appreciate the opportunity to submit written testimony in support of H.B. 115, a bill that would require the Department of Public Safety and Correctional Services to automatically re-register eligible and formerly registered voters upon release from confinement in a state correctional facility unless they opt out of voter registration. By enacting H.B. 115, Maryland can lower the barriers to voter registration that formerly incarcerated individuals face, take an important step toward narrowing Maryland’s persistent voter participation gaps, and become a national leader in voting rights.

I. The Legal Defense Fund’s Long History of Protecting and Advancing Voting Rights

Founded in 1940 under the leadership of Maryland native Thurgood Marshall, LDF is America’s premier legal organization fighting for racial justice. Through litigation, advocacy, and public education, LDF seeks structural changes to build a more inclusive democracy, eliminate disparities, and achieve racial justice in a society that fulfils the promise of equality for all.

LDF has prioritized its work protecting the right of Black communities to vote for more than 85 years—representing Dr. Martin Luther King, Jr. and other

¹ Since its founding in 1940, LDF has used litigation, policy advocacy, public education, and community organizing strategies to achieve racial justice and equity in the areas of education, economic justice, political participation, and criminal justice. It has been a separate organization from the NAACP since 1957.

marchers in Selma, Alabama in 1965, advancing the passage of the Voting Rights Act (VRA), litigating seminal cases interpreting the federal VRA's scope,² and working in communities across the South to strengthen and protect the ability of Black voters to participate in the political process free from discrimination.

LDF's political participation work has included advocacy for the restoration of voting rights for formerly incarcerated persons in Alabama, Florida, and other places in the South.³ For example, LDF and allies challenged a Florida law that required all legal financial obligations to be paid before a person with a felony conviction could vote.⁴ Parts of the law were struck down by a lower court, but on September 11, 2020, the U.S. Court of Appeals for the Eleventh Circuit overturned the decision, leading to LDF's extensive advocacy to ensure that as many of the 85,000 vulnerable voters could actually vote.⁵ Today, LDF is advocating for the protection of returning citizens from unfair prosecutions with the Harry T. and Harriette V. Moore Florida Voting Rights Act, which would create a centralized database for people with prior convictions to determine their voter eligibility.⁶

II. Voter Registration for Formerly Incarcerated People in Maryland

Since Reconstruction, the burden of disenfranchisement based on contact with the criminal legal system has been borne disproportionately by Black voters.⁷ This is true in Maryland where more than two-thirds of the state's incarcerated population is Black.⁸ And while Maryland has made substantial progress in making voting more equitable and accessible, substantial racial disparities in voter turnout persist, including in recent elections. For example, in the 2022 elections, turnout for white Marylanders was almost ten points higher than for Black residents, and 20 points higher than for Latine voters.⁹ Research from the Brennan

² See e.g. *Louisiana v. Callais*, 606 U.S. ___ (2025); *Allen v. Milligan*, 599 U.S. 1 (2023).

³ LDF Thurgood Marshall Institute, *Democracy Defended* (2020), https://www.naacpldf.org/wp-content/uploads/LDF_2020_DemocracyDefended-1-3.pdf.

⁴ *Jones v. DeSantis*, 462 F. Supp. 3d 1196, 1205 (N.D. Fla.), rev'd and vacated sub nom. *Jones v. Governor of Fla.*, 975 F.3d 1016 (11th Cir. 2020).

⁵ See LDF Thurgood Marshall Institute, *supra* note 3; *Jones*, 462 F. Supp. 3d at 1205.

⁶ See Florida Needs Its Own Voting Rights Act, LDF, <https://www.naacpldf.org/case-issue/florida-voting-rights-act/>.

⁷ See, e.g., Christopher Uggen et al., *Locked Out 2022: Estimates of People Denied Voting Rights*, THE SENTENCING PROJECT (Oct. 25, 2022), <https://www.sentencingproject.org/reports/locked-out-2022-estimates-of-people-denied-voting-rights/>.

⁸ DOC Data Dashboard, MARYLAND.GOV, https://www.dpscs.state.md.us/community_releases/DOC-Annual-Data-Dashboard.shtml (last visited Mar. 25, 2024).

⁹ Press Release, U.S. Census Bureau, Voting and Registration in the Election of November 2022 tbl. 4b (Reported Voting and Registration of the Total Voting-Age Population, by Sex, Race and Hispanic Origin, for States: November 2022 [<1.0 MB]) (Apr. 2023), <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-586.html>.

