



January 19, 2016

By Facsimile & Email

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RE: Senate Bill 340 & House Bill 980 – Restoration of Voting Rights to People with Felony Convictions

Dear Senator Miller and Delegate Busch:

As President and Director-Counsel of the NAACP Legal Defense and Educational Fund (LDF) and a Maryland resident, I write to thank you and Members of the Maryland General Assembly for passing Senate Bill 340 (S.B. 340) and House Bill 980 (H.B. 980) during the 2015 legislative session. These bills would have restored voting rights to persons with felony convictions who have completed a period of incarceration and returned to communities across the state. LDF was disappointed to learn that Governor Hogan vetoed these bills in May 2015, arguing that current Maryland law permitting persons with felony convictions to vote only after they have completed parole or probation “achieves the proper balance between the repayment of obligations to society for a felony conviction...and the restoration ...” of voting rights.

LDF vehemently disagrees with the Governor’s reasoning and respectfully urges you to secure the necessary votes to override Governor Hogan’s veto, during this 2016 legislative session.



Governor Hogan's stance ignores the public safety benefits of allowing individuals with felony convictions to participate in the political process as they work, take care of their families, and otherwise contribute to society. Indeed, research suggests that restoring the right to vote to these citizens reduces the likelihood that they will reoffend.¹

Additionally, enacting S.B. 340 and H.B. 980 into law – and providing nearly 40,000 Marylanders with the opportunity to regain their right to vote – would help to bring the state's election laws into greater conformity with fundamental principles of an inclusive democracy. Maryland would join the growing list of more than 20 states that have engaged in legislative efforts to free the vote for people, particularly people of color, with criminal convictions. Enacting S.B. 340 and H.B. 980 also would demonstrate your commitment to voting rights and second chances for people with criminal convictions in this 51st anniversary year of the passage of the Voting Rights Act of 1965, the nation's seminal civil rights legislation. Dr. Martin Luther King, Jr., whose legacy we honor this week, and many other extraordinary people sacrificed life and limb for the passage of the Voting Rights Act to ensure that all citizens, including persons with felony convictions, have a voice in the political process.

Since its founding in 1940, by Thurgood Marshall, a Baltimore native and the first African-American U.S. Supreme Court Justice, LDF has been a leader in the struggle to secure, protect, and advance voting rights for African-American people. LDF has worked to reform the nation's antiquated and discriminatory felony disfranchisement laws, which were adopted and proliferated in the late 19th century and during the era of Jim Crow to bar newly freed African-American citizens from their right to vote based on felony crimes disproportionately prosecuted against them.²

¹ See Ram Subramanian, et al., *Relief in Sight? States Rethink the Collateral Consequences of Criminal Conviction, 2009-2014*, 7 Vera Institute of Justice (Dec. 2014) <http://www.vera.org/sites/default/files/resources/downloads/states-rethink-collateral-consequences-report-v3.pdf>. See also Christopher Uggen and Jeff Manza, *Voting and Subsequent Crime and Arrest: Evidence From a Community Sample*, 36 Colum. Hum. Rts. L. Rev. 193, http://as.nyu.edu/docs/IO/3858/Voting_and_Subsequent_Crime_and_Arrest.pdf

² See generally NAACP LDF, *Free the Vote: Unlocking Democracy in the Cells and on the Streets*, <http://www.naacpldf.org/files/publications/Free%20the%20Vote.pdf>



The modern day impact of felon disenfranchisement laws on communities of color is clear. Nationwide, one in 13 African-American people cannot vote due to disenfranchisement policies.³ In Alabama alone—where the sacrifices of ordinary people gave birth to the Voting Rights Act—one in three African-American males has been disqualified from voting as a result of a conviction.⁴ In Maryland, approximately 15 percent of African-American men are disenfranchised, as compared to 4 percent for the Maryland population as a whole.⁵ And over 60 percent of disenfranchised people who have completed incarceration in Maryland are African-American people.⁶ Indeed, in Baltimore alone, where the death of Freddie Gray has shed light on police violence against persons of color, voting rights restoration legislation is critical. More than half of the people released from prisons in Maryland annually return to their communities in West Baltimore.⁷ Thus, far too many people that cannot vote are the same people affected by police violence in Baltimore and elsewhere. Voting rights restoration legislation, like S.B. 340 and H.B. 980, is but one step toward building community rather than chaos, as Dr. King urged, in Maryland and nationwide.

Because our democracy and the communities within it are stronger and healthier when more people participate in the political process and have a voice in their communities, LDF has litigated several challenges to discriminatory felony disenfranchisement state laws that disproportionately deny voting rights to people of

³ Christopher Uggen and Sarah Shannon, *State-Level Estimates of Felon Disenfranchisement in the United States, 2010*, at p. 1, http://sentencingproject.org/doc/publications/fd_State_Level_Estimates_of_Felon_Disen_2010.pdf

⁴ The Sentencing Project, *Losing the Vote: The Impact of Felony Disenfranchisement Laws in the United States*, at p. 8, http://www.sentencingproject.org/doc/file/fvr/fd_losingthevote.pdf

⁵ *Id.* at 9.

⁶ *Supra* n. 3, at 16-17.

⁷ Nancy G. La Vigne, et al., *A Portrait of Prisoner Reentry in Maryland*, Mar. 18, 2003, at pp. 2, 3, 53, 63, http://www.urban.org/research/publication/portrait-prisoner-reentry-maryland/view/full_report



color with criminal records, including in Alabama, New York, and Washington State.⁸

LDF, like you and other Maryland legislators supporting S.B. 340 and H.B. 980, understands that providing opportunities to vote and participate in the political process provide all of the people who live, work, and raise families in Maryland a sense of belonging and the ability to contribute to their communities. Because S.B. 340 and H.B. 980 promise to restore full citizenship to tens of thousands of Marylanders and reduce reoffending rates, this is a win-win reform effort for all residents of our great state. We urge you to do everything within your power to secure votes in the General Assembly sufficient to override the Governor's vetoes of this important legislation.

Thank you for considering this request. If you have any questions or concerns, please do not hesitate to contact Monique Dixon at mdixon@naacpldf.org, Leah Aden at laden@naacpldf.org, or me at 202-682-1300.

Sincerely yours,

A handwritten signature in black ink that reads "Sherrilyn A. Ifill". The signature is written in a cursive, flowing style.

Sherrilyn A. Ifill
President and Director-Counsel
NAACP Legal Defense & Educational
Fund, Inc.

⁸ *Chapman v. Gooden*, 974 So. 2d 972 (Ala. 2007); *Glasgow v. Allen*, No. 2:08-cv-801 (M.D. Ala. 2008); *Hayden v. Paterson*, 594 F.3d 150 (2d Cir. 2010); *Farrakhan v. Gregoire*, 623 F.3d 990 (9th Cir. 2010).