



TESTIMONY TO THE HOUSE WAYS AND MEANS COMMITTEE

HB 253 Election Law – Pretrial Detainees – Absentee Ballots

POSITION – Information Only

BY: Linda T. Kohn, President

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The League of Women Voters of Maryland supports efforts to expand and improve the way all citizens vote and have access to the ballot. The League recognizes there are particular challenges to ensuring that those who have been detained awaiting trial, those incarcerated for a misdemeanor, and felons who have been released upon the completion of their sentence are afforded the information and forms that allow them to vote.

Too often, the way they vote, if they're allowed to vote, is confusing, ill-explained, or offered in a way that the individual cannot understand registration and voting procedures. The efforts of the many dedicated non-profit organizations that are working diligently to serve this population are insufficient. We believe this should be a shared responsibility between the State Board of Elections and the Department of Corrections, with the Department of Corrections having primary responsibility for identifying and providing information to affected voters in their custody.

LWVMD supports providing voter registration materials, an absentee (mail-in) ballot to registered and eligible to register voters who have been detained pending trial, as well as instructions on returning the ballot. We defer to the State Board of Elections or local boards on the placement of mail-in ballot drop boxes since HB253 appears to apply to voters who are detained anywhere in the state, including Baltimore City.

The League profoundly appreciates and respects the nature of this bill. Our testimony should demonstrate that we believe there is a need for this legislation, and the rights of those detained need to be protected. However, the League is concerned that there is not enough procedural oversight in this bill yet to make it viable. Often, detainees are either moved or not kept in detention long enough to request and receive a ballot realistically. Beyond that, the League would like to see more proactive work in order to help impacted individuals vote. As such, we would like to see the following:

1. As opposed to mailing ballots to those in pretrial detention, we believe that the Local Board should send a staff member, an election judge, or a designated representative from a nonpartisan organization to facilities that are holding those eligible to vote using information that the Department of Corrections supplies to them.



2. Or, and less ideally, in election years, the Department of Corrections should alert the State Board of Elections when individuals are being held in their facilities on pretrial so as to give SBE the opportunity to send a representative or to send a mail-in ballot immediately.

Voting is a fundamental right and helps people feel they are connected to their community. The League supports efforts to help incarcerated voters to exercise their right to vote.