

HOUSE BILL 222

G1
HB 568/20 – W&M & JUD

(PRE-FILED)

1lr1472
CF SB 224

By: **Delegate Wilkins**

Requested: November 1, 2020

Introduced and read first time: January 13, 2021

Assigned to: Ways and Means and Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2021

CHAPTER _____

1 AN ACT concerning

2 **Value My Vote Act**

3 FOR the purpose of requiring the Department of Public Safety and Correctional Services
4 to provide each individual who is released from a correctional facility with a voter
5 registration application and documentation with certain papers, display a certain
6 sign in each parole and probation office, and post a certain notice on the
7 Department's website; requiring correctional facilities to display certain signs in
8 certain areas; requiring correctional facilities to provide a certain drop box that
9 incarcerated individuals may use to submit election-related materials to election
10 officials; requiring correctional facilities to return ballots addressed to certain
11 individuals to the local board of elections; requiring correctional facilities to
12 designate an employee who will serve as a certain point of contact between the State
13 Board of Elections and the correctional facility for the implementation of certain
14 provisions of this Act; requiring each correctional facility to cooperate fully with the
15 State Board and the local boards in implementing certain requirements; requiring
16 the State Board of Elections to adopt certain regulations establishing a program to
17 inform eligible voters incarcerated in correctional facilities of upcoming elections and
18 how to exercise the right to vote; requiring the regulations to require the State Board
19 or local boards of elections to disseminate certain information and instructions,
20 provide certain opportunities for eligible voters to register to vote and to vote, and
21 provide for the timely return of certain applications and ballots, and pick up certain
22 materials on a certain basis; requiring each correctional facility to cooperate fully
23 with the State Board and the local boards in implementing the program; prohibiting
24 the State Board or a local board from being required to disclose certain information

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 concerning an incarcerated individual; requiring the State Board to engage certain
 2 organizations to facilitate voting by eligible voters; requiring the State Board to
 3 submit a certain report on or before a certain date each year to certain committees
 4 of the General Assembly; establishing a Voting Rights Ombudsman for Incarcerated
 5 Individuals; providing for the appointment and removal of the Ombudsman;
 6 requiring the Ombudsman to perform certain functions; authorizing the
 7 Ombudsman to conduct certain visits to correctional facilities to facilitate
 8 implementation of certain provisions of this Act; authorizing the Department and
 9 correctional facilities to limit the Ombudsman's access to certain areas within
 10 correctional facilities under certain circumstances; requiring the Ombudsman to
 11 comply with certain security requirements before gaining access to a correctional
 12 facility; requiring the Ombudsman to submit a certain report to the State Board each
 13 year; requiring the State Board to provide a certain voter hotline for incarcerated
 14 individuals; requiring the State Board and the local boards to adopt certain
 15 regulations in collaboration with the Department and correctional facilities; defining
 16 certain terms; and generally relating to voter registration and voting by eligible
 17 voters who are released from a correctional facility or incarcerated in a correctional
 18 facility.

19 BY adding to

20 Article – Correctional Services

21 Section 2–501 and 2–502 to be under the new subtitle “Subtitle 5. Voting Rights of
 22 Incarcerated and Released Individuals”

23 Annotated Code of Maryland

24 (2017 Replacement Volume and 2020 Supplement)

25 BY adding to

26 Article – Election Law

27 Section 1–303.1 through 1–303.3

28 Annotated Code of Maryland

29 (2017 Replacement Volume and 2020 Supplement)

30 BY repealing and reenacting, without amendments,

31 Article – Election Law

32 Section 3–102

33 Annotated Code of Maryland

34 (2017 Replacement Volume and 2020 Supplement)

35 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

36 That the Laws of Maryland read as follows:

37 **Article – Correctional Services**

38 **SUBTITLE 5. VOTING RIGHTS OF INCARCERATED AND RELEASED INDIVIDUALS.**

39 **2–501.**

1 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
2 INDICATED.

3 (2) "CORRECTIONAL FACILITY" MEANS A FACILITY FOR DETAINING
4 OR CONFINING INDIVIDUALS THAT IS OPERATED BY A CORRECTIONAL UNIT.

5 (3) "CORRECTIONAL UNIT" HAS THE MEANING STATED IN § 2-401(B)
6 OF THE CORRECTIONAL SERVICES ARTICLE.

7 (4) "ELIGIBLE VOTER" MEANS AN INDIVIDUAL WHO:

8 (I) IS INCARCERATED IN A CORRECTIONAL FACILITY; AND

9 (II) HAS THE RIGHT TO VOTE UNDER STATE LAW.

10 (B) THE STATE BOARD SHALL ADOPT REGULATIONS ESTABLISHING A
11 PROGRAM TO INFORM ELIGIBLE VOTERS OF UPCOMING ELECTIONS AND HOW
12 ELIGIBLE VOTERS MAY EXERCISE THE RIGHT TO VOTE.

