

SB 372_FAV_ACLUMD_Amanuel

Uploaded by: Amanuel, Yanet

Position: FAV



**Testimony for the Senate Education, Health & Environmental Affairs
Committee**

March 5, 2020

**SB 372 Election Law - Correctional Facilities - Voter Registration
and Voting**

FAVORABLE

YANET AMANUEL
PUBLIC POLICY ADVOCATE

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The ACLU of Maryland urges a favorable report on SB 372, which requires the State Board of Elections establish a program to disseminate voting information, voter registration applications, and absentee ballot applications to eligible voters in correctional facilities.

Voting is the hallmark of our democracy—a system of government that is strongest when all voices are included. If an individual is eligible to vote, whether incarcerated or not, that right must be honored. As the Supreme Court noted in the 1964 case, *Reynolds v. Sims*:

Undoubtedly, the right of suffrage is a fundamental matter in a free and democratic society. Especially since the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights, any alleged infringement of the right of citizens to vote must be carefully and meticulously scrutinized.¹

Though the voting rights of people with criminal convictions vary from state to state, most people who are incarcerated in county jails across the country legally have the right to vote. However, most people are not aware of their right or experience obstacles when they reach for the ballot box. For instance, difficulty obtaining voter registration forms and absentee ballot applications, or inability to afford postage stamps, make it nearly impossible for even a very determined incarcerated voter to register or vote in an election. As a result, many eligible adult citizens are denied the right to vote purely because they happen to be incarcerated. This is known as de-facto disenfranchisement, when

¹ “Reynolds v. Sims, 377 U.S. 533 (1964).”

eligible would-be voters are deprived of their right to cast a ballot because of complicated practices and procedures.²

There are few programs that make it possible for those behind bars to exercise their right to vote and the logistical considerations of registering and/or voting from jail or prison can make it extremely difficult.

In 2011, San Francisco took steps much like that being proposed under SB 372 and saw that inmates had the highest turnout rate of any group in the 2012 election—approximately 90 percent.³

Voting allows individuals to maintain a connection with their communities during incarceration, which can be instrumental for effective re-entry.

Finally, Maryland's prisons and jails are disproportionately filled with Black and Brown bodies—the inability of this population to access the ballot raises serious racial equity concerns regarding the dilution of the voting power of these communities.

For the foregoing reasons, we urge a favorable report on SB 372.

² CHRISTOPHER UGGEN ET AL., *THE SENTENCING PROJECT, 6 MILLION LOST VOTERS: STATE-LEVEL ESTIMATES OF FELONY DISENFRANCHISEMENT*, 2016 6 (2016).

³ Aaron Sankin, *Huffington Post, San Francisco Prisoners Voting: Registration Among Inmates Reaches Record High* (Nov. 20, 2012).

Brennan Center Senate Bill 372 (3.4.2020)

Uploaded by: Berry, Patrick

Position: FAV

**Written Testimony of
Patrick Berry
Fellow and Counsel, Democracy Program
Brennan Center for Justice at NYU School of Law**

**To the
Maryland Senate Education, Health, and Environmental Affairs Committee
Concerning Senate Bill 372
Election Law-Correctional Facilities-Voter Registration and Voting**

March 5, 2020

The Brennan Center emphatically supports Senate Bill 372, which will eliminate barriers to voting for Marylanders held in jail awaiting trial or incarcerated solely for a misdemeanor. For decades, the Brennan Center has worked at the state and federal levels to make voting free, fair, and easy for all eligible voters and to push back against restrictive voting policies that make it harder for individuals involved with the criminal justice system to vote, through research, legislative and executive advocacy, and public education.¹ We commend this Committee for considering this legislation and urge you to move the bill to a floor vote as quickly as possible.

The Committee will hear live testimony from a number of others today about the obstacles voting-eligible detained Marylanders face while trying to exercise their right to vote. Below, I highlight two reasons why the Brennan Center supports Senate Bill 372.

1) Many detained Marylanders are legally eligible to vote.

Under current law, individuals in pre-trial detention awaiting trial and those incarcerated solely for a misdemeanor offense are eligible to vote. However, there is no formalized process for registering eligible voters or distributing ballots, absentee or otherwise, to detained Marylanders wanting to exercise their fundamental right to vote. As a result, countless eligible voters, who have not even been convicted of a felony, and in most cases have not been convicted of any offense at all, are disenfranchised each election cycle while detained. And because of

¹ The Brennan Center for Justice at NYU School of Law is a nonpartisan public policy and law institute that works to reform, revitalize, and defend our country's system of democracy and justice. The Brennan Center's work on eliminating barriers to effective voter participation has been widely cited by legislators, government agencies, academic journals, and the media, and our experts have testified frequently before Congress and state legislatures across the country. The opinions expressed in this testimony are only those of the Brennan Center and do not necessarily reflect the opinions of NYU School of Law.

racial bias in the state's criminal justice system, these barriers disproportionately impact communities of color² and low-income Marylanders.³

In *O'Brien v. Skinner*, the U.S. Supreme Court held that eligible voters cannot be denied the right to vote while they are detained.⁴ The Court has elsewhere recognized that “the right of suffrage is a fundamental matter in a free and democratic society.”⁵ By enacting Senate Bill 372, the Maryland General Assembly will ensure that the voting rights of *all* eligible voters are fully realized.

2) Maryland is out of step with a growing number of jurisdictions that promote civic participation by eligible detained voters.

Jurisdictions across the country are increasingly taking steps to protect the right to vote of eligible detained voters.

In Arizona⁶ and Colorado,⁷ the Secretaries of State have promulgated rules requiring local election officials to coordinate with their county's sheriff's office to facilitate voting by eligible detained voters. In Washington, D.C., the Department of Corrections provides voter registration assistance to qualified individuals who are not registered to vote,⁸ and the Board of Elections has helped detained voters at the D.C. Jail cast absentee ballots.⁹ And in Illinois, lawmakers passed legislation designating the Cook County Jail, the state's largest jail, as a polling location and requiring other jails to establish voting processes during elections for

² While Black people make up 62% of Baltimore City's population, *see* 2014-2018 American Community Survey 5-Year Estimates: Demographic and Housing Estimates, U.S. CENSUS BUREAU, https://data.census.gov/cedsci/table?q=Baltimore%20city.%20Baltimore%20city.%20Maryland&tid=ACSDP5Y2018.DP05&g=0600000US2451090000&hidePreview=false&vintage=2018&cid=DP05_0001E&layer=countysubdivision (last accessed Mar. 4, 2020), data provided by the Maryland Department of Public Safety and Correctional Services indicates that 87% of the 1,940 individuals committed to the Baltimore City Jail on February 13, 2020 were Black.

³ A 2016 study of Maryland's monetary bail practices found that Black people “were charged \$181 million in premiums, more than double the premiums of all other races combined.” *See* Annalies Winny, *Study: Money Bail System Disproportionately Impacts Poor, Black Communities*, THE BALTIMORE SUN (Nov. 17, 2016), <http://www.citypaper.com/blogs/the-news-hole/bcpnews-study-money-bail-system-disproportionately-impacts-poor-black-communities-20161117-story.html>.

