

SENATE BILL 372

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0lr1906
CF 0lr1833

By: **Senators West, McCray, Benson, Carter, Ellis, Hester, Kagan, Lam, Lee, Patterson, Smith, Sydnor, Waldstreicher, Washington, Young, and Zucker**

Introduced and read first time: January 24, 2020

Assigned to: Education, Health, and Environmental Affairs and Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Correctional Facilities – Voter Registration and Voting**

3 FOR the purpose of requiring the Department of Public Safety and Correctional Services
4 to provide each individual who is released from a correctional facility with a voter
5 registration application and documentation with certain papers, display a certain
6 sign in each parole and probation office, and post a certain notice on the
7 Department's website; requiring the State Board of Elections to adopt certain
8 regulations establishing a program to inform eligible voters incarcerated in
9 correctional facilities of upcoming elections and how to exercise the right to vote;
10 requiring the regulations to require the State Board or local boards of elections to
11 disseminate certain information and instructions, provide certain opportunities for
12 eligible voters to register to vote and to vote, and provide for the timely return of
13 certain applications and ballots; requiring each correctional facility to cooperate fully
14 with the State Board and the local boards in implementing the program; requiring
15 the State Board to submit a certain report on or before a certain date each year to
16 certain committees of the General Assembly; defining certain terms; and generally
17 relating to voter registration and voting by eligible voters who are released from a
18 correctional facility or incarcerated in a correctional facility.

19 BY adding to
20 Article – Correctional Services
21 Section 2–501
22 Annotated Code of Maryland
23 (2017 Replacement Volume and 2019 Supplement)

24 BY adding to
25 Article – Election Law
26 Section 1–303.1
27 Annotated Code of Maryland
28 (2017 Replacement Volume and 2019 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



BY repealing and reenacting, without amendments,
Article – Election Law
Section 3–102
Annotated Code of Maryland
(2017 Replacement Volume and 2019 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Correctional Services

2–501.

THE DEPARTMENT SHALL:

(1) PROVIDE EACH INDIVIDUAL WHO IS RELEASED FROM A
CORRECTIONAL FACILITY WITH A VOTER REGISTRATION APPLICATION AND
DOCUMENTATION WITH THE INDIVIDUAL’S DISCHARGE PAPERS THAT INFORMS THE
INDIVIDUAL 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.

Article – Election Law

1–303.1.

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

(2) “CORRECTIONAL FACILITY” MEANS A FACILITY FOR DETAINING
OR CONFINING INDIVIDUALS THAT IS OPERATED BY A CORRECTIONAL UNIT.

(3) “CORRECTIONAL UNIT” HAS THE MEANING STATED IN § 2–401(B)
OF THE CORRECTIONAL SERVICES ARTICLE.

(4) “ELIGIBLE VOTER” MEANS AN INDIVIDUAL WHO:

1 (I) IS INCARCERATED IN A CORRECTIONAL FACILITY; AND

2 (II) HAS THE RIGHT TO VOTE UNDER STATE LAW.

3 (B) THE STATE BOARD SHALL ADOPT REGULATIONS ESTABLISHING A
4 PROGRAM TO INFORM ELIGIBLE VOTERS OF UPCOMING ELECTIONS AND HOW
5 ELIGIBLE VOTERS MAY EXERCISE THE RIGHT TO VOTE.

6 (C) THE REGULATIONS ADOPTED UNDER SUBSECTION (B) OF THIS SECTION
7 SHALL REQUIRE THE STATE BOARD OR LOCAL BOARDS TO:

8 (1) DISSEMINATE INFORMATION ON ELIGIBILITY REQUIREMENTS TO
9 REGISTER TO VOTE AND VOTER REGISTRATION APPLICATIONS TO ELIGIBLE VOTERS
10 AT LEAST 30 DAYS BEFORE THE DEADLINE TO REGISTER TO VOTE BEFORE EACH
11 ELECTION;

12 (2) DISSEMINATE INSTRUCTIONS ON ABSENTEE VOTING, ABSENTEE
13 BALLOT APPLICATIONS, AND ABSENTEE BALLOTS BEFORE EACH ELECTION IN A
14 TIMELY MANNER;

15 (3) PROVIDE FREQUENT OPPORTUNITIES FOR ELIGIBLE VOTERS TO
16 REGISTER TO VOTE AND TO VOTE; AND

17 (4) PROVIDE FOR THE TIMELY RETURN OF VOTER REGISTRATION
18 APPLICATIONS, ABSENTEE BALLOT APPLICATIONS, AND ABSENTEE BALLOTS
19 COMPLETED BY ELIGIBLE VOTERS.

20 (D) EACH CORRECTIONAL FACILITY SHALL COOPERATE FULLY WITH THE
21 STATE BOARD AND THE LOCAL BOARDS IN IMPLEMENTING THE PROGRAM
22 REQUIRED UNDER THIS SECTION.

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

29 (1) THE NUMBER OF ELIGIBLE VOTERS WHO REGISTERED TO VOTE,
30 ATTEMPTED TO VOTE, AND VOTED SUCCESSFULLY BY ABSENTEE BALLOT DURING
31 THE IMMEDIATELY PRECEDING CALENDAR YEAR;

(2) THE NUMBER OF TIMES THE STATE BOARD 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;

(3) A DESCRIPTION OF ANY OBSTACLES TO IMPLEMENTING THIS SECTION OR § 2-501 OF THE CORRECTIONAL SERVICES ARTICLE; AND

(4) ANY RECOMMENDATIONS FOR IMPROVING THE IMPLEMENTATION OF THIS SECTION OR § 2-501 OF THE CORRECTIONAL SERVICES ARTICLE.

3-102.

(a) (1) Except as provided in subsection (b) of this section, an individual may become registered to vote if the individual:

(i) is a citizen of the United States;

(ii) is at least 16 years old;

(iii) is a resident of the State as of the day the individual seeks to register; and

(iv) registers pursuant to this title.

(2) Notwithstanding paragraph (1)(ii) of this subsection, an individual under the age of 18 years:

(i) may vote in a primary election in which candidates are nominated for a general or special election that will occur when the individual is at least 18 years old; and

(ii) may not vote in any other election.

(b) An individual is not qualified to be a registered voter if the individual:

(1) has been convicted of a felony and is currently serving a court-ordered sentence of imprisonment for the conviction;

(2) is under guardianship for mental disability and a court of competent jurisdiction has specifically found by clear and convincing evidence that the individual cannot communicate, with or without accommodations, a desire to participate in the voting process; or

(3) has been convicted of buying or selling votes.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
2 1, 2020.