13 (C) THE REGULATIONS ADOPTED UNDER SUBSECTION (B) OF THIS SECTION
14 SHALL REQUIRE THE STATE BOARD OR LOCAL BOARDS TO:

15 (1) DISSEMINATE INFORMATION ON ELIGIBILITY REQUIREMENTS TO
16 REGISTER TO VOTE AND VOTER REGISTRATION APPLICATIONS TO ELIGIBLE VOTERS
17 AT LEAST TWICE DURING THE PERIOD BEGINNING AT LEAST 30 60 DAYS BEFORE THE
18 DEADLINE TO REGISTER TO VOTE BEFORE EACH ELECTION AND ENDING ON THE
19 DEADLINE TO REGISTER TO VOTE BEFORE EACH ELECTION;

20 (2) DISSEMINATE INSTRUCTIONS ON ABSENTEE VOTING, ABSENTEE
21 BALLOT APPLICATIONS, AND ABSENTEE BALLOTS BEFORE EACH ELECTION IN A
22 TIMELY MANNER;

23 (3) PROVIDE FREQUENT OPPORTUNITIES FOR ELIGIBLE VOTERS TO
24 REGISTER TO VOTE AND TO VOTE; ~~AND~~

25 (4) PROVIDE FOR THE TIMELY RETURN OF VOTER REGISTRATION
26 APPLICATIONS, ABSENTEE BALLOT APPLICATIONS, AND ABSENTEE BALLOTS
27 COMPLETED BY ELIGIBLE VOTERS; AND

28 (5) PICK UP ON A REGULAR BASIS ELECTION-RELATED MATERIALS
29 THAT HAVE BEEN PLACED IN A DROP BOX UNDER § 2-502(A)(3) OF THE
30 CORRECTIONAL SERVICES ARTICLE.

1 (D) (1) EACH CORRECTIONAL FACILITY SHALL COOPERATE FULLY WITH
2 THE STATE BOARD AND THE LOCAL BOARDS IN IMPLEMENTING THE PROGRAM
3 REQUIRED UNDER THIS SECTION.

4 (2) NOTWITHSTANDING TITLE 4 OF THE GENERAL PROVISIONS
5 ARTICLE, THE STATE BOARD OR A LOCAL BOARD MAY NOT BE REQUIRED TO
6 DISCLOSE ANY IDENTIFYING INFORMATION CONCERNING AN INCARCERATED
7 INDIVIDUAL THAT THE STATE BOARD OR A LOCAL BOARD OBTAINS FROM A
8 CORRECTIONAL FACILITY FOR THE PURPOSE OF IMPLEMENTING THE PROGRAM
9 UNDER THIS SECTION.

10 (3) THE STATE BOARD SHALL ENGAGE NONPARTISAN COMMUNITY
11 ORGANIZATIONS TO FACILITATE VOTING BY ELIGIBLE VOTERS.

12 (E) ON OR BEFORE JANUARY 15 EACH YEAR, THE STATE BOARD SHALL
13 SUBMIT A REPORT TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL
14 AFFAIRS COMMITTEE AND THE HOUSE WAYS AND MEANS COMMITTEE, IN
15 ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THAT
16 INCLUDES THE FOLLOWING INFORMATION, DISAGGREGATED BY CORRECTIONAL
17 FACILITY:

18 (1) THE NUMBER OF ELIGIBLE VOTERS WHO REGISTERED TO VOTE,
19 ATTEMPTED TO VOTE, AND VOTED SUCCESSFULLY BY ABSENTEE BALLOT DURING
20 THE IMMEDIATELY PRECEDING CALENDAR YEAR;

21 (2) THE NUMBER OF TIMES THE STATE BOARD OR A LOCAL BOARD OF
22 ELECTIONS VISITED EACH CORRECTIONAL FACILITY DURING THE IMMEDIATELY
23 PRECEDING CALENDAR YEAR, THE DURATION OF EACH VISIT, AND A DESCRIPTION
24 OF THE WORK DONE AT EACH CORRECTIONAL FACILITY;

25 (3) A DESCRIPTION OF ANY OBSTACLES TO IMPLEMENTING THIS
26 SECTION OR § 2-501 OF THE CORRECTIONAL SERVICES ARTICLE; ~~AND~~

27 (4) ANY RECOMMENDATIONS FOR IMPROVING THE IMPLEMENTATION
28 OF THIS SECTION OR § 2-501 OF THE CORRECTIONAL SERVICES ARTICLE; AND

29 (5) A DESCRIPTION OF ANY VIOLATIONS OF THIS SECTION OR
30 VIOLATIONS OF TITLE 2, SUBTITLE 5 OF THE CORRECTIONAL SERVICES ARTICLE
31 THAT WERE REPORTED BY THE VOTING RIGHTS OMBUDSMAN FOR INCARCERATED
32 INDIVIDUALS UNDER § 1-303.2(F) OF THIS SUBTITLE.

