

Chapter 646

(Senate Bill 525)

AN ACT concerning

Baltimore City Department of Public Safety and Correctional Services and
State Board of Elections – Centralized Booking Facility – ~~Voting Information~~
and ~~Early Voting Polling Place~~ Ballot Drop Box

FOR the purpose of requiring the Baltimore City centralized booking facility to provide a certain drop box for eligible voters and to monitor the ballot drop box in a certain manner; requiring the Baltimore City centralized booking facility to disseminate certain written ~~information and instructions~~ notifications directly to each eligible voter; requiring the State Board of Elections ~~and the local board of elections for Baltimore City~~ to provide the Baltimore City centralized booking facility with certain written materials, the ballot drop box, and certain advice and guidance; ~~requiring the local board of elections for Baltimore City, in collaboration with the State Board and the Department of Public Safety and Correctional Services, to establish an early voting polling place at the Baltimore City centralized booking facility; requiring that the early voting polling place be open on certain days and for certain hours, be for the use of eligible voters and closed to the public, and be in addition to certain early voting centers; requiring the State to pay for the ballot drop box; requiring the Baltimore City centralized booking facility to cooperate with the State Board in a certain manner for a certain purpose; requiring the State Board to adopt certain regulations and guidelines for the administration of early voting at the early voting polling place in collaboration with the Department of Public Safety and Correctional Services to provide a certain drop box and certain notifications; requiring that the regulations and guidelines provide that certain provisions of law that concern voting on election day apply to early voting at the early voting polling place to the extent appropriate; requiring the State Board to provide the ballot drop box to the Baltimore City centralized booking facility in time to allow eligible voters certain opportunity to submit certain materials before certain deadlines; requiring the local board of elections for Baltimore City to provide staff to collect certain election-related materials on a certain basis and the ballot drop box after a certain deadline; requiring the local board of elections for Baltimore City to distribute certain election-related materials collected from the ballot drop box in a certain manner; requiring the State Board, the local board of elections for Baltimore City, and the Department of Public Safety and Correctional Services jointly to submit a certain plan report to certain committees of the General Assembly on or before a certain date each year; defining certain terms; and generally relating to the dissemination of voting information and an early voting polling place~~ a ballot drop box at the Baltimore City centralized booking facility.

BY adding to

Article – Correctional Services

Section 2–501 to be under the new subtitle “Subtitle 5. ~~Dissemination of Voter Information~~ Ballot Drop Box”

Annotated Code of Maryland

(2017 Replacement Volume and 2020 Supplement)

BY adding to

Article – Election Law

Section 1–303.1

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

(2017 Replacement Volume and 2020 Supplement)

~~BY adding to~~

~~Article – Election Law~~

~~Section 10–301.2~~

~~Annotated Code of Maryland~~

~~(2017 Replacement Volume and 2020 Supplement)~~

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

Article – Correctional Services

SUBTITLE 5. ~~DISSEMINATION OF VOTER INFORMATION~~ BALLOT DROP BOX.

2–501.

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

(2) “BALTIMORE CITY CENTRALIZED BOOKING FACILITY” MEANS THE CENTRALIZED BOOKING FACILITY IN BALTIMORE CITY THAT IS OPERATED BY THE DIVISION OF PRETRIAL DETENTION AND SERVICES IN THE DEPARTMENT.

(3) “ELECTION-RELATED MATERIALS” MEANS DOCUMENTS AND OTHER ITEMS ASSOCIATED WITH THE REGISTERING FOR AND VOTING IN AN ELECTION, INCLUDING:

(I) ABSENTEE BALLOT APPLICATIONS;

(II) ABSENTEE BALLOTS; AND

(III) VOTER REGISTRATION APPLICATIONS.

~~(3)~~ (4) “ELIGIBLE VOTER” MEANS AN INDIVIDUAL WHO:

(I) IS INCARCERATED AT THE BALTIMORE CITY CENTRALIZED BOOKING FACILITY; AND

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

(B) THE BALTIMORE CITY CENTRALIZED BOOKING FACILITY SHALL:

~~(1) DISSEMINATE WRITTEN INFORMATION DIRECTLY TO EACH ELIGIBLE VOTER ON ELIGIBILITY REQUIREMENTS TO REGISTER TO VOTE AND VOTER REGISTRATION APPLICATIONS AT LEAST 30 DAYS BEFORE THE DEADLINE TO REGISTER TO VOTE BEFORE EACH ELECTION~~ PROVIDE A SECURE, DESIGNATED BALLOT DROP BOX FROM THE STATE BOARD OF ELECTIONS TO ELIGIBLE VOTERS SO THAT THEY MAY EASILY SUBMIT THE FOLLOWING ELECTION-RELATED MATERIALS TO THE STATE BOARD OF ELECTIONS OR A LOCAL BOARD OF ELECTIONS:

(I) ABSENTEE BALLOT APPLICATIONS;

(II) ABSENTEE BALLOTS; AND

(III) VOTER REGISTRATION FORMS;

(2) MONITOR THE BALLOT DROP BOX PROVIDED UNDER ITEM (1) OF THIS SUBSECTION 24 HOURS A DAY AND 7 DAYS A WEEK; AND

~~(2)~~ (3) DISSEMINATE WRITTEN INSTRUCTIONS NOTIFICATIONS DIRECTLY TO EACH ELIGIBLE VOTER ON ~~EARLY VOTING AT THE BALTIMORE CITY CENTRALIZED BOOKING FACILITY~~ IN A TIMELY MANNER BEFORE EACH ELECTION HOW AND WHEN TO USE THE BALLOT DROP BOX PROVIDED UNDER ITEM (1) OF THIS SUBSECTION.

(C) (1) THE STATE BOARD OF ELECTIONS ~~AND THE LOCAL BOARD OF ELECTIONS FOR BALTIMORE CITY~~ SHALL PROVIDE THE BALTIMORE CITY CENTRALIZED BOOKING FACILITY WITH:

~~(1)~~ (I) THE BALLOT DROP BOX AND WRITTEN NOTIFICATION MATERIALS TO DISSEMINATE TO ELIGIBLE VOTERS UNDER SUBSECTION (B) OF THIS SECTION; AND

~~(2)~~ (II) ADVICE AND GUIDANCE IN CARRYING OUT THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION.

(2) THE STATE SHALL PAY FOR THE BALLOT DROP BOX.

(D) THE BALTIMORE CITY CENTRALIZED BOOKING FACILITY SHALL COOPERATE FULLY WITH THE STATE BOARD OF ELECTIONS IN IMPLEMENTING THE REQUIREMENTS OF THIS SECTION.

Article – Election Law

1-303.1.

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

(2) “BALTIMORE CITY CENTRALIZED BOOKING FACILITY” MEANS THE CENTRALIZED BOOKING FACILITY IN BALTIMORE CITY THAT IS OPERATED BY THE DIVISION OF PRETRIAL DETENTION AND SERVICES IN THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

(3) “ELECTION-RELATED MATERIALS” MEANS DOCUMENTS AND OTHER ITEMS ASSOCIATED WITH THE REGISTERING FOR AND VOTING IN AN ELECTION, INCLUDING:

(I) ABSENTEE BALLOT APPLICATIONS;

(II) ABSENTEE BALLOTS; AND

(III) VOTER REGISTRATION APPLICATIONS.

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

(I) IS INCARCERATED AT THE BALTIMORE CITY CENTRALIZED BOOKING FACILITY; AND

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

(B) THE STATE BOARD SHALL ADOPT REGULATIONS IN COLLABORATION WITH THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES TO PROVIDE THE FOLLOWING AT THE BALTIMORE CITY CENTRALIZED BOOKING FACILITY IN ACCORDANCE WITH § 2-501 OF THE CORRECTIONAL SERVICES ARTICLE:

(1) A SECURE, DESIGNATED BALLOT DROP BOX FOR ELECTION-RELATED MATERIALS; AND

(2) WRITTEN NOTIFICATIONS ON HOW AND WHEN ELIGIBLE VOTERS MAY USE THE BALLOT DROP BOX.

(C) (1) THE STATE BOARD SHALL PROVIDE THE BALLOT DROP BOX UNDER SUBSECTION (B) OF THIS SECTION TO THE BALTIMORE CITY CENTRALIZED BOOKING FACILITY IN TIME TO ALLOW ELIGIBLE VOTERS SUFFICIENT OPPORTUNITY TO SUBMIT ELECTION-RELATED MATERIALS BEFORE ANY ELECTION-RELATED DEADLINES.

(2) THE LOCAL BOARD OF ELECTIONS FOR BALTIMORE CITY SHALL PROVIDE STAFF TO COLLECT:

(I) ELECTION-RELATED MATERIALS SUBMITTED TO THE BALLOT DROP BOX ON AT LEAST A WEEKLY BASIS; AND

(II) THE BALLOT DROP BOX AFTER AN ELECTION-RELATED DEADLINE.

(3) THE LOCAL BOARD OF ELECTIONS FOR BALTIMORE CITY SHALL DISTRIBUTE THE ELECTION-RELATED MATERIALS COLLECTED FROM THE BALLOT DROP BOX TO THE STATE BOARD OR A LOCAL BOARD, AS APPROPRIATE AND IN A TIMELY MANNER.