⁴ *O'Brien v. Skinner*, 414 U.S. 524 (1974).

⁵ *Reynolds v. Sims*, 377 U.S. 533, 561-562 (1964).

⁶ ARIZONA SECRETARY OF STATE, DRAFT ELECTIONS PROCEDURES MANUAL 69 (Oct. 2019), https://azsos.gov/sites/default/files/EPM_2019_FINAL.pdf.

⁷ COLORADO SECRETARY OF STATE, POLICY AND PROCEDURE MANUAL 7 (2019), <https://www.sos.state.co.us/pubs/elections/policyManual/ElectionsPolicyManual.pdf>.

⁸ D.C. Code Ann. § 24-211.08.

⁹ Mark Segraves, *Non-Felon Prisoners Vote at DC Jail*, NBC WASHINGTON (Nov. 2, 2016), <https://www.nbcwashington.com/news/local/non-felon-prisoners-vote-at-dc-jail/111940/>.

eligible detained voters.¹⁰ Local government and jail officials have also taken steps to help eligible detained voters participate in the electoral process in Alaska,¹¹ Los Angeles,¹² New York City,¹³ and Philadelphia.¹⁴

The right to vote forms the core of American democracy. And a strong, vibrant democracy requires the broadest possible base of voter participation. By enacting Senate Bill 372, the Maryland General Assembly has the opportunity to eliminate avoidable barriers and ensure that all eligible detained Marylanders have access to the resources they need to register, cast a ballot, and have a say in our country's democracy. You can and should take the first step today by voting to pass Senate Bill 372 out of committee.

¹⁰ S.B. 2090, 101st Gen. Assemb., 1st Reg. Sess. (Ill. 2019).

¹¹ James Brooks, *Pilot Program Aids Voter Registration, Absentee Balloting for Eligible Prisoners in Alaska*, JUNEAU EMPIRE (July 14, 2018), <https://www.juneauempire.com/news/pilot-program-aids-voter-registration-absentee-balloting-for-eligible-prisoners-in-alaska/>.

¹² Caleigh Wells, *Did You Know You Can Vote From Jail? County Inmates Didn't*, LAIST (Sep. 25, 2018), <https://laist.com/2018/09/25/did-you-know-you-can-vote-from-jail-county-inmates-didnt.php>.

¹³ Ray Downs, *NYC Begins Effort to Register Jail Inmates to Vote*, UPI (Aug. 7, 2018), https://www.upi.com/Top_News/US/2018/08/07/NYC-begins-effort-to-register-jail-inmates-to-vote/1101533692793/.

¹⁴ Cherri Gregg, *Philly Prisons Ramp Up Voter Education for Inmates*, CBS PHILLY (Apr. 27, 2017), <https://philadelphia.cbslocal.com/2017/04/27/philly-prisons-ramp-up-voter-education-for-inmates/>.

CCMD SB 372 Election Law-CorrecVoting

Uploaded by: Bradford, Tierra

Position: FAV

Maryland
Holding Power Accountable

March 5, 2020

Testimony on SB 372
Election Law-Correctional Facilities-Voter Registration and Voting
Education, Health, and Environmental Affairs**Position: Favorable**

Common Cause Maryland, along with our partners **Out for Justice** and **Life After Release**, would require the State Board of Elections and the Department of Public Safety and Correctional Services to work together and create a voter program for eligible incarcerated voters.

Currently, individuals who are pretrial or have been convicted of a misdemeanor have the right to vote. However, they are not ensured access to voting. This legislation would require the dissemination of voter registration and absentee ballot materials to those eligible voters. This legislation would also include that the Department of Public Safety and Correctional Services take steps to educate inmates about their voting rights before their release. This would include the requirement that all parole and probation offices display a sign indicating that all persons who are no longer incarcerated have the right to vote.

It is our recommendation that the State Board of Elections work closely with advocates including those who have been directly impacted by the criminal justice system when developing this program, as well as, individuals in the local jurisdictions whom will be pertinent to the process.

Voting should be accessible for all eligible voters. We must give people the tools to vote and a major component to voter accessibility is awareness. There is broad misunderstanding among jail and prison officials, and indeed among incarcerated persons themselves, regarding the voting rights of incarcerated persons. There are few programs that make it possible for those behind bars to exercise their right to vote and the logistical considerations of registering and/or voting from jail or prison can make it extremely difficult. Voting allows individuals to maintain a connection with their communities during incarceration, which can be instrumental for effective re-entry. Finally, Maryland's prisons and jails are disproportionately filled with Black and Brown bodies—the inability of this population to access the ballot raises serious racial equity concerns.

Voting should be accessible for all eligible voters no matter who they are or were they temporarily reside. This legislation is a step forward in ensuring access for those who should have always had it.

We urge a favorable report.



BHRC_FAV_SB372

Uploaded by: Christensen, Tricia

Position: FAV

March 5, 2020

Chair Paul Pinsky,
Senate Education, Health, and Environmental Affairs Committee

Chair William Smith
Senate Judicial Proceedings Committee



Senate Bill 372 – Election Law – Correctional Facilities – Voter Registration and Voting - FAVORABLE

Dear Chairs Pinsky and Smith and members of the Committees,

Baltimore Harm Reduction Coalition (BHRC), an advocacy organization that mobilizes community members for the health, dignity, and safety of people targeted by the war on drugs and anti- sex worker policies, supports Senate Bill 372.

This bill will require the Department of Public Safety and Correctional Services to notify individuals being released from incarceration that their voting rights have been restored, and to provide them with a voter registration application.

The decades-long war on drugs has been a significant contributor to Maryland’s high incarceration rate and has consequently disenfranchised countless residents. Considering **Black Marylanders, especially those living in lower income neighborhoods, are more likely to be charged and prosecuted for drug-related offenses**, the war on drugs has effectively disenfranchised Black Marylanders at higher rates than white people. And due to stigma and misinformation, many people aren’t aware that Maryland law restores the right to vote once someone has left a correctional facility.

Engaging people in the political process not only strengthens our democracy, it also enhances public safety. Research has shown that people with past convictions who vote are significantly less likely to be re-arrested than those who don’t vote. Notifying individuals about their voting rights upon re-entry is a small gesture to welcome people back into our communities.

BHRC respectfully requests the Committee give this measure a **favorable report**. Thank you for your consideration.

For more information about BHRC or this position, please contact Tricia Christensen at Tricia@BaltimoreHarmReduction.org.

NCADD_FAV_SB 372

Uploaded by: ciekot, ann

Position: FAV



**Senate Education, Health & Environmental Affairs Committee
March 5, 2020**

**Senate Bill 372
Election Law – Correctional Facilities – Voter Registration and Voting
Support**

NCADD-Maryland supports Senate Bill 372. NCADD-Maryland has long advocated for policies that help people involved with the criminal justice system avoid some of the collateral damage caused by our drug policies. Our work has included fighting for the restoration of people's right to vote. HB 568 ensures that people's voting rights are not suspended while they are incarcerated.