Center for Justice shows that Maryland ranked second in the nation in 2022 for the number of Black voters who did not vote but would have if turnout rates were equal between Black and white Marylanders.¹⁰ In other words, due to Maryland's significant Black population, its racial turnout disparities are distorting its electorate to sharply reduce Black political power.

Enacting H.B. 115 would facilitate the registration of thousands of eligible voters released from Maryland prisons each year and would lead to increased voter participation among historically marginalized communities. The state already automatically registers eligible voters who interact with other state agencies such as the Motor Vehicle Administration, the Maryland Health Benefit Exchange, local social services departments, and the Mobility Certification Office in the Maryland Transit Administration.¹¹ Yet while the State Board of Elections is required to strike registered Maryland voters convicted of a felony from the voter rolls, there is currently no streamlined process for restoring this registration once they are again eligible to participate.¹² By taking the commonsense approach of extending automatic registration to eligible and previously registered voters when they are released from prison, Maryland can drastically expand access to democracy for the thousands of eligible voters released from confinement each year.¹³ The impact will be especially significant for Black Marylanders, who consistently make up more than two-thirds of the state's incarcerated population.¹⁴

Automatic voter registration (AVR) is gaining momentum across the country. Since 2015, 24 states and the District of Columbia have adopted AVR in some form,¹⁵ and the policy has successfully increased voter registration rates wherever it is implemented.¹⁶ With H.B. 115, Maryland has the opportunity to build upon its existing AVR programs and the Value My Vote Act of 2021,¹⁷ and continue to push

¹⁰ Kevin Morris & Coryn Grange, *Growing Racial Disparities in Voter Turnout, 2008–2022*, Brennan Ctr. for Just., N.Y.U. L. (Mar. 2, 2024), <https://www.brennancenter.org/our-work/research-reports/growing-racial-disparities-voter-turnout-2008-2022>.

¹¹ VRM in the States: Maryland, BRENNAN CTR. FOR JUST. (May 8, 2018), <https://www.brennancenter.org/our-work/research-reports/vrm-states-maryland>.

¹² *Voter Registration List Maintenance*, State of Maryland (Feb. 1, 2022), https://elections.maryland.gov/voter_registration/documents/VR_List_Maintenance.pdf.

¹³ *Maryland Profile*, PRISON POLY INITIATIVE, <https://www.prisonpolicy.org/profiles/MD.html> (last visited Jan. 28, 2025).

¹⁴ DOC Data Dashboard, MARYLAND.GOV, https://www.dpscs.state.md.us/community_releases/DOC-Annual-Data-Dashboard.shtml (last visited Mar. 25, 2024).

¹⁵ *Automatic Voter Registration*, NAT'L CONF. OF STATE LEGS., <https://www.ncsl.org/elections-and-campaigns/automatic-voter-registration> (last updated July 21, 2025).

¹⁶ *Automatic Voter Registration*, BRENNAN CTR. FOR JUST., <https://www.brennancenter.org/topics/voting-elections/voting-reform/automatic-voter-registration> (last visited Jan. 29, 2026).

¹⁷ H.B. 222, 2021 Reg. Sess. (Md. 2021).

forward pro voter policies by breaking down historical barriers to the ballot box for formerly incarcerated people as they reenter society.

For the reasons outlined above, LDF urges your Committee to issue a favorable report for H.B. 115. We stand ready to work with you to protect Black voters, and other voters of color, in the Free State.

Please feel free to contact Imani Brooks at (929) 697-3794 or ibrooks@naacpldf.org with any questions or to discuss H.B. 115 in more detail.

Sincerely,

/s/ Imani Brooks

Imani Brooks

NAACP Legal Defense & Educational Fund, Inc.

700 14th Street N.W., Ste. 600

Washington, DC 20005

NAACP Legal Defense and Educational Fund, Inc.

Since its founding in 1940, LDF has used litigation, policy advocacy, public education, and community organizing strategies to achieve racial justice and equity in education, economic justice, political participation, and criminal justice. Throughout its history, LDF has worked to enforce and promote laws and policies that increase access to the electoral process and prohibit voting discrimination, intimidation, and suppression. LDF has been fully separate from the National Association for the Advancement of Colored People (“NAACP”) since 1957, though LDF was originally founded by the NAACP and shares its commitment to equal rights.