

# EXPAND THE VOTE

**ACLU**  
Maryland

**SUPPORT HB 568/SB 372**



**Marylanders who are currently incarcerated – disproportionately Black and Brown people – who are eligible to vote, must get meaningful access to the ballot, including:**

- Voter registration applications
- Absentee ballot applications
- Information about how to vote

## **VOTING IS THE HALLMARK OF OUR DEMOCRACY**

If an individual is eligible to vote, whether they are 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.

In *Johnson v. Prince George's County Board of Elections*, two eligible voters detained in Prince George's County sued to get access to the ballot. The Court denied their claim, because there was no "official local or statewide policy [...]."

This bill will create a statewide policy, so all eligible Maryland voters can access the ballot, regardless of whether or not they are incarcerated.

## Who Are We Talking About?

**People who are incarcerated can vote if:**

1. They have not yet been convicted (i.e. they are being held pretrial).

On average, every month, 6,400<sup>1</sup> people are detained in pretrial and do not have access to vote – even though they are eligible.

~OR~

2. They only have a misdemeanor sentence.

**LET PEOPLE VOTE!**

## Voting is a Racial Justice Priority!

Expanding the ballot to eligible voters who are incarcerated is not only a step toward restoring democracy, it is also a racial justice issue.

- Black Marylanders represent 31% of state residents, but 52% of people in jail and 69% of people in prison.<sup>2</sup>
- Since 1970, the total jail population has increased 258%. In 2015, pretrial detainees constituted 63% of the total jail population in Maryland.<sup>3</sup>
- The current law therefore has a diluting effect on Black people's voting power.



<sup>1</sup> <http://goccp.maryland.gov/wp-content/uploads/JRA-Advisory-Board-Minutes-201906.pdf>

<sup>2</sup> <https://www.vera.org/publications/state-incarceration-trends/maryland>

<sup>3</sup> <https://www.vera.org/publications/state-incarceration-trends/maryland>