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HRW.org

February 7, 2025

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

**Statement of Interest**

Human Rights Watch (“HRW”) is a non-profit, non-partisan organization established in 1978 that investigates and reports on violations of fundamental human rights in over 100 countries worldwide with the goal of securing the respect of these rights for all persons. It is the largest international human rights organization based in the United States. By exposing and calling attention to human rights abuses committed by state and non-state actors, Human Rights Watch seeks to bring international public opinion to bear upon offending governments and others and thus bring pressure on them to end abusive practices. Since [1998](#), Human Rights Watch has documented how the United States is out of step with the rest of the world in disenfranchising large numbers of citizens based on criminal convictions.

**US laws denying the vote to persons with criminal convictions are extreme when compared with the laws of other countries**

In 2024, Human Rights Watch, the Sentencing Project, and the American Civil Liberties Union published a report, “[Out of Step: US Policy on Voting Rights in Global Perspective](#),” which found that in 136 countries around the world with populations of 1.5 million and above, the majority—73 of the 136—never, or rarely, deny a person’s right to vote because of a criminal conviction. In the other 63 countries, the United States sits at the restrictive end of the spectrum, disenfranchising a broader swath of people overall.

Globally, countries have recently expanded rights restoration reforms. For example, in 2014, Egypt repealed a sweeping law banning every person convicted of an offense from voting without time restrictions. In 2022, Tanzania's High Court found a law that disenfranchised persons sentenced to imprisonment

exceeding six months to be unconstitutional because it was too general and inconsistent with the country's Constitution. In 2017, a landmark case in Zambia clarified that "the voting franchise is only restricted to age and not to the fact that a person is in lawful custody or has their freedom of movement restricted."

### **US states are moving towards greater enfranchisement**

Over the past several years, many states have expanded voting rights restoration. States that previously permanently disenfranchised citizens have created paths to restoration of voting rights. States that previously extended disenfranchisement through completion of probation or parole have moved toward voting rights restoration at release from incarceration. And several states have implemented automatic voting rights restoration regimes to make it easier, as a practical matter, for returning citizens to begin registering and voting.

In 2020, Washington, D.C., joined Vermont, Maine, and Puerto Rico as US jurisdictions which allow individuals to vote while they are still incarcerated for a felony conviction. Individuals convicted of misdemeanor offenses in these states already maintained their rights to vote during incarceration. The D.C. Council amended the election law to require the Board of Elections to "provide to every unregistered qualified elector in the Department of Corrections' care or custody, and endeavor to provide to every unregistered qualified elector in the Bureau of Prisons' care or custody, a voter registration form and postage-paid return envelope . . . a voter guide, educational materials about the right to vote, and an absentee ballot with a postage-paid return envelope." Those incarcerated for a felony offense, under court supervision, such as parole or probation sentences, or residing at a halfway house after release, are now eligible to vote. Maryland should join these other states by leading the effort to end felony disenfranchisement during incarceration.

People in the United States are supportive of the movement to expand voting rights. Public opinion polling [shows that](#) a majority - 56 percent of likely US voters - support voting rights for people completing their sentence inside and outside of prison. A growing number of states [have changed](#) their voting laws to allow more Americans with previous convictions to vote.

### **The right to vote is protected under international human rights law**

The right to vote is a cornerstone of democratic, representative government that reflects the will of the people. It is a right which allows individuals to influence their government to protect and fulfill their other human rights. US restrictions on voting rights are also out of step with the country's obligations under international law.

The right to vote is protected under the International Covenant on Civil and Political Rights (ICCPR), which the US ratified in 1992. The UN Human Rights Committee, the

body responsible for interpreting and applying the ICCPR to state practice, [stated](#) with regard to the United States in 2023 that it “remains concerned at the persistence of state-level felon disenfranchisement laws and at the lengthy and cumbersome voting restoration procedures.”

The International Convention on the Elimination of All Forms of Racial Discrimination, which the US signed in 1994, prohibits racial discrimination in voting, whether in purpose or effect. The Committee on Racial Discrimination, the UN body charged with interpreting and applying the treaty to state practice, has specifically [expressed concern](#) in the US over “felon disenfranchisement laws at the state level,” which the Committee cast as part of a larger, troubling landscape of “legislative measures and practices that effectively constrain the right to vote, with a disproportionate impact on people of African descent, indigenous people, persons of Hispanic/Latino origin and other ethnic minorities.”

Felony disenfranchisement in the United States is indeed inextricably linked with race. Many felony disenfranchisement laws date back to the years following the end of the Civil War. During this period, state lawmakers, particularly in the South, implemented criminal laws designed to target Black male citizens and criminalize Black life through “Black Codes.” Many states simultaneously expanded the number of crimes classified as a felony and enacted disenfranchisement laws that revoked voting rights for any felony conviction.

The racial disparities continue today. By advancing HB 710, Maryland acknowledges this legacy and takes a significant step toward rectifying past injustices, by ensuring that people are not denied the opportunity to participate in the democratic process.

### **Human Rights Watch urges the committee to support HB 710**

HB 710 comprises a series of transformative measures designed to eradicate disenfranchisement and empower previously excluded communities. It does so by expanding voting rights to Marylanders completing their sentences inside prison and establishing a toll-free voter hotline for people in prison to receive information about voting, request voting materials, and report voting rights violations.

The right to vote is at the heart of a healthy democracy that respects people’s human rights. It should not be denied, or treated as a privilege, particularly in the United States where this right has been removed to marginalize certain voices. By ending felony disenfranchisement, Maryland would take a courageous and applaudable step in the right direction.

*For any questions, please contact Trey Walk, researcher and advocate in the US Program, at [walkt@hrw.org](mailto:walkt@hrw.org).*