(D) ON OR BEFORE JANUARY 1 EACH YEAR, THE LOCAL BOARD OF ELECTIONS FOR BALTIMORE CITY SHALL SUBMIT A REPORT TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE, THE SENATE BUDGET AND TAXATION COMMITTEE, THE HOUSE COMMITTEE ON WAYS AND MEANS, AND THE HOUSE APPROPRIATIONS COMMITTEE, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, ON THE FOLLOWING INFORMATION SUBMITTED TO THE BALLOT DROP BOX, DISAGGREGATED BY EACH WEEKLY COLLECTION FROM THE BALLOT DROP BOX AND BY THE STATE BOARD OR THE LOCAL BOARD THAT IS THE INTENDED RECIPIENT OF THE ELECTION-RELATED MATERIALS:

(1) THE NUMBER OF ABSENTEE BALLOT APPLICATIONS RECEIVED AND ACCEPTED;

(2) ABSENTEE BALLOTS RECEIVED AND ACCEPTED; AND

(3) OTHER ELECTION-RELATED MATERIALS RECEIVED.

3-102.

(a) (1) Except as provided in subsection (b) of this section, an individual may become registered to vote if the individual:

- (i) is a citizen of the United States;
- (ii) is at least 16 years old;
- (iii) is a resident of the State as of the day the individual seeks to register; and
- (iv) registers pursuant to this title.

(2) Notwithstanding paragraph (1)(ii) of this subsection, an individual under the age of 18 years:

- (i) may vote in a primary election in which candidates are nominated for a general or special election that will occur when the individual is at least 18 years old; and
- (ii) may not vote in any other election.

(b) An individual is not qualified to be a registered voter if the individual:

- (1) has been convicted of a felony and is currently serving a court-ordered sentence of imprisonment for the conviction;
- (2) is under guardianship for mental disability and a court of competent jurisdiction has specifically found by clear and convincing evidence that the individual cannot communicate, with or without accommodations, a desire to participate in the voting process; or
- (3) has been convicted of buying or selling votes.

~~10-301.2.~~

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

~~(2) "BALTIMORE CITY CENTRALIZED BOOKING FACILITY" MEANS THE CENTRALIZED BOOKING FACILITY IN BALTIMORE CITY THAT IS OPERATED BY THE DIVISION OF PRETRIAL DETENTION AND SERVICES IN THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.~~

~~(3) "EARLY VOTING POLLING PLACE" MEANS A LOCATION AT THE BALTIMORE CITY CENTRALIZED BOOKING FACILITY WHERE ELIGIBLE VOTERS MAY REGISTER AND VOTE IN PERSON DURING EARLY VOTING.~~

~~(4) "ELIGIBLE VOTER" MEANS AN INDIVIDUAL WHO:~~

~~(I) IS INCARCERATED AT THE BALTIMORE CITY CENTRALIZED BOOKING FACILITY; AND~~

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

~~(B) (1) THE LOCAL BOARD OF ELECTIONS FOR BALTIMORE CITY, IN COLLABORATION WITH THE STATE BOARD AND THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, SHALL ESTABLISH AN EARLY VOTING POLLING PLACE AT THE BALTIMORE CITY CENTRALIZED BOOKING FACILITY.~~

~~(2) THE EARLY VOTING POLLING PLACE AT THE BALTIMORE CITY CENTRALIZED BOOKING FACILITY SHALL BE:~~

~~(I) OPEN ON THE SAME DAYS AND FOR THE SAME HOURS AS AN EARLY VOTING CENTER UNDER § 10-301.1 OF THIS SUBTITLE;~~

~~(II) FOR THE USE OF ELIGIBLE VOTERS;~~

~~(III) CLOSED TO THE PUBLIC; AND~~

~~(IV) IN ADDITION TO THE EARLY VOTING CENTERS REQUIRED UNDER § 10-301.1 OF THIS SUBTITLE.~~

~~(C) (1) THE STATE BOARD SHALL ADOPT REGULATIONS AND GUIDELINES IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION FOR THE ADMINISTRATION OF EARLY VOTING AT THE EARLY VOTING POLLING PLACE FOR THE BALTIMORE CITY CENTRALIZED BOOKING FACILITY.~~

~~(2) THE REGULATIONS AND GUIDELINES SHALL PROVIDE THAT THE PROVISIONS OF THIS ARTICLE THAT CONCERN VOTING ON ELECTION DAY SHALL APPLY TO EARLY VOTING AT THE EARLY VOTING POLLING PLACE FOR THE BALTIMORE CITY CENTRALIZED BOOKING FACILITY TO THE EXTENT THOSE PROVISIONS ARE APPROPRIATE.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2021, the State Board of Elections, the local board of elections for Baltimore City, and the Department of Public Safety and Correctional Services jointly shall submit to the Senate~~

~~Budget and Taxation Committee and the House Appropriations Committee, in accordance with § 2-1257 of the State Government Article, a plan for the implementation of an early voting polling place for eligible voters at the centralized booking facility in Baltimore City.~~

SECTION ~~3~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 30, 2021.