

# EXPAND THE VOTE



**Marylanders who are currently incarcerated – disproportionately Black and Brown people – who are eligible to vote, must get meaningful access to the ballot, including:**

- Voter registration applications
- Absentee ballot applications
- Information about how to vote

## VOTING IS THE HALLMARK OF OUR DEMOCRACY

If an individual is eligible to vote, whether they are 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.

In *Johnson v. Prince George's County Board of Elections*, two eligible voters detained in Prince George's County sued to get access to the ballot. The Court denied their claim, because there was no "official local or statewide policy [...]."

This bill will create a statewide policy, so all eligible Maryland voters can access the ballot, regardless of whether or not they are incarcerated.

## Who Are We Talking About?

**People who are incarcerated can vote if:**

1. They have not yet been convicted (i.e. they are being held pretrial).

On average, every month, 6,400<sup>1</sup> people are detained in pretrial and do not have access to vote – even though they are eligible.

~OR~

2. They only have a misdemeanor sentence.

**LET PEOPLE VOTE!**

## Voting is a Racial Justice Priority!

Expanding the ballot to eligible voters who are incarcerated is not only a step toward restoring democracy, it is also a racial justice issue.

- Black Marylanders represent 31% of state residents, but 52% of people in jail and 69% of people in prison.<sup>2</sup>
- Since 1970, the total jail population has increased 258%. In 2015, pretrial detainees constituted 63% of the total jail population in Maryland.<sup>3</sup>
- The current law therefore has a diluting effect on Black people's voting power.



<sup>1</sup> <http://goccp.maryland.gov/wp-content/uploads/JRA-Advisory-Board-Minutes-201906.pdf>

<sup>2</sup> <https://www.vera.org/publications/state-incarceration-trends/maryland>

<sup>3</sup> <https://www.vera.org/publications/state-incarceration-trends/maryland>