

VOTING IN

THE SHADOW

OF DEMOCRACY

Shining a Light on Voting Inside
Maryland's Correctional Facilities

**EXPAND
THE BALLOT
EXPAND
THE VOTE**

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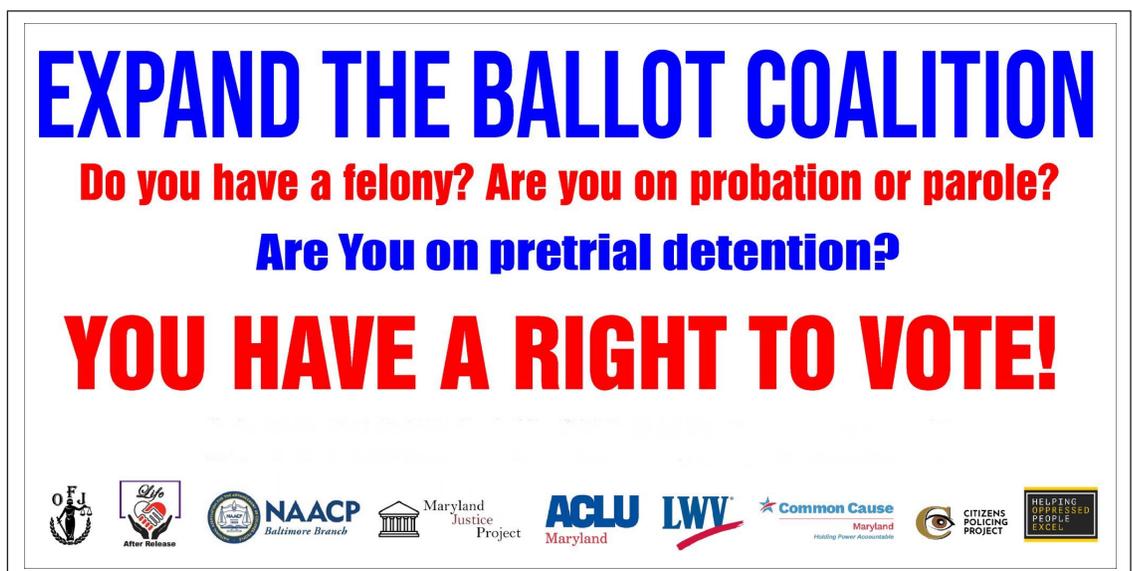
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EXECUTIVE SUMMARY

In 2021, the Maryland General Assembly passed the [Value My Vote Act](#), which required government agencies to inform individuals detained pending trial and individuals detained for misdemeanor convictions of their right to vote. To ensure this legislation was being honored, in 2022, the **Expand the Ballot, Expand the Vote Coalition** (“Expand the Ballot” or “Coalition”) toured and met with the administrators of seventeen jails and prisons across the state of Maryland to observe and understand how the [Act](#) was being implemented. The Coalition had the opportunity to speak with wardens, other administrators and staff, people detained in these facilities, and legal and policy staff for the Maryland Department of Public Safety and Correctional Services (“DPSCS”).

While inside the facilities, Coalition members were able to see where voting materials were available, where informational signs were posted, and where drop boxes were located. Members learned that voting infrastructure in Maryland’s jails and prisons – and the administration’s attitude towards voting while detained – varied widely from facility to facility. Many jail administrators were unaware of the Act and some were confused about the current law regarding the rights of pre-trial detainees and detainees with misdemeanor convictions to vote inside their facility, as well as the voting rights of individuals being released from their facility. Individuals held in these facilities were also largely unaware of their right to vote during the course of their detention.

In addition to these tours and meetings, the Coalition collaborated on Election Protection efforts, toured the state in Black Voters Matter vans in advance of Election Day, and successfully advocated for a language change on the voter registration application oath describing eligibility of persons with convictions.



EXPAND THE BALLOT COALITION

Do you have a felony? Are you on probation or parole?

Are You on pretrial detention?

YOU HAVE A RIGHT TO VOTE!

OFJ Life After Release NAACP Baltimore Branch Maryland Justice Project ACLU LWV Maryland Common Cause Maryland Holding Power Accountable CITIZENS POLICING PROJECT HELPING OPPRESSED PEOPLE EXCEL

Expand the Ballot Coalition sign

BACKGROUND

About the Expand the Ballot, Expand the Vote Coalition

The Leadership



Nicole Hanson-Mundell

Name: Nicole Hanson-Mundell

Title/Organization:

Executive Director of Out for Justice, Inc. (2017-2023)

Executive Director of Baltimore Harm Reduction Coalition (2024-present)

Jurisdiction: Baltimore City

Nicole is an expert on criminal justice policy and voting rights in Maryland. She led a statewide campaign to ensure that every pretrial facility in Maryland has access to the ballot, resulting in the passage of the *Value My Vote Act* of 2021. Nicole’s advocacy approach is to “stay close to the ground,” amplifying the needs of marginalized people in policy spaces where she is often the only impacted person in the room. With the Expand the Ballot Coalition, Nicole successfully advocated for the State Board of Elections to contract with directly impacted partners in their outreach strategies and to change confusing language on voter registration forms that could potentially disenfranchise voters. She has been the leader, spokesperson, and glue that keeps the Coalition together, uplifting and encouraging members and partners to stay engaged on voting rights as she believes that all other rights flow from the fundamental right to vote. She has registered thousands of currently and formerly incarcerated Marylanders to vote. Her work has been featured twice in Forbes Magazine, where she was listed as one of the top five people in the country to make an impact during the midterm elections. In 2020, she received the Women Leading in Annapolis Award from The Daily Record. She is a passionate organizer fueled by love and possessing the strategy skills to navigate complex issues, dive deep into policies, and foresee impact and implications of legislation.



Monica Cooper

Name: Monica Cooper

Organization: Maryland Justice Project

Title: Executive Director

Jurisdiction: Baltimore City

Monica Cooper is a passionate advocate for justice, founder of the Maryland Justice Project, and a distinguished member of the Maryland Democratic State Central Committee for Baltimore’s 40th Legislative District. Monica is a leader in the Expand the Ballot Coalition and a tireless advocate for voting rights for people with felony convictions and individuals still behind the wall. Monica has been the “Paul Revere” of the coalition, driving vans

packed with voter registration volunteers, voting information, and a mission to jails and communities across the state of Maryland. Born and raised in West Baltimore's Sandtown-Winchester community, Monica overcame a difficult upbringing and a period of incarceration and emerged as a prominent community leader and activist. Her journey of transformation is marked by her relentless pursuit of education, culminating in a Bachelor of Arts degree from the University of Baltimore and membership in Phi Theta Kappa Honor Society. Monica's work includes business ventures, community engagement, and service in the Office of Baltimore City State's Attorney – all in service of fostering positive change. A true testament to resilience and the power of second chances, Monica is the visionary behind S0lenergy, a pioneering startup focusing on innovative solar and renewable energy solutions. Her newest transformative project is the creation of a Transitional House for Women focused on "The Art and Science of Living Clean and Green," where the residents will learn about organic living and a holistic approach to living clean.



Qiana Johnson

Name: Qiana Johnson

Organization: Life After Release

Title: Executive Director

Jurisdiction: DMV (DC-Maryland-Virginia)

Qiana Johnson is a dedicated mother of two sons and the founder of Life After Release Inc., an organization led by formerly incarcerated women that supports system-involved people in the DMV. She is one of the leaders of the Coalition, where she has advocated for robust voter engagement in jails and prisons and the removal of barriers to voting for formerly incarcerated individuals. In 2022 and 2024, Life After Release hosted Black Voters Matter buses that toured across Maryland for weeks, registering and empowering voters. Qiana is also a Co-Conductor of Harriet's Wildest Dreams, a Black-led organization that uses legal empowerment, community education, and grassroots organizing to build alternatives to state-sanctioned violence. Her life's work is organizing to build a post-conviction movement challenging the integrity of convictions and the judicial system. She is also a national trainer with Silicon Valley Debug, Participatory Defense and a proud member of the National Council for Incarcerated and Formerly Incarcerated Women and Girls. Before her incarceration in 2015, she completed ten years of federal government service. She has a Bachelor of Science degree in Legal Studies from the University of Maryland University College, with a concentration in Public Safety. After her release from prison in 2017, Qiana immediately started doing work around prison abolition, prosecutor accountability, and ensuring that formerly incarcerated individuals get what they need to succeed. Today, Qiana's purpose and passion lie in holding local government officials accountable and demanding progressive changes toward ending mass incarceration. She believes in ensuring public safety without the criminalization of a particular race or social class. She uses her story to empower formerly



Nicole Hanson-Mundell, Etta Myers, and coalition partners getting out the vote

incarcerated women to become productive members of their communities.

History and Origin of the Coalition

The Expand the Ballot, Expand the Vote Coalition was established after the Maryland General Assembly passed legislation that restored voting rights to over 40,000 returning citizens. This victory ensured that, moving forward, all citizens regained their right to vote immediately upon release from a correctional facility. That effort was led by the Unlock the Vote Coalition and the law was enacted in March of 2016. Later that year, Out for Justice led the convening of organizations that sought to ensure both that individuals with a criminal history have equal access to the ballot and that the work is centered on and led by those impacted by the criminal legal system. The Coalition was officially formed in 2017. Its primary goal is to ensure that eligible incarcerated voters – individuals currently held in pretrial detention or with a misdemeanor conviction – have meaningful access to voting and voting information. To do so, the Coalition sought to build connections between the SBE and correctional facilities and create programs increasing access to the ballot within facilities. The Coalition also worked to inform returning citizens that their right to vote was restored, helping them to register to vote and make their voices heard by Election Day. The Coalition has successfully engaged election officials, correctional staff, and the legislature in efforts to ensure the votes of returning and currently incarcerated voters are truly valued.

The Coalition Membership in 2022

The Coalition was founded by and is led by formerly incarcerated individuals and organizations representing the interests of formerly and currently incarcerated Marylanders. The Coalition consists of grassroots, state, and national organizations that have come together to fight voter suppression by ensuring that incarcerated individuals and underrepresented communities are aware of their right to vote and are actively using it, regardless of their circumstances.

The following organizations lead the work featured in this report:

Out for Justice: Out for Justice, Inc. is an organization of individuals who are both directly and indirectly impacted by the criminal legal system. The organization advocates for the reform of policies and practices that adversely affect successful reintegration into society.

Life After Release: Life After Release is an organization led by formerly incarcerated women in the DMV area. Their work is grounded in a vision of self-determination for directly impacted communities and has four main pillars: legal empowerment and participatory defense, Courtwatch

PG, community outreach, and the post-conviction movement.

Maryland Justice Project: The Maryland Justice Project is dedicated to empowering individuals impacted by the justice system, with a focus on women and girls. Through innovative support and sustainable initiatives, including renewable energy programs, the Project aims to provide the tools for resilience, growth, and prosperity. Their mission is to uplift, advocate, and drive change, ensuring a quality future of economic prosperity and justice for all.

