



## Department of Public Safety and Correctional Services

### Office of the Secretary Office of Government and Legislative Affairs

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**BILL: SENATE BILL 372**

**POSITION: LETTER OF INFORMATION**

**EXPLANATION:** This bill will require the Department of Public Safety and Correctional Services (DPSCS) to provide each inmate with a voter registration application upon release, display voter notices in Parole and Probation offices, and on the Department's website. In addition, it will require the Department cooperate with the State of Board Elections with implementation of a program to disseminate voter eligibility information to eligible inmates.

#### **COMMENTS:**

- The Department's Division of Correction (DOC) operates 17 State correctional facilities that house offenders sentenced to a period of incarceration for 18 months and longer.
- The Department also runs the Baltimore City Pretrial Complex, which houses pretrial detainees and inmates sentenced to incarceration for 18 months and less. All other local jails in the State of Maryland are overseen by the counties. The Department's top priority is the safety and security of its inmates, employees and the public.
- SB 372 will require DPSCS provide each released inmate a voter registration application, and display Right to Vote notices in Parole and Probation offices and on DPSCS' website.
- DPSCS implemented a voting policy in September 2019 that outlines procedures for facilitating voting for eligible inmates incarcerated in State correctional facilities, that includes:
  - The Office of the Secretary generates a list indicating the names and locations of all eligible inmates who are in the Department's custody and their location prior to each Primary and General Elections.
  - That list is then distributed through the chain of command to the Managing Official of each correctional facility throughout the Department. An inmate who appears on

- the eligible inmate list or is an inmate who meets the eligibility criteria, but is not registered to vote may request and receive from the Managing Official, or designee a Maryland Voter Registration Application.
- Additionally, any inmate on the list or those who meet the eligibility criteria, upon request, will be provided a Maryland application for an Absentee Ballot. A managing official will ensure that all absentee ballots mailed via the U.S. Postal Service to an inmate at a correctional facility from the local board of elections are received and delivered in accordance with the procedures for distribution of legal mail.
- The policy also provides that notices are posted in inmate housing and recreation areas that advise inmates of the:
    - Voter eligibility requirements;
    - Right to request an absentee ballot or voter registration application; and
    - Deadlines for returning applications and absentee ballots to the local election board.
  - Additionally, the Reentry and Transition Unit provides voter information to inmates who are in 90 days of release, and inmates are provided a voter registration application, upon request.
  - SB 372 will also require DPSCS cooperate with the State Board of Elections (SBE) with implementing a program to disseminate information to the inmate population on upcoming elections, voter eligibility requirements and how to exercise their right to vote.
  - To facilitate such a dissemination program would require the SBE mail the information required under this bill to each eligible inmate with 30 days prior to any election. As such, DPSCS would have to increase the staffing to accommodate the significant influx of mail to an inmate and the SBE at an estimated cost of **\$904,182**.
    - DPSCS has stringent mail guidelines, and all incoming mail must be inspected to ensure contraband, including weapons and illegal substances are not brought into the facilities. This bill will be extremely cumbersome on the mail personnel who will be required to inspect each individual envelope received from SBE.

- To further implement the requirements set forth in the bill, it will be necessary for SBE representatives to enter DPSCS facilities. These visits will require each representative to undergo a security check and custody personnel will be required to escort the representatives around the facilities during each visit. This will undoubtedly increase overtime costs for custody personnel.
- SB 372 as drafted will also impact the Department of Juveniles Services and local correctional facilities not under the jurisdiction of DPSCS.
- As stated, DPSCS has a sound policy in place to facilitate voting for eligible inmates that utilizes existing resources. This legislation will be costly to implement.
- Before mandating voting practices, DPSC would appreciate the opportunity to initiate its voting policy during the next election cycle, and, if necessary, make revisions to the policy to ensure successful implementation.

**CONCLUSION:** The Department of Public Safety and Correctional Services requests this Committee consider this information as it deliberates on Senate Bill 372.