

HOUSE BILL 568

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0lr1833
CF SB 372

By: **Delegates Mosby, Bartlett, Wilkins, Acevero, Barron, ~~Bartlett~~, Brooks, Charkoudian, Charles, D.M. Davis, Dumais, Feldmark, Hettleman, Ivey, J. Lewis, Lierman, Moon, Palakovich Carr, Patterson, Queen, Shetty, Smith, Stewart, Turner, and K. Young**

Introduced and read first time: January 27, 2020

Assigned to: Ways and Means and Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 2020

CHAPTER _____

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 each correctional facility to disseminate certain written information directly to each
5 eligible voter regarding voter registration and absentee voting and certain
6 applications and provide an absentee ballot to an eligible voter on request; requiring
7 the State Board of Elections and the local boards of elections to provide correctional
8 facilities with certain written materials to disseminate to eligible voters and certain
9 advice and guidance; requiring the State Board of Elections to submit a certain
10 report to certain committees of the General Assembly on or before a certain date each
11 year; requiring the Department to provide each individual who is released from a
12 State correctional facility with a voter registration application and documentation
13 with certain papers, display a certain sign in each parole and probation office, and
14 post a certain notice on the Department's website; ~~requiring the State Board of~~
15 Elections to adopt certain regulations establishing a program to inform eligible
16 voters incarcerated in correctional facilities of upcoming elections and how to
17 exercise the right to vote; requiring the regulations to require the State Board or
18 local boards of elections to disseminate certain information and instructions, provide
19 certain opportunities for eligible voters to register to vote and to vote, and provide
20 for the timely return of certain applications and ballots; requiring each correctional
21 facility to cooperate fully with the State Board and the local boards in implementing
22 the program; requiring the State Board to submit a certain report on or before a

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~certain date each year to certain committees of the General Assembly;~~ defining certain terms; and generally relating to voter registration and voting by eligible voters who are released from a State correctional facility or incarcerated in a correctional facility.

BY adding to

Article – Correctional Services

Section 2–501 and 2–502

Annotated Code of Maryland

(2017 Replacement Volume and 2019 Supplement)

~~BY adding to~~

~~Article – Election Law~~

~~Section 1–303.1~~

~~Annotated Code of Maryland~~

~~(2017 Replacement Volume and 2019 Supplement)~~

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.

(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 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 ABSENTEE VOTING AND ABSENTEE BALLOT APPLICATIONS IN A TIMELY MANNER BEFORE EACH ELECTION; AND

(3) PROVIDE AN ABSENTEE 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 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

1 POSTED, INDICATING THAT ANY INDIVIDUAL WHO IS NO LONGER INCARCERATED
2 HAS THE RIGHT TO VOTE; AND

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

6 Article – Election Law

7 ~~1 303.1.~~

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

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

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

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

15 (I) ~~IS INCARCERATED IN A CORRECTIONAL FACILITY; AND~~

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

17 (B) ~~THE STATE BOARD SHALL ADOPT REGULATIONS ESTABLISHING A~~
18 ~~PROGRAM TO INFORM ELIGIBLE VOTERS OF UPCOMING ELECTIONS AND HOW~~
19 ~~ELIGIBLE VOTERS MAY EXERCISE THE RIGHT TO VOTE.~~

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

22 (1) ~~DISSEMINATE INFORMATION ON ELIGIBILITY REQUIREMENTS TO~~
23 ~~REGISTER TO VOTE AND VOTER REGISTRATION APPLICATIONS TO ELIGIBLE VOTERS~~
24 ~~AT LEAST 30 DAYS BEFORE THE DEADLINE TO REGISTER TO VOTE BEFORE EACH~~
25 ~~ELECTION;~~

26 (2) ~~DISSEMINATE INSTRUCTIONS ON ABSENTEE VOTING, ABSENTEE~~
27 ~~BALLOT APPLICATIONS, AND ABSENTEE BALLOTS BEFORE EACH ELECTION IN A~~
28 ~~TIMELY MANNER;~~

29 (3) ~~PROVIDE FREQUENT OPPORTUNITIES FOR ELIGIBLE VOTERS TO~~
30 ~~REGISTER TO VOTE AND TO VOTE; AND~~

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

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

~~(E) ON OR BEFORE JANUARY 15 EACH YEAR, THE STATE BOARD 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 INFORMATION, DISAGGREGATED BY CORRECTIONAL FACILITY:~~

~~(1) THE NUMBER OF ELIGIBLE VOTERS WHO REGISTERED TO VOTE, ATTEMPTED TO VOTE, AND VOTED SUCCESSFULLY BY ABSENTEE BALLOT DURING 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.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.