

February 11, 2025

Testimony on HB 710
Election Law - Incarcerated Individuals – Voter Hotline and Voting Eligibility (Voting Rights for All Act)
Ways & Means

Position: Favorable

Common Cause Maryland supports HB 710 which aims to end felony disenfranchisement in Maryland, restoring the right to vote to citizens who are currently incarcerated and convicted of a felony.

Felony disenfranchisement laws prohibit people with felony convictions from voting in elections. These restrictions have been a part of U.S. law since the inception of our nation. These laws are antiquated and have a disgraceful past. They not only have a disproportionate impact on communities of color and low-income communities but also have no criminal deterrent or rehabilitative value.

We believe that our government should work for everyone but, unfortunately, democracy has been susceptible to bias and discrimination since its founding. Felony disenfranchisement was designed to weaken the voting power of communities of color and when combined with criminal laws that are designed to target Black people - we have left most Black citizens unable to express their grievances at the ballot box.

Before the Civil War, most states had some form of disenfranchisement laws on the books, but the laws were narrow and applied to a few select crimes. However, after the Civil War — and after the passing of the 15 Amendment which gave Black men the right to vote — new disenfranchisement laws were significantly broader, extending to all felonies. Use of punitive disenfranchisement laws became common practice in the states, including here in Maryland where we most were permanently denied the right to vote until 1974 where some who completed their sentence and not under supervision were allowed to vote. But we've made much progress since then — restoring the right to vote for all returning citizens even if under supervision, unless guilty of vote buying and selling.

Maryland has already taken steps to provide access to voting for currently eligible incarcerated voters and is well positioned to be the first state in the country, outside of Washington DC, to put an end to felony disenfranchisement — joining Maine and Vermont where their state constitution guarantee voting rights for all citizens.

Maryland has already restored the right to vote for returning citizens and in 2021, created a program to provide individuals who are on pretrial or convicted of a misdemeanor access to voting materials and mail-in voting. The Department of Public Safety and Correctional Services (DPSCS) went beyond these requirements and worked with the State Board of Elections (SBE) to place secure drop boxes in prisons throughout the state as well as partnering with advocates to make digital nonpartisan voter guides available to eligible voters as well as advertisement about the upcoming elections that play regularly on televisions inside the correctional facilities. All these current processes can remain in place even with a large pool of eligible voters in the facilities. The voter hotline will ensure incarcerated voters have a process for asking questions about the elections and reporting issues.

Felony disenfranchisement holds us back as a democratic society. Maryland is well positioned to eliminate the process by which an individual convicted of a felony loses a right to doing. Many countries fully recognize the right of incarcerated citizens to vote. Over 26 European nations at least partially protect their incarcerated citizens' right to vote, while 18 countries grant people in prison the vote regardless of the offense. In Germany, Norway, and Portugal, only crimes that specifically target the "integrity of the state" or "constitutionally protected democratic order" result in disenfranchisement.

The Maryland General Assembly taking action to secure the freedom to vote for all, including those who have been marginalized or silenced in our unjust criminal legal system, sends a message to the nation that we are committed to enriching our democracy and ensuring that all perspectives are heard and considered in the decision-making process.

We urge a favorable report.