



## **Testimony of Nicole D. Porter Senior Director of Advocacy, The Sentencing Project**

**In support of House Bill 627  
to Guarantee Voting Rights Regardless of Incarceration Status  
Submitted to the Maryland Senate Education, Energy, and the Environment Committee**

**March 27, 2024**

Established in 1986, The Sentencing Project works for a fair and effective U.S. criminal justice system by promoting reforms in sentencing policy and addressing unjust racial disparities and practices. We are grateful for this opportunity to submit testimony endorsing House Bill 627 and urge its favorable report. The Sentencing Project thanks Delegate Jheanelle Wilkins for her primary sponsorship on House Bill 627.

I am Nicole D. Porter, Senior Director of Advocacy for The Sentencing Project. I have had extensive engagement in public policy research on criminal legal issues for many years, with a particular focus on sentencing, collateral consequences of incarceration, and racial disparity. I have also authored numerous journal articles, reports and public commentary on shifting trends in state policy impacting criminal legal reform including voting rights for people with felony convictions. It is my honor to submit testimony to the Maryland Assembly to guarantee voting rights for all persons completing their sentence inside prisons and jails regardless of their crime of conviction.

House Bill 627 would designate the Department of Public Safety and Correctional Services (DPSCS) as an automatic voter registration agency and would require the DPSCS to register to vote those individuals eligible, upon release of confinement from a state correctional facility.

### **Momentum to Guarantee the Vote**

Felony disenfranchisement laws and policies can be traced back to the founding of the United States when settler colonialists implemented the policy during their occupation of North America. The nation was founded on a paradox, a supposed experiment in democracy that was limited to wealthy white male property owners and excluded women, African Americans, persons who could not read, poor people, and persons with felony convictions. Over the course of two hundred years all of those voting exclusions have been eliminated with the exception of people with felony convictions. Vermont and Maine, the only states that have never disenfranchised prisoners, are also the whitest states in the nation.<sup>1</sup>

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<sup>1</sup> Gross, D. (2020). *Why Shouldn't Prisoners Be Voters?* The New Yorker.  
<https://www.newyorker.com/news/the-future-of-democracy/why-shouldnt-prisoners-be-voters>

Enacting House Bill 627 would be part of Maryland's long arc to guarantee voting rights for persons impacted by the criminal legal system. Maryland expanded voting rights to persons completing their sentence on felony probation and parole in 2016.<sup>2</sup> Maryland is one of 23 states that ban voting for persons in prison with a felony conviction. The number of Maryland residents disenfranchised from voting in prison and jail numbered 16,587 as of 2022<sup>3</sup>, while nationally, more than 4.4 million Americans are disenfranchised. Maryland is among twenty-six states and Washington, DC that expanded voting rights to citizens with felony convictions since 1997.<sup>4</sup>

Public opinion polls show that a majority - 56% of likely American voters - support voting rights for people completing their sentence inside and outside of prison.<sup>5</sup>

Recent voting rights reforms to guarantee access for justice-impacted voters include:

- Louisiana lawmakers passed legislation requiring the state Department of Public Safety and Corrections to inform individuals who have completed their sentence of their right to vote.<sup>6</sup>
- Michigan officials adopted legislation authorizing automatic voter registration for persons leaving prison.<sup>7</sup>
- New Mexico policymakers implemented a notification process requiring the Department of Corrections to notify the Secretary of State when eligible individuals are released from incarceration and become eligible to vote.

### **Voting and Public Safety**

When this nation was founded as an experiment in democracy two centuries ago, it was a very limited experiment rooted in a paradox. Women were not permitted to vote, nor were African Americans or people who were poor or could not read. Over time evolving public sentiment has enfranchised all those groups, and we now look back on that moment with a great deal of national embarrassment. It is long past time to remedy the exclusion of the last remaining group of citizens who are denied the right to vote. This would represent a healthy expansion of our democracy and public safety.

Furthermore, voting is strongly correlated with better public safety outcomes. Voting is among several prosocial behaviors for justice impacted persons, like getting a college education, that is associated with reduced criminal conduct.<sup>8</sup> Having the right to vote or voting is related to

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<sup>2</sup> Porter, N.D., & McLeod, M. (2023). [Expanding the Vote: State Felony Disenfranchisement Reforms, 1997-2023](#). The Sentencing Project.

<sup>3</sup> Maryland's Department of Legislative Services might be able to provide an updated analysis on persons completing their felony sentence in state prisons and local jails who are impacted by HB 627. *Please see* [Racial Equity Impact Notes](#).

