

SENATE BILL 224

G1
SB 372/20 – EHE & JPR

(PRE-FILED)

11r1006
CF HB 222

By: **Senator West**

Requested: October 16, 2020

Introduced and read first time: January 13, 2021

Assigned to: Education, Health, and Environmental Affairs and Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: March 19, 2021

CHAPTER _____

1 AN ACT concerning

2 **Election Law – Correctional Facilities – Voter Registration and Voting**

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 the State Board of Elections to adopt certain
8 regulations establishing a program to inform eligible voters incarcerated in
9 correctional facilities of upcoming elections and how to exercise the right to vote;
10 requiring the regulations to require the State Board or local boards of elections to
11 disseminate certain information and instructions, provide certain opportunities for
12 eligible voters to register to vote and to vote, and provide for the timely return of
13 certain applications and ballots; requiring each correctional facility to cooperate fully
14 with the State Board and the local boards in implementing the program; requiring
15 the State Board to submit a certain report on or before a certain date each year to
16 certain committees of the General Assembly; defining certain terms; and generally
17 relating to voter registration and voting by eligible voters who are released from a
18 correctional facility or incarcerated in a correctional facility.

19 BY adding to

20 Article – Correctional Services

21 Section 2–501

22 Annotated Code of Maryland

23 (2017 Replacement Volume and 2020 Supplement)

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 BY adding to
2 Article – Election Law
3 Section 1–303.1
4 Annotated Code of Maryland
5 (2017 Replacement Volume and 2020 Supplement)

6 BY repealing and reenacting, without amendments,
7 Article – Election Law
8 Section 3–102
9 Annotated Code of Maryland
10 (2017 Replacement Volume and 2020 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
12 That the Laws of Maryland read as follows:

13 **Article – Correctional Services**

14 **2–501.**

15 **THE DEPARTMENT SHALL:**

16 **(1) PROVIDE EACH INDIVIDUAL WHO IS RELEASED FROM A**
17 **CORRECTIONAL FACILITY WITH A VOTER REGISTRATION APPLICATION AND**
18 **DOCUMENTATION WITH THE INDIVIDUAL’S DISCHARGE PAPERS THAT INFORMS THE**
19 **INDIVIDUAL THAT THE INDIVIDUAL’S VOTING RIGHTS HAVE BEEN RESTORED;**

20 **(2) DISPLAY A SIGN IN EACH PAROLE AND PROBATION OFFICE, IN A**
21 **CONSPICUOUS LOCATION WHERE NOTICES TO THE PUBLIC ARE CUSTOMARILY**
22 **POSTED, INDICATING THAT ANY INDIVIDUAL WHO IS NO LONGER INCARCERATED**
23 **HAS THE RIGHT TO VOTE; AND**

24 **(3) POST A NOTICE, IN A CONSPICUOUS LOCATION ON THE**
25 **DEPARTMENT’S WEBSITE, INDICATING THAT ANY INDIVIDUAL WHO IS NO LONGER**
26 **INCARCERATED HAS THE RIGHT TO VOTE.**

27 **Article – Election Law**

28 **1–303.1.**

29 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
30 **INDICATED.**

31 **(2) “CORRECTIONAL FACILITY” MEANS A FACILITY FOR DETAINING**
32 **OR CONFINING INDIVIDUALS THAT IS OPERATED BY A CORRECTIONAL UNIT.**

1 **(3) “CORRECTIONAL UNIT” HAS THE MEANING STATED IN § 2-401(B)**
2 **OF THE CORRECTIONAL SERVICES ARTICLE.**

3 **(4) “ELIGIBLE VOTER” MEANS AN INDIVIDUAL WHO:**

4 **(I) IS INCARCERATED IN A CORRECTIONAL FACILITY; AND**

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

6 **(B) THE STATE BOARD SHALL ADOPT REGULATIONS ESTABLISHING A**
7 **PROGRAM TO INFORM ELIGIBLE VOTERS OF UPCOMING ELECTIONS AND HOW**
8 **ELIGIBLE VOTERS MAY EXERCISE THE RIGHT TO VOTE.**

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

11 **(1) DISSEMINATE INFORMATION ON ELIGIBILITY REQUIREMENTS TO**
12 **REGISTER TO VOTE AND VOTER REGISTRATION APPLICATIONS TO ELIGIBLE VOTERS**
13 **AT LEAST 30 DAYS BEFORE THE DEADLINE TO REGISTER TO VOTE BEFORE EACH**
14 **ELECTION;**

15 **(2) DISSEMINATE INSTRUCTIONS ON ABSENTEE VOTING, ABSENTEE**
16 **BALLOT APPLICATIONS, AND ABSENTEE BALLOTS BEFORE EACH ELECTION IN A**
17 **TIMELY MANNER;**

18 **(3) PROVIDE FREQUENT OPPORTUNITIES FOR ELIGIBLE VOTERS TO**
19 **REGISTER TO VOTE AND TO VOTE; AND**

20 **(4) PROVIDE FOR THE TIMELY RETURN OF VOTER REGISTRATION**
21 **APPLICATIONS, ABSENTEE BALLOT APPLICATIONS, AND ABSENTEE BALLOTS**
22 **COMPLETED BY ELIGIBLE VOTERS.**

23 **(D) EACH CORRECTIONAL FACILITY SHALL COOPERATE FULLY WITH THE**
24 **STATE BOARD AND THE LOCAL BOARDS IN IMPLEMENTING THE PROGRAM**
25 **REQUIRED UNDER THIS SECTION.**

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

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

4 **(2) THE NUMBER OF TIMES THE STATE BOARD OR A LOCAL BOARD OF**
5 **ELECTIONS VISITED EACH CORRECTIONAL FACILITY DURING THE IMMEDIATELY**
6 **PRECEDING CALENDAR YEAR, THE DURATION OF EACH VISIT, AND A DESCRIPTION**
7 **OF THE WORK DONE AT EACH CORRECTIONAL FACILITY;**

8 **(3) A DESCRIPTION OF ANY OBSTACLES TO IMPLEMENTING THIS**
9 **SECTION OR § 2-501 OF THE CORRECTIONAL SERVICES ARTICLE; AND**

10 **(4) ANY RECOMMENDATIONS FOR IMPROVING THE IMPLEMENTATION**
11 **OF THIS SECTION OR § 2-501 OF THE CORRECTIONAL SERVICES ARTICLE.**

12 3-102.

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

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

16 (ii) is at least 16 years old;

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

19 (iv) registers pursuant to this title.

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

22 (i) may vote in a primary election in which candidates are
23 nominated for a general or special election that will occur when the individual is at least
24 18 years old; and

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

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

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

29 (2) is under guardianship for mental disability and a court of competent
30 jurisdiction has specifically found by clear and convincing evidence that the individual

1 cannot communicate, with or without accommodations, a desire to participate in the voting
2 process; or

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

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
5 1, 2021.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.