People who are incarcerated maintain many of their constitutional rights. As participation in our democratic system of government is one of our most cherished rights, there must be a compelling reason to deny people access to it. The data show disenfranchisement laws have a disproportionate impact on people of color, and throughout U.S. history, have been intended to do so. Allowing people who are in jails and prisons to vote will help reverse this impact and help those who will be returning to their communities remain active members.

We urge your support of Senate Bill 372.

The Maryland Affiliate of the National Council on Alcoholism and Drug Dependence (NCADD-Maryland) is a statewide organization that works to influence public and private policies on addiction, treatment, and recovery, reduce the stigma associated with the disease, and improve the understanding of addictions and the recovery process. We advocate for and with individuals and families who are affected by alcoholism and drug addiction.

Maryland JPTestimony ExpandSB372 Monica Cooper

Uploaded by: Cooper, Monica

Position: FAV



TESTIMONY IN SUPPORT OF SB372

Election Law - Correctional Facilities - Voter Registration and Voting

To: Chairman Paul G. Pinsky, Vice Chair Cheryl C. Kagan and Members of the Senate Education, Health & Environmental Affairs Committee

From: Monica Cooper Maryland Justice Project, Founder

Date: 3/5/2020

Dear Chairman and members of the committee

The Maryland Justice Project would like to ask for your support on **SB372 Election Law - Correctional Facilities - Voter Registration and Voting**

Our organization work with Women and Girls Incarcerated and Formerly Incarcerated. I can tell you from my experience that there are several things that concern incarcerated individuals 1.) How can I get my life back on track once I get out, 2) Will I be able to exercise my right to vote? For myself after more than a decade of having all my rights taken away from me due to incarceration I felt powerless over my circumstances. Breaking societal mores and having to forgo your right to decent housing, adequate meals, proper medical care and mental health treatment is a reality behind bars. I spent over a decade at the Maryland Correctional Institution for Woman and the hurt and pain of losing one's freedom to choose when you go to bed when you eat how fast you walk in indescribable. The one thing that I looked forward to the most was an opportunity to exercise my right to vote. I recognized the one way to have my voice heard was through my vote. The most powerful weapon we process is the vote and with the current efforts to suppress votes and to keep citizens from voting, Maryland should do everything in its power to ensure all of its citizens are made fully aware of their voting rights. Maryland should ensure that all its citizens have access to the ballot. I do realize the history of voting in America

and all her efforts to suppress votes particularly the votes of Black persons, however I am encouraged with the many efforts our state has made in terms of its returning citizens right to vote. I am personally elated and will never take my right to vote for granted. This legislation will just continue that trend of equity at the polls and will help to chip away at the long standing efforts to strip American Citizens of the Inalienable Right to Vote. Maryland is certainly leading the way in terms of righting the wrongs of historical voter suppression. Under no circumstances should an individual's right and access to the polls be denied. In closing I would like to add that not only am I a returning citizens, I am an elected official. In 2018 I was elected to serve on the Democratic State Central Committee 40th District. To end up as an elected official is one of the most significant event to ever occur in my life. The fact that I was able to come from incarceration and run for office is a testament of Second Chances and it speaks volumes to the wonderful benefit we stand to gain when we keep all our citizens engaged in the voting process. This writer pray that the committee will continue to set the standard for other state. Also thank you, if it were not for law makers I would not be an elected official. The restoration of my voting rights has me in the position to help our state become more inclusive and better for all its citizens.

Thank you,
Monica Cooper, Executive Director
Maryland Justice Project

March 5- SB372 Toby Ditz

Uploaded by: Ditz, Toby

Position: FAV

March 5, 2020

Toby Ditz
1416 Bolton Street, Baltimore, MD 21217
toby.ditz@jhu.edu / 410-669-0085

TESTIMONY IN SUPPORT OF SB372
Election Law - Correctional Facilities - Voter Registration and Voting

TO: Chair Pinsky, Vice Chair Kagan, and members of the Education, Health, and Environmental Affairs Committee

FROM: Toby Ditz

My name is Toby Ditz, and I live in Baltimore City in District 40. I strongly support SB372. This bill joins other voting reforms, such as same day registration and early voting, that encourage more widespread participation at the ballot box. These reforms are popular in our state because the public understands that making the right to vote real and effective is essential to political democracy. If enacted, SB372 would also take its place among a series of reforms, like the ban-the-box law, that attempt to roll back the discriminatory policies of mass incarceration that have in Maryland led to one of the highest rates of incarceration of Black men in the nation.

The bill's goals are simple: to inform eligible voters of their right to vote, to enable them to do so by mail, and to register them, if necessary. We do this for other eligible voters, including citizens who live in group settings like nursing homes. Why not do so for incarcerated people who retain the right to vote, or who regain it when they leave prison?

I have heard opponents of this bill cite safety considerations. But many civilians interact on a regular basis with the men and women in our correctional facilities without incident, including, for example, teachers, and tutors in college preparatory and degree programs. Compared to mounting college classes in our correctional institutions, the resources needed to safely help people fill out registration forms or give them access to mail-in ballots are straightforward.

Some also say it is too expensive and that correctional staff are short-handed. But this cannot justify continuing to deprive a whole population of their fundamental right to vote. The fiscal note's assertion that this bill would require hiring thirty new employees is greatly overblown. But even if funding is an issue, then, you, the legislators, must find a way; budgetary arguments cannot be allowed to trump fundamental rights, especially when the effect is to deepen racial discrimination at the ballot box.

My friends and neighbors in Baltimore know it is wrong that so many people languish in pretrial detention for months simply because they cannot afford bail, when others with bigger wallets go free. It violates our sense of fairness, and we know that it is discriminatory because Black men and women disproportionately bear this burden. But many of us have to be reminded that people in jail also cannot exercise their right to vote. When we are, we can see instantly that

this is a double whammy: for lack of money, people lose their freedom and their vote. Bail and pretrial detention become a poll tax.

You can easily fix this. Voting is a core political right. This bill protects that right, and it enhances democracy at the ballot box.

I respectfully urge a favorable report on SB372.

March 5- SB372 Toby Ditz

Uploaded by: Ditz, Toby

Position: FAV

March 5, 2020

Toby Ditz
1416 Bolton Street, Baltimore, MD 21217
toby.ditz@jhu.edu / 410-669-0085

TESTIMONY IN SUPPORT OF SB372
Election Law - Correctional Facilities - Voter Registration and Voting

TO: Chair Pinsky, Vice Chair Kagan, and members of the Education, Health, and Environmental Affairs Committee

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I respectfully urge a favorable report on SB372.

HAVEN_FAV_SB372

Uploaded by: Haven, Kim

Position: FAV

Kimberly Haven

March 5, 2020

Chairman Pinsky
Vice Chair Kagan
Members of the Education, Health and Environmental Committee

SB 372 – Correctional Facilities- Voter Registration and Education
Position: SUPPORT

My name is Kimberly Haven and I am in support of SB 372.

As one of the leading criminal justice advocates in our State, I urge this committee to support this legislation.

