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**Testimony for the House Ways and Means Committee
February 13, 2018**

HB 542 Election Law - Eligible Detainees - Information on Voting Rights

SUPPORT

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OF MARYLAND

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The ACLU of Maryland urges a favorable report on HB 542, which would establish a program to disseminate voting information, voter registration applications, and absentee ballot applications to eligible detainees in correctional facilities and efficiently transmit applications and ballots between correctional facilities and local boards of elections.

Voting is the hallmark of our democracy. If an individual is eligible to vote, whether incarcerated or not, that right must be honored. As the Supreme Court noted in the 1964 case, *Reynolds v. Sims*:

Undoubtedly, the right of suffrage is a fundamental matter in a free and democratic society. Especially since the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights, any alleged infringement of the right of citizens to vote must be carefully and meticulously scrutinized.

Despite this, there is broad misunderstanding among jail and prison officials, and indeed among incarcerated persons themselves, regarding the voting rights of incarcerated persons. There are few programs that make it possible for those behind bars to exercise their right to vote and the logistical considerations of registering and/or voting from jail or prison can make it extremely difficult.

In 2011, San Francisco took steps much like that being proposed under HB 542 and saw that inmates had the highest turnout rate of any group in the 2012 election—approximately 90 percent.¹

¹ Aaron Sankin, Huffington Post, San Francisco Prisoners Voting: Registration Among Inmates Reaches Record High (Nov. 20, 2012).

Voting allows individuals to maintain a connection with their communities during incarceration, which can be instrumental for effective re-entry.

Finally, Maryland's prisons and jails are disproportionately filled with Black and Brown bodies—the inability of this population to access the ballot raises serious racial equity concerns.

For the foregoing reasons, we urge a favorable report on HB 542.

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