

February 11, 2026

***Submitted Electronically***

Brian J. Feldman, Chair  
Cheryl C. Kagan, Vice Chair  
Education, Energy, and the Environment Committee  
2 West Miller Senate Office Building  
Annapolis, Maryland 21401

***RE: Senate Bill 89 – Election Law – Voter Hotline and Voting Eligibility  
(Voting Rights for All Act)***

Chair Feldman and Vice Chair Kagan:

On behalf of the NAACP Legal Defense and Educational Fund, Inc. (LDF),<sup>1</sup> we appreciate the opportunity to submit written testimony in support of S.B. 89, a bill that would restore voting rights to individuals currently incarcerated for a felony and require the State Board of Elections to establish a toll-free hotline for incarcerated individuals to get information about voting. By enacting S.B. 89, Maryland can join the movement across the country to fully end the systemically racist practice of felony disenfranchisement. Ensuring that every eligible Marylander can vote, regardless of felony conviction status or where they are housed, is an important step toward eliminating the vestiges of Jim Crow and narrowing Maryland’s persistent voter participation gaps.

**I. The Legal Defense Fund’s Long History of Protecting and Advancing Voting Rights**

Founded in 1940 under the leadership of Maryland native Thurgood Marshall, LDF is America’s premier law organization fighting for racial justice. Through litigation, advocacy, and public education, LDF seeks structural changes to build a more inclusive democracy, eliminate disparities, and achieve racial justice in a society that fulfils the promise of equality for all.

---

<sup>1</sup> Since its founding in 1940, LDF has used litigation, policy advocacy, public education, and community organizing strategies to achieve racial justice and equity in the areas of education, economic justice, political participation, and criminal justice. It has been a separate organization from the NAACP since 1957.

LDF has prioritized its work protecting the right of Black communities to vote for more than 85 years—representing Dr. Martin Luther King, Jr. and other marchers in Selma, Alabama in 1965, advancing the passage of the Voting Rights Act (VRA), litigating seminal cases interpreting the federal VRA’s scope,<sup>2</sup> and working in communities across the South to strengthen and protect the ability of Black voters to participate in the political process free from discrimination.

LDF’s political participation work has included advocacy for the restoration of voting rights for formerly incarcerated persons in Alabama, Florida, and other places in the South.<sup>3</sup> For example, LDF and allies challenged a Florida law that required all legal financial obligations to be paid before a person with a felony conviction could vote.<sup>4</sup> Parts of the law were struck down by a lower court, but on September 11, 2020, the U.S. Court of Appeals for the Eleventh Circuit overturned the decision, leading to LDF’s extensive advocacy to ensure that as many of the 85,000 vulnerable voters could actually vote.<sup>5</sup> Today, LDF is advocating for the protection of returning citizens from unfair prosecutions with the Harry T. and Harriette V. Moore Florida Voting Rights Act, which would create a centralized database for people with prior convictions to determine their voter eligibility.<sup>6</sup>

## **II. The Importance of Rights Restoration for Currently Incarcerated People in Maryland**

The nation’s antiquated and discriminatory felony disenfranchisement laws were adopted and proliferated in the late 19<sup>th</sup> century and during the era of Jim Crow to bar newly freed Black citizens from exercising their right to vote based on felony crimes that were disproportionately prosecuted against them.<sup>7</sup> To this day, the burden of disenfranchisement based on contact with the criminal legal system continues to disproportionately impact Black voters.<sup>8</sup>

The racist history of felony disenfranchisement laws from the Jim Crow era is reflected in current reality in Maryland, where more than two-thirds of the state’s

---

<sup>2</sup> See e.g. *Louisiana v. Callais*, 606 U.S. \_\_\_\_ (2025); *Allen v. Milligan*, 599 U.S. 1 (2023).

<sup>3</sup> LDF Thurgood Marshall Institute, *Democracy Defended* (2020), [https://www.naacpldf.org/wp-content/uploads/LDF\\_2020\\_DemocracyDefended-1-3.pdf](https://www.naacpldf.org/wp-content/uploads/LDF_2020_DemocracyDefended-1-3.pdf).

<sup>4</sup> *Jones v. DeSantis*, 462 F. Supp. 3d 1196, 1205 (N.D. Fla.), rev’d and vacated sub nom. *Jones v. Governor of Fla.*, 975 F.3d 1016 (11th Cir. 2020).

<sup>5</sup> See LDF Thurgood Marshall Institute, *supra* note 3; *Jones*, 462 F. Supp. 3d at 1205.

<sup>6</sup> See Florida Needs Its Own Voting Rights Act, LDF, <https://www.naacpldf.org/case-issue/florida-voting-rights-act/>.

<sup>7</sup> See generally NAACP LDF, *Free the Vote: Unlocking Democracy in the Cells and on the Streets*, available at <https://www.naacpldf.org/wp-content/uploads/Free-the-Vote.pdf>.

