



## Department of Public Safety and Correctional Services

### Office of the Secretary

#### Office of Government and Legislative Affairs

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**BILL: SENATE BILL 224**

**POSITION: SUPPORT WITH AMENDMENTS**

**EXPLANATION:** This bill will require the Department of Public Safety and Correctional Services (DPSCS) to provide each inmate, upon release, with a voter registration application and documentation that an inmate's right to vote has been restored, display voter notices in Parole and Probation offices, and on the Department's website. Additionally, it will require DPSCS to cooperate with the State Board of Elections with implementing a program to disseminate voter eligibility information to eligible inmates. DPSCS already has robust policies and procedures to enable the incarcerated population to register to vote and to provide those who are registered with a mail-in ballot.

#### **COMMENTS:**

- DPSCS's Division of Correction (DOC) operates 17 State correctional facilities that house offenders sentenced to a period of incarceration for 18 months and longer.
- DPSCS 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. DPSCS's top priority is the safety and security of its inmates, employees, and the public.
- The Department is also tasked with operating the Division of Parole and Probation (DPP) which supervises individuals within the community who are either awaiting trial, ordered to serve time on probation or who have been paroled by the Maryland Parole Commission.
- SB 224 will require DPSCS to provide each released inmate with 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 as outlined on the following page.

- The Office of the Secretary generates a list indicating the names and locations of all individuals incarcerated in a DPSCS correctional facility who may be eligible to vote prior to each Primary and General Election.
  - That list is then distributed through the chain of command to the managing official of each correctional facility throughout DPSCS. 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 a mail in 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, DPSCS provides voter information to inmates who are in 90 days of release, and inmates are provided a voter registration application, upon request.
  - SB 224 will also require DPSCS to 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.

REVERSE

- The Department collaborated with the SBE during the recent election to improve signage that outlines voting rights and eligibility criteria that is displayed in the housing units of our facilities.
- The Department also provided the SBE with a list of eligible voters currently housed in the Baltimore Pretrial Complex and Baltimore City Booking and Intake Center. This list included state identification numbers for each individual as well as the mailing address for all of our facilities.
- During the 2020 legislative session, the Department introduced amendments to House Bill 568 - *Election Law-Correctional Facilities - Voter Registration and Voting*. The amendments were incorporated into the bill. HB568, as amended, passed third reader in the House.
- The Department would like to offer the same amendments:
  - Strike beginning on line 22 “Article -Election Law” on page 2 through line 8 on page 4
  - Add the following language to Section 2-501 and 2-502 of the Correctional Services Article:

2-501

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:

(2) “CORRECTIONAL FACILITY” MEANS A STATE CORRECTIONAL FACILITY OR A LOCAL CORRECTIONAL FACILITY

(3) “ELIGIBLE VOTER” MEANS AN INDIVIDUAL WHO  
 (I) IS INCARCERATED IN A CORRECTIONAL FACILITY; AND  
 (II) HAS THE RIGHT TO VOTE UNDER STATE LAW.

(B) EACH CORRECTIONAL FACILITY SHALL:

(1) DISSEMINATE WRITTEN INFORMATION DIRECTLY TO EACH INMATE WHO MAY BE AN ELIGIBLE VOTER ON ELIGIBILITY REQUIREMENTS TO REGISTER TO VOTE AND VOTER REGISTRATION APPLICATIONS AT LEAST 30 DAYS BEFORE THE DEADLINE TO REGISTER TO VOTE BEFORE EACH ELECTION;

(2) DISSEMINATE WRITTEN INSTRUCTIONS DIRECTLY TO EACH ELIGIBLE VOTER ON MAIL IN VOTING AND ABSENTEE BALLOT

APPLICATIONS IN A TIMELY MANNER BEFORE EACH ELECTION; AND

(3) PROVIDE A MAIL IN BALLOT TO AN ELIGIBLE VOTER IF REQUESTED BY THE ELIGIBLE VOTER.

(C) THE STATE BOARD OF ELECTIONS AND THE LOCAL BOARDS OF ELECTIONS SHALL PROVIDE CORRECTIONAL FACILITIES WITH:

(1) WRITTEN MATERIALS TO DISSEMINATE TO ELIGIBLE VOTERS UNDER SUBSECTION (B) OF THIS SECTION; AND

(2) ADVICE AND GUIDANCE IN CARRYING OUT THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION.

(D) ON OR BEFORE JANUARY 15 EACH YEAR, THE STATE BOARD OF ELECTIONS SHALL SUBMIT A REPORT TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE WAYS AND MEANS COMMITTEE, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THAT INCLUDES THE FOLLOWING DATA, DISAGGREGATED BY EACH STATE CORRECTIONAL FACILITY:

(1) THE NUMBER OF ELIGIBLE VOTERS WHO REGISTERED TO VOTE; AND

(2) THE NUMBER OF ELIGIBLE VOTERS WHO VOTED SUCCESSFULLY BY ABSENTEE BALLOT.

2-502.

THE DEPARTMENT SHALL:

(1) PROVIDE EACH INDIVIDUAL WHO IS RELEASED FROM A STATE CORRECTIONAL FACILITY WITH INFORMATION REGARDING VOTER REGISTRATION AND INFORMATION INDICATING THAT THE INDIVIDUAL'S VOTING RIGHTS HAVE BEEN RESTORED;

(2) DISPLAY A SIGN IN EACH PAROLE AND PROBATION OFFICE, IN A CONSPICUOUS LOCATION WHERE NOTICES TO THE PUBLIC ARE CUSTOMARILY POSTED, INDICATING THAT ANY INDIVIDUAL WHO IS NO LONGER INCARCERATED HAS THE RIGHT TO VOTE; AND

(3) POST A NOTICE, IN A CONSPICUOUS LOCATION ON THE DEPARTMENT'S WEBSITE, INDICATING THAT ANY INDIVIDUAL WHO IS NO LONGER INCARCERATED HAS THE RIGHT TO VOTE.

**CONCLUSION:** For these reasons, the Department of Public Safety and Correctional Services urges a **FAVORABLE** Committee report on Senate Bill 224 with **amendments**.