



Testimony for the Senate Education, Health & Environmental Affairs Committee

January 28, 2020

SB 91 Election Law - Individuals Released From Correctional Facilities - Voter Registration

SUPPORT

YANET AMANUEL
PUBLIC POLICY ADVOCATE

AMERICAN CIVIL
LIBERTIES UNION
OF MARYLAND

MAIN OFFICE
& MAILING ADDRESS
3600 CLIPPER MILL ROAD
SUITE 350
BALTIMORE, MD 21211
T/410-889-8555
or 240-274-5295
F/410-366-7838

FIELD OFFICE
6930 CARROLL AVENUE
SUITE 610
TAKOMA PARK, MD 20912
T/240-274-5295

WWW.ACLU-MD.ORG

OFFICERS AND DIRECTORS
JOHN HENDERSON
PRESIDENT

DANA VICKERS SHELLEY
EXECUTIVE DIRECTOR

ANDREW FREEMAN
GENERAL COUNSEL

The ACLU of Maryland urges a favorable report on SB 91, which requires all correctional facilities to provide any person with a felony conviction with a voter registration application and detailed information about their voting rights prior to their release.

In 2016, after a gubernatorial veto override, the Maryland General Assembly enacted the law restoring the voting rights for more than 40,000 individuals released from incarceration with felony convictions.¹ Prior to that law, these persons had to serve their terms of parole and probation before being re-enfranchised. However, many returning Marylanders are not aware of their restored voting rights and the state has done little to nothing to inform them.

If Marylanders with criminal records don't know their rights, they are much less likely to exercise those rights. Many are told, or incorrectly believe, that they simply have lost the right to vote for life.

In Maryland, as is the case elsewhere in the United States, the vast majority of inmates eventually return to their communities. It is therefore in our collective interest for returning Marylanders to function as engaged members of our communities, recognizing the full range of their responsibilities and rights within society.

Recent research finds a link between voting participation and recidivism: people who voted after release from supervision were half as likely to be re-arrested as those who did not vote.² Similar effects were found among people with a prior arrest: 27% of non-voters were re-arrested, compared to 12% of people who had voted.³

¹ Ford, Matt. "Restoring Voting Rights for Felons in Maryland." *The Atlantic*, Atlantic Media Company, 9 Feb. 2016, www.theatlantic.com/politics/archive/2016/02/maryland-felon-voting/462000/.

² Uggen, Christopher & Jeff Manza (2004) "Voting and Subsequent Crime and Arrest: Evidence from a Community Sample," *Columbia Human Rights Law Review*, Vol. 36, No. 1, p. 193-215.

³ Ibid.

Criminal disenfranchisement has a disproportionate impact on communities of color. While disenfranchisement policies prevent 2.5% of the total population from voting nationwide, they prevent 13% of the total population of African American men from casting a ballot.⁴ In Maryland, 69% of Maryland's disenfranchised population is African-American, making the rate of disenfranchisement twice as high as the state's overall rate.

Finally, voting is a fundamental right and a civic duty. As the U.S. Supreme Court stated in its landmark 1964 decision, *Reynolds v. Sims*, "The right to vote freely for the candidate of one's choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government,"⁵

For the foregoing reasons, we urge a favorable report on SB91.

⁴ See: Jeff Uggen and Christopher Manza, "Locked Out: Felon Disenfranchisement and American Democracy," (Oxford University Press, USA, 2006), Table A3-3, p. 249 and Table A3-4, p. 252. See, also: "Losing the Vote. The Impact of Felony Disenfranchisement Laws in the United States," The Sentencing Project and Human Rights Watch, October 1998. Found at: http://www.sentencingproject.org/tmp/File/FVR/fd_losingthevote.pdf.

⁵ *Reynolds v. Sims*, 377 U.S. 533 (1964).

