

Report on Voter Registration and Voting in Correctional Facilities

Election Law Article, Section 1-303.2(e)

State Board of Elections

January 15, 2024

STATE BOARD OF ELECTIONS

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Via Electronic Mail

January 12, 2024

The Honorable Brian Feldman, Chair
Senate Education, Health & Environmental Affairs
Committee
Miller Senate Office Building, Suite 2W
11 Bladen Street
Annapolis, MD 21401

The Honorable Vanessa E. Atterbeary, Chair
House Ways and Means Committee
House Office Building, Room 131
6 Bladen Street
Annapolis, MD 21401

Re: Report required by Election Law Article § 1-303.2(e) (MSAR #13223)

Dear Senator Feldman and Delegate Atterbeary:

The purpose of this letter is to fulfill the reporting requirements of HB222 of 2021, which requires that the State Board of Elections (SBE) "submit a report to the Senate Education, Health, and Environmental Affairs Committee and the House Ways and Means Committee, in accordance with § 2-1257 of the State Government Article, that includes the following information, disaggregated by correctional facility:

- (1) the number of eligible voters who registered to vote, attempted to vote, and voted successfully by absentee ballot during the immediately preceding calendar year;
- (2) the number of times the State Board or a local board of elections visited each correctional facility during the immediately preceding calendar year, the duration of each visit, and a description of the work done at each correctional facility;
- (3) a description of any obstacles to implementing this section or § 2-501 of the Correctional Services Article; and
- (4) any recommendations for improving the implementation of this section or § 2-501 of the Correctional Services Article."

In order to determine the number of eligible voters who registered to vote, the Department of Public Safety and Correctional Services (DPSCS) provides SBE with a list of individuals who were eligible voters who were incarcerated at any DPSCS facility at any point during the previous year¹. SBE must then cross-reference that list with the statewide voter registration database.

In the previous calendar year (2023), 470 incarcerated individuals registered to vote. 467 of those who registered are currently active voters, and 3 are currently inactive voters. Prior to 2023, 4,097 incarcerated individuals were already registered to vote. Therefore, at the end of 2023, there were a total of 4,567 incarcerated individuals under the supervision of the Department of Public Safety and Correctional Services registered to vote. Since 2023 was not an election year, there were no eligible voters that attempted to vote or voted successfully by absentee (mail-in) ballot. Please see Appendix 1 for the list detailing the disaggregated number of voters by facility.

¹ DPSCS identifies eligible voters based on their pre-trial or conviction status.

January 12, 2024

SBE visited two facilities in 2023 to attend resource fairs. The Agency attempted to register for a third resource fair. Despite making this attempt on the first day of registration, the event was full. The main purpose for visits to the correctional facilities was to conduct voter outreach. On July 20, 2023, a representative from the State Board of Elections went to the Dorsey Run Correctional Facility to hand out “know your rights” flyers² and provide an opportunity for incarcerated individuals to register to vote. The SBE representative registered three individuals to vote that day, and handed out numerous flyers. On September 25, 2023, a representative from the State Board of Elections also attended the Eastern Correctional Institution Career and Research fair to continue inmate voter outreach.

Several of the obstacles to implementing the requirements of HB222 remain the same as those reported in the past. As reported in previous reports, obtaining the information from each county’s correctional facility remains an obstacle, because there is not a statewide database of detained and incarcerated individuals. There are 25 correctional facilities at the local level³ (not counting Baltimore City facilities which are under the purview of DPSCS), and each one uses its own system to track inmates and detainees. Requiring local facilities to provide the information required in this report and provide that information by a specific date would be helpful in preparing this report.

As the Agency continues to improve, expand and institutionalize practices required by HB222, it is clear that the implementation is an important, yet time consuming task. The procurement of a printing vendor, coordination of drop box placement and pick up, as well as communicating with correctional institutions around the State is an immense undertaking. This undertaking draws on the same resources used by SBE to conduct all election preparation tasks during the same time period where other election preparation tasks are beginning. As such, limited staffing is not only a hurdle to implementation, but also a recommendation for improving implementation. An additional staff member responsible for implementing this program and conducting voter outreach for incarcerated individuals would greatly assist with implementation and continued tracking efforts.

