

Department of Legislative Services  
Maryland General Assembly  
2019 Session

FISCAL AND POLICY NOTE  
First Reader

Senate Bill 936 (Senator Carter)  
Education, Health, and Environmental Affairs  
and Judicial Proceedings

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Election Law - Eligible Detainees - Information on Voting Rights

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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.

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Fiscal Summary

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

**Local Effect:** Local government expenditures increase in some jurisdictions for additional personnel to implement the program.

**Small Business Effect:** None.

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Analysis

**Bill Summary:** The bill requires the State Board of Elections (SBE) to adopt regulations establishing a program to inform eligible detainees of 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 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) pursuant to Chapter 287 of 2016 and Chapter 19 of 2018 (with statutory implementation dates during 2019), during an applicable transaction at electronic voter registration agencies (soon to be “automatic voter registration agencies” under Chapter 19 of 2018, effective July 1, 2019), which are the Motor Vehicle Administration, the Maryland Health Benefit Exchange, local departments of social services, and the Mobility Certification Office in the Maryland Transit Administration; or (5) through SBE’s online voter registration system.

#### *Absentee Voting*

An individual may vote by absentee ballot except to the extent preempted by federal law. An absentee ballot may be requested in writing (there are State and federal forms that can be used) or online through the SBE website. The voter may choose to receive the ballot by mail, by fax, through the Internet, or by hand at a local board of elections office. The voter may return the ballot by mailing it, postmarked on or before Election Day, or delivering it to the local board of elections in person by the close of polls on Election Day.

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

**Local Fiscal Effect:** Local government expenditures increase in some jurisdictions for additional local board of elections personnel to implement the program. Of a small number of local governments contacted, for example, Baltimore City and Prince George's County indicate an additional local board of elections employee is needed to implement the program, at an approximate annual cost of \$70,000 and \$55,000, respectively, while Montgomery County expects to implement the program with existing resources.

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### **Additional Information**

**Prior Introductions:** HB 542 of 2018 received a hearing in the House Ways and Means Committee, but no further action was taken.

**Cross File:** HB 252 (Delegate Washington, *et al.*) - Ways and Means.

**Information Source(s):** State Board of Elections; Department of Public Safety and Correctional Services; Baltimore City; Montgomery and Prince George's counties; Department of Legislative Services

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