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Vice Chair, Baltimore County
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February 4, 2021

Senate Education, Health and Environmental Affairs Committee
The Honorable Paul G. Pinsky
2 West Miller Senate Building
Annapolis, Maryland 21401-1991

RE: SB 224 – Election Law – Correctional Facilities – Voter Registration and Voting

Dear Chairman Pinsky and Members of the Committee:

Of course, in Maryland, incarcerated felons are not entitled to vote. During my first year in the House of Delegates, however, we passed legislation providing that upon their release from jail, whether due to the end of their sentence or due to their being released on probation, felons would be entitled to vote. All people incarcerated in Maryland are not felons. Some are being held pending trial. Many have been convicted of misdemeanors and sentenced to jail. These incarcerated individuals have not lost their right to vote, but their situation behind bars makes it hard for them to exercise their right to vote.

Senate Bill 224 provides that, with respect to incarcerated felons, each parole and probation office must post a sign to the effect that individuals who are no longer incarcerated have the right to vote. Similar information must be posted on the website of the Department of Corrections. Further, a felon being released from jail must be provided with a voter registration application and a document notifying the person that the person's voting rights have been restored.

With respect to people being held in jail who are not felons, Senate Bill 224 contains several requirements. These individuals must be informed of upcoming elections and of their eligibility to vote. They must be provided with voter registration applications, absentee ballot applications and absentee ballots, all in a timely manner. They must be afforded a drop box where they can drop off their ballots. The bill contains additional logistical requirements.

There is a proposed amendment which primarily deals with the logistics. It also creates the position of "Voting Rights Ombudsman for Incarcerated Individuals" and charges that person with overseeing the implementation of this bill.

Frankly, the requirements of this bill are so simple and so easily complied with that I don't understand why the fiscal note states that in both election years and non-election years, this bill will cost the State around \$170,000 a year. Further, I'm not sure what the ombudsman will do in non-election years. I leave it to the Committee to consider those points.

I urge the Committee to give this bill a favorable report and would be please to take any questions.

SB0224/243323/1

BY: Senator West

(To be offered in the Education, Health, and Environmental
Affairs Committee and the Judicial Proceedings Committee)

AMENDMENTS TO SENATE BILL 224

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute “**Value My Vote Act**”; in line 7, after “website;” insert “requiring correctional facilities to display certain signs in certain areas; requiring correctional facilities to provide a certain area in which election-related mail may be dropped off by incarcerated individuals and to mail and distribute certain mail within a certain period of time; requiring correctional facilities to provide a certain drop box that is monitored in a certain manner and accessible to election officials; requiring correctional officials to allow incarcerated individuals to complete election materials in a certain manner in a certain area and forward certain mail if an individual has been released from incarceration; requiring correctional facilities to designate an employee who will be trained by the State Board of Elections and who will be responsible for the implementation of certain provisions of this Act; requiring each correctional facility to cooperate fully with the State Board and the local boards of election in implementing certain requirements;”; in the same line, strike “of Elections”; in line 12, strike the second “and”; in line 13, after “ballots” insert “, provide staff of correctional facilities with certain training, develop certain signs in conjunction with the Office of the Attorney General, and pick up certain materials on a certain basis”; in line 16, after “Assembly;” insert “establishing a Voting Rights Ombudsman for Incarcerated Individuals; providing for the appointment and removal of the Ombudsman; requiring the Ombudsman to perform certain functions; requiring the Ombudsman to have access to certain areas within correctional facilities, except under certain circumstances; 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;”; in line 21, after “2-501” insert “and”

(Over)

2-502 to be under the new subtitle “Subtitle 5. Voting Rights of Incarcerated and Released Individuals”; and in line 26, after “1-303.1” insert “through 1-303.3”.

AMENDMENT NO. 2

On page 2, after line 8, insert:

**“SUBTITLE 5. VOTING RIGHTS OF INCARCERATED AND RELEASED
INDIVIDUALS.”**;

and after line 21, insert:

“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;**

**(2) (I) PROVIDE A SECURE, DESIGNATED AREA IN WHICH
ELECTION-RELATED MAIL MAY BE DROPPED OFF BY INCARCERATED
INDIVIDUALS; AND**

**(II) MAIL TO THE APPROPRIATE BOARD OF ELECTIONS AND
DISTRIBUTE TO INCARCERATED INDIVIDUALS ELECTION-RELATED MAIL WITHIN
2 DAYS AFTER RECEIPT;**

**(3) PROVIDE A SECURE, DESIGNATED DROP BOX THAT IS
MONITORED 24 HOURS A DAY AND 7 DAYS A WEEK AND EASILY ACCESSIBLE TO
ELECTION OFFICIALS IN WHICH THE EMPLOYEE DESIGNATED UNDER ITEM (6) OF**

THIS SUBSECTION IS REQUIRED TO PLACE COMPLETED ELECTION MATERIALS SUBMITTED TO THE EMPLOYEE BY INCARCERATED INDIVIDUALS;

(4) ALLOW INCARCERATED INDIVIDUALS TO TIMELY COMPLETE ELECTION MATERIALS IN THE VISITING ROOM OR AN EQUIVALENT DESIGNATED AREA;

(5) IF AN INDIVIDUAL HAS BEEN RELEASED FROM INCARCERATION, TIMELY FORWARD ELECTION-RELATED MAIL TO THE CURRENT RESIDENCE OF THE INDIVIDUAL; AND

(6) DESIGNATE AN EMPLOYEE WHO WILL BE TRAINED BY THE STATE BOARD OF ELECTIONS AND WHO WILL BE RESPONSIBLE FOR THE IMPLEMENTATION OF THIS SUBSECTION.

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

On page 3, in line 9, after “VOTERS” insert “EVERY 5 BUSINESS DAYS BEGINNING”; in line 10, strike “30” and substitute “60”; in line 16, strike the second “AND”; and in line 19, after “VOTERS” insert “;

(5) PROVIDE STAFF OF CORRECTIONAL FACILITIES WITH TRAINING NECESSARY TO IMPLEMENT § 2-502 OF THE CORRECTIONAL SERVICES ARTICLE;

(6) IN CONJUNCTION WITH THE OFFICE OF THE ATTORNEY GENERAL, DEVELOP SIGNS TO BE DISPLAYED IN ACCORDANCE WITH § 2-502(A)(1) OF THE CORRECTIONAL SERVICES ARTICLE; AND

(Over)

(7) 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.

On page 4, in line 6, strike “AND”; in line 8, after “ARTICLE” insert “; 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;

and after line 8, insert:

“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 OVERSEE THE IMPLEMENTATION OF §§ 1-303.1 AND 1-303.3 OF THIS SUBTITLE AND TITLE 2, SUBTITLE 5 OF THE CORRECTIONAL SERVICES ARTICLE.

(E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE OMBUDSMAN SHALL HAVE ACCESS TO ALL AREAS WITHIN CORRECTIONAL FACILITIES AS NECESSARY TO CARRY OUT THE DUTIES SET FORTH IN THIS SECTION.

(2) THE STATE BOARD AND THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES MAY LIMIT ACCESS TO AREAS WITHIN CORRECTIONAL FACILITIES WHEN RESTRICTIONS ARE REQUIRED FOR THE HEALTH AND SAFETY OF THE OMBUDSMAN.

(F) ON OR BEFORE JANUARY 1 EACH YEAR, THE OMBUDSMAN SHALL SUBMIT A WRITTEN REPORT TO THE STATE BOARD ON FIRST-TIME AND REPEAT VIOLATIONS OF § 1-303.1 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 FOR THE ADMINISTRATION OF THE VOTER HOTLINE.”.