<sup>8</sup> See, e.g., Christopher Uggen et al., *Locked Out 2022: Estimates of People Denied Voting Rights*, THE SENTENCING PROJECT (Oct. 25, 2022), <https://www.sentencingproject.org/reports/locked-out-2022-estimates-of-people-denied-voting-rights/>.

incarcerated population is Black.<sup>9</sup> And while Maryland has made substantial progress in making voting more equitable and accessible, substantial racial disparities in voter participation persist. For example, in the 2022 elections, turnout for white Marylanders was almost ten points higher than for Black residents, and 20 points higher than for Latine voters.<sup>10</sup> Research from the Brennan Center for Justice shows that Maryland ranked second in the nation in 2022 for the number of Black voters who did not vote but would have if turnout rates were equal between Black and white Marylanders.<sup>11</sup> In other words, due to Maryland’s significant Black population, its racial turnout disparities are distorting its electorate to sharply reduce Black political power.

Democracy demands that the right to vote, a “fundamental political right” that is “preservative of all rights,” be made available to all eligible individuals on an equal basis.<sup>12</sup> All other rights, as the Supreme Court has memorably declared, “are illusory if the right to vote is undermined.”<sup>13</sup> In light of these principles, Maryland should do everything in its power to ensure that more, not fewer, Marylanders can exercise the fundamental right to vote.

Enacting S.B. 89 would finally and fully end the systemically racist practice of disenfranchising thousands of Marylanders based on a criminal conviction and their incarcerated status. Full enfranchisement would make Maryland a national leader on voting rights of all citizens, regardless of criminal conviction status, and would facilitate the electoral participation of thousands of Marylanders, especially among historically marginalized communities.<sup>14</sup> The impact will be especially significant for Black Marylanders, who make up two-thirds of the state’s

---

<sup>9</sup> DOC Data Dashboard, MARYLAND.GOV, [https://www.dpscs.state.md.us/community\\_releases/DOC-Annual-Data-Dashboard.shtml](https://www.dpscs.state.md.us/community_releases/DOC-Annual-Data-Dashboard.shtml) (last visited Mar. 25, 2024).

<sup>10</sup> Press Release, U.S. Census Bureau, Voting and Registration in the Election of November 2022 tbl. 4b (Reported Voting and Registration of the Total Voting-Age Population, by Sex, Race and Hispanic Origin, for States: November 2022 [<1.0 MB]) (Apr. 2023), <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-586.html>.

<sup>11</sup> Kevin Morris & Coryn Grange, *Growing Racial Disparities in Voter Turnout, 2008–2022*, Brennan Ctr. for Just., N.Y.U. L. (Mar. 2, 2024), <https://www.brennancenter.org/our-work/research-reports/growing-racial-disparities-voter-turnout-2008-2022>.

<sup>12</sup> *See Yick Wo v. Hopkins*, 118 U.S. 356, 370 (1886).

<sup>13</sup> *Wesberry v. Sanders*, 376 U.S. 1, 17 (1964).

<sup>14</sup> Restoration of Voting Rights for Felons, National Conference of State Legislatures (Aug. 19, 2025), <https://www.ncsl.org/elections-and-campaigns/felon-voting-rights>. (With S.B. 89, Maryland would only pale in comparison to the District of Columbia, Vermont, and Maine, where people with felony convictions never lose their right to vote.)

incarcerated population whose voices have been silenced by the state’s antiquated Jim Crow disenfranchisement laws.<sup>15</sup>

For the reasons outlined above, LDF urges your Committee to issue a favorable report for S.B. 89. We stand ready to work with you to enfranchise and protect Black voters, and other voters of color, in the Free State.

Please feel free to contact Imani Brooks at (929) 697-3794 or [ibrooks@naacpldf.org](mailto:ibrooks@naacpldf.org) with any questions or to discuss S.B. 89 in more detail.

Sincerely,

*/s/ Imani Brooks*

Imani Brooks

Policy Counsel

NAACP Legal Defense & Educational Fund, Inc.

700 14th Street N.W., Ste. 600

Washington, DC 20005

NAACP Legal Defense and Educational Fund, Inc.

Since its founding in 1940, LDF has used litigation, policy advocacy, public education, and community organizing strategies to achieve racial justice and equity in education, economic justice, political participation, and criminal justice. Throughout its history, LDF has worked to enforce and promote laws and policies that increase access to the electoral process and prohibit voting discrimination, intimidation, and suppression. LDF has been fully separate from the National Association for the Advancement of Colored People (“NAACP”) since 1957, though LDF was originally founded by the NAACP and shares its commitment to equal rights.

---

<sup>15</sup> DOC Data Dashboard, MARYLAND.GOV, [https://www.dpscs.state.md.us/community\\_releases/DOC-Annual-Data-Dashboard.shtml](https://www.dpscs.state.md.us/community_releases/DOC-Annual-Data-Dashboard.shtml) (last visited Mar. 25, 2024).