The late Supreme Court Justice Thurgood Marshall once declared, “the right to vote is preservative of all other civil and political rights.”

Voting is not a reward nor a privilege – it is a birthright and a hallmark of our democracy. The right to vote is a badge of citizenship and without this franchise all other rights are in jeopardy. Maryland expanded the right to vote in 2015 and yet failed to inform and educate all our citizens – particularly those who have criminal justice system involvement.

The State Board of Elections and Department of Public Safety and Correctional Services and other agencies have failed to engage thousands of eligible citizens since the legislation was enacted. This, while perhaps not intentional, is at its core voter suppression. They have discounted and dismissed the voices of these reenfranchised voters. They have denied and violated their right to participate in our democracy.

SB 372 would change that. This legislation ensures that there is a commitment to inform, educate and engage these eligible voters. By providing access to information, voter registration forms and absentee ballots, we strengthen our democracy and we encourage and support full civic participation.

A truly democratic government of the people incorporates all of our voices.

In closing, fairness dictates and democracy demands that we do everything we can to facilitate voting. To deny or shirk this responsibility only serves to undermine the very bedrock of our democracy.

I urge a favorable report on SB 372.

Respectfully,
Kimberly Haven

Demos SB 372 Testimony

Uploaded by: Jayaram, Amshula

Position: FAV

Dēmos

Testimony on SB 372
Election Law-Correctional Facilities-Voter Registration and Voting
Education, Health, and Environmental Affairs

Delivered by: Amshula Jayaram, Senior Campaign Strategist, Dēmos

March 4, 2020

Position: Favorable

My name is Amshula Jayaram and I am a Senior Campaign Strategist with Dēmos, a national racial and economic justice organization dedicated to the emancipation of black and brown communities. Dēmos is submitting testimony in enthusiastic support of Senate Bill 372, which requires the State Board of Elections and the Department of Public Safety and Correctional Services to work together to ensure that eligible incarcerated individuals are able to vote.

Dēmos takes its name from the Greek word for “the people.” We chose this name as a reminder that the strength of any democratic society is dependent on the power and freedom of the people, central to which is the ability to vote.

Senate Bill 372 is a straightforward but necessary bill that would ensure that the state of Maryland is upholding basic constitutional rights. For those detained pretrial or convicted of a misdemeanor, this means they must be given access to registration and absentee ballots. For those who are being released, they must be informed of their voting rights and how to exercise that right. Democracy is not a spectator sport, neither for voters nor for the State. It requires all of us to ensure that it is working as intended.

Senate Bill 372 will not only strengthen democracy in Maryland, but it will set an example for states around the country. While the nation has begun to reckon with mass incarceration and the disproportionate impact on communities of color, we are nowhere near addressing the many collateral consequences, one of the most serious of which is the loss of political power for black and brown communities. Creating a strong voter engagement program to ensure that those detained pre-trial who have the presumption of innocence, those who have been convicted of misdemeanors, and those who are approaching release are all aware of their right to vote and able to exercise it sends a message that the state is committed to chipping away at those consequences.

For many impacted people, the day of detention – even if temporary – may be one of the worst days of their lives. While it may not occur to those of us who have not gone through the criminal legal system, something as powerful as the ability to vote sends a message that life is not over because of a charge or a conviction. The shame and stigma of incarceration is equally strong in many communities, and here again the ability to engage in civic life can potentially help people in the system retain a sense of their value in the world.

Saying voting is a fundamental right means nothing without the infrastructure to ensure people can exercise that right. This legislation is a critical step towards making that right a reality. We urge the committee to issue a favorable report and applaud the legislature for taking this step.

AttorneyGeneral_FAV_SB372

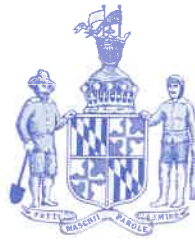
Uploaded by: Kemerer, Hannibal

Position: FAV

BRIAN E. FROSH
Attorney General

ELIZABETH HARRIS
Chief Deputy Attorney General

CAROLYN QUATTROCKI
Deputy Attorney General



STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

FACSIMILE NO.

WRITER'S DIRECT DIAL NO.

March 5, 2020

To: The Honorable Paul G. Pinsky
Chair, Education, Health, and Environmental Affairs

From: The Office of the Attorney General

Re: SB 372 – Election Law – Correctional Facilities – Voter Registration and Voting
(SUPPORT)

The Office of the Attorney General supports Senate Bill 372 and urges a favorable report. This bill requires the Department of Public Safety and Correctional Services to provide each individual who is released from prison with a voter registration application and documentation informing the individual that the individual's voting rights have been restored. The bill further requires the State Board of Elections to adopt regulations establishing a program to inform eligible voters incarcerated in correctional facilities of upcoming elections and how to exercise their right to vote. Finally, SB 372 requires probation officers to post conspicuous voting rights signage further informing the previously incarcerated of their right to vote.

Senate Bill 372 is a thoughtful, bipartisan, effort to expand the electorate and remind the previously incarcerated of their ability to engage in civic duties. It is one additional step in acclimating former prisoners to free society and engaged democratic participation. It is, in short, an effort to provide them greater agency in their own futures by enabling them to choose their federal, state, and local representatives.

For all of the foregoing reasons, the Office of Attorney General urges a favorable report on SB 372.

cc: Members of the Education, Health, and Environmental Affairs Committee



Testimony IndvHocoSupport of SB0372

Uploaded by: Lemzye, Christine

Position: FAV

Indivisible HoCoMD

TESTIMONY TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE

HB0372 Election Law - Correctional Facilities - Voter Registration and Voting

POSITION: Support

by: Christine Lemyze, Defend Democracy Team Lead, Indivisible Howard County

Date: March 4, 2020

Indivisible Howard County supports SB0372 which would require the Department of Public Safety and Correctional Services to provide each individual who is released from a correctional facility with a voter registration application and documentation informing the individual that the individual's voting rights have been restored; it would also require the State Board of Elections to adopt certain regulations establishing a program to inform eligible voters incarcerated in correctional facilities of upcoming elections and how to exercise the right to vote; etc.

Since 2016 in Maryland, formerly incarcerated individuals have the right to vote, immediately upon release, but many are not aware of this or may not know how to register to vote. It is simply a matter of justice and equality to ensure that these individuals be informed of their rights and given voter registration information.

In Maryland, there is no system to ensure that incarcerated individuals either in pre-trial or convicted of a misdemeanor and who have the right to vote are in fact able to do so. We firmly believe that every citizen eligible to vote should be able to exercise that right and that it is the responsibility of the State Board of Elections to ensure that such a system to provide voting information, access to ballots and the ability to fill these ballots be in place.

Finally, beyond ensuring that voting, the most basic right in our democracy, is indeed accessible to all, this bill would also have a beneficial societal impact as academic and government research has shown a lower recidivism rate among those previously incarcerated individuals who vote.

Indivisible Howard County urges a favorable report on SB0372.

