

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 542
Ways and Means

(Delegate Ali, *et al.*)

Election Law - Eligible Detainees - Information on Voting Rights

This bill requires the establishment and implementation of a program to (1) disseminate voting information, voter registration applications, and absentee ballot applications to eligible detainees in a correctional facility and (2) efficiently transmit applications and ballots between correctional facilities and local boards of elections.

Fiscal Summary

State Effect: General fund expenditures may increase by up to \$10,000 annually. Revenues are not affected.

Local Effect: Local government expenditures are not expected to be materially affected.

Small Business Effect: None.

Analysis

Bill Summary: The bill requires the State Board of Elections (SBE) to adopt regulations establishing a program to inform eligible detainees of the upcoming elections and how the eligible detainees may exercise the right to vote. The regulations must provide for (1) the dissemination of information on eligibility requirements to register to vote and voter registration applications; (2) the dissemination of information on absentee voting and absentee ballot applications; and (3) the efficient transmission of voter registration applications, absentee ballot applications, and absentee ballots between correctional facilities and the local boards of elections. SBE must consult with the Secretary of Public Safety and Correctional Services and local correctional officials when developing the

regulations. Correctional facilities must cooperate fully with SBE and local boards of elections in developing and implementing the regulations.

“Eligible detainee” is an individual who is eligible to vote while (1) detained in a correctional facility awaiting trial or (2) incarcerated in a correctional facility solely for a misdemeanor offense.

Current Law:

Voter Registration

Under the Maryland Constitution, generally every citizen of the United States, age 18 or older, who is a resident of the State as of the close of registration prior to an election is eligible to vote. The General Assembly is authorized to regulate or prohibit the right to vote of a person convicted of a serious crime or under care or guardianship for mental disability. The constitution requires individuals to be registered in order to vote.

Under State law, with certain exceptions, an individual may register to vote if the individual is a citizen of the United States, is at least age 16, and is a resident of the State as of the day the individual seeks to register. A person who has been convicted of a felony and is currently serving a court-ordered sentence of imprisonment for the conviction is not qualified to be a registered voter.

An individual may apply to become a registered voter through a number of means including (1) visiting an election board office; (2) by mail; (3) when applying for services at a voter registration agency (specified public and nongovernmental agencies designated by SBE, including agencies providing public assistance and services for individuals with disabilities, public higher education institutions, and military recruiting offices); (4) when applying to the Motor Vehicle Administration (MVA) for issuance, renewal, or modification of a driver’s license or identification card; or (5) through SBE’s online voter registration system.

Chapter 287 of 2016 designates MVA, the Maryland Health Benefit Exchange, local departments of social services, and the Mobility Certification Office in the Maryland Transit Administration as electronic voter registration agencies and requires the agencies to implement electronic voter registration systems that offer applicants the opportunity to register to vote or update a voter registration record during an applicable transaction.

Absentee Ballot Application

An absentee ballot may be requested in writing (there is a State application that can be used) or online through the SBE website. An online application requires certain identification information to be provided.

State Fiscal Effect: General fund expenditures may increase by up to \$10,000 annually, for costs incurred by SBE to print and transport voter registration applications to correctional facilities.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State Board of Elections; Department of Public Safety and Correctional Services; Montgomery, Washington, and Worcester counties; Department of Legislative Services

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nb/hlb

Analysis by: Scott D. Kennedy

Direct Inquiries to:
(410) 946-5510
(301) 970-5510