

February 11, 2020

Testimony on HB 568
Election Law-Correctional Facilities-Voter Registration and Voting
Ways and Means

Position: Favorable

Common Cause Maryland 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.