



February 7, 2025

House Ways & Means Committee
Maryland House of Delegates
Annapolis, Maryland 21401

Re: Support for HB0710/SB0647, Voting Rights for All Act

Dear members of the House Ways & Means Committees:

On behalf of Campaign Legal Center (“CLC”), I am pleased to submit this testimony in support of the Voting Rights for All Act, which, if passed, would restore voting rights to individuals convicted of felonies. I am providing this testimony at the invitation of Common Cause Maryland, a regulated lobbyist in the state.

My name is Yehesuah Downie, and I am the Restore Your Vote organizer for CLC’s Voting Rights program. CLC is a nonpartisan, nonprofit organization, based in Washington DC, that works to protect and strengthen American democracy across all levels of government. Our Restore Your Vote program helps restore voting rights to people with past convictions by providing direct rights restoration services and empowering community leaders to understand and monitor implementation of rights restoration laws. I am proud to be doing this work, not just as an advocate, but as someone who has personally faced these challenges.

The Voting Rights for All Act would effectively end felony disenfranchisement in the State of Maryland. If passed, Maryland would join Vermont, Maine, Puerto Rico, and Washington, DC in eliminating this racist practice of felony disenfranchisement that serves no legitimate purpose within the criminal legal system and hinders rehabilitation and re-entry.

Enfranchising incarcerated individuals is important for democratic accountability. Elected officials make consequential decisions every day that directly impact incarcerated voters: legislators make the laws that incarcerated voters are charged with breaking; district attorneys prosecute their cases;

state judges adjudicate their cases; and sheriffs and other law enforcement police them on the streets and run the jails and prisons in which they are currently incarcerated. Incarcerated citizens' exposure to the criminal legal system gives them a major stake in the outcome of public policy, and their participation is crucial if the ballot box is truly to be a site where we hold our elected officials accountable.

Despite these facts, felony disenfranchisement laws persist, and their history explains why. In many states, these laws were enacted after the Civil War and proliferated during the Jim Crow era with the explicit and open purpose of undermining the 14th and 15th Amendments.¹ Put simply, felony disenfranchisement exists and continues in the United States because of efforts to suppress voters and communities of color.²

This unfortunately rings true in Maryland, which has a history of delaying or obstructing progress toward equal voting rights for Black Marylanders. Maryland's 1867 Constitution allowed the state legislature to disenfranchise those convicted of "infamous crimes," and this language is still in the state's Constitution today.³ A handful of other states have similar language in their constitutions, and these terms were intentionally designed post-Reconstruction as a loophole to the promise of equal protection and political rights. Disenfranchising individuals who were convicted of "infamous crimes" allowed states to target and disenfranchise Black voters, and the use of the term in Maryland's Constitution suggests that its framers had that intent. Indeed, just a few years later, in 1870 the Maryland legislature rejected ratification of the 15th Amendment, which prohibits denial of the right to vote based on race. Shamefully, Maryland was one of the last states to ratify the Fifteenth Amendment, which it did not officially ratify until 1973.⁴ Maryland still carries the legacy of this history, as Black and Latino citizens in Maryland are incarcerated and therefore disenfranchised at a rate many times higher than white citizens.⁵ The state's felony disenfranchisement laws overwhelmingly silence the voices of Black and Latino voters,⁶ and its racist roots are a stain on our democracy. The Voting Rights for All Act will erase this exclusionary electoral feature and restore the right to vote to thousands of voters from the state.⁷

¹ Jennifer Rae Taylor, *Jim Crow's Lasting Legacy at the Ballot Box*, The Marshall Project (Aug. 20, 2018), <https://www.themarshallproject.org/2018/08/20/jim-crow-s-lasting-legacy-at-the-ballot-box>.

² Erin Kelley, *Racism & Felony Disenfranchisement: An Intertwined History*, Brennan Center for Justice (May 9, 2017), <https://www.brennancenter.org/our-work/research-reports/racism-felony-disenfranchisement-intertwined-history>; George Brooks, *Felon Disenfranchisement: Law, History, Policy, and Politics*, 32 Fordham Urban L.J. 101 (2005), <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?httpsredir=1&article=2140&context=ulj>.

³ Md. Const. art. I, § 4.

⁴ Baltimore & the Fifteenth Amendment, May 19, 1870 (1996).

⁵ The Sentencing Project, Christopher Uggen, Ryan Larson, Sarah Shannon, & Robert Stewart, *Locked Out 2022: Estimates of People Denied Voting Rights* (Oct. 25, 2022) (showing higher rates of disenfranchisement for Black and Latino Maryland residents than the overall disenfranchisement rates).

⁶ Prison Policy Initiative, https://www.prisonpolicy.org/blog/2023/09/27/updated_race_data/#compare; see also Ashley Nellis, The Sentencing Project, *The Color of Justice: Racial and Ethnic Disparity in State Prisons* 21 (2021), [The-Color-of-Justice-Racial-and-Ethnic-Disparity-in-State-Prisons.pdf](https://www.sentencingproject.org/publications/color-of-justice-racial-and-ethnic-disparity-in-state-prisons) (sentencingproject.org).

⁷ See *id.* at 16.

A system of universal enfranchisement also protects against *de facto* disenfranchisement—i.e., the process by which confusion and misinformation around voting after a felony conviction leads many people with past convictions—and election officials—to believe wrongly that they cannot vote, even if they are eligible.⁸

In sum, the Voting Rights for All Act is Maryland’s opportunity to join a growing list of states that are working toward restoring voting rights to citizens with past convictions,⁹ and to become a national leader on the issue. This bill will eliminate the outdated, discriminatory, and anti-democratic practice of felony disenfranchisement, will solidify ballot access for incarcerated voters, and will affirm Maryland’s commitment to the principle that democracy works best when all eligible voters can participate. I’ll finish with a quote from Governor Wes Moore “Our time is now to build a state that leaves no one behind!”

Respectfully submitted,

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⁸ See Erika Wood & Rachel Bloom, *De Facto Disenfranchisement*, Am. Civil Liberties Union & Brennan Ctr. for Justice 2-5 (2008), <https://www.aclu.org/other/de-facto-disenfranchisement>.

⁹ See National Conference of State Legislatures, *Felon Voting Rights* (Feb. 9, 2023), <https://www.ncsl.org/elections-and-campaigns/felon-voting-rights>.