March 5 - SB0372 Andrew Miller

Uploaded by: Miller, Andrew

Position: FAV

Andrew Miller
16 Emerald Ridge Court, Baltimore, MD 21209
(443) 904-4484 / ajmiller04@gmail.com

TESTIMONY IN SUPPORT OF SB372
Election Law - Correctional Facilities - Voter Registration and Voting

TO: Chair Pinsky, Vice Chair Kagan, and members of the Education, Health, and Environmental Affairs Committee

FROM: Andrew J. Miller

My name is Andrew Miller and I live in Baltimore in District 11. I submit this testimony in support of SB372 on behalf of the legal voting rights of Maryland citizens who have been incarcerated with or without having been convicted, because my Jewish faith tradition commands us to pursue justice.

A 2018 report by Job Opportunities Task Force, “The Criminalization of Poverty: How to break the cycle through policy reform in Maryland,” documents the many ways that “Maryland is penalizing people for being poor, creating de facto debtors’ prisons and trapping many in a vicious cycle where the smallest interaction with the criminal justice system becomes a life sentence.” It is clear that people of color and people living in poverty have disproportionate exposure to the criminal justice system, and that they are arrested at higher rates even for similar crimes. There are many people who are arrested and never charged or never convicted, yet still suffer consequences that can lead to loss of jobs and loss of housing. They have the right to vote. Others may be convicted of non-felony offenses and still retain the right to vote under the laws of our state.

These individuals are still citizens of our country and our state and they have the right to be treated with dignity even if they have been in the criminal justice system. They are entitled to vote as guaranteed by the U.S. Constitution. It is the obligation of the State of Maryland to ensure that those rights are not abrogated. The cost of providing ballot or other materials cannot be used as an excuse for denying eligible voters access to the ballot. Constitutional rights are not to be treated as a matter of convenience to be allowed at the discretion of the correctional facility. All around the country we see laws being passed to limit access to the voting booth when we should be increasing access and making sure every person has the opportunity to exercise their rights.

This bill requires the board of elections to go into jails and prisons to supply voter registration forms, absentee ballots, and vote information; it provides enhanced training and educational materials to probation and parole officers about voting rights of returning citizens; it requires correctional facilities to cooperate fully with the State Board of Elections and the local board; and it includes reporting requirements to ensure accountability. **I respectfully urge a favorable report on SB372 that retains all of these requirements.**

SB 372 Indivisible written testimony

Uploaded by: Neuhaus, Alexandra

Position: FAV



Maryland Indivisible Coalition

Alexandra Neuhaus-Follini, Advocate
alexandraneuhausfollini@gmail.com

SUPPORT SB 372

**Election Law – Correctional Facilities – Voter Registration and Voting
Hearing of the Senate Education, Health, and Environmental Affairs Committee
March 5, 2020**

The Maryland Indivisible Coalition is a network of grassroots groups from across the State of Maryland representing thousands of engaged progressive voters and dedicated to protecting progressive and democratic values threatened by President Trump. **The Maryland Indivisible Coalition strongly supports SB 372**, which would make voting more accessible for currently and formerly incarcerated citizens who have the right to vote in Maryland.

Incarcerated citizens who have the right to vote face special difficulties in exercising that right. Marylanders serving time for a misdemeanor conviction, and those in pretrial detention (who have not been convicted of anything), have the right to vote. Even if these people are registered to vote, they cannot vote in person due to their incarceration. If the State of Maryland does not facilitate the acquisition and return of voter registration forms and absentee ballots, it is de facto disenfranchising these voters. SB 372 will help ensure that these citizens' right to vote exists in reality and not just on paper.

Incarcerated citizens who have the right to vote may not realize they have that right. While canvassing over the past three years, Indivisible members across Maryland have regularly encountered people who mistakenly believe they do not have the right to vote because of a previous conviction. SB 372 would help educate citizens about their voting rights.

SB 372 builds on the General Assembly's extension of voting rights to returning citizens on parole and probation. SB 372 is a much more modest reform that will make the right to vote more meaningful for those who are incarcerated but retain that fundamental right. It will also inform returning citizens of the voting rights that the General Assembly restored in 2016.

We have a moral obligation to make it as easy as possible for all eligible voters to exercise their franchise. SB 372 would bring us one step closer to meeting that obligation.

For these reasons, the Maryland Indivisible Coalition **SUPPORTS SB 372**. A full list of affiliates is attached. With questions, please call Alexandra Neuhaus-Follini at 410-693-3795.

Affiliated Organizations, Supporters, Signatories

1. Anne Arundel County Indivisible (Anne Arundel County)
2. WISE (Women Indivisible Strong Effective) (Anne Arundel County)
3. Indivisible Baltimore (Baltimore City)
4. Indivisible Catonsville (Baltimore County)
5. Indivisible Towson (Baltimore County)
6. Indivisible Howard County (Howard County)
7. Kent and Queen Anne's Indivisible (Kent County/Queen Anne's County)
8. Glen Echo Heights Mobilization (Montgomery County)
9. Indivisible Cabin John (Montgomery County)
10. Indivisible MoCo (Montgomery County)
11. Indivisible Montgomery (Montgomery County)
12. Indivisible Worcester Maryland (Worcester County)

MDLC_FAV_SB372

Uploaded by: Plante, Cecilia

Position: FAV



TESTIMONY FOR SB0372

ELECTION LAW – CORRECTIONAL FACILITIES – VOTER REGISTRATION AND VOTING

Bill Sponsor: Senator West

Committee: Judicial Proceedings

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of SB0372 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of individuals and grassroots groups with members in every district in the state. We have over 30,000 members across the state.

Our Coalition members are very supportive of every Marylander's right to vote. We are aware that there are persons in the state, who have the right to vote, but do not always know that they can vote, or know when elections are being held. Persons who are incarcerated awaiting trial, persons who are serving time for misdemeanors, and those just released from incarceration are often uncertain of their rights and are de facto disenfranchised from one of their basic rights.

This legislation would seek to address that problem by providing information and voter registration forms to them. This is an important step forward in ensuring that all Marylanders who have the right to vote have the tools and information available to them to cast their vote.

The Maryland Legislative Coalition supports this bill and we recommend a **FAVORABLE** report in committee.

Rhudy_FAV_SUP SB 372-voting

Uploaded by: Rhudy, Bob

Position: FAV

SUPPORT SB 372 - voting registration

MARYLAND ALLIANCE FOR JUSTICE REFORM

Working to end unnecessary incarceration and build strong, safe communities



TO: Chair Luke Clippinger and House Judiciary Committee
FROM: Bob Rhudy, MAJR Executive Committee
DATE: February 11, 2020

Maryland Alliance for Justice Reform (MAJR) supports SB 372:

- 1) to help returning citizens with felony convictions exercise their rights to vote and
- 2) to bring Maryland government into compliance with existing laws as to citizens with misdemeanor convictions.

Currently, the Md. Department of Public Safety and Correctional Services (DPSCS) offers a hand-out at reentry seminars to most inmates within approximately 90 days before their release, advising them of this right. However, they do not currently distribute actual registration forms. Informally, DPSCS has advised that “it would be no more trouble to distribute the registration forms in addition to the handouts.”