ACLU of Maryland: The ACLU of Maryland (“ACLU-MD”) is a non-partisan, non-profit public interest organization that works in the courts, legislature, and in support of communities to affect structural change. ACLU-MD exists to empower Marylanders to exercise their rights so that the law values and uplifts their humanity. Their vision is a Maryland where people are united in exercising their rights to address inequities and fulfill the country’s unrealized promise of justice and freedom for all. ACLU-MD is committed to centering race equity in their work to better support and be accountable to Black and Indigenous people and Communities of Color, whose civil rights and civil liberties are systematically threatened by white supremacy.

Campaign Legal Center: The non-partisan Campaign Legal Center advances democracy through law at the federal, state, and local levels, fighting for every American’s right to responsive government and a fair opportunity to participate in and affect the democratic process.

Common Cause Maryland: Common Cause Maryland is a nationwide network of skilled advocates, organizers, and activists who are working every day to strengthen democracy and the people’s right to speak, assemble, and critique the government to level the playing field for everyday people.

Freedom Fighters: Freedom Fighters specializes in parole consultation geared toward preparing clients for hearings before the Maryland Parole Commission. They provide a variety of services all of which are dependent upon their client’s needs. Their goal is to ensure each client has what they need to confidently stand before the Maryland Parole Commission with a solid plan upon release. Freedom Fighters ensures all bases are covered on behalf of each client securing wraparound services needed to successfully reenter society.

HOPE: Helping Other People through Empowerment, Inc. (“HOPE”) is a peer-led private non-profit focused both on supporting its participants’ journey toward accessing mental health treatment, addiction recovery services, and resources to alleviate homelessness. It is a low-barrier agency where individuals who have had difficulty engaging in traditional services are welcomed by those who have traveled a path of recovery and who are positive peer role models. In doing so, HOPE seeks to provide accessible resources to achieving mental healing and wellness.



Amy Cruice, Nicole Hanson-Mundell, and Qiana Johnson at Wicomico Co. Detention Center

League of Women Voters of Maryland: The League of Women Voters is a nonpartisan, grassroots organization working to protect and expand voting rights and ensure everyone is represented in the democratic process. The League empowers voters and defends democracy through advocacy, education, and litigation at the local, state, and national levels.

NAACP Baltimore: The mission of the National Association for the Advancement of Colored People (“NAACP”) is to secure the political, educational, social, and economic equality of rights to eliminate race-based discrimination and ensure the health and well-being of all persons. The vision of the NAACP is to ensure a society in which all individuals have equal rights without discrimination based on race.

VOTING ON THE INSIDE



Drop boxes in a prison

On any given day, nearly 660,000 people in the United States are detained in jails, usually for pretrial detention or to serve sentences for misdemeanors.¹ The majority of these individuals are eligible to cast their ballots but are unable to do so because of barriers created by their incarceration.² They experience what is known as “de facto” disenfranchisement.

In 1974, the Supreme Court held that jailed, eligible voters cannot be denied their constitutional right to vote.³ Yet, incarcerated voters still face a complex web of hurdles to voting that effectively deny them a say in their government. Lack of access to the internet, cost-prohibitive phone call systems, and limited access to mail impede access to election information and voter registration. Moreover, many people - including both detained individuals and prison administrators - do not know that individuals in jails and prisons are eligible to cast ballots.

Marylanders in jails and prisons face these same hurdles. Most Marylanders in jail are detained pre-trial and, although they have not been found guilty of any crime, remain incarcerated because they cannot afford to pay bail.⁴ Thousands more in jail are serving time for misdemeanor convictions.⁵ The vast majority may be eligible to vote, yet few actually do.

Prisons and jails also disproportionately lock up voters who are Black, Indigenous, or People of Color or are low-income, disabled, or experiencing homelessness.⁶ In Maryland, although Black people represent about thirty percent of the state’s population, they make up nearly seventy percent of those detained in the state’s jails and prisons in recent years.⁷ As a result, jail-based disenfranchisement further disempowers communities that have historically been marginalized by and excluded from political systems.

To remedy these problems, Maryland has recently taken important steps toward ensuring every eligible voter in the state’s jails has meaningful access to the ballot and can cast an informed vote. Yet, there remains much work to be

done to make this goal a reality. By implementing new policies, enforcing those already in existence, and educating the public on jail-based disenfranchisement, Maryland can continue to be a leader in this long-overlooked civil rights issue.

MARYLAND'S VALUE MY VOTE ACT



Molly Amster, Cathryn Paul, Qiana Johnson, Nicole Hanson-Mundell, and Joanne Antoine preparing for a bill hearing in Annapolis

In recent years, the Coalition worked with legislative and community partners to help draft and pass the *Value My Vote Act*. The Act was enacted on June 1, 2021, and its purpose is to encourage voting and voter education amongst formerly and presently incarcerated individuals. The Act establishes requirements that must be followed by the State Board of Elections (“SBE”), Department of Public Safety and Correctional Services (“DPSCS”), local boards of elections, and individual correctional facilities.

The SBE is required to: establish voter education programs in partnership with DPSCS; submit a yearly report to the General Assembly; provide certain opportunities for eligible incarcerated voters to register to vote, request mail-in ballots, and vote; and provide for the timely return of registrations, mail-in ballot applications, and ballots. The DPSCS is required to provide released individuals with voter registration documents, display voting postage in each parole and probation office, and post a notice on their website informing individuals who have left any of their facilities that they have the right to vote. Local boards of elections and correctional facilities are required to cooperate with the SBE and each other in implementing voter education programs.

EFFORTS IN ADVANCE OF MARYLAND'S 2022 ELECTIONS

The SBE was an integral part of the Coalition's efforts and advancing access to voter registration materials in prisons and jails. After difficult but necessary conversations early on between members of the Coalition and election officials about the SBE's prior insufficient efforts to reach incarcerated voters and engage returning citizens, the SBE committed to doing more.

In 2020, during the peak of the COVID-19 pandemic, advocates were able to engage some local jail and state prisons in efforts to facilitate voting in their facilities. The Coalition shared contact information for facility staff with SBE staff who worked to get materials to incarcerated voters despite the lack of a formal program. These efforts helped inform many of the amendments made to the *Value My Vote Act* that passed that following year. This was also during a time where Maryland, like most of the country, experienced a larger-than-average demand for mail-in voting. These changes presented a unique opportunity to test vote by mail and proved that increased use of mail-in ballots presents an opportunity to boost overall participation in Maryland elections and provides a secure method of voting for incarcerated and detained voters.

In the following years, in addition to the passage of the *Value My Vote Act*, Maryland's General Assembly advanced legislation that enhanced Maryland's mail-in voting process. Reforms included improving the instructions that come with mail-in ballots and making secure drop boxes a permanent fixture of Maryland elections. These changes have significantly improved access to voting inside Maryland prisons and jails.

In 2022, prior to Coalition site visits, the SBE coordinated with state jails and prisons to send voter packets into every facility. These packets included a "dear voter" letter that explained the voting rights of people in pre-trial detention and people serving misdemeanor convictions. The SBE also helped state-run jails and prisons obtain drop boxes where voter registration forms, mail-in ballot request forms, and completed ballots could be placed.

Members of the Coalition worked with the SBE and their communications contractor in advance of the 2022 election, providing community expertise and insights for more equitable and effective messaging for people who are currently or formerly incarcerated. A video was created specifically to be played in jails and prisons, featuring Coalition member Nicole Hanson-Mundell. The SBE made a similar video for people who have returned to their communities from incarceration. That video was pushed out on social media and other platforms. Additionally, the SBE created a radio ad informing eligible individuals of their rights, which was pushed out on Radio One radio stations in advance of Election Day.

Watch the videos here: <https://vimeo.com/user/104082577/folder/13210003>



Coalition retreat group photo



Coalition partners street canvassing

MEETINGS AND TOURS WITH JAILS AND PRISONS

In June 2022, the Coalition sent a letter (Appendix A) to all local jails and to DPSCS to share the requirements of the *Value My Vote Act*, the upcoming election timeline, and tips for registering eligible individuals. The Coalition also asked for a tour or a meeting to further discuss strategies for registration and voting inside each facility. The Coalition attached text of the *Value My Vote Act* (Appendix B) and the associated fiscal policy note (Appendix C). Most facilities responded. Some shared information and materials by email while others scheduled times for Coalition members to meet with them and/or tour their facility. The Maryland Division of Correction (“DOC”), the subdivision of DPSCS that runs the jail and prison system, assisted in coordinating tours of almost all state-run facilities in Maryland.

To prepare for these meetings and tours, the Coalition created a packet which included a Jail Tour Checklist (Appendix D) and Tips for Facilitating Voting in Jail sheet (Appendix E). The meetings and tours occurred between June and October of 2022.

In early November, before Election Day, the Coalition reached out to 31 facilities to share information about Same Day Voter Registration opportunities for people leaving their facility on or before Election Day, as well as other reminders and tips. The Coalition also emailed facilities a flyer they could post and give to people being discharged, details about the Same Day Voter Registration process, and the Election Protection hotline number.

FINDINGS

In the summer and early fall of 2022, the Coalition met with seventeen jails and prisons to ensure that incarcerated individuals across the state have access to the resources and information they need to exercise their right to vote while incarcerated. The Coalition discovered that some jails were doing their part in distributing voter materials, informing voters of their rights and relevant deadlines, and facilitating voting inside. The majority of the jails were doing very little related to voting in their facility. 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 *Act* to keep records of the number of eligible voters and other voter information. Some received the boxes of voter packets from the 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.

Ultimately, the Coalition determined that there is a clear lack of process and infrastructure in place, although the solutions seem simple, doable, and inexpensive. All of this equates to systematic disenfranchisement of individuals incarcerated in the state of Maryland. However, two facilities in particular, Anne Arundel County Detention Center and Montgomery County Correctional Center, have embraced reforms to their in-facility voting processes. They provide models for the types of education and outreach that should be provided to all detained individuals.

Access To Voting At Individual Facilities

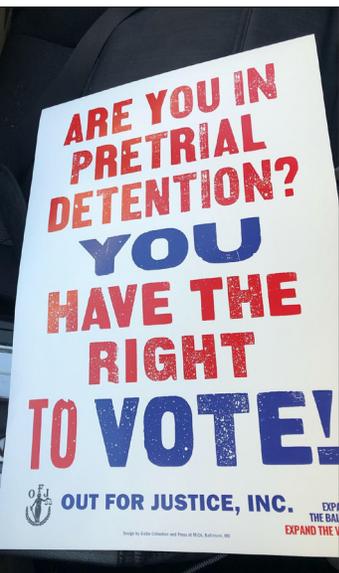
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Allegany County Detention Center (“ACDC”) [Email only]

By email, ACDC said “The Allegany County Board of Elections and Maryland State Board of Elections oversee the Allegany County Detention Center’s compliance with local and state election law. To that end, the Allegany County Detention Center respectfully declines your request as a third party non-governmental entity for a tour of the facility.”

