

STATE BOARD OF ELECTIONS

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August 4, 2022

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

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 Pinsky 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. For 2021, there were a total of 4,265 eligible voters incarcerated at DPSCS facilities. Due to the time involved with cross-referencing list of eligible voters provided by DPSCS with the voter registration database, we can provide this information to you by September 1, 2022.

Because 2021 was not an election year, no eligible voters attempted to vote or voted successfully by absentee ballot.

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

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There were no visits by SBE or local boards of election at any DPSCS or county correctional or detention facilities during 2021, as 2021 was not an election year, and the implementation of HB222 was still in the planning stages. The planning process included determining the process for obtaining background checks for election officials and the process for designing, procuring, and installing boxes at DPSCS facilities. During this process, DPSCS agreed to install at all of their facilities boxes for election-related materials, and I am pleased to report that the boxes were installed in time for the 2022 Primary Election. The local boards with DPSCS facilities are currently emptied these boxes once a week in the weeks preceding the primary election. Weekly collections will also occur for the upcoming general election.

The biggest obstacle to implementing the requirements of HB222 is generating the data to submit this report. As previously stated, in order to determine eligible voters, DPSCS must first export from their database all eligible voters, and then SBE must cross reference the provided list with the voter registration database. It is a time-consuming task for SBE, and the data comparison is made difficult by inconsistent data. For example, a voter may have one address listed with DPSCS but registered to vote with a different address. This makes it difficult to know if an eligible voter on the DPSCS list is the same person who registered to vote, was already registered to vote, requested a mail-in ballot, or returned a voted ballot.

Obtaining the information from each county's correctional facility is an obstacle because there is not a statewide database of detained and incarcerated individuals. There are 25 correctional facilities at the local level² (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.

Thank you for the opportunity to share this information with you. We look forward to sharing more complete information with you soon. If you have questions, do not hesitate to contact me or have your staff contact Tracey Hartman at (410) 269-2931 or traceye.hartman@maryland.gov.

Sincerely,



Linda H. Lamone
State Board of Elections

LL/teh

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

² There are two facilities in both Anne Arundel and Montgomery Counties.