(One possible increase in effort would involve distributing this information to inmates who currently do not attend the reentry seminars. However, MAJR suggests this would be a small burden on DPSCS as they still receive some paperwork prior to discharge and registration forms could be added to this paperwork.)

When a returning citizen with a felony conviction leaves incarceration, she or he typically faces a long list of things to do for compliance with probation to comply with parole and/or probation and limited resources with which to do them. SB 372 would make it just a little bit easier to overcome the barriers to full citizenship.

This second aspect of SB 372 also is important. **Under current Maryland law, a citizen convicted only of a misdemeanor is not barred from voting.** See Md. Code, Election Art., sec. 3-102 (b). Yet, the lack of absentee voting procedures has prevented these citizens from exercising their rights for many years. SB 372 simply directs that the Election Board extend the availability of such absentee voting (and related registration) to those who are incarcerated, giving them notice of this right and reporting back to the General Assembly on their efforts.

For all these reasons, Maryland Alliance for Justice Reform urges a favorable report on SB 372.

—

NOTE: Phil Caroom joins this testimony on behalf of the Maryland Alliance for Justice Reform executive committee and not on behalf of the Maryland Judiciary.

WEST_FAV_SB372

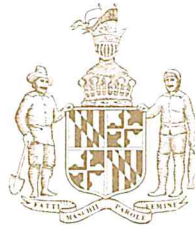
Uploaded by: Senator West, Senator West

Position: FAV

CHRIS WEST
Legislative District 42
Baltimore County

Judicial Proceedings Committee

Vice Chair, Baltimore County
Senate Delegation



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

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Chris.West@senate.state.md.us

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1134 York Road, Suite 200
Lutherville -Timonium, MD 21093
410-823-7087

March 5, 2020

Senate Education, Health, and Environmental Affairs Committee
The Honorable Paul G. Pinsky
2 West Miller Senate Building
Annapolis, Maryland 21401-1991

RE: SB 372 – Election Law – Correctional Facilities – Voter Registration and Voting

Dear Chairman Pinsky and Members of the Committee:

I am pleased to introduce Senate Bill 372 which, as amended, will improve accessibility to voter registration forms and absentee ballot applications for eligible incarcerated voters. There should be a significant amendment in your packets suggested by the State Board of Elections that adds some well-conceived modifications to the original bill.

Under current Maryland Law individuals who are detained in a correctional facility awaiting trial or incarcerated solely for a misdemeanor offense are eligible to vote. But currently, there is no requirement that the State Board of Elections provide them with voting materials.

To ensure fair and equal access to voting materials, this legislation would mandate that the State Board of Elections and the Department of Public Safety provide access to voter registration as well as absentee ballots for those who are eligible. Additionally, upon their release, individuals who were incarcerated will be provided with a voter registration application and information about their right to vote.

Regardless of incarceration, eligible voters deserve the same access and knowledge of ballot materials as the rest of the State. We are not changing who can vote with this legislation, but merely working to provide the accessibility needed for those who already can vote and may not know of their right or the process in which they execute their civic duty.

I ask the committee for a favorable report.

AMENDMENTS TO SENATE BILL 372

On page 2 line 23 after "Vote", insert; And (4) ELECTRONICALLY TRANSMIT THE NAMES AND ADDRESSES OF ALL INDIVIDUAL ELIGIBLE TO VOTE IN A STATE ELECTION CURRENTLY DETAINED IN A CORRECTIONAL FACILITY TO THE STATE BOARD IN A MANNER AND FORMAT SPECIFIED JOINTLY BY THE DEPARTMENT AND THE STATE BOARD OF ELECTIONS.

Page 3 Line 4 delete (b) and replace with THE STATE BOARD SHALL PROVIDE TO THE ELIGIBLE VOTERS FROM THE INFORMATION PROVIDED BY THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES: (1) A VOTER REGISTRATION APPLICATION, AND (2) AN ABSENTEE BALLOT APPLICATION.

page 3 lines 7-8- Delete from "the" to "to" and replace with : TO EVERY ELIGIBLE VOTER, THE STATE BOARD SHALL:

Page 3 Line 18 Insert after Provide - "INFORMATION"

Page 3 Lines 16-17- Delete (3)

Page 3 Line 20 after "VOTERS" insert ; AND (5) PROVIDE A TOLL-FREE TELEPHONE NUMBER THAT AN ELIGIBLE VOTERS MAY CALL TO RECEIVE INFORMATION ABOUT VOTER REGISTRATION, ABSENTEE BALLOT APPLICATIONS AND VOTING IN THE STATE.

On Page 4 Lines 1-4 - Delete (2)

March 5- SB372-JUFJ-Carol Stern

Uploaded by: Stern, Carol

Position: FAV

March 5, 2020

Carol Stern
4550 North Park Avenue, Apt T106, Chevy Chase, MD 20815
sterncss@gmail.com / (301) 951-3936



THINK JEWISHLY. ACT LOCALLY.

TESTIMONY IN SUPPORT OF SB372
Election Law - Correctional Facilities - Voter Registration & Voting

TO: Chair Pinsky, Vice Chair Kagan, and members of the Education, Health, and Environmental Affairs Committee

FROM: Carol Stern, on behalf of Jews United for Justice

I am testifying in favor of SB372 as a mother and grandmother, and as co-chair of the Equal Justice under the Law team of Jews United for Justice (JUFJ). JUFJ organizes the Jewish community to fight for racial, economic, and social justice in Maryland and DC and engages nearly 5,000 people across the state.

The Jewish text that shapes my religious and moral conviction that everyone should have the Right to Vote is the directive issued in Deuteronomy 16:20, "Tzedek, tzedek tirdof - Justice, justice shall you pursue." The Jewish sages explain that the word tzedek is repeated not only for emphasis but to teach us that in our pursuit of justice, our means must be as just as our ends. Rabbi Mordecai Kaplan wrote "teach us to respect the integrity of every human soul be it that of a friend or stranger, child or adult." When we are working to assure voting rights for all people, I believe we must demand that it operates in accordance with these deeply held Jewish beliefs.

As a mother of two children and a grandmother of three, I cannot imagine anyone preventing them from exercising their right to vote if they were eligible even if they were being held in a correctional facility. I remember the excitement that I experienced the first time I voted and I have never missed an opportunity to vote in any election since 1968. Voting is the hallmark of our democracy and I was thrilled to take my son and my daughter to the polls when they turned eighteen and could vote for the first time.

No eligible voter should be denied the opportunity to vote. This is not the kind of democracy that our State of Maryland should maintain. This bill would give access to the ballot for eligible Marylanders who are incarcerated, who are disproportionately Brown and Black citizens, due to structural racism. It would also provide enhanced training and educational materials to probation and parole officers about the voting rights of returning citizens. No Marylander should face obstacles to having their voices heard, since our democracy works best when everyone votes.