<sup>4</sup> Uggen, C., Larson, R., Shannon, S., & Stewart, R. (2022). [Locked out 2022: Estimates of people denied voting rights due to a felony conviction](#). The Sentencing Project.

<sup>5</sup> The Sentencing Project. (2022). New National Poll shows Majority Favor Guaranteed Right to Vote for All. <https://www.sentencingproject.org/fact-sheet/new-national-poll-showsmajority-favor-guaranteed-right-to-vote-for-all/>

<sup>6</sup> Porter, N. (2010). Expanding the Vote State Felony Disenfranchisement Reform, 1997-2010. The Sentencing Project

<sup>7</sup> Polo, Michelle (2023). New Michigan Law means people leaving prison will automatically be registered to vote. National Public Radio. <https://www.npr.org/2023/12/16/1219695211/new-michigan-law-means-people-leaving-prison-will-automatically-be-registered-to>

<sup>8</sup> Bozick, R., Steele, J., Davis, L., & Turner, S. (2018). Does providing inmates with education improve postrelease outcomes? A meta analysis of correctional education programs in the United States. *Journal of Experimental Criminology*, 14, 389-428.

<https://doi.org/10.1007/s11292-018-9334-6>; Uggen, C., Manza, J., & Behrens, A. (2013). 'Less than the average citizen': Stigma, role transition and the civic reintegration of convicted felons. In S. Maruna & R. Immarigeon (Eds.), *After crime and punishment* (pp. 258-287). Willan.

<https://doi.org/10.4324/9781843924203>; Uggen, C., & Manza, J. (2004). Voting and subsequent crime and arrest: Evidence from a community sample. *Columbia Human Rights Law Review*, 36(1), 193-216.

reduced recidivism for persons with a criminal legal history.<sup>9</sup>Disenfranchisement has no deterrent effect on crime.<sup>10</sup>

Felony disenfranchisement also ignores the important distinction between legitimate punishment for a crime and one's rights as a citizen. Convicted individuals may be sentenced to prison, but they generally maintain their basic rights. Even if someone is held in a maximum security prison cell, they still have the right to get married or divorced, or to buy or sell property. And to the extent that voting is an extension of free speech, consider that a person in prison may have an op-ed published, perhaps with greater impact than casting a single vote. Persons who are currently disenfranchised are anchoring policy change campaigns in Nebraska and Texas.<sup>11</sup>

### **The Case to Guarantee Voting Rights for All**

Felony disenfranchisement policies, including for persons completing their prison sentence, are inherently undemocratic. The United States is very much out of line with world standards, and it is important to take a fresh look at the rationale and impact of policies that can only be described as aberrant by international norms.<sup>12</sup>

A prison term results in barriers to employment including reduced lifetime earnings, and restrictions on access to various public benefits. Families of incarcerated residents themselves experience the shame and stigma of incarceration, as well as the loss of financial and emotional support with a loved one behind bars. For the community at large, the challenges of reentry result in high rates of recidivism, extraction of social and political capital, and the collateral impact of mass incarceration.

The Sentencing Project applauds Delegate Wilkins's championing of guaranteeing voting rights for justice-impacted voters and urges a favorable report of House Bill 627 from the Senate Maryland Senate Education, Energy, and the Environment Committee.

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<sup>9</sup> Hamilton-Smith, G. P., & Vogel, M. (2012). The violence of voicelessness: The impact of felony disenfranchisement on recidivism. *Berkeley La Raza Law Journal*, 22, 407-432. <https://doi.org/10.15779/Z38Z66F>; Uggen & Manza (2004).

<sup>10</sup> Poulos, C. (2019). *The fight against felony disenfranchisement*. Harvard Law and Policy Review Blog. <https://journals.law.harvard.edu/lpr/2019/05/30/the-fight-against-felon-disenfranchisement/>

<sup>11</sup> Demetrius Gatson, an organizer with the ACLU of Nebraska, is disenfranchised while completing her parole sentence.; Jorge Renaud, director of criminal justice for LatinoJustice, is disenfranchised while completing his parole sentence in Texas.

<sup>12</sup> Ispahani, L. (2009). Voting rights and human rights: A comparative analysis of criminal disenfranchisement laws. In A. C. Ewald & B. Rottinghaus (Eds.), *Criminal disenfranchisement in an international perspective* (pp.25-58). Cambridge University Press. <https://doi.org/10.1017/CBO9780511576713.003>