Anne Arundel County Detention Center (“AACDC”) [Jennifer Road and Ordnance Road facilities] [Email, meeting, phone]

Staff at the two AACDC facilities enthusiastically supported individuals’ right to vote. Their written, stated objective is “[t]o ensure that all eligible voters are aware of their right to vote and that voting materials are easily accessible within the facility.” Several administrators and staff members were involved in voting in the facilities. These staff held voter registration drives in the library twice per week before registration deadlines, where they set up individual voting booths. They also distributed voter registration materials both at intake and release. They will be adding voting information to the orientation manual provided to detained individuals. Upon release, individuals were provided with materials informing them of their right to vote. Administrators said that ensuring ballot access is part of their mission and part of their goals for detained individuals on their re-entry. They provided voting and voter registration drive information by email and on the kiosk to their population. They gathered and provided info about



Right to vote sign for voters in pretrial detention

candidates. They posted flyers and worked with their local board of elections. On the Coalition's suggestion, and in the days leading up to Election Day, they created their own Same Day Voter Registration flyer informing individuals of their ability to register and vote on Election Day. They hand delivered all materials to individuals in segregated areas of the facility. They had voting information in Braille and Spanish, and they provided translation services through Language Line. They had a system and were clear about deadlines, eligibility, and more.

While the facility initially created a drop box, on the local board of election's recommendation, they arranged for ballot pickup with a member of the board of elections. The administration also partnered with a local formerly incarcerated advocate who spoke to potential voters in the facility about the importance of voting. The administrators said that he had a huge impact. They also engaged volunteers - including an election judge - who helped ensure a fair and equitable election and members of the League of Women Voters, who helped with voter registration.

The result of these efforts was significant. They registered more than twenty people who had never been registered to vote. By the time Coalition members met with staff in Ordnance Road, they registered 52 people, 30% of their total population. In both facilities combined, they had registered more than ninety voters.

In the future, they would like the League of Women Voters' voter guides for their library. They will also share the SBE's educational videos on both TVs and tablets. The obstacles they noted were getting the list of candidates running in other jurisdictions before the primary and figuring out where detained individuals reside and where they should vote.

Baltimore Central Booking and Intake Center ("BCBIC") *[Tour and meeting]*

Baltimore's Central Booking is a state-run detention facility, and the Coalition's meeting and tour were coordinated by the Department of Public Safety and Correctional Services. This facility had signs located in areas outside of the dorms. While this is unproven, it appeared that the voting signs were placed there just in advance of the Coalition's tour because they were affixed to cinder block walls with small pieces of tape throughout all the hallways where Coalition members walked. In this facility, incarcerated individuals don't walk through these hallways often. Coalition members did not see any signs posted in the dorms, where detained individuals spend most of their time, but did see signs near the pay phones.

Voting packets were handed out with other mail, and it seemed like they were making only one attempt to offer individuals a voting packet. Similar to other facilities in Baltimore, this facility kept a list of eligible voters, and the staff struck their name off if they said they weren't interested in voting. Coalition members spoke to a detained individual who had no idea he could vote. The facility did not provide any information on voting access for the women in Central Booking.

The facility had a makeshift drop box, which was a medical supplies box with a cardboard box on top of it. The infirmary at Central Booking was an area that had very little access to voting. There was an unmonitored drop box outside of the gate to the infirmary. When Coalition members asked how people in the infirmary would access the forms or drop box, staff deflected and said that people there don't want to vote because they are more focused on their medical needs.

Baltimore County Detention Center *[Email and phone]*

While the Coalition did not meet with or tour the Baltimore County Detention Center because of COVID protocols, they did share the following information in emails and phone calls with us. Staff stated they are in full support of the *Value My Vote Act* and will work with the SBE and local board of elections on implementation. They educate people through town hall meetings and dissemination of literature on voting and conduct voter registration. Specifically, they shared that they are in compliance with providing voting information, voter registration forms and ballots, and timely return of forms and ballots. Individuals detained there can send mail-in ballot requests through a special box. The facility was receptive to posting the flyers the Coalition provided and agreed to have the sergeants tell people discharged before Election Day that they can vote in person.

Caroline County Detention Center *[Email only]*

The Coalition received very little information from Caroline County Detention Center, and members were denied a tour or meeting due to the pandemic. The facility responded to one of the Coalition's emails, acknowledging receipt of the attachments sent and sharing that they've been in contact with their local election board. They said "[t]o my knowledge we are in compliance and will continue to follow current and future Value My Vote Guidelines."

Carroll County Detention Center *[Email only]*

The Coalition had no substantive information from Carroll County Detention Center. The only contact received was an email response saying that they aren't conducting tours due to COVID-19 and CDC guidelines and stating that "all voting procedures are in place according to the laws of this state."

Cecil County Detention Center *[Email only]*

Cecil County Detention Center shared detailed information with the Coalition through email. They denied a tour due to positive cases of COVID-19 within the facility, but said they'd be more than happy to give the Coalition a tour when the facility has cleared all COVID-19 cases. After intake, individuals are classified by a Classification Counselor within three days, at which time they were provided a voter packet from the SBE. They posted flyers about voting with due dates and instructions on bulletin boards located throughout the facility. They created a log tracking who had received a packet, where

individuals initialed next to their name indicating receipt. Eligible voters in the facility had the opportunity to vote by mail, and ballots were collected each business day. Upon release, the facility made the voter packets available again and each person released also received information regarding voter registration and their right to vote. The facility's website gives notice that any individual who is no longer incarcerated has the right to vote.

The facility did not have a drop box but was in contact with their local board of elections.

Charles County Detention Center [*Email only*]

The Charles County Detention Center sent the Coalition information by email and did not acknowledge the Coalition's request for a tour. They shared that access to the ballot for their population is important to them and that it has always been their practice to assist individuals in their facility with voting. They shared a flyer that they post in the facility and make available to all detained individuals. They also stated that they obtained a secure ballot container from the local board of elections. Staff shared that everything went well with their procedures for the primary election and that they planned to repeat the process for the general election. They also worked with their local election board in developing a plan for the elections.

Dorchester County Detention Center [*Phone*]

While the Coalition did not get a response from the Dorchester County Detention Center via email, Coalition members were able to speak to the warden over the phone right before the general election. He was receptive to the importance of voting and expressed interest in any resources the Coalition could provide. He said that they had the resources to successfully implement the *Act*. He shared that, while staff made sure that everyone in their facility was given their mail-in ballot, many individuals wanted to use the postage to send a letter to family instead. When Coalition members offered to share a flyer for individuals being released before Election Day, he said he would make sure everyone released gets it so they know they can register and vote on Election Day.

Dorsey Run Correctional Facility [*Meeting*]

The Dorsey Run Correctional Facility distributed the packets from the SBE to eligible individuals during intake and individuals being released were provided with materials informing them that their voting rights have been restored. Voter registration forms were provided during orientation and are available in the library. Signs were posted and they did have a person assigned to facilitate voting. They had a drop box located inside, and the box is securely locked with a camera facing it. They worked closely with local election officials who visited several times.

Harford County Detention Center *[Meeting]*

Harford County Detention Center shared that corrections staff handled the coordination of voting inside. At the time of the initial meeting, they said that no one was specifically designated to facilitate voting activities. Staff requested the questions ahead of time and, during the meeting, asked if they were legally obligated to respond. Staff shared that they posted two signs, and that corrections staff handled all of the voting-related activities.

When the Coalition called before Election Day, they shared that the Community Services Coordinator had been designated as a staff person to implement the requirements under the Act, making sure individuals knew about their right to vote and had access to a mail-in ballot. They were receptive to the flyer and said they would distribute it to anyone released before and on Election Day.

In the meeting, staff reported that the facility didn't have a drop box and that the local board of elections didn't come to the facility. After the general election, staff reported that thirteen people, out of a population of 320, voted during the 2022 elections.

Howard County Detention Center *[Meeting and email]*

The then-Deputy Director of the Howard County Detention Center, designated as the staff member in charge of administering their voting program, shared that staff worked for many hours to ensure that the people in their facility have access to the right to vote. Staff posted flyers in strategic locations within the facility, including in the housing pods. The voter packets were given to every detainee in the facility as well as every new person coming into the facility. Staff also placed a message on their in-house television system about voting and who detained individuals could talk to if they have questions about the process. No one expressed difficulty with the process.

Staff also worked with the SBE to get forms and information to eligible voters. They uploaded voting information received from the Board of Elections and guides from the League of Women Voters onto tablets available to detained individuals.

Staff stated they were open to adding a notice about same day voter registration right before Election Day and gave out information to individuals leaving the facility the day before and on Election Day. They were open to having advocates come in to help with voter education and registration efforts. They were also interested in having packets available in the future to give to individuals when they are released.

They shared that drop boxes aren't logistically possible given the movement of the individuals in the facility. When the Coalition met with staff, four mail-in ballots had been received by voters in their facilities. Some ballots arrived but one person had been released, so the facility had to return one of the ballots.

Kent County Detention Center (“KCDC”) [Email and phone]

KCDC was receptive to a meeting and a tour but later had to decline the tour due to COVID-19. The director told the Coalition by email that the facility had a designated coordinator, and they were in compliance with the law. The Coalition later spoke with the administrative officer who said that everyone in the jail was informed of their right to vote, staff had placed drop boxes, and two officers were tasked as “election officers” to submit ballots. Everyone released was given a packet from the SBE. Only two officers knew how to explain the information to people being released. Most of the individuals received one-on-one information because their jail is so small. Staff were receptive to receiving more information to give to potential voters in their facility.

Maryland Correctional Institution – Hagerstown (“MCI-H”) [Tour]

MCI-H had signs posted and packets were being distributed regularly. They told the Coalition that they can play educational videos on the TVs but that they didn’t yet have videos to play. They also suggested that they could put voter guides in the library. They expressed concern about protecting voters’ privacy in all aspects of the process. They placed drop boxes in a secure and monitored location for the primary election and were planning to get more drop boxes for the general election. The local board of elections picked up materials at least once a week.

Montgomery County Correctional Center (“MCCC”) [Meeting]

MCCC shared that they have been thoroughly encouraging voting amongst their population for a long time. During the 2022 elections, they had a deputy warden in charge of services who assisted voters with completing forms and went into the housing units to provide voter education. Staff also has an election video that they played to help educate detained individuals. The facility has a longstanding relationship with their local chapter of the League of Women Voters, who have been conducting voter education in their facilities for ten years. However, that program was paused during the pandemic. Instead, the volunteer coordinator began going to housing pods to provide voter information and assist individuals with voter registration forms. They shared that they have yielded greater response with this type of 1:1 support. The volunteer coordinator made three rounds to talk to eligible voters about the election. Additionally, the League of Women Voters visited both facilities in late September. The facility didn’t have drop boxes, but staff were open to having them in the future. They worked with their local board of elections to get additional registration and mail-in ballot request forms. Election officials picked up completed materials twice per week. Of the 74 voter registration forms provided, 62 were returned by individuals in the facility.

