

March 26, 2024

***Submitted Electronically***

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

***RE: House Bill 627 – Election Law – Automatic Voter Registration – State Correctional  
Facilities – Favorable***

Dear Chair Feldman and Vice Chair Kagan:

On behalf of the NAACP Legal Defense and Education Fund, Inc. (LDF),<sup>1</sup> we appreciate the opportunity to submit written testimony in strong support of HB 627, the Automatic Voter Registration-State Correctional Facilities bill.<sup>2</sup> This bill would designate the Department of Public Safety and Correctional Services (“DPSCS”) as an automatic voter registration agency and would require the DPSCS to register eligible voters upon release of confinement from a state correctional facility unless the potential voter opts out. The legislation also puts a reporting and transparency measure into place whereby DPSCS must submit a report beginning January 1, 2026, that describes the number of individuals who completed an applicable transaction in the preceding calendar year and the number of those individuals who registered to vote or updated a voter registration record as well as any efforts the agency plans to make to improve the efficiency and effectiveness of the voter registration process.<sup>3</sup>

Eligible Marylanders may currently be automatically registered to vote when they interact with State agencies like the Motor Vehicle Administration, the Maryland Health Benefit Exchange, local departments of social services, and the Mobility Certification Office in the Maryland Transit

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<sup>1</sup> Founded in 1940 under the leadership of Maryland native Thurgood Marshall, LDF is America’s premier legal organization fighting for racial justice. 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.

<sup>2</sup> H.B. 627, 2024 Reg. Sess. (Md. 2024).

<sup>3</sup> Arnold H. Adja, *Fiscal and Policy Note: H.B. 627*, Md. Gen. Assemb. Dept. of Legis. Serv., [https://mgaleg.maryland.gov/2024RS/fnotes/bil\\_0007/hb0627.pdf](https://mgaleg.maryland.gov/2024RS/fnotes/bil_0007/hb0627.pdf).

Administration.<sup>4</sup> By taking the commonsense approach of extending this automatic registration to formerly incarcerated people as they are released from prison, Maryland will be able to drastically expand access to democracy for the roughly 70,541 men and 16,113 women released from its prisons and jails each year.<sup>5</sup> The impact will be especially significant for Black Marylanders, who endure widespread and persisting discrimination in the criminal legal system and make up 71.54% of the Department of Corrections incarcerated population.<sup>6</sup>

Since Reconstruction, the burden of disenfranchisement based on contact with the criminal legal system has been borne disproportionately by Black Americans.<sup>7</sup> Maryland unfortunately stands out in this respect as a state with one of highest Black prison population rates in the United States.<sup>8</sup> Black people in Maryland are incarcerated at a rate 5.3 times higher than white people,<sup>9</sup> and the areas with the highest incarceration rates are Baltimore City and the Southern Eastern Shore, two communities of historical significance to Black Marylanders.<sup>10</sup> This disproportionate incarceration rate contributes to stark racial disparities in voter registration and turnout in Maryland. U.S. Census data for the 2022 elections reports significant voter registration and turnout disparities between white Marylanders and residents of color, including a more than 10-point turnout gap between white and Black voters and 20 points (or a 50% difference) between white and Latine voters.<sup>11</sup>

By enacting HB627, Maryland can facilitate nearly 87,000 people registering to vote, and help historically marginalized communities have a stronger voice in our multiracial democracy. At present, DPSCS is required to provide each individual who is released from a State or local correctional facility with a voter registration application and documentation with the individual's discharge papers that informs the individual that their voting rights have been restored.<sup>12</sup> This process is not as effective as automatic voter registration ("AVR"). AVR makes registering "opt-

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<sup>4</sup> *VRM in the States: Maryland*, BRENNAN CTR. FOR JUST. (May 8, 2018), <https://www.brennancenter.org/our-work/research-reports/vrm-states-maryland>.

<sup>5</sup> *Maryland Profile*, PRISON POL'Y INITIATIVE, <https://www.prisonpolicy.org/profiles/MD.html> (last visited Mar. 25, 2024).

<sup>6</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>7</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/>.

<sup>8</sup> *Maryland 2020*, NAT'L INST. OF CORR., <https://nicic.gov/resources/nic-library/state-statistics/2020/maryland-2020> (last visited Mar. 25, 2024).

<sup>9</sup> *Maryland Profile*, PRISON POL'Y INITIATIVE, <https://www.prisonpolicy.org/profiles/MD.html> (last visited Mar. 25, 2024).

<sup>10</sup> *Id.*

<sup>11</sup> Table 4b: Reported Voting and Registration of the Total Voting-Age Population, by Sex, Race and Hispanic Origin, for States: November 2022 [ $<1.0$  MB], U.S. CENSUS BUREAU (Apr. 2023), <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-586.html>.

<sup>12</sup> *Adja*, *supra* note 3.

out” instead of “opt-in.” Therefore, formerly incarcerated individuals who interact with government agencies, such as DPSCS, are registered to vote or have their existing registration information updated automatically, unless they actively decline.<sup>13</sup> The voter’s information is transmitted to election officials electronically rather than via paper registration forms. These cost-effective reforms increase registration rates and clean up the voter rolls. For formerly incarcerated people who are less likely to have a valid driver’s license or health insurance, it is paramount that DPSCS is designated as an AVR agency as formerly incarcerated people are most likely to interact with this public agency on a regular basis.

AVR is gaining momentum across the country. In the past seven years, 23 states and the District of Columbia have adopted AVR in some form,<sup>14</sup> and the policy has successfully increased voter registration rates wherever it is implemented.<sup>15</sup> With HB 627, Maryland has the opportunity to build upon the Value My Vote Act of 2021,<sup>16</sup> and continue to push forward pro-voter policies by breaking down historical barriers to the ballot box for formerly incarcerated people as they reenter the community.

For the reasons outlined herein, this body should vote favorably on HB 627, Automatic Voter Registration in State Correctional Facilities. Please feel free to contact Christina Das at (646) 753-2766 or [cdas@naacpldf.org](mailto:cdas@naacpldf.org) with any questions or to discuss the Automatic Voter Registration – State Correctional Facilities bill in more detail.

Sincerely,  
*/s/ Christina Das*  
Christina Das, Attorney, Voting Rights  
Defender & Prepared to Vote Project  
NAACP Legal Defense & Educational Fund,  
Inc.  
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#### NAACP Legal Defense and Educational Fund, Inc. (“LDF”)

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

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<sup>13</sup> H.B. 627, 2024 Reg. Sess. (Md. 2024).

<sup>14</sup> *Automatic Voter Registration*, NAT’L CONF. OF STATE LEGS., <https://www.ncsl.org/elections-and-campaigns/automatic-voter-registration> (last updated Feb. 12, 2024).

<sup>15</sup> *Automatic Voter Registration*, BRENNAN CTR. FOR JUST., <https://www.brennancenter.org/issues/ensure-every-american-can-vote/voting-reform/automatic-voter-registration> (last visited Mar. 26, 2024).

<sup>16</sup> H.B. 222, 2021 Reg. Sess. (Md. 2021).

enforce and promote laws and policies that increase access to the electoral process and prohibit voter 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.