

HOUSE BILL 253

G1, E5

(PRE-FILED)

5r1278
CF 5r1690

By: **Delegate Harris**

Requested: October 18, 2024

Introduced and read first time: January 8, 2025

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Pretrial Detainees – Absentee Ballots**

3 FOR the purpose of requiring the State Board of Elections or the local boards of elections
4 to automatically send an absentee ballot to each registered voter in pretrial detention
5 in a correctional facility without the voter having to submit an absentee ballot
6 application; and generally relating to sending absentee ballots to pretrial detainees.

7 BY repealing and reenacting, with amendments,

8 Article – Correctional Services

9 Section 2–501

10 Annotated Code of Maryland

11 (2017 Replacement Volume and 2024 Supplement)

12 BY repealing and reenacting, with amendments,

13 Article – Election Law

14 Section 1–303.1 and 1–303.2

15 Annotated Code of Maryland

16 (2022 Replacement Volume and 2024 Supplement)

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

18 That the Laws of Maryland read as follows:

19 **Article – Correctional Services**

20 2–501.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) “Baltimore City centralized booking facility” means the centralized
2 booking facility in Baltimore City that is operated by the Division of Pretrial Detention and
3 Services in the Department.

4 (3) “Election–related materials” means documents and other items
5 associated with the registering for and voting in an election, including:

6 (i) [absentee ballot applications;

7 (ii)] absentee ballots; and

8 [(iii)] (II) voter registration applications.

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

10 (i) is incarcerated at the Baltimore City centralized booking facility;

11 and

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

13 (b) The Baltimore City centralized booking facility shall:

14 (1) provide a secure, designated ballot drop box from the State Board of
15 Elections to eligible voters so that they may easily submit the following election–related
16 materials to the State Board of Elections or a local board of elections:

17 (i) [absentee ballot applications;

18 (ii)] absentee ballots; and

19 [(iii)] (II) voter registration forms;

20 (2) monitor the ballot drop box provided under item (1) of this subsection
21 24 hours a day and 7 days a week; and

22 (3) disseminate written notifications directly to each eligible voter on how
23 and when to use the ballot drop box provided under item (1) of this subsection.

24 (c) (1) The State Board of Elections shall provide the Baltimore City
25 centralized booking facility with:

26 (i) the ballot drop box and written notification materials to
27 disseminate to eligible voters under subsection (b) of this section; and

28 (ii) advice and guidance in carrying out the requirements of
29 subsection (b) of this section.

1 (2) The State shall pay for the ballot drop box.

2 (d) The Baltimore City centralized booking facility shall cooperate fully with the
3 State Board of Elections in implementing the requirements of this section.

4 **Article – Election Law**

5 1–303.1.

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

7 (2) “Baltimore City centralized booking facility” means the centralized
8 booking facility in Baltimore City that is operated by the Division of Pretrial Detention and
9 Services in the Department of Public Safety and Correctional Services.

10 (3) “Election–related materials” means documents and other items
11 associated with the registering for and voting in an election, including:

12 (i) [absentee ballot applications;

13 (ii)] absentee ballots; and

14 [(iii)] **(II)** voter registration applications.

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

16 (i) is incarcerated at the Baltimore City centralized booking facility;
17 and

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

19 (b) The State Board shall adopt regulations in collaboration with the Department
20 of Public Safety and Correctional Services to provide the following at the Baltimore City
21 centralized booking facility in accordance with § 2–501 of the Correctional Services Article:

22 (1) a secure, designated ballot drop box for election–related materials; and

23 (2) written notifications on how and when eligible voters may use the ballot
24 drop box.

25 (c) (1) The State Board shall provide the ballot drop box under subsection (b)
26 of this section to the Baltimore City centralized booking facility in time to allow eligible
27 voters sufficient opportunity to submit election–related materials before any
28 election–related deadlines.

1 (2) The local board of elections for Baltimore City shall provide staff to
2 collect:

3 (i) election–related materials submitted to the ballot drop box on at
4 least a weekly basis; and

5 (ii) the ballot drop box after an election–related deadline.

6 (3) The local board of elections for Baltimore City shall distribute the
7 election–related materials collected from the ballot drop box to the State Board or a local
8 board, as appropriate and in a timely manner.

9 (d) On or before January 1 each year, the local board of elections for Baltimore
10 City shall submit a report to the Senate Education, Health, and Environmental Affairs
11 Committee, the Senate Budget and Taxation Committee, the House Committee on Ways
12 and Means, and the House Appropriations Committee, in accordance with § 2–1257 of the
13 State Government Article, on the following information submitted to the ballot drop box,
14 disaggregated by each weekly collection from the ballot drop box and by the State Board or
15 the local board that is the intended recipient of the election–related materials:

16 (1) [the number of absentee ballot applications received and accepted;

17 (2)] absentee ballots received and accepted; and

18 ~~[(3)]~~ (2) other election–related materials received.

19 1–303.2.

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

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

23 (3) “Correctional unit” has the meaning stated in § 2–401(b) of the
24 Correctional Services Article.

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

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

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

28 (b) The State Board shall adopt regulations establishing a program to inform
29 eligible voters of upcoming elections and how eligible voters may exercise the right to vote.

30 (c) The regulations adopted under subsection (b) of this section shall require the
31 State Board or local boards to:

1 (1) disseminate information on eligibility requirements to register to vote
2 and voter registration applications to eligible voters at least 30 days before the deadline to
3 register to vote before each election;

4 (2) **SUBJECT TO SUBSECTION (D) OF THIS SECTION**, disseminate
5 instructions on absentee voting, absentee ballot applications, and absentee ballots before
6 each election in a timely manner;

7 (3) provide frequent opportunities for eligible voters to register to vote and
8 to vote; and

9 (4) **SUBJECT TO SUBSECTION (D) OF THIS SECTION**, provide for the
10 timely return of voter registration applications, absentee ballot applications, and absentee
11 ballots completed by eligible voters.

12 (d) **THE STATE BOARD OR THE LOCAL BOARDS SHALL AUTOMATICALLY**
13 **SEND AN ABSENTEE BALLOT TO EACH REGISTERED VOTER IN PRETRIAL DETENTION**
14 **AT A CORRECTIONAL FACILITY:**

15 (1) **WITHOUT THE VOTER HAVING TO SUBMIT AN ABSENTEE BALLOT**
16 **APPLICATION; AND**

17 (2) **IN SUFFICIENT TIME BEFORE ELECTION DAY FOR THE VOTER TO**
18 **SUBMIT THE ABSENTEE BALLOT IN A TIMELY MANNER.**

19 (E) Each correctional facility shall cooperate fully with the State Board and the
20 local boards in implementing the program required under this section.

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

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

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

30 (3) a description of any obstacles to implementing this section or § 2–501
31 of the Correctional Services Article; and

32 (4) any recommendations for improving the implementation of this section
33 or § 2–501 of the Correctional Services Article.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
2 1, 2025.