

# HOUSE BILL 1022

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By: **Delegate Wilkins**

Introduced and read first time: February 5, 2024

Assigned to: Judiciary and Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Incarcerated Individuals – Voting Eligibility and Access**  
3 **(Voting Rights for All Act)**

4 FOR the purpose of establishing requirements regarding the provision of ballot drop boxes  
5 and information related to voting to eligible voters by correctional facilities and the  
6 State Board of Elections; altering a certain provision of law to require the State  
7 Board or local boards of elections to disseminate voting information to eligible voters  
8 with a certain frequency before an election; establishing a Voting Rights  
9 Ombudsman for Incarcerated Individuals; requiring the State Board to provide a  
10 certain voter hotline for incarcerated individuals; altering the circumstances under  
11 which an individual is not qualified to be a registered voter for the purpose of  
12 allowing individuals convicted of a felony and serving a court-ordered sentence of  
13 imprisonment for the conviction to register to vote; repealing certain requirements  
14 related to the Baltimore City centralized booking facility and ballot drop boxes for  
15 eligible voters; and generally relating to incarcerated individuals and voting  
16 eligibility and access.

17 BY repealing

18 Article – Correctional Services

19 Section 2–501 and the subtitle “Subtitle 5. Ballot Drop Box”

20 Annotated Code of Maryland

21 (2017 Replacement Volume and 2023 Supplement)

22 BY repealing

23 Article – Election Law

24 Section 1–303.1 and 16–202

25 Annotated Code of Maryland

26 (2022 Replacement Volume and 2023 Supplement)

27 BY renumbering

28 Article – Correctional Services

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 2–601  
2 to be Section 2–501  
3 Annotated Code of Maryland  
4 (2017 Replacement Volume and 2023 Supplement)

5 BY adding to  
6 Article – Correctional Services  
7 Section 2–502 to be under the amended subtitle “Subtitle 5. Voting Rights of  
8 Incarcerated and Released Individuals”  
9 Annotated Code of Maryland  
10 (2017 Replacement Volume and 2023 Supplement)

11 BY repealing and reenacting, with amendments,  
12 Article – Election Law  
13 Section 1–303.2, 3–102, and 3–504(a)  
14 Annotated Code of Maryland  
15 (2022 Replacement Volume and 2023 Supplement)

16 BY adding to  
17 Article – Election Law  
18 Section 1–306 and 1–307  
19 Annotated Code of Maryland  
20 (2022 Replacement Volume and 2023 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
22 That Section(s) 2–501 and the subtitle “Subtitle 5. Ballot Drop Box” of Article – Correctional  
23 Services of the Annotated Code of Maryland be repealed.

24 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 1–303.1 of Article  
25 – Election Law of the Annotated Code of Maryland be repealed.

26 SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 2–601 of Article –  
27 Correctional Services of the Annotated Code of Maryland be renumbered to be Section(s)  
28 2–501.

29 SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
30 as follows:

31 **Article – Correctional Services**

32 Subtitle [6.] **5. Voting Rights of INCARCERATED AND Released Individuals.**  
33 **2–502.**

34 **(A) IN THIS SECTION, “ELIGIBLE VOTER” HAS THE MEANING STATED IN §**  
35 **1–303.1 OF THE ELECTION LAW ARTICLE.**

1           **(B) EACH CORRECTIONAL FACILITY SHALL:**

2           **(1) DISPLAY SIGNS IN ACCORDANCE WITH THE REGULATIONS**  
3 **ADOPTED BY THE STATE BOARD OF ELECTIONS UNDER § 1-303.1(B)(1) OF THE**  
4 **ELECTION LAW ARTICLE IN ALL AREAS WHERE INDIVIDUALS ARE PROCESSED**  
5 **DURING INTAKE OR FOR RELEASE AND IN APPROPRIATE AREAS WHERE THERE IS**  
6 **HIGH VISIBILITY;**

7           **(2) PROVIDE THE BALLOT DROP BOX PROVIDED UNDER § 1-303.1(C)**  
8 **OF THE ELECTION LAW ARTICLE TO ELIGIBLE VOTERS TO ENABLE THE SUBMISSION**  
9 **OF ELECTION-RELATED MATERIALS TO ELECTION OFFICIALS;**

10           **(3) MONITOR AND SAFEGUARD THE BALLOT DROP BOX PROVIDED**  
11 **UNDER ITEM (2) OF THIS SUBSECTION;**

12           **(4) IF THE CORRECTIONAL FACILITY RECEIVES A BALLOT**  
13 **ADDRESSED TO AN INDIVIDUAL WHO HAS BEEN RELEASED FROM INCARCERATION,**  
14 **RETURN THE BALLOT TO THE LOCAL BOARD; AND**