Maryland Transitional Center (“MTC”) [Tour]

Signs explaining the voting process were posted in several locations. Similar to other facilities in Baltimore, MTC kept a list of eligible voters, and the staff struck their name off if individuals said they weren't interested in voting. MTC had four drop boxes, which were all monitored by security cameras. They explained that, when they are operating in quarantine mode, they escort the individuals one by one to the drop box. However, the Coalition has limited information about this facility because an undisclosed incident occurred, and the tour was cut short so that staff could attend to the situation.

Maryland Reception, Diagnostic and Classification Center (“MRDCC”) [Meeting]

MRDCC had a designated coordinator who assisted those voting while incarcerated. The coordinator distributed the packets at intake and the case managers also distributed voter packets. Staff said that they added voting information to their tablets and sent the information as a facility message which popped up whenever someone used their tablets. Similar to other facilities in Baltimore, this facility kept a list of eligible voters, and the staff struck their name off if individuals said they weren't interested in voting. Information was available in their library. The drop box was well placed at this facility and the signage was visible. They were working with election officials, who picked up completed materials twice a week.

North Branch Correctional Institution (“NBCI”) [Meeting]

NBCI had designated coordinators who distributed voter packets at intake and did two rounds of distributing additional voting information. NBCI places signs in their library, education room, and other parts of the building. They put the information on their TV station, which could be viewed in cells and day rooms. Individuals could go to the library to research candidates, but state that they would appreciate a voter guide and would join a meeting with advocates in the future. No assistance was provided to the voters when they filled out forms because staff were concerned about correctional officers appearing to influence the votes.

NBCI placed a large drop box in the yard outside and two smaller boxes indoors, which people in the general population could access every day. Those in special housing would request to be taken down to one of the smaller boxes. NBCI works closely with their local board of elections.

Only a small fraction of the population here was eligible to vote (less than 1%.)

Prince George’s County Detention Center (“PGCDC”) [Email and phone only]

PGCDC shared that they understand the importance of voter registration for the individuals in their facility and have been providing this service since before the *Value My Vote Act* was passed. Staff replied to one email but did not

respond to repeated requests for a meeting or tour. The facility stated that they posted voter registration information in the housing units and included information about other elections in other jurisdictions, including the District of Columbia. The facility also had designated days where staff conducted voter registration. They installed a video provided by the Maryland State Board on the tablets. Additionally, they were willing to hand out information about same day voter registration to individuals released on Election Day. They worked closely with their local board of elections and the SBE, receiving materials from both entities.

Queen Anne’s County Detention Center (“QACDC”) [Meeting]

QACDC had a designated coordinator for voting in their facility. The coordinator typically does one big push where they hand out the voter packets to everyone in advance of the election. After that push, the coordinator will provide packets and additional information upon request. Staff would like more voter information for voters in their facility, including posters and voter guides. They didn’t have any signs posted.

The facility had a drop box for voting forms, which was placed in the main hallway and securely locked with a camera that recorded it at all times. They repurposed a box they had previously used for confidential medical requests.

Staff worked closely with the local board of elections, and the designated coordinator sometimes dropped off the voter forms to the board or the board picked them up from the facility. The warden has helped educate their local board about the law because there was some confusion about eligibility.

Approximately 14 out of 52 individuals in their facility expressed interest in voting. They didn’t track how many people voted because they considered it confidential.

Roxbury Correctional Institution (“RCI”) [Tour]

RCI and MCI-H are located next door to each other. They provided similar voting access and services to the individuals in their facilities. RCI had visible signs posted throughout the facility and distributed packets regularly. Staff said that they can play educational videos on the TVs but they didn’t have videos to play yet. They also suggested that they could put voter guides in the library. The facility had drop boxes located near the cafeteria during the primary election and were planning to get more drop boxes for the general election. The local board of elections picked up materials at least once a week.

Somerset County Detention Center (“SCDC”) [Email only]

By email, SCDC reported that they were “compliant with the voting procedures for the inmate population” and that they had “shared this information with [their] inmate population, and they are all aware of the voting registration

timelines and the availability of ballots.” They denied the Coalition’s request to tour or meet and did not provide additional information.

St. Mary’s County Detention Center (“SMCDC”) [Meeting]

SMCDC didn’t have a designated staff member to support registering voters. They agreed that having peer recovery specialists assist with voter registration would be a good option in future elections. The detention center staff did two rounds of outreach to eligible voters, offering them the voter materials they have from the SBE. Packets were distributed to eligible individuals during intake. When individuals were released, staff provided them with materials informing them of their voting rights. The facility posted signs in the dayroom, lobby, and other common areas. They were willing to play a voter education video and provide voter guides. They used the tablets to notify voters of the forms, and stated they can upload voter guides to the tablet if those guides are provided as a PDF. They didn’t have a drop box and didn’t think it necessary because the local board office is nearby. The corrections staff returned voted ballots unless the voter sent their form by mail.



Nicole Hanson-Mundell and Afeni Evans with staff at St. Mary’s Co. Detention Center

The administrators at SMCDC shared that they received little support or communication from the local board of elections, which made their efforts difficult. A local board of elections staff member attended the meeting and shared that, with a staff of only seven, they didn’t have the capacity to pick up the completed forms and ballots.

They had not been formally tracking data, but they had registered three people. They didn’t allow the Coalition to tour the facility, but they let the Coalition’s team come back to do voter registration. The team later registered twenty people. Some didn’t know about their right to vote and some were nervous to register.

Talbot County Detention Center (“TCDC”) [Email only]

TCDC informed the Coalition by email that they have complied with the voting requirements and that all eligible voters were included in the distribution of voting information. They stated that they had posters in the housing units and provided ballots when requested. They denied the Coalition a tour due to Covid protocols.

Washington County Detention Center [Email and meeting]

The Washington County Detention Center did not have a designated person on staff to facilitate voting. The facility received 425 voter packets from the SBE and distributed them to eligible individuals at intake. The administrator shared that they don’t give the packets to all eligible voters anymore and they don’t give the packets to individuals upon release, but they did provide “the means to participate if they chose to.” One issue they raised was that individuals were using the stamps to send mail to family instead of mailing in their voter registration form. They had signs provided by the SBE posted

in the housing area. Correctional officers were collecting the ballots and placing them in the mail. They had a drop box made of cardboard located at the sally port and there wasn't a camera recording the box. They hadn't received any support or guidance from their local board of elections.

The facility said they hadn't collected data on the number of voters who participated and that they had not received instructions about how to conduct voting or keep data.

Wicomico County Detention Center *[Email and meeting]*

The Wicomico County Detention Center stated they incorporated daily efforts to educate the individuals in their facility. The counselors and classification staff went to every housing unit during the weeks prior to the elections, educating detained individuals and collecting completed ballots. The facility provided voting information at intake and stated that they plan to include registration information in their re-entry work. They posted signs in the housing units and added information about voting to the central inmate kiosks. Counselors helped detained individuals fill out the forms if they needed assistance. Staff stated they can put videos on the tablets in the future and they would like to be able to do voter registration events through Zoom. There was some confusion about whether the local board of elections would provide a drop box, and whether the board would pick up the ballots. Staff also raised questions about how to best handle individuals who are from another county and individuals who don't have an address. Ultimately, staff ended up delivering the ballots to the local board. They did not have a drop box but indicated they would like one for the future.

The SBE provided information to them well in advance of the election, and they worked with their local board on registration forms and mail-in ballot applications.

Worcester County Detention Center *[Meeting and phone]*

Though the Coalition met with Western County Detention Center early in the election cycle, it was notable that the facility hadn't started distributing the voter packets provided by the SBE and hadn't had any contact with their local board of elections. They had some questions and several ideas about facilitating voting inside. They thought the best time to distribute the packets would be during "housing and classification" and not during intake because there's too much going on at that point of their process. They had questions about addresses on the forms, especially for people who are unhoused. They shared that they work closely with the Health Department, and they could see a similar partnership with the local board of elections being helpful. They were open to a voter registration clinic via Zoom, and they would accept any information or flyers about voting that they could distribute or post.



Qiana Johnson, Nicole Hanson-Mundell, and Amy Cruice at Wicomico Co. Detention Center



Nicole Hanson-Mundell, Amy Cruice, and Qiana Johnson at Worcester Co. Detention Center



Qiana Johnson and Nicole Hanson-Mundell at Worcester Co. Detention Center

They thought that a secure box that they could walk around with and could keep in sight of the cameras or put in the intake area under a camera would work. When Coalition members asked how many people voted, they said “a couple.”

Western Correctional Institution (“WCI”) [Meeting]

WCI was interested in standardizing the process. They were planning on including voting information in their case management, orientation, handbook, and staff training. However, they shared that they need new signs and videos. They can play videos on the tablets and TV. They posted FAQ bulletins received from DOC and customized with WCI-specific information. The Assistant Warden offered the packets to all eligible voters. The person who handed out legal mail also handed out the election mail, and they had the individual sign to indicate that they’ve received their ballot.

WCI had a letter to explain where the drop box is and how to use it. Individuals could access the information and drop boxes when they went to the library. Alternatively, they could ask an officer to walk them to the drop box. This process was available to all detained individuals, including those in restrictive housing. WCI also created voting booths near the drop boxes for privacy. WCI required local board of elections staff to have a schedule for any visits and complete a background check before they could pick up the contents of the drop box. The local board staff came multiple times on Election Day.

Youth Detention Center (“YDC”) [Tour]

YDC had colorful signs posted throughout the hallways explaining the voting process. However, these signs did not specifically discuss age requirements for registering to vote or voting, such as the right to vote in primaries at age 17 (for those that will be 18 on or before general election day) or lowered voting ages for municipal elections in certain areas of Maryland. YDC had a large, accessible drop box in the cafeteria.

OVERALL OBSERVATIONS, REFLECTIONS, AND ANALYSIS

While Maryland has made progress on enfranchisement for incarcerated and formerly incarcerated individuals, parties have failed to ensure full implementation of the *Value My Vote Act*. Specifically, facilities have not yet met their obligation to establish a program to inform eligible incarcerated citizens of their right to vote and partner with the SBE to provide meaningful and secure access to voting and voting information.

