



OUT FOR JUSTICE

TESTIMONY IN SUPPORT OF HB0222: Value My Vote Act

TO: Hon. Anne Kaiser, Chair, and Members of the Ways and Means Committee

FROM: Nicole Hanson, Executive Director

DATE: January 19th, 2020

Good afternoon, my Name is Nicole Hanson and I am the executive director of Out for Justice. I have been working with incarcerated citizens for over ten years and specifically on voter rights issues since 2015. We have collaborated with the State Board of Elections and our partnering organizations such as Common Cause Maryland, NAACP, JOTF, and the ACLU to ensure incarcerated citizens' right to vote. Under Maryland law, citizens on a pretrial status or with a misdemeanor conviction have the right to vote. As of 2016, citizens convicted of a felony who have completed their sentence have their voting rights restored. The only people who are not eligible to vote are citizens currently serving time for a felony or citizens convicted of buying and selling votes.

The law guarantees incarcerated citizens their constitutional right to vote, many are not aware they are eligible to vote and the DOC and administrators are not aware of current policies such as the Voting Corrections Policy of January 2020 which outlines the procedures for DPSCS.

We reached out to jails and detention centers across the state to receive lists of inmates in their facilities. Through our tireless efforts, we helped the Board of Elections compile a list of all eligible voters. As Executive Director, I attended the workgroup meetings with SBE in efforts to fight for the rights of incarcerated citizens, despite the difficulties the pandemic posed. Consequently, SBE sent to each jail and detention center registration applications, mail-in ballot requests, an envelope with a return paid postage, and a cover letter. Additionally, instructions were mailed to wardens and administrators outlining who is eligible to vote and how to distribute these materials.

The work OFJ has done in terms of voting is historic to say the least. However, these efforts would not be possible without the unwavering persistence and determination of advocates, especially individuals personally impacted by the issue. What continues to surprise both myself and the advocates was that the majority of wardens, sheriffs, administrators, even local elections officials— are terribly unaware of our state's voting laws. They are not aware of who is eligible to vote or what their responsibility is to guarantee certain incarcerated person's rights to partake in our democratic process.

This burden falls on the advocates, as it always has. It fell upon us this election cycle to make certain the Inmate Voting Rights and Procedures was being implemented. Our bill includes recommendations to the State Board of Elections and Corrections in order to guarantee incarcerated citizens the same voting rights as every other Citizen in Maryland. It will finally give a voice to a group of Americans who have been



OUT FOR JUSTICE

disregarded and discounted for far too long. HB222 includes our recommendations to resolve these issues and ensure voting rights to pretrial detainees and misdemeanants. For these reasons, we urge a favorable vote.

Expand the Ballot, Expand the Vote

Expand the Ballot, Expand the Vote Coalition, led by three organizations founded and directed by Black women who themselves are formerly incarcerated – Out for Justice, Maryland Justice Project, and Life After Release – worked in the community and with the SBE board and staff to ensure information about voting rights and deadlines reaches eligible voters in jails and prisons. We did this through advocacy with State Board of Elections, outreach to jail administrators, registering voters in jails, robust public education and social media programs, and a statewide tour visiting every jail to ensure that they're facilitating voting. Out for Justice, led by Executive Director Nicole Hanson-Mundell, is an organization comprised of individuals who are both directly impacted by the criminal justice system who advocate for the reform of policies and practices that adversely affect successful reintegration into society. The Maryland Justice Project, led by Executive Director Monica Cooper, is a strong, honest voice that has been working to change the conversation around incarceration and the justice system and works to educate and advocate for individuals are challenged upon reentry as a result of their criminal records. Life After Release (LAR), led by Executive Director Qiana Johnson, is a women-based, formerly incarcerated-led organization that provides support for the needs of formerly incarcerated women re-entering their communities.

Some highlights from this collaborative effort include:

- Assisted SBE in the collection of data and information, including the number of eligible voters in each facility, the name, address, and warden of every local detention center, and more
- Advised the SBE about jail and prison protocols and barriers for consideration in the logistics of mailing both to and from correctional facilities
- Wrote and edited letters and materials directed at incarcerated voters, and made suggestions for language corrections on SBE materials, local board websites, and more
- Assisted in the creation of the packets that SBE provided to every local detention center, which included a specialized cover letter, instructions, voter registration application, request for mail-in ballot, and two stamped envelopes. Over 5,000 packets were mailed to at least 21 detention centers.
- Called and visited every jail in the state to ensure receipt of the packets and distribution of the packets to all eligible detainees



OUT FOR JUSTICE

- Creation of a flyer and hotline by Out for Justice, specifically to provide information to voters in jails and prisons
- Distribution of the flyers and information to jails
- Targeted public education campaign in order to ensure that people in and out of jail understand that - unless they're currently serving a sentence of incarceration for a felony conviction – they have the right to vote
- Targeted communications campaign to provide information about changes and options for voting in 2020
- Played a major role in this historic achievement: For the first time in Maryland's history, the SBE affirmatively provided detainees in local jails the materials they need in order to register to vote and cast their ballot

Maryland's Division of Corrections:

Ensuring that people in prisons had access to voting was hindered by the Division of Corrections insistence that they were providing sufficient information and access and refusal to partner with outside groups. We sent a Maryland Public Information Act request for the policy, directives, and numbers of prisoners who voted from the Division of Corrections. While on paper, the Division of Corrections had a plan to identify eligible voters and provide them the opportunity to vote, we have insufficient data and anecdotal information to know what worked and what didn't with the State's plan, let alone whether anyone actually voted.

Waiting on the data: We are anxiously awaiting the numbers of voters in jails who requested ballots and who returned ballots. The local boards of elections are the custodians of that information.



OUT FOR JUSTICE



**SIERRA
CLUB**

7338 Baltimore Ave
Suite 102
College Park, MD 20740

Committees: Ways and Means and Judiciary
Testimony on: HB 222 – Value My Vote Act
Position: Favorable
Hearing Date: January 19, 2021

The Maryland Sierra Club urges a favorable report on HB 222, a bill that would improve access to registration and voting, and to information about registration and voting, for eligible individuals incarcerated in a correctional facility or being released from a correctional facility.

The Sierra Club and its members care about both the natural and human environments, including ending racial and social injustice. We believe that providing information about and access to registration and voting to all who are eligible should be viewed as fundamental to our democracy.

The state and local boards of elections have for years made special efforts to provide access to registration and voting for residents of nursing homes and other residential facilities for senior citizens, but do not have similar organized efforts for residents of other self-contained facilities such as correctional facilities.

Many individuals who are resident in a correctional facility are in fact eligible to vote, including large numbers who are awaiting trial or convicted of only a misdemeanor. Because mobility of those individuals is restricted, boards of elections need to make special effort as would be required by this bill to allow those individuals a fair opportunity to register and vote.

Individuals being released from a correctional facility may encounter confusion or misinformation about their right to register and vote, partly because of news or social media posts about laws in other states that are different from the laws in Maryland. To avoid any confusion and to inform individuals being released about their right to vote under Maryland law, it is important to provide them with the application and documentation that would be required by this bill.

Voting is the foundation of our democracy, and we believe it is essential to racial and social justice to guarantee access to registration and voting to every individual who is eligible.

We urge a favorable report on HB 222.

Rich Norling
Chair, Political Committee
Rich.Norling@MDSierra.org

Josh Tulkin
Chapter Director
Josh.Tulkin@MDSierra.org