As we prepare for the 2024 election cycle, we will continue to work with DPSCS and local correctional facilities to identify additional ways to educate eligible individuals in correctional facilities about the voting process and increase voter participation by eligible individuals. Thank you for the opportunity to share this information with you. If you have questions, do not hesitate to contact me at 443.833.2825 or maryann.mogavero@maryland.gov.

Sincerely,



Mary Ann Mogavero
State Board of Elections

cc: The Honorable Bill Ferguson, President, Senate of Maryland
The Honorable Adrienne A. Jones, Speaker, Maryland
Sarah Albert, Department of Legislative Services (5 copies)

² Know Your Rights Flyer attached as Appendix 2.

³ There are two facilities in both Anne Arundel and Montgomery Counties.

Appendix 1- List of Eligible Voters by Correctional Facility

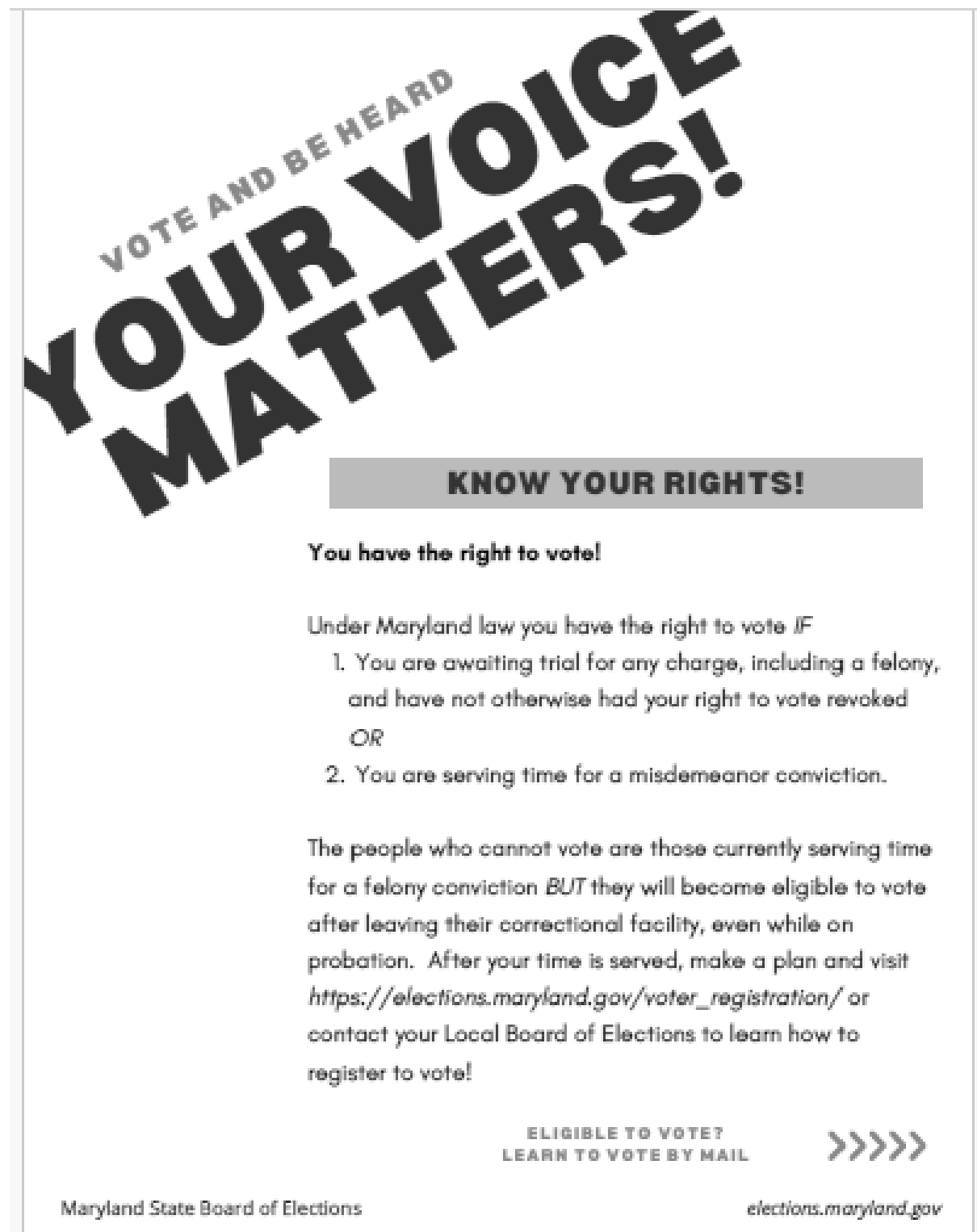
(Note the report received from DCPCS included 1 voter that was not associated with a facility. It is listed as "Other/Unnamed" below).