Jails that are not doing the minimum of distributing materials provided by the SBE and tracking information to be reported to the General Assembly should be held accountable. Local boards of elections should be in communication with these facilities to assist with these efforts. Their local

governments should also be engaged and encouraged to make resources available to assist with improvements like purchasing secure drop boxes and hiring additional staff for that election cycle, if needed. In addition, facilities should designate a voting coordinator who helps incarcerated voters actualize their right to vote and who works with the SBE.

While improvements are still needed, DPSCS has gone beyond what is required and maintains an open line of communication with the SBE. Jails must be held to the same standards as more and more eligible voters are housed in these facilities. Better voter education programs and initiatives can easily be accomplished by utilizing the resources and tools being provided by the SBE, partnering with the local election board in that jurisdiction, and allowing directly impacted organizations to assist with voter education. The recommendations outlined below will help achieve these goals and set Maryland on path to building a democracy that allows all citizens – incarcerated or not – to have their voices heard in elections.



ABOVE:
Christopher
Dews, Joanne
Antoine,
Monica Cooper,
and DPSCS
administrators

ABOVE: Joanne Antoine, Monica Cooper, Christopher Dews, and Nicole Hanson-Mundell at a correctional facility



BELOW: Joanne Antoine, Monica Cooper, Qiana Johnson, Nicole Hanson-Mundell, Christopher Dews, Delegate Jheanne Wilkins and DPSCS administrators

RIGHT: Gwen
Levi and Monica
Cooper



RECOMMENDATIONS

Maryland General Assembly

- Establish a permanent Voting Rights Ombudsman position within the State Board of Elections to oversee implementation of voting programs taking place in correctional facilities. This official should make regular visits to covered facilities to ensure compliance with the law. Each year, the Ombudsman would be charged with making recommendations for compliance and consistency across the facilities. These recommendations should be included in the yearly report provided to the General Assembly by the SBE;
- Require that all correctional facilities allow for free calls to be made to the SBE voter hotline from the time the SBE mails packets to the facilities through Election Day;
- Expand the agencies in the Maryland Automatic Voter Registration program to include the DPSCS;
- Review process for voter cancellations, especially the communication between the courts and the local boards of elections, to ensure that no one else has their voter registration erroneously purged because of a prior incarceration.

Maryland State Board of Elections

- Ensure there is a clear chain of custody documenting the transfer of completed election related materials, especially voted ballots, from a correctional facility to a board of election. A chain of custody will ensure transparency, security, and trust in the remote voting process. Voted ballots should only be handled by election officials and that correctional staff should not deliver voted ballots, contrary to some current practices;
- Provide DPSCS and local correctional facilities with clear guidance on what data to track for reporting purposes. This should include details on the number of attempts made to reach an eligible voter and when those attempts are made, the number of eligible voters who decide to register, the number of eligible voters who request a mail-in ballot, whether there is a designated staffer doing outreach to voters on a specific day, and other process components. Facilities that are noncompliant should be included in the yearly report to the General Assembly. Noncompliance should also be reported to local governments and boards of election who can assist with enforcement. For example, Baltimore City's Board of Elections is also required to publish a report highlighting the performance of the programs in the facilities located within the jurisdiction but has not yet done so. The SBE should provide a copy of the report to the General Assembly;



Qiana Johnson at the Prince George's Co. Board of Elections

- Work with correctional units to ensure they develop a process for reporting instances of voter intimidation and ensure those instances are reported to the SBE and the General Assembly;
- Host at least one training each election cycle for local boards of elections to ensure they understand voter eligibility as it applies to this population of voters. The training should also address biases and cover basic security protocols in these facilities, so election officials feel confident and secure when they visit a facility in their jurisdiction;
- Partner with community leaders and organizations led by individuals who have been directly impacted by the criminal legal system, where possible, to ensure successful implementation of the *Value My Vote Act*. This includes featuring these individuals in videos being played in the facilities, contracting with their businesses on things like messaging and printing when possible, and more.

Local Correctional Facilities

- Designate at least one staff member, such as a reentry coordinator or social worker, in each facility to ensure voter engagement during each election cycle;
- Distribute information and reminders on a weekly basis and to each person released from custody for 90 days before primary and general election days;
- Post clear, up-to-date signage informing individuals of their right to vote in multiple languages;
- Work with the SBE and local government to purchase and install drop boxes;
- Give eligible voters multiple opportunities to register to vote and to vote, including direct asks, staff reminders, events, flyers, and information in common areas, and more, and engage nonpartisan organizations and advocates who are impacted by the criminal legal system;
- Create voting booths near drop boxes to ensure privacy and reduce risks of interference;
- Track visits from the SBE, ballot pick-ups, internal efforts to encourage voting, number of voters registered, number of voters who requested ballots, number of voters voted; and
- Embrace voter engagement as an opportunity for civic engagement, community connection, and recognized humanity and citizenship.

Department of Public Safety And Corrections

- Develop a clear process for reporting issues and voter intimidation to the SBE and create a process for notifying eligible incarcerated citizens of how to report these incidents;
- Immediately hire or assign the four dedicated, roving voter registration and voting outreach personnel named in the Fiscal and Policy Note to

create standards and best practices for registration and voting, create accountability and transparency by clarifying the obligations of jail administrators and local boards of elections, ensure equity in voting for eligible voters in jails and prisons, and commit to providing all required accommodations for voters inside correction facilities with disabilities and language barriers;

- Expand the usage of tablets during the election cycle so eligible voters can access digital nonpartisan voter guides and other voter information. Provide physical voter guides in areas that eligible voters can readily access;
- Be intentional when determining:
 - who best suited to distribute materials (example: social workers);
 - when best to distribute packets (example: during specific visits, rather than when delivering other materials); and
 - which messaging to use when asking eligible voters if they want to vote (example: “We’ve partnered with the State Board of Elections to ensure you have an opportunity to vote in this election. Do you want me to help you with registering to vote and requesting a ballot by mail?”);
- Host virtual training for corrections staff each election cycle educating staff on voter eligibility, covering how to properly complete a voter registration and ballot request form, and answering other basic questions that may come up about the election;
- Partner with state-based nonpartisan organizations, especially those led by individuals who have been directly impacted by the criminal legal system, to assist with voter education at least once each election.



Coalition partners getting out the vote

OTHER COALITION WORK IN 2022



Afeni Evans
dropping off voter
registration forms

Improved Voter Registration Language Approval by SBE

Nicole Hanson-Mundell of Out for Justice met with the SBE to push for a language change on the voter registration application oath describing eligibility of persons with convictions. She offered insight on the fact that most of the eligible voters who were previously incarcerated for a felony, or who are awaiting trial and have not yet been convicted, do not know that they have the right to vote. In simplifying the language on the application, Nicole helped remove another barrier that prevents a marginalized group of people from voting.

- The previous language was, “*Not have been convicted of a felony, or if you have, you have completed serving a court-ordered sentence of imprisonment.*”
- The new language is, “*Not be currently serving a sentence of imprisonment for a felony conviction.*”



Etta Myers and
Gwen Levi

Voter Van Success

The Maryland Justice Project in conjunction with Life After Release assumed the task of driving Black Voters Matter vehicles to get more Black individuals to the polls. During their time behind the wheel, they were able to travel to at least thirty events around the state of Maryland. As they traveled the highways and byways of Baltimore City, P.G County, Annapolis, Gambrills, Columbia, Largo, Forestville, White Marsh, Parkville, Glen Bernie and many more places, they encountered hundreds of people who were enthusiastic about voting. Besides traveling to events and getting out the word, they also drove individuals and families to the polls on Election Day. A highlight of their day included taking many elders between 80-90 years of age to the polls who were enthusiastic to have an accessible way to vote.

ACLU of Maryland Election Protection Campaign and Hotline

The ACLU of Maryland Election Protection Campaign consists of an Election Protection Hotline, on-the-ground investigators, advocacy with the SBE, and coalition support and coordination. The 2022 midterm election brought unprecedented insecurities and threats to a safe and secure election season. With voter intimidation and harassment at a high, the Election Protection Team worked to ensure that threats did not impact voters’ access to their right to vote and the integrity of the election system. By doing this, the Team was able to reduce barriers to voting and fight against voter disenfranchisement. Specific issues addressed by the Team included the relocation of polling places without sufficient notice or signage, delays in opening the polls, broken or offline voting machines, and voter intimidation and harassment from residents confronting elections officials and voters.



ACLU of Maryland
Election Protection
Hotline flyer

Out for Justice's Election Protection Hotline

Out for Justice provided a hotline for voters who were incarcerated or had previously been incarcerated. The team helped callers with their questions and concerns, and encouraged individuals to register to vote and to vote. This hotline was staffed by the same team members who do outreach in communities every day.

Common Cause Maryland Election Protection Efforts and Hotline

Common Cause Maryland, with the support of state partners, led the 866-OUR-VOTE nonpartisan election protection campaign in Maryland. 2022 efforts included assisting with efforts to reach returning citizens and monitoring the implementation of the *Value My Vote Act*. This included:

- Granting funding to partner organizations led by those impacted by the criminal legal system to assist with voter education.
- Providing materials and gas cards to support travel to correctional facilities throughout the state.
- Working with the League of Women Voters of Maryland to distribute print and digital voter guides to local jails and state prisons.
- Monitoring implementation of new mail-in voting laws and the canvass of ballots.
- Ensuring attorneys supporting the hotline provided correct information to assist returning citizens that may call the hotline.

Voting In State Medical Facilities

Disability Rights Maryland, a Coalition partner, also monitored and visited state psychiatric hospitals and nursing homes to ensure ballot access to voters in those facilities. While not the focus of this report, the General Assembly should consider creating a program to ensure access to voting for eligible citizens in these facilities as well as treatment centers.

Voting Inside in 2024

In advance of the 2024 Presidential General Election, the Expand the Ballot Coalition is working closely with the SBE and partners, including a fellow at Lawyers Committee for Civil Rights Under Law, to push for expanded access to voting for people in jails and prisons in Maryland.

Qiana Johnson speaking at a press conference



DEFINITIONS & ADDITIONAL RESOURCES

About the Expand the Ballot, Expand the Vote Coalition

Local Detention Centers (jails, local correctional facilities, etc.)

- In Maryland, each county has a local correctional facility, which can be called a correctional facility, detention center, or jail. People incarcerated in a county facility include people who are pre-trial, people serving sentences for misdemeanor convictions, and people serving short sentences for felony convictions.

State-Run Detention Centers and Prisons

- Maryland has a Department of Public Safety and Correctional Services, which runs the prisons across the state and the detention facilities located in Baltimore City.
- People incarcerated in prisons are typically individuals serving sentences for felony convictions. However, people serving sentences for misdemeanor convictions and people who are pre-trial are occasionally held in prisons.
- A list of all state-run facilities can be found here: <https://www.dpscs.state.md.us/locations/prisons.shtml>

Pre-trial

People who are “pre-trial” and incarcerated are people who are being held because they have been charged with a crime. Their cases remain pending and they have not been convicted of the charged crime.



