



Testimony of Nicole D. Porter

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In Support of Senate Bill 647

Before the Senate Education, Energy,
and Environment Committee

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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 Senate Bill 647. The Sentencing Project thanks Senator Anthony C. Muse for his primary sponsorship on Senate Bill 647.

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.

Senate Bill 647 includes several provisions to expand voting rights to persons completing their felony sentence inside of Maryland prisons and jails.

- The legislation would repeal the prohibition on voting by incarcerated adults serving a felony court-ordered sentence.
- The legislation mandates the State Board of Elections to establish a toll-free voter hotline for incarcerated individuals to receive voter information, request voter election materials, and report voting rights violations; and
- The legislation requires the State Board of Elections and the Department of Public Safety and Correctional Services to cooperate in establishing and administering the voter hotline for incarcerated individuals.

MOMENTUM TO EXPAND 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.

Maryland is one of 48 states that ban voting for persons in prison with a felony conviction. Two states, Maine and Vermont, have never disenfranchised people due to a felony conviction. The number of Maryland residents disenfranchised from voting in

prison or jail due to a felony conviction numbered 16,270 as of 2024¹, while nationally, over 4 million Americans are disenfranchised.²

Since 1997, twenty-six states and Washington, DC have expanded voting rights to citizens with felony convictions. Maryland expanded voting rights to persons completing their sentence on felony probation and parole in 2016.³

Voting rights reforms in other jurisdictions and states include:

- Council Members in the District of Columbia expanded voting rights to persons completing their felony sentence in prison or jail (2020).⁴
- Eighteen states and Washington, DC enacted voting rights reforms between 2016 and 2023, either through legislation or executive action.
- Ten states either repealed or amended lifetime disenfranchisement laws since 1997.

In addition to the end of felony disenfranchisement in DC, several other states have considered guaranteeing voting rights for all regardless of incarceration status. In recent years, officials in Massachusetts, Illinois, and Washington state considered measures to guarantee voting rights for all citizens regardless of incarceration status.

VOTING WHILE INCARCERATED

In recent years, a growing number of states and jurisdictions have worked to guarantee voting rights to incarcerated voters regardless of conviction status. Ballot access for eligible voters in correctional facilities includes absentee voting and in-person voting.

Maine and Vermont remain the only states that do not restrict voting based on criminal convictions while the District of Columbia and the Commonwealth of Puerto Rico also allow persons with felonies who would otherwise be eligible to vote to cast a ballot while completing their prison sentence.⁵

In some locations, eligible incarcerated voters can vote in-person.

¹ 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 1022. Please see [Racial Equity Impact Notes](#).

² Uggen, C., Larson, R., Shannon, S., & Stewart, R. (2024). [Locked out 2024: Estimates of people denied voting rights due to a felony conviction](#). The Sentencing Project.

³ Porter, N. D., & McLeod, M. (2023). [Expanding the Vote: State Felony Disenfranchisement Reforms, 1997-2023](#). The Sentencing Project.

⁴ D.C. Law 23-277. *Restore the Vote Amendment Act of 2020*. <https://code.dccouncil.gov/us/dc/council/laws/23-27>

⁵ See note 2.

- During 2024, Colorado lawmakers enacted a first-in-nation bill that mandates all county jails provide in-person voting. Lawmakers mandated the county clerk and the sheriff's designee to provide at least one day of in-person voting at the county jail or detention center.⁶
- In 2019, Illinois officials expanded voter access and education efforts in jails across the state by authorizing counties with a population of 3,000,000 or more to establish a temporary in-person voting center in county jails.⁷
- During 2016, more than 6,100 voters sentenced to prison in Puerto Rico cast their ballot at in-person voting centers in the Republican primary.⁸

Voting and Public Safety for Persons Completing their Sentence

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. Voting is among several prosocial behaviors for justice impacted persons, like getting a college education, that is associated with reduced criminal conduct.⁹ Having the right to vote or voting is related to reduced recidivism for persons with a criminal legal history.¹⁰

Disenfranchisement has no deterrent effect on crime.¹¹ Some critics of prisoner voting contend that being sentenced to a felony is an indicator of being “untrustworthy.” Any character test is a slippery slope and this minimizes eligible voters. You might be concerned that your neighbor is an alcoholic or has personality flaws, but they still maintain the right to vote in a democracy.¹²

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

⁶ Colo. Rev. Stat. § 1-2-103

⁷ IL ST CH 10 § 5/19A-20

⁸ Newkirk III, V. (2016). [Polls for Prisons](#). The Atlantic Magazine.

⁹ 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.

¹⁰ 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), see note 9.

¹¹ Poulos, C. (2019). [The fight against felony disenfranchisement](#). Harvard Law and Policy Review Blog.

¹² Mauer, M. (2011). [Voting behind bars: An argument for voting by prisoners](#). Howard Law Journal.

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.¹³

Disenfranchisement proponents sometimes raise the possibility of a prisoners' "voting bloc" that would run counter to the interests of the "law-abiding public." If such a group of "pro-crime" individuals were a real threat, they would somehow have to convince the public into electing a majority of state legislators as well as a governor who shared their position. This is a far fetched concern and hardly a threat to public safety.

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.¹⁴

The Sentencing Project applauds Senate Bill 647 and is eager to see it advance through the Senate Education, Energy, and the Environment Committee.

¹³ Demetrius Gatson, an organizer and reentry service provider with QUEENS Butterfly House, is disenfranchised while completing her parole sentence.; Robert Lilly, community organizer with Grassroots Leadership, is disenfranchised while completing his parole sentence in Texas.

¹⁴ Porter, N., Parker, A., Walk, T., Topaz, J., Turner, J., Smith, C., Laronde-K, M., Pierce, S., & Ebenstein, J. (2024). [Out of Step: U.S. Policy on Voting Rights in Global Perspective](#). The Sentencing Project.