

Chapter 734

(House Bill 222)

AN ACT concerning

~~Value My Vote Act~~*Election Law – Correctional Facilities – Voter Registration and Voting*

FOR the purpose of requiring the Department of Public Safety and Correctional Services to provide each individual who is released from a correctional facility with a voter registration application and documentation with certain papers, display a certain sign in each parole and probation office, and post a certain notice on the Department's website; ~~requiring correctional facilities to display certain signs in certain areas; requiring correctional facilities to provide a certain drop box that incarcerated individuals may use to submit election-related materials to election officials; requiring correctional facilities to return ballots addressed to certain individuals to the local board of elections; requiring correctional facilities to designate an employee who will serve as a certain point of contact between the State Board of Elections and the correctional facility for the implementation of certain provisions of this Act; requiring each correctional facility to cooperate fully with the State Board and the local boards in implementing certain requirements;~~ requiring the State Board *of Elections* ~~of Elections~~ to adopt certain regulations establishing a program to inform eligible voters incarcerated in correctional facilities of upcoming elections and how to exercise the right to vote; requiring the regulations to require the State Board or local boards *of elections* ~~of elections~~ to disseminate certain information and instructions, provide certain opportunities for eligible voters to register to vote and to vote, *and* ~~and~~ provide for the timely return of certain applications and ballots, ~~and pick up certain materials on a certain basis;~~ requiring each correctional facility to cooperate fully with the State Board and the local boards in implementing the program; ~~prohibiting the State Board or a local board from being required to disclose certain information concerning an incarcerated individual; requiring the State Board to engage certain organizations to facilitate voting by eligible voters;~~ requiring the State Board to submit a certain report on or before a certain date each year to certain committees of the General Assembly; ~~establishing a Voting Rights Ombudsman for Incarcerated Individuals; providing for the appointment and removal of the Ombudsman; requiring the Ombudsman to perform certain functions; authorizing the Ombudsman to conduct certain visits to correctional facilities to facilitate implementation of certain provisions of this Act; authorizing the Department and correctional facilities to limit the Ombudsman's access to certain areas within correctional facilities under certain circumstances; requiring the Ombudsman to comply with certain security requirements before gaining access to a correctional facility; requiring the Ombudsman to submit a certain report to the State Board each year; requiring the State Board to provide a certain voter hotline for incarcerated individuals; requiring the State Board and the local boards to adopt certain regulations in collaboration with the Department and correctional facilities;~~ defining certain terms; and generally relating to voter

registration and voting by eligible voters who are released from a correctional facility or incarcerated in a correctional facility.

BY adding to

Article – Correctional Services

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

Annotated Code of Maryland

(2017 Replacement Volume and 2020 Supplement)

BY adding to

Article – Election Law

Section 1-303.1 ~~through 1-303.3~~

Annotated Code of Maryland

(2017 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, without amendments,

Article – Election Law

Section 3-102

Annotated Code of Maryland

(2017 Replacement Volume and 2020 Supplement)

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

Article – Correctional Services

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

2-501.

THE DEPARTMENT SHALL:

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

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

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

~~2-502.~~

~~(A) EACH CORRECTIONAL FACILITY SHALL:~~

~~(1) DISPLAY SIGNS DEVELOPED BY THE STATE BOARD OF ELECTIONS UNDER § 1-303.1 OF THE ELECTION LAW ARTICLE IN ALL AREAS WHERE INDIVIDUALS ARE PROCESSED DURING INTAKE OR FOR RELEASE AND IN APPROPRIATE AREAS WHERE THERE IS HIGH VISIBILITY;~~

~~(2) PROVIDE A SECURE, DESIGNATED DROP BOX THAT INCARCERATED INDIVIDUALS MAY USE TO EASILY SUBMIT ELECTION RELATED MATERIALS TO ELECTION OFFICIALS;~~

~~(3) IF THE CORRECTIONAL FACILITY RECEIVES A BALLOT ADDRESSED TO AN INDIVIDUAL WHO HAS BEEN RELEASED FROM INCARCERATION, RETURN THE BALLOT TO THE LOCAL BOARD; AND~~

~~(4) DESIGNATE AN EMPLOYEE WHO WILL SERVE AS THE PRIMARY POINT OF CONTACT BETWEEN THE STATE BOARD OF ELECTIONS AND THE CORRECTIONAL FACILITY FOR THE IMPLEMENTATION OF THIS SUBSECTION.~~

~~(B) EACH CORRECTIONAL FACILITY SHALL COOPERATE FULLY WITH THE STATE BOARD OF ELECTIONS AND THE LOCAL BOARDS OF ELECTIONS IN IMPLEMENTING THIS SECTION.~~

Article – Election Law

1-303.1.

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

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

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

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

- (I) IS INCARCERATED IN A CORRECTIONAL FACILITY; AND
- (II) HAS THE RIGHT TO VOTE UNDER STATE LAW.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~1-303.2.~~

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

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

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

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

~~(D) THE OMBUDSMAN SHALL:~~

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

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

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

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

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

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

~~1-303.3.~~

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

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

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

- (i) is a citizen of the United States;
- (ii) is at least 16 years old;
- (iii) is a resident of the State as of the day the individual seeks to register; and
- (iv) registers pursuant to this title.

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

- (i) may vote in a primary election in which candidates are nominated for a general or special election that will occur when the individual is at least 18 years old; and
- (ii) may not vote in any other election.

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

- (1) has been convicted of a felony and is currently serving a court-ordered sentence of imprisonment for the conviction;
- (2) is under guardianship for mental disability and a court of competent jurisdiction has specifically found by clear and convincing evidence that the individual cannot communicate, with or without accommodations, a desire to participate in the voting process; or
- (3) has been convicted of buying or selling votes.

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

Enacted under Article II, § 17(c) of the Maryland Constitution, May 30, 2021.