Coalition partners at a press conference

ENDNOTES

- ¹ Mass Incarceration: The Whole Pie 2022, Prison Policy Initiative (2022), <https://www.prisonpolicy.org/reports/pie2020.html#slideshows/slideshow1/2>.
- ² Jackie O’Neil, Detained and Disenfranchised: Overcoming Barriers to Voting in Jail, NAACP LDF (2023), <https://www.naacpldf.org/detained-and-disenfranchised-voting-from-jail/>.
- ³ See *O’Brien v. Skinner*, 414 U.S. 524, 534 (1974).
- ⁴ Maryland Profile, Prison Policy Initiative (2023), <https://www.prisonpolicy.org/profiles/MD.html>.
- ⁵ Coalition seeks voting access for Marylanders awaiting trial, CBS News Baltimore (Oct. 19, 2022), <https://www.cbsnews.com/baltimore/news/coalition-seeks-voting-access-for-marylanders-awaiting-trial/>.
- ⁶ Maryland Profile, Prison Policy Initiative (2023), <https://www.prisonpolicy.org/profiles/MD.html>; Bernadette Rabuy & Daniel Kopf, Prisons of Poverty: Uncovering the pre-incarceration incomes of the imprisoned, Prison Policy Initiative (2015), <https://www.prisonpolicy.org/reports/income.html>; Leah Wang, Chronic Punishment: The unmet health needs of people in state prisons, Prison Policy Initiative (2022), <https://www.prisonpolicy.org/reports/chronicpunishment.html>; Lucius Couloute, Nowhere to Go: Homelessness among formerly incarcerated people, Prison Policy Initiative (2018), <https://www.prisonpolicy.org/reports/housing.html>.
- ⁷ Maryland Profile, Prison Policy Initiative (2023), <https://www.prisonpolicy.org/profiles/MD.html>.

APPENDICES

Appendix A: Sample letter to jail

Appendix B: *Value My Vote Act* text

Appendix C: *Value My Vote Act* Fiscal Note text

Appendix D: Jail Tour Checklist

Appendix E: Tips for Facilitating Voting in Jail



June 13, 2022



Dear Director [REDACTED]:

Each election cycle, many eligible voters are excluded from participating in the electoral process as a result of their pretrial detention or misdemeanor conviction. Eligible voters in jails and prisons have historically experienced difficulties accessing voter registration forms, mail-in request forms and ballots, and critical information on voting.

In 2021, the Maryland legislature passed the Value My Vote Act (HB 222) to help address these issues. Both HB 222 and its Fiscal and Policy Note (FPN) are attached for your convenience. According to the FPN, the correctional units implicated by the bill include DPSCS and the office of the sheriff of a county or other unit of government with responsibility for operating a local correctional facility or county detention center.

The Value My Vote Act requires the following:

- The State Board of Elections must:
 - Establish a program to inform eligible voters incarcerated in correctional facilities of upcoming elections and how to exercise the right to vote.
 - Disseminate certain information and instructions, provide opportunities for eligible voters to register to vote and to vote, and provide for the timely return of applications and ballots.
- Correctional facilities must:
 - Cooperate fully with the State Board and the local boards in implementing the program.

The Expand the Ballot coalition was central to the passage of the Value My Vote Act. The coalition is made up of several Maryland community-based organizations that work closely with the State Board of Elections (SBE) and state legislators to ensure that eligible incarcerated individuals are receiving the assistance and access they need to exercise their right to vote. To that end, **we are requesting tours** of local correctional facilities to observe the implementation of the Value My Vote Act and other voting infrastructure, including the mail-in voting and voter registration processes. We have agreed to share our observations with SBE and other officials we partner with.

Because we receive calls and letters from incarcerated individuals about voting, it would also be great for us to learn more about the processes in place so we can better inform people of the opportunities provided by your facility. We are excited to observe the implementation of the bill and hear from corrections officials about the voting procedures in place at your facility.

As we know it is likely too late to request local facilities to **install ballot drop boxes** for the Maryland gubernatorial primary on July 19, 2022, we are urging each facility to install a drop box ahead of the general election on November 8, 2022. These drop boxes have already been installed in state-run jails and prisons. For the primary, if there is no drop box on site, eligible incarcerated voters will need to vote by mail. It is crucial that individuals voting by mail receive the materials necessary to register to vote and their ballots with plenty of time to complete them before the deadline, and that the facility prioritize quick processing (incoming and outgoing) of any voting-related mail.

The following are deadlines eligible voters in your facility should be aware of:

- **To register to vote for the primary:**
 - June 28, 2022
- **To register to vote for the general election:**
 - October 18, 2022
- **To request a mail-in ballot for the primary:**
 - By mail or fax: July 12, 2022
 - By email: July 15, 2022
- **To request a mail-in ballot for the general election:**
 - By mail or fax: November 12, 2022
 - By email: November 4, 2022

Finally, we are requesting that each facility add the State Board of Elections call center number (410-269-2840) and the Out For Justice hotline (443-692-7132) to its **free call list** and that voter registration packets be distributed to eligible voters at intake and made available consistently during the months leading up to an election.

If a representative from your facility would be willing to give a tour to a representative from our coalition, we would greatly appreciate a response to this letter so we can begin making arrangements.

Thank you very much for your time, and we look forward to hearing back from you.

Sincerely,

Out for Justice
Maryland Justice Project
Life After Release
Common Cause Maryland
Job Opportunities Task Force
ACLU of Maryland

HOUSE BILL 222

G1

(11r1472)

ENROLLED BILL

— *Ways and Means and Judiciary/Education, Health, and Environmental Affairs and
Judicial Proceedings* —

Introduced by **Delegate Wilkins**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

AN ACT concerning

~~Value My Vote Act~~

Election Law – Correctional Facilities – Voter Registration and Voting

FOR the purpose of requiring the Department of Public Safety and Correctional Services to provide each individual who is released from a correctional facility with a voter registration application and documentation with certain papers, display a certain sign in each parole and probation office, and post a certain notice on the Department’s website; ~~requiring correctional facilities to display certain signs in certain areas; requiring correctional facilities to provide a certain drop box that incarcerated individuals may use to submit election related materials to election officials; requiring correctional facilities to return ballots addressed to certain individuals to the local board of elections; requiring correctional facilities to designate an employee who will serve as a certain point of contact between the State Board of Elections and the correctional facility for the implementation of certain~~

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.

Italics indicate opposite chamber / conference committee amendments.



~~provisions of this Act; requiring each correctional facility to cooperate fully with the State Board and the local boards in implementing certain requirements; requiring the State Board of Elections of Elections to adopt certain regulations establishing a program to inform eligible voters incarcerated in correctional facilities of upcoming elections and how to exercise the right to vote; requiring the regulations to require the State Board or local boards of elections of elections to disseminate certain information and instructions, provide certain opportunities for eligible voters to register to vote and to vote, and and provide for the timely return of certain applications and ballots, and pick up certain materials on a certain basis; requiring each correctional facility to cooperate fully with the State Board and the local boards in implementing the program; prohibiting the State Board or a local board from being required to disclose certain information concerning an incarcerated individual; requiring the State Board to engage certain organizations to facilitate voting by eligible voters; requiring the State Board to submit a certain report on or before a certain date each year to certain committees of the General Assembly; establishing a Voting Rights Ombudsman for Incarcerated Individuals; providing for the appointment and removal of the Ombudsman; requiring the Ombudsman to perform certain functions; authorizing the Ombudsman to conduct certain visits to correctional facilities to facilitate implementation of certain provisions of this Act; authorizing the Department and correctional facilities to limit the Ombudsman's access to certain areas within correctional facilities under certain circumstances; requiring the Ombudsman to comply with certain security requirements before gaining access to a correctional facility; requiring the Ombudsman to submit a certain report to the State Board each year; requiring the State Board to provide a certain voter hotline for incarcerated individuals; requiring the State Board and the local boards to adopt certain regulations in collaboration with the Department and correctional facilities; defining certain terms; and generally relating to voter registration and voting by eligible voters who are released from a correctional facility or incarcerated in a correctional facility.~~

BY adding to

Article – Correctional Services

~~Section 2-501 and 2-502 to be under the new subtitle “Subtitle 5. Voting Rights of Incarcerated and Released Individuals”~~ *Section 2-501*

Annotated Code of Maryland

(2017 Replacement Volume and 2020 Supplement)

BY adding to

Article – Election Law

Section 1-303.1 ~~through 1-303.3~~

Annotated Code of Maryland

(2017 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, without amendments,

Article – Election Law

Section 3-102

Annotated Code of Maryland

1 (2017 Replacement Volume and 2020 Supplement)

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

4 **Article – Correctional Services**

5 ~~**SUBTITLE 5. VOTING RIGHTS OF INCARCERATED AND RELEASED INDIVIDUALS.**~~

6 **2-501.**

7 **THE DEPARTMENT SHALL:**

8 (1) PROVIDE EACH INDIVIDUAL WHO IS RELEASED FROM A
9 CORRECTIONAL FACILITY WITH A VOTER REGISTRATION APPLICATION AND
10 DOCUMENTATION WITH THE INDIVIDUAL'S DISCHARGE PAPERS THAT INFORMS THE
11 INDIVIDUAL THAT THE INDIVIDUAL'S VOTING RIGHTS HAVE BEEN RESTORED;

12 (2) DISPLAY A SIGN IN EACH PAROLE AND PROBATION OFFICE, IN A
13 CONSPICUOUS LOCATION WHERE NOTICES TO THE PUBLIC ARE CUSTOMARILY
14 POSTED, INDICATING THAT ANY INDIVIDUAL WHO IS NO LONGER INCARCERATED
15 HAS THE RIGHT TO VOTE; AND

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

19 ~~**2-502.**~~

20 ~~**(A) EACH CORRECTIONAL FACILITY SHALL:**~~

21 ~~**(1) DISPLAY SIGNS DEVELOPED BY THE STATE BOARD OF ELECTIONS**~~
22 ~~**UNDER § 1-303.1 OF THE ELECTION LAW ARTICLE IN ALL AREAS WHERE**~~
23 ~~**INDIVIDUALS ARE PROCESSED DURING INTAKE OR FOR RELEASE AND IN**~~
24 ~~**APPROPRIATE AREAS WHERE THERE IS HIGH VISIBILITY;**~~

25 ~~**(2) PROVIDE A SECURE, DESIGNATED DROP BOX THAT**~~
26 ~~**INCARCERATED INDIVIDUALS MAY USE TO EASILY SUBMIT ELECTION RELATED**~~
27 ~~**MATERIALS TO ELECTION OFFICIALS;**~~

28 ~~**(3) IF THE CORRECTIONAL FACILITY RECEIVES A BALLOT**~~
29 ~~**ADDRESSED TO AN INDIVIDUAL WHO HAS BEEN RELEASED FROM INCARCERATION,**~~
30 ~~**RETURN THE BALLOT TO THE LOCAL BOARD; AND**~~

