



## Department of Public Safety and Correctional Services

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**BILL: SENATE BILL 525**

**POSITION: LETTER OF INFORMATION**

**EXPLANATION:** This bill will require the Department of Public Safety and Correctional Services' (DPSCS), Baltimore City Booking and Intake Center (BCBIC) to disseminate written information to eligible voters regarding voter registration and early voting. The bill also requires the State Board of Elections and the local board of elections for Baltimore City to provide BCBIC with written materials and advice and guidance regarding the dissemination of materials. SB 525 also proposes the establishment of an early voting polling place at BCBIC. The Department already provides voter information to eligible voters.

**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 has robust policies and procedures in place to enable the incarcerated population to register to vote and to provide those who are registered with a mail-in ballot.
- In September 2019, Secretary Green implemented a voting policy outlining procedures for facilitating voting for eligible inmates incarcerated in State correctional facilities, that included:
  - 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 within 90 days of release, and inmates are provided a voter registration application, upon request.
- With regard to SB 525, pretrial detainees are not just housed at BCIBIC. They are also housed at the Metropolitan Transition Center (MTC), Baltimore Pretrial Facility in Jessup (BPFJ), Health Medical Facility (COVID-19 positive detainees), and Chesapeake Detention Center (CDF). If all eligible detainees were expected to vote at the polling location at BCBIC, the Department would need to transport them from the other facilities resulting in both a fiscal and operational impact.
- In fiscal year (FY) 2020, BCBIC had 17,880 intakes (a decrease of approximately 5,000 from FY19). The average daily population at BCBIC in FY20 was 740, at MTC was 678, and at BPFJ was 370.
- The pretrial detainees housed at BCBIC are not all Baltimore City residents, but are from multiple jurisdictions. As such, the State Board of Elections would have to provide ballots for each local

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jurisdiction throughout the State since every inmate housed in a DPDS facility is not a Baltimore City resident.

- The pretrial population is fluid and an eligible voter who votes during early polling may have returned to the community. The State Board of Elections would need to track and monitor every inmate/registered voter to ensure that an inmate does not vote twice in an election cycle.
- If an early voting polling place is established at BCBIC, the total estimated overtime cost for correctional officers, case managers, and other related expenses, for all DPDS facilities included is expected to be \$360,000 per election cycle.
- The Department appreciates the proactive efforts of SB 525 and has worked with the State Board of Elections to incorporate some of the provisions in all DPSCS facilities housing eligible voters.

**CONCLUSION:** The Department of Public Safety and Correctional Services respectfully requests the Committee consider this information as it deliberates on Senate Bill 525.