On behalf of JUFJ, **I respectfully urge a favorable report on SB372.**

March 5- SB372 Tiffen Lovler Tapia

Uploaded by: Tapia, Tiffen

Position: FAV

March 5, 2020

Tiffen Lovler Tapia
1829 E. Lombard Street, Baltimore, MD 21231
tapia.tiffen@live.com / (352) 871-1500

TESTIMONY IN SUPPORT OF SB372
Election Law - Correctional Facilities - Voter Registration and Voting

TO: Chair Pinsky, Vice Chair Kagan, and members of the Education, Health, and Environmental Affairs Committee

FROM: Tiffen Lovler Tapia

My name is Tiffen Lovler Tapia and I live in Baltimore City in District 46. This testimony is in support of SB372. Growing up in a Jewish household, one of the many things that I was taught was the lesson of *Tzelem Elohim*, that everyone was created in G-d's image. While I am not very religious, I take that lesson to mean that everyone was born with an inherent right to equal dignity and value. In the United States, every citizen is entitled to certain rights and dignity. One of the most important rights is the right to vote.

Currently, people convicted of non-felony offenses or those being held pre-trial have the legal right to vote, but often cannot exercise this right. This is unacceptable. Every individual has a right to vote and to choose the leaders who best align with their views and values. Limiting that right stands against what I have learned growing up, and betrays the values of the United States and of my Jewish culture. For individuals who have committed non-felony crimes, the ultimate goal of prison should not be to punish individuals, but rather to help them rehabilitate, to help them become better people. By restoring their right to vote, we show that Maryland and all of her citizens respect their dignity and value. I cannot think of a greater act of respect, than trusting someone in choosing the leaders of our state and country.

This is why I support SB372. This bill would help those who are incarcerated learn how to exercise their right to vote, and would supply them with voter registration forms, absentee ballots, and voter information. It would also provide enhanced training and educational materials to probation and parole officers about voting rights of returning citizens. You can provide that sense of dignity and respect by supporting SB372, the Expand the Vote Act.

I respectfully urge you to issue a favorable report on SB372.

SB 372 LWVMD CorrecFac

Uploaded by: Wexler, Marjorie

Position: FAV



TESTIMONY TO THE SENATE EDUCATION, HEALTH AND ENVIRONMENTAL AFFAIRS COMMITTEE

SB 372 Election Law - Correctional Facilities - Voter Registration and Voting

POSITION: Support

BY: Lois Hybl and Richard Willson – Co-Presidents

Date: March 5, 2020

The League of Women Voters believes that voting is a fundamental citizen right that must be guaranteed. For this reason, we supported legislation, which you passed, that enabled felons who are citizens and are no longer incarcerated, to once again participate in the election process.

We support SB 372, which would require correctional institutions to provide assistance with voter registration, applications for absentee ballots, and the proper return of those ballots for those eligible to vote. Prisoners generally do not have convenient access to the necessary forms and without that access they effectively lose the right to vote even if they legally retain that right. Accepting the responsibilities of registering and voting is an important step in reconnecting with the community and an orderly process for assisting imprisoned citizens to take that step will benefit both these citizens and the community. We note that the use of prepaid postage for absentee ballots would greatly simplify implementation of this bill, so we hope that the House will join the Senate in passing SB 33, which will make that improvement for all absentee ballots.

The League of Women Voters is proud of its role in registering citizens to vote, including the continuing program of the Montgomery County LWV working with the correctional facility there. The right to vote is too important, however, to depend solely on volunteer efforts that can reach only some of those needing assistance.

The LWVMD representing more than 1,500 concerned citizens throughout Maryland, strongly urges a favorable report on SB 372.

SB0372- JOTF-Voting Rights

Uploaded by: York, Caryn

Position: FAV



Advocating better skills, jobs, and incomes

TESTIMONY IN SUPPORT OF SB0372:

Election Law - Correctional Facilities - Voter Registration and Voting

TO: Hon. Paul Pinsky, Chair, and Members of the Education, Health, and Environmental Affairs Committee

FROM: Christopher Dews, Policy Advocate

DATE: March 5th, 2020

The Job Opportunities Task Force (JOTF) is an independent, nonprofit organization that advocates for better jobs, skills training, and wages for low-income workers and job seekers in Maryland. We strongly support Senate Bill 372 as a means of ensuring that disenfranchised citizens in Maryland have access to the electoral process.

The 2018 midterm election saw alarming reports of voter suppression across the country. Often excluded in these reports are a segment of our population that remains unseen: incarcerated, yet eligible voters. Maryland is one of the few states that has restored voting rights to individuals with a felony conviction. Most, however, have no idea that their voting status has been restored. Additionally, those individuals who are incarcerated while pending trial – known as pretrial defendants – and individuals convicted solely of a misdemeanor offense lack access to voter registration resources. There are currently over 9,000 people being held in pretrial detention in Maryland. Many of these individuals come from low-income communities and are people of color. In each election cycle, countless voters are excluded from participating in the electoral process as a result of their pretrial detention status, preventing them from accessing voter registration forms, absentee ballots, voting booths, and critical information on voting eligibility and deadlines.

Under current Maryland law, individuals in a correctional facility awaiting trial or incarcerated solely for a misdemeanor offense are *eligible to vote*. Currently, no executive agency is held accountable for ensuring that pretrial defendants and misdemeanants have access to voter registration and ballots. The proposed legislation would mandate specific actions for the Department of Corrections and the State Board of Elections that would resolve the issue.

With this legislation, The Department of Corrections will now have to provide each individual released from a correctional facility with a voter registration application, inform them that their voting rights have been restored and post notices in probation offices and online that formerly incarcerated citizens have the right to vote.

JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

The State Board of Elections will also have three new responsibilities. First, to establish a program to inform eligible voters of upcoming elections and how the voters may exercise their right to vote and then provide actual voting ballots. Next to disseminate information on eligibility requirements for voter registration applications 30 days before the registration deadline as well as give instructions on the absentee ballot process. Lastly, the State Board of Elections will submit an annual progress report of the number of eligible voters who registered to vote, attempted to vote and voted successfully by absentee ballot. The value of this report will be immeasurable in systemically defining the impact this legislation will have on our democracy.

Senate Bill 372 would solve a blight of voter suppression in the State of Maryland by ensuring that a large swath of Maryland's voting populace doesn't go unheard. This legislation is, indeed, a necessary step to improve the electoral process in this wonderful state and will set a strong democratic precedent for the others. For these reasons, we urge a favorable report of Senate Bill 372.

SB0372_CSMC_UNF_James Guy

Uploaded by: Guy, James

Position: UNF

ST. MARY'S COUNTY GOVERNMENT
**COMMISSIONERS OF
ST. MARY'S COUNTY**



James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

SB 372
Election Law – Correctional Facilities – Voter
Registration and Voting
Hearing: March 5, 2020
OPPOSE

February 6, 2020

Senator Paul G. Pinsky, Chairman
Education, Health and Environmental Affairs Committee
2 West
Miller Senate Office Building
Annapolis, MD 21401

Dear Chairman Pinsky:

The Commissioners of St. Mary's County OPPOSE SB 372 - Election Law – Correctional Facilities – Voter Registration and Voting which is being heard on March 5, 2020 in the Education, Health and Environmental Affairs Committee.