33 1-303.2.

1 (A) IN THIS SECTION, "OMBUDSMAN" MEANS THE VOTING RIGHTS
2 OMBUDSMAN FOR INCARCERATED INDIVIDUALS.

3 (B) THERE IS A VOTING RIGHTS OMBUDSMAN FOR INCARCERATED
4 INDIVIDUALS.

5 (C) (1) THE STATE ADMINISTRATOR FOR THE STATE BOARD SHALL
6 APPOINT THE OMBUDSMAN.

7 (2) THE OMBUDSMAN MAY BE REMOVED FROM OFFICE BY THE STATE
8 ADMINISTRATOR AFTER A FINDING OF INCOMPETENCY OR OTHER GOOD CAUSE.

9 (D) THE OMBUDSMAN SHALL:

10 (1) OVERSEE THE IMPLEMENTATION OF §§ 1-303.1 AND 1-303.3 OF
11 THIS SUBTITLE AND TITLE 2, SUBTITLE 5 OF THE CORRECTIONAL SERVICES
12 ARTICLE; AND

13 (2) MAKE RECOMMENDATIONS TO THE STATE BOARD, THE
14 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, AND
15 CORRECTIONAL FACILITIES ON APPROPRIATE COMMUNITY ORGANIZATIONS AND
16 PARTNERSHIPS TO ASSIST IN FACILITATING VOTING BY INCARCERATED
17 INDIVIDUALS.

18 (E) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, THE
19 OMBUDSMAN MAY CONDUCT SCHEDULED VISITS TO CORRECTIONAL FACILITIES TO
20 FACILITATE IMPLEMENTATION OF §§ 1-303.1 AND 1-303.3 OF THIS SUBTITLE AND
21 TITLE 2, SUBTITLE 5 OF THE CORRECTIONAL SERVICES ARTICLE.

22 (2) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL
23 SERVICES AND CORRECTIONAL FACILITIES MAY LIMIT ACCESS TO AREAS WITHIN
24 CORRECTIONAL FACILITIES WHEN RESTRICTIONS ARE REQUIRED FOR THE SAFETY
25 OF THE OMBUDSMAN OR FOR THE EFFICIENT FUNCTIONING OF THE CORRECTIONAL
26 FACILITIES.

27 (3) THE OMBUDSMAN SHALL OBTAIN A SECURITY CLEARANCE IF
28 REQUIRED AND COMPLY WITH ALL OTHER SECURITY REGULATIONS BEFORE
29 GAINING ACCESS TO A CORRECTIONAL FACILITY.

30 (F) ON OR BEFORE JANUARY 1 EACH YEAR, THE OMBUDSMAN SHALL
31 SUBMIT A WRITTEN REPORT TO THE STATE BOARD ON THE IMPLEMENTATION OF §§
32 1-303.1 AND 1-303.3 OF THIS SUBTITLE AND TITLE 2, SUBTITLE 5 OF THE
33 CORRECTIONAL SERVICES ARTICLE.

1 **1-303.3.**

2 **(A) THE STATE BOARD SHALL PROVIDE A TOLL-FREE VOTER HOTLINE FOR**
3 **INCARCERATED INDIVIDUALS TO RECEIVE INFORMATION ABOUT VOTING, REQUEST**
4 **VOTING MATERIALS, AND REPORT VOTING RIGHTS VIOLATIONS.**

5 **(B) THE STATE BOARD SHALL ADOPT REGULATIONS IN COLLABORATION**
6 **WITH THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES AND**
7 **CORRECTIONAL FACILITIES FOR THE ADMINISTRATION OF THE VOTER HOTLINE.**

8 3-102.

9 (a) (1) Except as provided in subsection (b) of this section, an individual may
10 become registered to vote if the individual:

11 (i) is a citizen of the United States;

12 (ii) is at least 16 years old;

13 (iii) is a resident of the State as of the day the individual seeks to
14 register; and

15 (iv) registers pursuant to this title.

16 (2) Notwithstanding paragraph (1)(ii) of this subsection, an individual
17 under the age of 18 years:

18 (i) may vote in a primary election in which candidates are
19 nominated for a general or special election that will occur when the individual is at least
20 18 years old; and

21 (ii) may not vote in any other election.

22 (b) An individual is not qualified to be a registered voter if the individual:

23 (1) has been convicted of a felony and is currently serving a court-ordered
24 sentence of imprisonment for the conviction;

25 (2) is under guardianship for mental disability and a court of competent
26 jurisdiction has specifically found by clear and convincing evidence that the individual
27 cannot communicate, with or without accommodations, a desire to participate in the voting
28 process; or

29 (3) has been convicted of buying or selling votes.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
2 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.