~~(4) DESIGNATE AN EMPLOYEE WHO WILL SERVE AS THE PRIMARY POINT OF CONTACT BETWEEN THE STATE BOARD OF ELECTIONS AND THE CORRECTIONAL FACILITY FOR THE IMPLEMENTATION OF THIS SUBSECTION.~~

~~(B) EACH CORRECTIONAL FACILITY SHALL COOPERATE FULLY WITH THE STATE BOARD OF ELECTIONS AND THE LOCAL BOARDS OF ELECTIONS IN IMPLEMENTING THIS SECTION.~~

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:

(I) IS INCARCERATED IN A CORRECTIONAL FACILITY; AND

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

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

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

(1) DISSEMINATE INFORMATION ON ELIGIBILITY REQUIREMENTS TO REGISTER TO VOTE AND VOTER REGISTRATION APPLICATIONS TO ELIGIBLE VOTERS ~~AT LEAST TWICE DURING THE PERIOD BEGINNING AT LEAST 30 60 30 DAYS BEFORE THE DEADLINE TO REGISTER TO VOTE BEFORE EACH ELECTION AND ENDING ON THE DEADLINE TO REGISTER TO VOTE BEFORE EACH ELECTION;~~

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

1 (3) PROVIDE FREQUENT OPPORTUNITIES FOR ELIGIBLE VOTERS TO
2 REGISTER TO VOTE AND TO VOTE; ~~AND AND~~

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

6 ~~(5) PICK UP ON A REGULAR BASIS ELECTION RELATED MATERIALS
7 THAT HAVE BEEN PLACED IN A DROP BOX UNDER § 2-502(A)(3) OF THE
8 CORRECTIONAL SERVICES ARTICLE.~~

9 (D) ~~(1)~~ EACH CORRECTIONAL FACILITY SHALL COOPERATE FULLY WITH
10 THE STATE BOARD AND THE LOCAL BOARDS IN IMPLEMENTING THE PROGRAM
11 REQUIRED UNDER THIS SECTION.

12 ~~(2) NOTWITHSTANDING TITLE 4 OF THE GENERAL PROVISIONS
13 ARTICLE, THE STATE BOARD OR A LOCAL BOARD MAY NOT BE REQUIRED TO
14 DISCLOSE ANY IDENTIFYING INFORMATION CONCERNING AN INCARCERATED
15 INDIVIDUAL THAT THE STATE BOARD OR A LOCAL BOARD OBTAINS FROM A
16 CORRECTIONAL FACILITY FOR THE PURPOSE OF IMPLEMENTING THE PROGRAM
17 UNDER THIS SECTION.~~

18 ~~(3) THE STATE BOARD SHALL ENGAGE NONPARTISAN COMMUNITY
19 ORGANIZATIONS TO FACILITATE VOTING BY ELIGIBLE VOTERS.~~

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

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

29 (2) THE NUMBER OF TIMES THE STATE BOARD OR A LOCAL BOARD OF
30 ELECTIONS VISITED EACH CORRECTIONAL FACILITY DURING THE IMMEDIATELY
31 PRECEDING CALENDAR YEAR, THE DURATION OF EACH VISIT, AND A DESCRIPTION
32 OF THE WORK DONE AT EACH CORRECTIONAL FACILITY;

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

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

3 ~~(5) A DESCRIPTION OF ANY VIOLATIONS OF THIS SECTION OR~~
4 ~~VIOLATIONS OF TITLE 2, SUBTITLE 5 OF THE CORRECTIONAL SERVICES ARTICLE~~
5 ~~THAT WERE REPORTED BY THE VOTING RIGHTS OMBUDSMAN FOR INCARCERATED~~
6 ~~INDIVIDUALS UNDER § 1-303.2(F) OF THIS SUBTITLE.~~

7 ~~1-303.2.~~

8 ~~(A) IN THIS SECTION, "OMBUDSMAN" MEANS THE VOTING RIGHTS~~
9 ~~OMBUDSMAN FOR INCARCERATED INDIVIDUALS.~~

10 ~~(B) THERE IS A VOTING RIGHTS OMBUDSMAN FOR INCARCERATED~~
11 ~~INDIVIDUALS.~~

12 ~~(C) (1) THE STATE ADMINISTRATOR FOR THE STATE BOARD SHALL~~
13 ~~APPOINT THE OMBUDSMAN.~~

14 ~~(2) THE OMBUDSMAN MAY BE REMOVED FROM OFFICE BY THE STATE~~
15 ~~ADMINISTRATOR AFTER A FINDING OF INCOMPETENCY OR OTHER GOOD CAUSE.~~

16 ~~(D) THE OMBUDSMAN SHALL:~~

17 ~~(1) OVERSEE THE IMPLEMENTATION OF §§ 1-303.1 AND 1-303.3 OF~~
18 ~~THIS SUBTITLE AND TITLE 2, SUBTITLE 5 OF THE CORRECTIONAL SERVICES~~
19 ~~ARTICLE; AND~~

20 ~~(2) MAKE RECOMMENDATIONS TO THE STATE BOARD, THE~~
21 ~~DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, AND~~
22 ~~CORRECTIONAL FACILITIES ON APPROPRIATE COMMUNITY ORGANIZATIONS AND~~
23 ~~PARTNERSHIPS TO ASSIST IN FACILITATING VOTING BY INCARCERATED~~
24 ~~INDIVIDUALS.~~

25 ~~(E) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, THE~~
26 ~~OMBUDSMAN MAY CONDUCT SCHEDULED VISITS TO CORRECTIONAL FACILITIES TO~~
27 ~~FACILITATE IMPLEMENTATION OF §§ 1-303.1 AND 1-303.3 OF THIS SUBTITLE AND~~
28 ~~TITLE 2, SUBTITLE 5 OF THE CORRECTIONAL SERVICES ARTICLE.~~

29 ~~(2) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL~~
30 ~~SERVICES AND CORRECTIONAL FACILITIES MAY LIMIT ACCESS TO AREAS WITHIN~~
31 ~~CORRECTIONAL FACILITIES WHEN RESTRICTIONS ARE REQUIRED FOR THE SAFETY~~
32 ~~OF THE OMBUDSMAN OR FOR THE EFFICIENT FUNCTIONING OF THE CORRECTIONAL~~
33 ~~FACILITIES.~~

~~(3) THE OMBUDSMAN SHALL OBTAIN A SECURITY CLEARANCE IF REQUIRED AND COMPLY WITH ALL OTHER SECURITY REGULATIONS BEFORE GAINING ACCESS TO A CORRECTIONAL FACILITY.~~

~~(F) ON OR BEFORE JANUARY 1 EACH YEAR, THE OMBUDSMAN SHALL SUBMIT A WRITTEN REPORT TO THE STATE BOARD ON THE IMPLEMENTATION OF §§ 1-303.1 AND 1-303.3 OF THIS SUBTITLE AND TITLE 2, SUBTITLE 5 OF THE CORRECTIONAL SERVICES ARTICLE.~~

~~1-303.3.~~

~~(A) THE STATE BOARD SHALL PROVIDE A TOLL FREE VOTER HOTLINE FOR INCARCERATED INDIVIDUALS TO RECEIVE INFORMATION ABOUT VOTING, REQUEST VOTING MATERIALS, AND REPORT VOTING RIGHTS VIOLATIONS.~~

~~(B) THE STATE BOARD SHALL ADOPT REGULATIONS IN COLLABORATION WITH THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES AND CORRECTIONAL FACILITIES FOR THE ADMINISTRATION OF THE VOTER HOTLINE.~~

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:

HOUSE BILL 222

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

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

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

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
9 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.

Department of Legislative Services
 Maryland General Assembly
 2021 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

House Bill 222

(Delegate Wilkins)

Ways and Means and Judiciary

Education, Health, and Environmental Affairs
 and Judicial Proceedings

Election Law - Correctional Facilities - Voter Registration and Voting

This bill requires the Department of Public Safety and Correctional Services (DPSCS) to take specified actions to provide individuals released from a 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 also requires the State Board of Elections (SBE) to (1) adopt regulations establishing a program to facilitate voter registration and voting by individuals incarcerated in a correctional facility who have the right to vote and (2) report annually on the program and the implementation of the bill as a whole. **The bill takes effect June 1, 2021.**

Fiscal Summary

State Effect: General fund expenditures increase by at least \$179,400 in FY 2022; future years reflect annualization and ongoing costs. Revenues are not affected.

(in dollars)	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	179,400	160,500	164,600	169,800	175,100
Net Effect	(\$179,400)	(\$160,500)	(\$164,600)	(\$169,800)	(\$175,100)

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

Local Effect: Local government expenditures increase, collectively, by at least \$179,400 in FY 2022, with ongoing costs in future years. Certain jurisdictions may also incur additional costs, as discussed below. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary:

Voter Registration Materials and Voting Rights Information

The bill requires DPSCS to:

- provide each individual who is released from a State or local 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.

Eligible Voter Program

The bill requires SBE to adopt regulations establishing a program to inform individuals incarcerated in a correctional facility who have the right to vote (referred to as "eligible voters" under the bill) of upcoming elections and how they may exercise the right to vote. Under this section of the bill, "correctional facility" is defined as a facility for detaining or confining individuals that is operated by a correctional unit. "Correctional unit" is defined as a unit of Maryland State or local government that is directly responsible for the care, custody, and control of individuals committed to the custody of the unit for the commission or alleged commission of a crime or an act that would be a crime if committed by an adult. Correctional unit includes DPSCS, the Department of Juvenile Services (DJS), and the office of the sheriff of a county or other unit of government with responsibility for operating a local correctional facility or county detention center.

Each correctional facility must cooperate fully with SBE and the local boards of elections in implementing the program. The regulations adopted by SBE must require SBE or the local boards of elections to:

- disseminate information on eligibility requirements to register to vote and voter registration applications to eligible voters at least 30 days before the deadline to register to vote before each election;
- disseminate instructions on absentee voting, absentee ballot applications, and absentee ballots before each election in a timely manner;

- provide frequent opportunities for eligible voters to register to vote and to vote; and
- provide for the timely return of voter registration applications, absentee ballot applications, and absentee ballots completed by eligible voters.

Reporting

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 the following information, disaggregated by correctional facility:

- the number of eligible voters who registered to vote, attempted to vote, and voted successfully by absentee ballot during the immediately preceding calendar year;
- the number of times SBE 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;
- a description of any obstacles to implementing the provisions of the bill; and
- any recommendations for improving the implementation of the bill.

Current Law:

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; (5) through SBE's online voter registration system; or (6) at an early voting center or an election day polling place in their county of residence.

Absentee (Mail-in) Voting

An individual may vote by absentee (mail-in) 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 or (2) delivering it in person to an early voting center or to the local board of elections or an election day polling place by the close of polls on election day.