St. Mary's County does not support the bill as it creates extra duties and responsibilities for the releasing officer. In 2019, 1,244 inmates were released to the community. It is anticipated that the extra measure as well as administrative responsibilities associated would be 30 minutes per inmate. Voter registration is a function of the Board of Elections and currently, all inmates incarcerated who are eligible to vote are given the opportunity per State Law. Therefore, we oppose the introduction of this legislation and do not believe this legislation will benefit the citizens of St. Mary's County. We look forward to working with you on this and other initiatives throughout the session.

Sincerely,
COMMISSIONERS OF ST. MARY'S COUNTY

James Randy Guy, President

CSMC/AB/sf
T:/ALL/Consent/2020/36

Page 2

Senator Paul G. Pinsky, Chairman

February 6, 2020

Cc: Senator Jack Bailey
Delegate Matthew Morgan
Delegate Gerald Clark
Delegate Brian Crosby
Commissioner Eric Colvin
Commissioner Michael Hewitt
Commissioner Todd Morgan
Commissioner John O'Connor
Dr. Rebecca Bridgett, County Administrator
David Weiskopf, County Attorney

St. Mary's Commissioners_UNF_SB0372

Uploaded by: Guy, James

Position: UNF

ST. MARY'S COUNTY GOVERNMENT
**COMMISSIONERS OF
ST. MARY'S COUNTY**



James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

SB 372

Election Law – Correctional Facilities – Voter
Registration and Voting

Hearing: March 5, 2020

OPPOSE

February 6, 2020

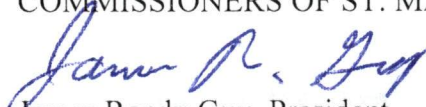
Senator Paul G. Pinsky, Chairman
Education, Health and Environmental Affairs Committee
2 West
Miller Senate Office Building
Annapolis, MD 21401

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COMMISSIONERS OF ST. MARY'S COUNTY


James Randy Guy, President

CSMC/AB/sf
T:/ALL/Consent/2020/36

Page 2

Senator Paul G. Pinsky, Chairman

February 6, 2020

Cc: Senator Jack Bailey
Delegate Matthew Morgan
Delegate Gerald Clark
Delegate Brian Crosby
Commissioner Eric Colvin
Commissioner Michael Hewitt
Commissioner Todd Morgan
Commissioner John O'Connor
Dr. Rebecca Bridgett, County Administrator
David Weiskopf, County Attorney

DPSCS_LOI_SB 372

Uploaded by: kahl, catherine

Position: INFO



Department of Public Safety and Correctional Services

Office of the Secretary Office of Government and Legislative Affairs

45 Calvert Street, Suite B7A-C, Annapolis MD 21401
410-260-6070 • Fax: 410-974-2586 • www.dpscs.state.md.us

STATE OF MARYLAND

LARRY HOGAN
GOVERNOR

BOYD K. RUTHERFORD
LT. GOVERNOR

ROBERT L. GREEN
SECRETARY

RACHEL SESSA
CHIEF OF STAFF

CHRISTOPHER McCULLY
DEPUTY SECRETARY
ADMINISTRATION

J. MICHAEL ZEIGLER
DEPUTY SECRETARY
OPERATIONS

CAROLYN J. SCRUGGS
ASSISTANT SECRETARY

GARY W. McLHINNEY
ASSISTANT SECRETARY

CATHERINE KAHL
ACTING DIRECTOR

BILL: SENATE BILL 372

POSITION: LETTER OF INFORMATION

EXPLANATION: This bill will require the Department of Public Safety and Correctional Services (DPSCS) to provide each inmate with a voter registration application upon release, display voter notices in Parole and Probation offices, and on the Department's website. In addition, it will require the Department cooperate with the State of Board Elections with implementation of a program to disseminate voter eligibility information to eligible inmates.

COMMENTS:

- The Department's Division of Correction (DOC) operates 17 State correctional facilities that house offenders sentenced to a period of incarceration for 18 months and longer.
- The Department also runs the Baltimore City Pretrial Complex, which houses pretrial detainees and inmates sentenced to incarceration for 18 months and less. All other local jails in the State of Maryland are overseen by the counties. The Department's top priority is the safety and security of its inmates, employees and the public.
- SB 372 will require DPSCS provide each released inmate a voter registration application, and display Right to Vote notices in Parole and Probation offices and on DPSCS' website.
- DPSCS implemented a voting policy in September 2019 that outlines procedures for facilitating voting for eligible inmates incarcerated in State correctional facilities, that includes:
 - The Office of the Secretary generates a list indicating the names and locations of all eligible inmates who are in the Department's custody and their location prior to each Primary and General Elections.
 - That list is then distributed through the chain of command to the Managing Official of each correctional facility throughout the Department. An inmate who appears on

- the eligible inmate list or is an inmate who meets the eligibility criteria, but is not registered to vote may request and receive from the Managing Official, or designee a Maryland Voter Registration Application.
- Additionally, any inmate on the list or those who meet the eligibility criteria, upon request, will be provided a Maryland application for an Absentee Ballot. A managing official will ensure that all absentee ballots mailed via the U.S. Postal Service to an inmate at a correctional facility from the local board of elections are received and delivered in accordance with the procedures for distribution of legal mail.
- The policy also provides that notices are posted in inmate housing and recreation areas that advise inmates of the:
 - Voter eligibility requirements;
 - Right to request an absentee ballot or voter registration application; and
 - Deadlines for returning applications and absentee ballots to the local election board.
 - Additionally, the Reentry and Transition Unit provides voter information to inmates who are in 90 days of release, and inmates are provided a voter registration application, upon request.
 - SB 372 will also require DPSCS cooperate with the State Board of Elections (SBE) with implementing a program to disseminate information to the inmate population on upcoming elections, voter eligibility requirements and how to exercise their right to vote.
 - To facilitate such a dissemination program would require the SBE mail the information required under this bill to each eligible inmate with 30 days prior to any election. As such, DPSCS would have to increase the staffing to accommodate the significant influx of mail to an inmate and the SBE at an estimated cost of **\$904,182**.
 - DPSCS has stringent mail guidelines, and all incoming mail must be inspected to ensure contraband, including weapons and illegal substances are not brought into the facilities. This bill will be extremely cumbersome on the mail personnel who will be required to inspect each individual envelope received from SBE.

- To further implement the requirements set forth in the bill, it will be necessary for SBE representatives to enter DPSCS facilities. These visits will require each representative to undergo a security check and custody personnel will be required to escort the representatives around the facilities during each visit. This will undoubtedly increase overtime costs for custody personnel.
- SB 372 as drafted will also impact the Department of Juveniles Services and local correctional facilities not under the jurisdiction of DPSCS.
- As stated, DPSCS has a sound policy in place to facilitate voting for eligible inmates that utilizes existing resources. This legislation will be costly to implement.
- Before mandating voting practices, DPSC would appreciate the opportunity to initiate its voting policy during the next election cycle, and, if necessary, make revisions to the policy to ensure successful implementation.

CONCLUSION: The Department of Public Safety and Correctional Services requests this Committee consider this information as it deliberates on Senate Bill 372.