

Department of Legislative Services
 Maryland General Assembly
 2020 Session

FISCAL AND POLICY NOTE
 Third Reader - Revised

House Bill 568

(Delegate Mosby, *et al.*)

Ways and Means and Judiciary

Education, Health, and Environmental Affairs
 and Judicial Proceedings

Election Law - Correctional Facilities - Voter Registration and Voting

This bill requires each State or local correctional facility to provide specified voter registration and absentee voting materials and information to eligible voters in their facility. The State Board of Elections (SBE) and local boards of elections must provide materials, advice, and guidance to the correctional facilities. SBE must report on the number of eligible voters in correctional facilities who register to vote and who vote successfully by absentee ballot. The bill also requires the Department of Public Safety and Correctional Services (DPSCS) to take specified actions to provide individuals released from a State correctional facility with a voter registration application and to inform individuals who are no longer incarcerated that they have the right to vote. **The bill takes effect June 1, 2020.**

Fiscal Summary

State Effect: General fund expenditures increase by approximately \$4,000 annually, beginning in FY 2021. Revenues are not affected.

(in dollars)	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	4,000	4,000	4,000	4,000	4,000
Net Effect	(\$4,000)	(\$4,000)	(\$4,000)	(\$4,000)	(\$4,000)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Local government expenditures may increase annually, beginning in FY 2021, as discussed below. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary:

Materials and Information Provided to Eligible Voters in Correctional Facilities

The bill requires each State or local correctional facility to:

- 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;
- disseminate written instructions directly to each eligible voter on absentee voting and absentee ballot applications in a timely manner before each election; and
- provide an absentee ballot to an eligible voter if requested by the eligible voter.

“Eligible voter” is defined as an individual who is incarcerated in a correctional facility and has the right to vote under State law.

SBE and the local boards of elections must provide correctional facilities with (1) written materials to disseminate to eligible voters and (2) advice and guidance in carrying out the above requirements.

By January 15 each year, SBE must submit a report to the Senate Education, Health, and Environmental Affairs Committee and the House Ways and Means Committee that includes, 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.

Materials and Information Provided to Released Individuals

The bill requires DPSCS to:

- 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 their voting rights have been restored;
- 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
- 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.

Current Law/Background:

Voter Registration

Under State law, with certain exceptions, an individual may register to vote if the individual is a citizen of the United States, is at least age 16, and is a resident of the State as of the day the individual seeks to register. A person who has been convicted of a felony and is currently serving a court-ordered sentence of imprisonment for the conviction is not qualified to be a registered voter.

An individual may apply to become a registered voter through a number of means including (1) visiting an election board office; (2) by mail; (3) when applying for services at a voter registration agency (specified public and nongovernmental agencies designated by SBE, including agencies providing public assistance and services for individuals with disabilities, public higher education institutions, military recruiting offices, and one-stop career centers in the Maryland Department of Labor); (4) during an applicable transaction at automatic voter registration agencies, which are the Motor Vehicle Administration, the Maryland Health Benefit Exchange, local departments of social services, and the Mobility Certification Office in the Maryland Transit Administration; or (5) through SBE's online voter registration system.

Absentee Voting

An individual may vote by absentee ballot except to the extent preempted by federal law. An absentee ballot may be requested in writing (there are State and federal forms that can be used) or online through the SBE website. The voter may choose to receive the ballot by mail, by fax, through the Internet, or by hand at a local board of elections office. The voter may return the ballot by (1) mailing it, postmarked on or before election day; (2) delivering it to the local board of elections in person by the close of polls on election day; or (3) pursuant to an SBE regulation change effective in January 2020, delivering it to an early voting center or to a polling place before the polls close at that polling place on election day. ([Modified absentee voting, or voting by mail, policies](#) apply, for the April 28, 2020, and June 2, 2020, elections, pursuant to [executive actions](#) in response to the Coronavirus Disease 2019, or COVID-19, outbreak.)

State Fiscal Effect: General fund expenditures increase by approximately \$4,000 annually, beginning in fiscal 2021, for SBE to print (1) voter registration applications to provide to eligible voters at State and local correctional facilities and individuals released from State correctional facilities and (2) absentee ballot applications to provide to eligible voters at State and local correctional facilities. It is assumed, for the purposes of this fiscal and policy note, that the first election this bill applies to is the 2020 November general election. The estimate assumes that approximately 25,000 voter

registration applications (15,000 for eligible voters in State and local correctional facilities and 10,000 for individuals released from State correctional facilities) and 15,000 absentee ballot applications (for eligible voters in State and local correctional facilities) will need to be printed each fiscal year.

DPSCS can implement the bill with existing resources and SBE can handle the reporting requirements with existing resources, provided that information identifying eligible voters is given to SBE by DPSCS and local correctional facilities.

Local Fiscal Effect: Local government expenditures may increase in some jurisdictions, to the extent costs are incurred to track which individuals within a local correctional facility are eligible voters and/or to provide the required materials and information to eligible voters. The Montgomery County Department of Correction and Rehabilitation, for example, indicates it would incur a cost of \$155,000 in fiscal 2021 and \$8,000 annually thereafter for the development and maintenance of a computer system to track and report which individuals are eligible voters.

(At the State level, DPSCS indicates that it has a current policy to identify inmates/detainees who are Maryland residents and are in pretrial status or serving a sentence only for a misdemeanor offense or offenses. Under the policy, that list of individuals is provided to managing officials of State correctional facilities in order to make voter registration applications and absentee ballot applications available to those individuals upon request.)

Additional Information

Prior Introductions: None.

Designated Cross File: SB 372 (Senator West, *et al.*) - Education, Health, and Environmental Affairs and Judicial Proceedings.

Information Source(s): State Board of Elections; Department of Public Safety and Correctional Services; Baltimore, Carroll, Harford, Montgomery, and St. Mary's counties; Maryland Association of Election Officials; Department of Legislative Services

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