15           **(5) DESIGNATE AN EMPLOYEE WHO WILL SERVE AS THE PRIMARY**  
16 **POINT OF CONTACT BETWEEN THE STATE BOARD OF ELECTIONS AND THE**  
17 **CORRECTIONAL FACILITY FOR THE IMPLEMENTATION OF THIS SUBSECTION.**

18           **(C) THE STATE BOARD OF ELECTIONS SHALL PROVIDE EACH**  
19 **CORRECTIONAL FACILITY ADVICE AND GUIDANCE IN CARRYING OUT THE**  
20 **REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION.**

21           **(D) EACH CORRECTIONAL FACILITY SHALL COOPERATE FULLY WITH THE**  
22 **STATE BOARD OF ELECTIONS AND THE LOCAL BOARDS OF ELECTIONS IN**  
23 **IMPLEMENTING THIS SECTION.**

24                                   **Article – Election Law**

25           **[1-303.2.] 1-303.1.**

26           (a) (1) In this section the following words have the meanings indicated.

27                           (2) “Correctional facility” means a facility for detaining or confining  
28 individuals that is operated by a correctional unit.

29                           (3) “Correctional unit” has the meaning stated in § 2-401(b) of the  
30 Correctional Services Article.

31                           (4) “Eligible voter” means an individual who:

1 (i) is incarcerated in a correctional facility; and

2 (ii) has the right to vote under State law.

3 (b) The State Board shall adopt regulations establishing a program to:

4 (1) inform eligible voters of upcoming elections and how eligible voters may  
5 exercise the right to vote; AND

6 (2) PROVIDE BALLOT DROP BOXES TO CORRECTIONAL FACILITIES.

7 (c) THE STATE BOARD SHALL PROVIDE EACH CORRECTIONAL FACILITY  
8 WITH:

9 (1) A SECURE, DESIGNATED BALLOT DROP BOX IN TIME TO ALLOW  
10 ELIGIBLE VOTERS SUFFICIENT OPPORTUNITY TO SUBMIT ELECTION-RELATED  
11 MATERIALS TO THE STATE BOARD OF ELECTIONS OR A LOCAL BOARD OF  
12 ELECTIONS BEFORE ANY ELECTION-RELATED DEADLINES; AND

13 (2) WRITTEN NOTIFICATION MATERIALS FOR ELIGIBLE VOTERS  
14 ABOUT HOW TO USE THE BALLOT DROP BOX.

15 [(c)] (D) The regulations adopted under subsection (b) of this section shall  
16 require the State Board or local boards to:

17 (1) disseminate information on eligibility requirements to register to vote  
18 and voter registration applications to eligible voters at least [30] TWICE DURING THE  
19 PERIOD BEGINNING 60 days before the deadline to register to vote before each election  
20 AND ENDING ON THE DEADLINE TO REGISTER TO VOTE BEFORE EACH ELECTION;

21 (2) disseminate instructions on absentee voting, absentee ballot  
22 applications, and absentee ballots before each election in a timely manner;

23 (3) provide frequent opportunities for eligible voters to register to vote and  
24 to vote; [and]

25 (4) provide for the timely return of voter registration applications, absentee  
26 ballot applications, and absentee ballots completed by eligible voters;

27 (5) PROVIDE STAFF TO COLLECT THE BALLOT DROP BOXES FROM  
28 EACH CORRECTIONAL FACILITY AFTER AN ELECTION-RELATED DEADLINE;

29 (6) COLLECT ON A REGULAR BASIS ELECTION-RELATED MATERIALS  
30 THAT HAVE BEEN PLACED IN A BALLOT DROP BOX PROVIDED TO A CORRECTIONAL  
31 FACILITY UNDER SUBSECTION (C) OF THIS SECTION; AND

1           **(7) DISTRIBUTE THE ELECTION-RELATED MATERIALS COLLECTED**  
2 **FROM THE BALLOT DROP BOXES UNDER ITEM (6) OF THIS SUBSECTION TO THE**  
3 **STATE BOARD OR A LOCAL BOARD, AS APPROPRIATE AND IN A TIMELY MANNER.**

4           **[(d)] (E) (1) (I)** Each correctional facility shall cooperate fully with the  
5 State Board and the local boards in implementing the program required under this section.

6                           **(II) THE STATE BOARD SHALL COLLABORATE WITH THE**  
7 **DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES IN ADOPTING**  
8 **THE REGULATIONS UNDER SUBSECTION (B) OF THIS SECTION GOVERNING THE**  
9 **PROVISION OF BALLOT DROP BOXES TO CORRECTIONAL FACILITIES.**

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

16           **[(e)] (F)** On or before January 15 each year, the State Board shall submit a  
17 report to the Senate Education, Health, and Environmental Affairs Committee and the  
18 House Ways and Means Committee, in accordance with § 2-1257 of the State Government  
19 Article, that includes the following information, disaggregated by correctional facility:

20           (1) the number of eligible voters who registered to vote, attempted to vote,  
21 and voted successfully by absentee ballot during the immediately preceding calendar year;

