

February 4, 2021

Testimony on SB 224
Election Law - Correctional Facilities – Voter Registration and Voting (Value My Vote Act)
Education, Health, and Environmental Affairs

Position: Favorable

Common Cause Maryland support SB 224 which would require the State Board of Elections and the Department of Public Safety and Correctional Services to work in partnership to ensure eligible incarcerated voters have access to voting and voting information.

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. During the 2020 general election, advocates were able to work in partnership with the State Board of Elections to make voter registration and mail-in ballot request forms available in certain correctional facilities. While this was a step forward and we believe many incarcerated voters, if receiving their mail-in ballot in time, were able to vote – those efforts are not sustainable and need to be done with the cooperation of these facilities.

SB 224 would help to address this issue by requiring DPSCS to work in partnership with SBE in order to disseminate voter registration and mail-in ballot materials to eligible voters. This legislation would also require them to work in partnership to educate eligible incarcerated voters about their voting rights before their release as well as incorporating signage and other materials into their existing programs to continue to make eligible voters aware of their right to vote and how to vote while incarcerated and upon release.

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 – including those who are incarcerated. 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 where they temporarily reside. SB 224 builds on the progress made during the 2020 general election and is a step forward in ensuring access for those who should have always had it.

We urge a favorable report.