FACILITY	2023 Eligible Voters
Baltimore Central Booking and Intake Center (BCBIC)	288
Baltimore City Correctional Center (BCCC)	4
Brockridge Correctional Facility (BCF)	0
Chesapeake Detention Facility (CDF)	2
Central Home Detention Unit (CHDU)	5
Central Maryland Correctional Facility (CMCF)	2
Dorsey Run Correctional Facility (DRCF)	9
Eastern Correctional Institution Annex (ECI-A)	11
Eastern Correctional Institution East (ECI-E)	8
Eastern Correctional Institution West (ECI-W)	5
Jessup Correctional Institution (JCI)	8
Local	0
Maryland Correctional Institution - Hagerstown (MCIH)	3
Maryland Correctional Institution - Jessup (MCIJ)	4
Maryland Correctional Institution - Women (MCIW)	5
Maryland Correctional Training Center (MCTC)	4
Maryland Reception, Diagnostic and Classification Center (MRDCC)	34
Maryland Transition Center (MTC)	59
North Branch Correctional Institution (NBCI)	0
Patuxent Institution (PATXNT)	3
Poplar Hill Pre-release Unit (PHPRU)	0
Roxbury Correctional Institution (RCI)	5
Western Correctional Institution (WCI)	2
Youth Detention Center (YDC)	8
Other/Unnamed	1
TOTAL	470

Source: Offender Case Management System and the Maryland Statewide Voter Registration database

Appendix 2 -Know Your Rights Flyer

Front Side



The flyer features a large, bold, diagonal headline "YOUR VOICE MATTERS!" in black. Above it, the phrase "VOTE AND BE HEARD" is written in a smaller, grey, sans-serif font. Below the headline, a grey rectangular box contains the text "KNOW YOUR RIGHTS!" in bold black letters. The main body of the flyer is white with black text. It starts with the heading "You have the right to vote!" followed by a paragraph stating that under Maryland law, one has the right to vote if they are awaiting trial for any charge (including a felony) and have not had their right to vote revoked, or if they are serving time for a misdemeanor conviction. A paragraph then explains that people currently serving time for a felony conviction cannot vote, but will become eligible after leaving their correctional facility, even while on probation. It advises them to make a plan and visit the website https://elections.maryland.gov/voter_registration/ or contact their Local Board of Elections to learn how to register to vote. At the bottom, there is a section titled "ELIGIBLE TO VOTE? LEARN TO VOTE BY MAIL" with five right-pointing chevrons to its right. The footer contains the text "Maryland State Board of Elections" on the left and "elections.maryland.gov" on the right.

VOTE AND BE HEARD

YOUR VOICE MATTERS!

KNOW YOUR RIGHTS!

You have the right to vote!

Under Maryland law you have the right to vote *IF*

1. You are awaiting trial for any charge, including a felony, and have not otherwise had your right to vote revoked
- OR*
2. You are serving time for a misdemeanor conviction.

The people who cannot vote are those currently serving time for a felony conviction *BUT* they will become eligible to vote after leaving their correctional facility, even while on probation. After your time is served, make a plan and visit https://elections.maryland.gov/voter_registration/ or contact your Local Board of Elections to learn how to register to vote!

**ELIGIBLE TO VOTE?
LEARN TO VOTE BY MAIL** >>>>>

Maryland State Board of Elections elections.maryland.gov

Exercise your Right to Vote

**Are you eligible to vote while incarcerated?
Voting by mail is easy and free!**

1. Determine your eligibility to vote (see reverse side)
2. Ask for a voter registration and mail-in ballot application packet. Application packets can be obtained from administration or resource fairs. Need help filling it out? Please ask for assistance when picking up your applications.
3. Complete your applications before the deadlines and drop them in the ballot drop box at your facility.
 - April 23 - Deadline to register to vote
 - May 7 - Deadline to request a mail-in ballot (must be received by this date, so please submit it early)
4. Vote! Once you received your ballot you can vote for President and other important elected positions. Be sure to place your ballot in your facility's drop box by election day, May 14.