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February 11, 2026

TO: The Honorable Brian Feldman
Chair, Education, Energy, and the Environment Committee

FROM: Tiffany Clark
Director, Legislative Affairs, Office of the Attorney General

RE: Senate Bill 89 - Election Law - Incarcerated Individuals - Voter Hotline and
Voting Eligibility (Voting Rights for All Act)(Support in Concept)

The Office of the Attorney General (OAG) supports the concept of Senate Bill 89 - Voting - Incarcerated Individuals. SB 89 proposes to restore voting rights to incarcerated individuals by removing the prohibition on voter registration for those serving sentences of imprisonment and establishing a voter hotline to provide election information and materials.

This legislation directly supports our efforts to advance criminal justice reform and expand access to the democratic process. Restoring voting rights to incarcerated individuals represents an important step toward reducing barriers to civic participation and aligning Maryland with evidence-based best practices. The establishment of a dedicated voter hotline would provide essential access to election information for an underserved population.

Implementation Considerations

While we support the policy objectives of SB 89, we note that the legislation contains a significant implementation gap that should be addressed through amendments. The bill grants incarcerated individuals the right to vote but does not establish the mechanism through which they would exercise that right. The legislation is silent on critical operational questions including:

- What voting method would be used (absentee ballots, in-person voting, or other mechanisms)

- Where and how incarcerated individuals would cast ballots
- What procedures would govern ballot distribution, collection, and security within correctional facilities
- What address would be used for voter registration purposes
- What timeline and protocols would ensure timely ballot delivery and return

The two states that currently permit incarcerated individuals to vote, Maine and Vermont, both utilize absentee ballot systems with established procedures for registration, ballot delivery to facilities, and secure return of completed ballots. Maryland would presumably need to adopt a similar framework to make this legislation operational.

We recommend amendments that establish statutory clarity on the voting mechanism, most likely through an absentee ballot system that includes procedures for ballot requests, timelines for delivery, security protocols, and collection procedures. Without such amendments, the voting rights this legislation seeks to restore may exist only on paper rather than in practice.

The Office of the Attorney General appreciates the General Assembly's work on this important policy and welcome the opportunity to share our perspective.

Cc: Members of the Committee