.01 Purpose.

The purpose of this directive is to establish and maintain policy and procedure to ensure that inmates who are entitled to vote in local, State and federal elections are facilitated in exercising that right while in the Department of Public Safety and Correctional Services’ (Department) custody and control.

.02 Scope.

This policy applies to all Department correctional facilities with inmates who may be eligible to vote in accordance with Election Law Article, § 3-102, Annotated Code of Maryland.

.03 Policy.

It is the policy of the Department to support the voting rights of inmates who are currently in a pretrial status or inmates sentenced to a term of incarceration for a misdemeanor offense.

.04 Definitions.

A. In this directive, the following terms have the meanings indicated.

B. Terms Defined.

(1) “Inmate” has the meaning stated in Correctional Services Article, §1-101, Annotated Code of Maryland: “[An] ‘Inmate’ means an individual who is actually or constructively detained or confined in a correctional facility.”

(2) “Eligible inmate” means an inmate who is a Maryland resident and is:

(a) In a pretrial status; or

(b) Serving a sentence for only a misdemeanor offense or offenses.

(3) “Managing official” has the meaning stated in Correctional Services Article, §1-101, Annotated Code of Maryland: “[A] ‘Managing official’ means the administrator, director, warden,
superintendent, sheriff, or other individual responsible for the management of a correctional facility.”

(4) “Misdemeanor” means a statutory crime not declared by the Maryland General Assembly to be a felony.

(5) “Pretrial Status” refers to the period time between the filing of criminal charges against a defendant and the disposition of the charges by the court that has jurisdiction over the defendant.

.05 Procedure.

A. Identification of Eligible Inmates.

(1) Primary Elections. Not later than March 1st of each year the Office of the Secretary shall generate a report indicating the names, State Identification Numbers (SID), and locations of all eligible inmates currently in custody.

(2) General Elections. Not later than September 1st of each year the Office of the Secretary shall generate a report indicating the names, State Identification Numbers (SID), and locations of all inmates currently in custody.

(3) The list of eligible inmates generated by the Office of the Secretary shall be forwarded to the Commissioner of Correction and the Commissioner of Pretrial Detention and Services to be disseminated to the Managing Official of each Department correctional facility.

(4) Managing Officials shall ensure that notices are posted in inmate housing and recreation areas that advise inmates of the:

   (a) Voter eligibility requirements;

   (b) Right to request an absentee ballot or voter registration application; and

   (c) Deadlines for returning applications and absentee ballots to the local election board.

B. Application for an Absentee Ballot.

(1) Any inmate on the eligible inmate list or inmate who meets the eligibility criteria, and who states that he or she is a registered voter shall, upon request be provided Maryland Application for an Absentee Ballot (Appendix A).

(2) Upon receipt of the Maryland Application for an Absentee Ballot each inmate shall present his or her facility identification card to the Managing Official or designee, verify his or her name, and sign the eligible inmate list indicating he or she received a Maryland Application for an Absentee Ballot.
(3) The inmate is responsible for completing and mailing the *Maryland Application for an Absentee Ballot* and returning it via the U.S. Postal Service to the correct local election board with a postmark dated on or before:

(a) April 21, 2020 for a primary and general election; or

(b) October 20, 2020 for the general election only.

C. Voter Registration Application.

(1) An inmate who appears on the eligible inmate list or is an inmate who meets the eligibility criteria, but is not registered to vote may request and receive from the Managing Official, or designee a *Maryland Voter Registration Application* (Appendix B).

(2) The inmate is responsible for completing and mailing the *Maryland Voter Registration Application* via the U.S. Postal Service to the correct local election board with a postmark dated on or before:

(a) April 7, 2020 if the inmate wants to vote in the primary election; or

(b) October 13, 2020 if the inmate wants to vote in the general election.

D. Accommodations.

(1) A Managing Official shall ensure that eligible visually impaired inmates receive the *Maryland Application for an Absentee Ballot* and *Voter Registration Application* in the large type format provided by the State Board of Elections.

(2) A Managing Official shall ensure that eligible Spanish speaking inmates with limited English proficiency receive the *Spanish versions* of the *Maryland Application for an Absentee Ballot* and *Voter Registration Application* available on the Board of Elections website.

(3) If needed, an inmate may request assistance with completing an application or an absentee ballot from a case management supervisor or legal representative.

E. Absentee Ballots and Voting.

(1) A managing official shall ensure that all absentee ballots mailed via the U.S. Postal Service to an inmate at a correctional facility from the local board of elections are received and delivered in accordance with the procedures for distribution of legal mail established in *Executive Directive OPS.250.0001 – Inmate Mail – Mail Room Procedures*.

(2) The inmate is responsible for completing and mailing the *Absentee Ballot* via the U.S. Postal Service to the correct local election board with a postmark dated on or before:

(a) April 28, 2020 if the inmate wants to vote in the primary election; or

(b) November 3, 2020 if the inmate wants to vote in the general election.
Appendix.

A. Maryland Application for an Absentee Ballot
B. Maryland Voter Registration Application

History.

A. This directive supersedes DPSCS.200.0008, dated September 17, 2020.
B. This directive supersedes provisions of any other prior existing communication with which it may be in conflict.

Distribution.

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