State and Local Fiscal Effect:

Dedicated Outreach Personnel

State general fund and local government expenditures increase, collectively, by at least \$358,833 (split 50/50 between the State and local governments, \$179,417 each) in fiscal 2022, which accounts for the bill's June 1, 2021 effective date and assumes a four-month start-up delay. This estimate reflects the cost of hiring at least four correctional officers to be dedicated, roving voter registration and voting outreach personnel for correctional facilities (as defined with respect to the eligible voter program under the bill, including DPSCS, DJS, and local facilities) across the State. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses. The information and assumptions used in calculating the estimate are stated below:

- Hiring a small number of dedicated personnel, that have training and experience as correctional officers, who will work closely with the State and local boards of elections (potentially based in elections offices through an interagency agreement or agreements) and travel to the various correctional facilities across the State, operating an ongoing, year-round program, appears to be an efficient and effective method of implementing the eligible voter program contemplated by the bill, in comparison to individual elections offices and correctional facilities managing the need for additional resources that the bill may create and potentially collectively spending a greater amount on additional resources than is needed for a small number of dedicated, roving personnel.
- The dedicated outreach personnel will travel to approximately 60 DPSCS, DJS, and local facilities on an ongoing, year-round basis, providing outreach in the correctional facilities regarding voter registration, voting rights, and absentee voting, and recording the names of, and any other necessary information on, the individuals they interact with to provide to SBE to use in combination with their voter records to report on the effectiveness of the program as required under the bill.

- For the purposes of this estimate, it is assumed the cost of the dedicated outreach personnel is split 50/50 between the State and local governments, since the officers would be serving both State and local facilities, but presumably the cost could also be borne solely by the State or shared between the State and the local governments in proportions other than a 50/50 split.
- Depending on the amount of time that must be spent on the program’s efforts at each facility, more than four dedicated outreach personnel may be needed.

Position(s)	4
Salaries and Fringe Benefits	\$215,808
Vehicles	80,000
Other Operating Expenses	63,025
Total FY 2022 State/Local Expenditures	\$358,833

Future year expenditures reflect full salaries with annual increases and employee turnover and ongoing operating expenses.

Additional Local Costs

To the extent the bill requires correctional facilities to determine which individuals within the facility are eligible voters, at least with respect to whether or not they are disqualified because they are incarcerated for a felony, local correctional facilities may incur additional costs to do so. The Montgomery County Department of Correction and Rehabilitation, for example, indicates it would incur a cost of \$155,000 in fiscal 2022 and \$9,600 annually thereafter for the development and maintenance of a computer system to track and report that information.

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: HB 568 of 2020 passed the House with amendments and was referred to the Senate Education, Health, and Environmental Affairs Committee and the Senate Judicial Proceedings Committee, but no further action was taken. Its cross file, SB 372, received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken.

Designated Cross File: SB 224 (Senator West) - Education, Health, and Environmental Affairs and Judicial Proceedings.

Information Source(s): State Board of Elections; Department of Public Safety and Correctional Services; Department of Juvenile Services; Harford, Montgomery, and Wicomico counties; Department of Legislative Services

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rh/hlb Third Reader - April 2, 2021
Revised - Amendment(s) - April 2, 2021
Enrolled - May 7, 2021
Revised - Amendment(s) - May 7, 2021

Analysis by: Scott D. Kennedy

Direct Inquiries to:
(410) 946-5510
(301) 970-5510



Correctional Facility Voting Infrastructure Checklist

Facility: _____

County: _____ **Type:** State Prison Local Jail

Date: _____ **Time:** _____

Attendees: _____

Population statistics

- Population size of this specific day: _____
- Number of eligible voters: _____
 - How many of these voters are pre-trial? _____
 - How many of these voters are serving for misdemeanors? _____
- Can we speak to someone incarcerated here about their experience voting?
 - If not, can we get names of a few people to write letters to? _____

Other Notes: _____

Drop box at the facility

- Drop box located inside
- Drop box located outside
- Drop box locked
- Clearly labeled
- Camera is facing drop box and is turned on
- Is the dropbox full? _____

Notes related to drop boxes: _____

Voting Signage

- Conspicuous location
- Accurate/Correct voting information
- Readable/Accessible

- Have clear deadlines posted about when to register and return ballots?
- Sign in probation and parole office detailing that inmates are eligible to vote
 - Clear sign
 - Not found
- Notice easily found on the website detailing that any formerly incarcerated individual is eligible to vote

Notes related to signage: _____

Distribution of election materials

- Are eligible individuals provided with voter packets at intake?
- Are packets distributed to eligible voters regularly during election years?
- Is each individual released provided with a voter registration application and documentation informing them that their voting rights have been restored?
 - Dates offered

Coordination with election officials

- Received and Distributed packets
- Assistance provided to voters?
- # of time election officials have visited so far: _____

Local Board

- How often are they picking up? _____
- Contact Info for an election official
 - Name
 - Email
 - Phone #
- Any obstacles?

Facility Designee (point on election efforts):

- Name _____
- Email _____
- Phone # _____

**EXPAND
THE BALLOT**
EXPAND THE VOTE

**Tips for Providing
Equal Access to Voting
in Jails and Prisons**

**MAKE VOTING MATERIALS AVAILABLE
THROUGHOUT THE FACILITY**

- Distribute voter packets from State Board of Elections (SBE) at intake, which include:
 - SBE cover letter specifically for voters in jails and prisons
 - Voter registration form
 - Mail-in ballot request form
- At release, distribute voter registration forms
- Prioritize voting-related mail and provide ample time for ballot requests to be processed and ballots to be received and returned in the mail prior to deadlines (mailing voter registration forms, ballot requests, and ballots at least two days prior to deadlines)
- Add the State Board of Elections (410-269-2840) and Expand the Ballot Coalition (443-692-7132) hotlines to your free call list for people to call with questions related to voting
- Add information about voting into any messaging systems your facility utilizes (TV, speaker announcements, bulletins, etc.)

**PROVIDE VOTING
INFORMATION OFTEN**

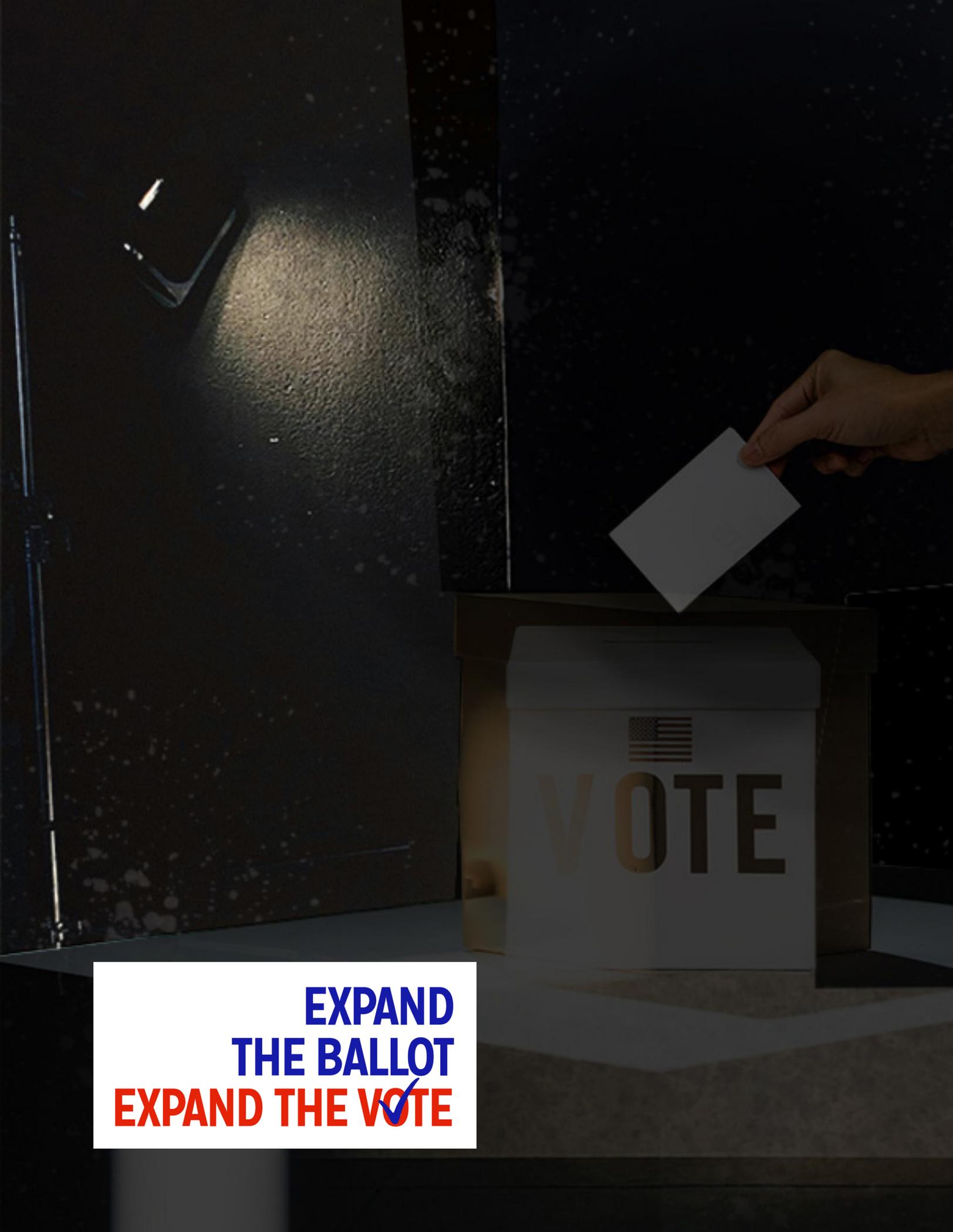
- During election years, hold sessions for eligible voters that include information about:
 - Their right to vote
 - The voting process/timeline
 - How to register to vote and upcoming voter registration clinics
 - Key deadlines
 - How to access information about issues and candidates on the ballot
 - The League of Women Voters puts out nonpartisan voter guides that can be distributed to voters
- Establish a working relationship with your local board of elections and invite them to help with voter registration
- Consider inviting civic organizations like your local League of Women Voters or NAACP chapter to help with voter registration. Involving community organizations increases trust in the process and supports re-entry goals by connecting individuals with organizations that provide support, resources, and community engagement to individuals coming home

The Expand the Ballot Coalition is a coalition led by Out for Justice, Maryland Justice Project, Life After Release, Common Cause Maryland, Job Opportunities Task Force, and ACLU of Maryland

Expand the Ballot Coalition Hotline: 443-692-7132

SPECIAL THANKS TO THE REPORT PRODUCTION TEAM

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**EXPAND
THE BALLOT
EXPAND THE VOTE**