

January 28, 2025

Testimony on HB 253
Election Law - Pretrial Detainees - Absentee Ballots
Ways & Means Committee

Position: Informational

Common Cause Maryland supports the goal of HB 253, which would establish a vote by mail program for eligible incarcerated citizens who are awaiting trial but have concerns about the process for implementing such a program, especially as many local correctional facilities have yet to fully embrace the in-facility voting process.

In the summer and early fall of 2022, the Expand Ballot Coalition met with seventeen jails and prisons to ensure that eligible incarcerated citizens across the state had access to the resources and information needed to exercise their right to vote. The [Coalition discovered](#) that some local facilities were doing their part in distributing voter materials, informing voters of their rights and relevant deadlines, and facilitating voting inside. The majority of these facilities were doing very little related to voting. Some were uninterested and a few jail administrators were hostile to the idea of encouraging voting. A few jail administrators were not aware that they are required under the Value My Vote Act, passed in 2021, to keep records of the number of eligible voters and other voter information. Some received the boxes of voter packets from the State Board of Elections (SBE) but hadn't opened them or didn't understand what to do with them. Some were in touch with their local board of elections, but most were not. Additionally, there appeared to be no pressure, incentive, or encouragement from local elections boards, elected officials, or jail administrators.

There were improvements made during the 2024 election cycle. Anne Arundel and Montgomery County Detention Center are examples of facilities that truly encourage voting and make voter education a priority. That is not the case for many other local correctional facilities who, following Public Information Act requests, seem unable to confirm their in-facility voting plans or processes. We are also unclear whether these facilities work in partnership with election officials.

Enforcement that ensures cooperation with election officials in local correctional facilities is necessary before moving to a vote by mail program.

In addition to enforcement issues, we are concerned about the data that would be sent to the SBE and the accuracy of the release dates. HB 253 also does not provide a timeline for mailing ballots, notice requirements that would let eligible incarcerated voters know their ballot is on the way, and does not outline a process for instances where an eligible voter is released earlier than expected before receiving their ballot. They should be issued a replacement mail-in ballot that would be sent to their place of residence or mail-in ballot "canceled" so that the returning citizen can vote in person without having to use a provisional ballot.

HB 253 is a path in the right direction, and we do believe Department of Public Safety and Correctional Services (DPSCS) facilities would be a great place to consider this program, especially as we work to put an end to felony disenfranchisement as a state. However, we must prioritize compliance in all correctional facilities before implementing this program.