22           (2) the number of times the State Board or a local board of elections visited  
23 each correctional facility during the immediately preceding calendar year, the duration of  
24 each visit, and a description of the work done at each correctional facility;

25           (3) a description of any obstacles to implementing this section or **[(§ 2-501]**  
26 **§ 2-502** of the Correctional Services Article; **[and]**

27           (4) any recommendations for improving the implementation of this section  
28 or **[(§ 2-501] § 2-502** of the Correctional Services Article;

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 § 1-306(F) OF THIS SUBTITLE; AND**

1           **(6) AN ANALYSIS OF THE ELECTION-RELATED MATERIALS**  
2 **SUBMITTED TO THE BALLOT DROP BOX PROVIDED TO EACH CORRECTIONAL**  
3 **FACILITY UNDER SUBSECTION (C) OF THIS SECTION, INCLUDING:**

4                   **(I) THE NUMBER OF ABSENTEE BALLOT APPLICATIONS**  
5 **RECEIVED AND ACCEPTED;**

6                   **(II) ABSENTEE BALLOTS RECEIVED AND ACCEPTED; AND**

7                   **(III) OTHER ELECTION-RELATED MATERIALS RECEIVED.**

8 **1-306.**

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

11           **(B) THERE IS A VOTING RIGHTS OMBUDSMAN FOR INCARCERATED**  
12 **INDIVIDUALS.**

13           **(C) (1) THE STATE ADMINISTRATOR FOR THE STATE BOARD SHALL**  
14 **APPOINT THE OMBUDSMAN.**

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

17           **(D) THE OMBUDSMAN SHALL:**

18                   **(1) OVERSEE THE IMPLEMENTATION OF §§ 1-303.1 AND 1-307 OF**  
19 **THIS SUBTITLE AND TITLE 2, SUBTITLE 5 OF THE CORRECTIONAL SERVICES**  
20 **ARTICLE; AND**

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

26           **(E) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, THE**  
27 **OMBUDSMAN MAY CONDUCT SCHEDULED VISITS TO CORRECTIONAL FACILITIES TO**  
28 **FACILITATE IMPLEMENTATION OF §§ 1-303.1 AND 1-307 OF THIS SUBTITLE AND**  
29 **TITLE 2, SUBTITLE 5 OF THE CORRECTIONAL SERVICES ARTICLE.**

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

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

9           **(F) ON OR BEFORE JANUARY 1 EACH YEAR, THE OMBUDSMAN SHALL**  
10 **SUBMIT A WRITTEN REPORT TO THE STATE BOARD ON THE IMPLEMENTATION OF §§**  
11 **1-303.1 AND 1-307 OF THIS SUBTITLE AND TITLE 2, SUBTITLE 5 OF THE**  
12 **CORRECTIONAL SERVICES ARTICLE.**

13 **1-307.**

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

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

20 **3-102.**

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

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

24                   (ii) is at least 16 years old;

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

27                   (iv) registers pursuant to this title.

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

30                   (i) may vote in a primary election in which candidates are  
31 nominated for a general or special election that will occur when the individual is at least  
32 18 years old; and

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

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

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

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

9 [(3)] (2) has been convicted of buying or selling votes.

10 3-504.

11 (a) (1) (i) Information from the agencies specified in this paragraph shall  
12 be reported to the State Administrator in a format and at times prescribed by the State  
13 Board.

14 (ii) The Maryland Department of Health shall report the names and  
15 residence addresses (if known) of all individuals at least 16 years of age reported deceased  
16 within the State since the date of the last report.

17 (iii) [The clerk of the circuit court for each county and the  
18 administrative clerk for each District Court shall report the names and addresses of all  
19 individuals convicted, in the respective court, of a felony since the date of the last report.

20 (iv)] The clerk of the circuit court for each county shall report the  
21 former and present names and residence addresses (if known) of all individuals whose  
22 names have been changed by decree or order of the court since the date of the last report.

23 (2) [The State Administrator shall make arrangements with the clerk of  
24 the United States District Court for the District of Maryland to receive reports of names  
25 and addresses, if available, of individuals convicted of a felony in that court.

26 (3)] The State Administrator shall make arrangements with the United  
27 States Social Security Administration or an entity that receives information from the Social  
28 Security Administration and is approved by the State Administrator to receive reports of  
29 names and addresses, if available, of all Maryland residents at least 16 years of age who  
30 are reported deceased.

31 [16-202.



1 (a) A person who has been convicted of a felony and is currently serving a  
2 court-ordered sentence of imprisonment for the conviction, and has been rendered  
3 ineligible to vote pursuant to § 3-102(b) of this article, may not vote or attempt to vote  
4 during the time that the person is rendered ineligible to vote.

5 (b) A person who violates this section is guilty of a felony and is subject to  
6 imprisonment for not less than 1 year nor more than 5 years.]

7 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 January 1, 2025.