

Department of Legislative Services
 Maryland General Assembly
 2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 253 (Delegate Harris)
 Ways and Means

Election Law - Pretrial Detainees - Absentee Ballots

This bill requires the State Board of Elections (SBE) or the local boards of elections to automatically send an absentee ballot to each registered voter in pretrial detention at a correctional facility (1) without the voter having to submit an absentee ballot application and (2) in sufficient time before Election Day for the voter to submit the absentee ballot in a timely manner. The bill also makes conforming changes to provisions relating to collection of absentee ballot applications at the Baltimore City centralized booking facility. **The bill takes effect July 1, 2025.**

Fiscal Summary

State Effect: General fund expenditures increase by \$81,800 in FY 2026, with ongoing costs in future years, as discussed below. Revenues are not affected.

(in dollars)	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	81,800	96,900	101,200	105,800	110,300
Net Effect	(\$81,800)	(\$96,900)	(\$101,200)	(\$105,800)	(\$110,300)

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: The bill is not expected to materially affect local government finances.

Small Business Effect: None.

Analysis

Current Law:

Voter Qualifications

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.

A person who has been convicted of a felony and is currently serving a court-ordered sentence of imprisonment for the conviction, and has been rendered ineligible to vote pursuant to State voter registration qualification provisions, may not vote or attempt to vote during the time that the person is rendered ineligible to vote. A person who violates that prohibition is guilty of a felony and subject to imprisonment for at least one year and up to five years.

Absentee (Mail-in) Voting

An individual may vote by absentee (mail-in) 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 (1) mailing it, postmarked on or before Election Day; (2) depositing it into a ballot drop box before the polls close on Election Day; or (3) delivering it in person to an early voting center or to the local board of elections or an Election Day polling place by the close of polls on Election Day.

Chapters 56 and 514 of 2021 allow for a voter to request permanent absentee ballot status and be placed on a permanent absentee ballot list, in which case a local board of elections sends the voter an absentee ballot each time there is an election.

Issuance of Absentee (Mail-in) Ballots

Not later than 43 days before an election, a local board of elections must send a ballot to each voter who qualifies to vote by absentee ballot and has made a request at least 60 days before the election to receive the ballot by mail, facsimile transmission, or the Internet. A local board must provide a ballot to a voter who qualifies to vote by absentee ballot and makes a request less than 60 days before an election (1) as soon as practicable after receipt

of the request or (2) immediately for an in-person transaction with a voter or the voter's duly authorized agent.

Ballot Drop Box Required in Baltimore City Centralized Booking Facility

The Baltimore City centralized booking facility must:

- provide a secure, designated ballot drop box from SBE to eligible voters so that they may easily submit absentee ballot applications, absentee ballots, and voter registration forms to SBE or a local board of elections;
- monitor the ballot drop box 24 hours a day and 7 days a week; and
- disseminate written notifications directly to each eligible voter on how and when to use the ballot drop box.

“Eligible voter” means an individual who is incarcerated at the Baltimore City centralized booking facility and has the right to vote under State law.

SBE must provide the Baltimore City centralized booking facility with the ballot drop box and written notification materials to disseminate to eligible voters and advice and guidance in carrying out these requirements. The Baltimore City centralized booking facility must cooperate fully with SBE in implementing these requirements. SBE must pay for the ballot drop box.

SBE must adopt regulations in collaboration with the Department of Public Safety and Correctional Services (DPSCS) to provide the ballot drop box and written notifications. SBE must provide the ballot drop box to the Baltimore City centralized booking facility in time to allow eligible voters sufficient opportunity to submit election-related materials before any election-related deadlines.

The local board of elections for Baltimore City must provide staff to collect (1) election-related materials submitted to the ballot drop box on at least a weekly basis and (2) the ballot drop box after an election-related deadline. The local board must distribute the election-related materials collected from the ballot drop box to SBE or another local board, as appropriate and in a timely manner.

By January 1 each year, the local board of elections for Baltimore City must submit a report to specified legislative committees on the election-related materials submitted to the ballot drop box, specifically (1) the number of absentee ballot applications received and accepted; (2) absentee ballots received and accepted; and (3) other election-related materials received. The information must be disaggregated by each weekly collection from the ballot drop box and by SBE or the local board that is the intended recipient of the materials.

Eligible Voter Program

SBE must adopt regulations establishing a program to inform individuals incarcerated in a correctional facility who have the right to vote (referred to as “eligible voters”) of upcoming elections and how they may exercise the right to vote.

“Correctional facility,” under these provisions, is defined as a facility for detaining or confining individuals that is operated by a correctional unit. “Correctional unit” is defined as a unit of Maryland State or local government that is directly responsible for the care, custody, and control of individuals committed to the custody of the unit for the commission or alleged commission of a crime or an act that would be a crime if committed by an adult. “Correctional unit” includes DPSCS, the Department of Juvenile Services, and the office of the sheriff of a county or other unit of government with responsibility for operating a local correctional facility or county detention center.

Each correctional facility must cooperate fully with SBE and the local boards of elections in implementing the program. The regulations adopted by SBE must require SBE or the local boards of elections to:

- disseminate information on eligibility requirements to register to vote and voter registration applications to eligible voters at least 30 days before the deadline to register to vote before each election;
- disseminate instructions on absentee voting, absentee ballot applications, and absentee ballots before each election in a timely manner;
- provide frequent opportunities for eligible voters to register to vote and to vote; and
- provide for the timely return of voter registration applications, absentee ballot applications, and absentee ballots completed by eligible voters.

Reporting Requirements

By January 15 each year, SBE must submit a report to specified legislative committees that includes the following information, disaggregated by correctional facility:

- the number of eligible voters who registered to vote, attempted to vote, and voted successfully by absentee ballot during the immediately preceding calendar year;
- the number of times SBE 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;
- a description of any obstacles to implementing the program informing eligible incarcerated individuals of upcoming elections and how to exercise their right to vote; and
- any recommendations for improving the implementation of the program.

State Fiscal Effect: General fund expenditures increase by \$81,767 in fiscal 2026, which assumes a 90-day start-up delay. This estimate reflects the costs for SBE to hire one program administrator to establish, implement, and maintain a process for (1) receiving timely and accurate pretrial detainee information from DPSCS and local correctional facilities prior to each election; (2) identifying those who are registered voters; and (3) sending absentee ballots to those voters in a timely manner. While the bill requires SBE or the local boards of elections to send the absentee ballots, this analysis assumes that SBE manages implementation of the bill. The estimate includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Position	1.0
Salary and Fringe Benefits	\$74,398
Operating Expenses	<u>7,369</u>
Total FY 2026 State Expenditures	\$81,767

Future year expenditures reflect a full salary with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

Increased mail-in ballot printing and mailing costs (shared by SBE with the local boards of elections) resulting from the bill are expected to be relatively minimal and absorbable within SBE’s existing budgeted resources.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Baltimore, Carroll, Harford, and St. Mary’s counties; Department of Public Safety and Correctional Services; Department of Legislative Services

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