

EXPAND THE BALLOT EXPAND THE VOTE ✓

September 10, 2020

Members, Maryland State Board of Elections
151 West Street, Suite 200
Annapolis, MD 21401
cc: Linda H. Lamone, State Administrator

Dear Chairman and Members of the Board:

Each election cycle, countless voters are excluded from participating in the electoral process as a result of their pretrial detention and misdemeanor status. They are prevented from accessing voter registration forms, mail-in request forms, the ballot, and critical information on voting.

For the first time, the State Board of Elections (SBE) has agreed to work with advocates to provide eligible incarcerated voters in state and local correctional facilities with access to these materials for the general election. Below is a detailed outline of our collective efforts to ensure access to voting in the coming weeks.

The State Board of Elections has already or agreed to:

- Send an email to all wardens and administrators of local correctional facilities requesting the number of eligible voters in their facilities.
- Arrange for the printing and mailing of materials to be sent to all local correctional facilities in the state. SBE has started the procurement process for some of the mailing already.
- The mailings will include:
 - Insert #1: Two-sided cover letter (one side with address information for local boards of elections on the other with information specifically for voters in local correctional facilities)
 - Insert #2: Two-sided voter registration application (instructions on one side and application on the other)
 - Insert #3: Two-sided application to request a mail-in ballot (instructions on one side and application on the other)
 - Insert #4: Envelope with return paid postage with a blank mailing address. The voter would use the address information on the back of Insert #1 to write the address of the appropriate local board of elections
- SBE has also confirmed that Spanish materials will be made available for Prince George's County and Montgomery County correctional facilities.
- Send detailed instructions to all wardens and administrators of these local correctional facilities, outlining who is eligible to vote and how to distribute and handle materials.

Advocates and others have been able to:

- Secure lists of eligible incarcerated voters who have been provided from Washington County Detention Center, Howard County Department of Corrections, Charles County Detention Center, Carroll County Detention Center, Howard County Detention Center, Montgomery County Detention Center, Dorchester County Detention Center. This outreach was led by Out for Justice who secured the lists and shared them with SBE. They continue to lead outreach to other facilities throughout the state.
- Confirm that Montgomery County correctional facility will be actively working to ensure eligible voters have access to voting. SBE will be sending them the cover letters to incorporate in these efforts.

Recommendation

- SBE should provide secure collection boxes to all local correctional facilities for safe collection of completed voter forms and ballots.
- SBE should direct the local boards to include their one or two correctional facilities in their rounds for picking up ballots from drop boxes.
- SBE should request local correctional facilities add the Out For Justice non partisan voter hotline phone number to their free call list. This number will assist voters who have questions about the election process or want to report complaints.
- SBE should support non-partisan educational materials and ask for help from local advocates

Recommended Timeline

- Instructions on how state and local correctional facilities need to facilitate voting should be sent to correctional facilities before **September 18, 2020**
- All voter registration and mail-in ballot forms should be sent to state and local correctional facilities by **September 18, 2020**
- Secure collection boxes should be made available for at these local correctional facilities by the week of **September 28, 2020**
 - If small drop boxes cannot be made available for local correctional facilities, the local boards should come up with another process for safe collection of completed voter registration forms, mail-in ballot applications, and mail-in ballots
- Voter registration and mail-in ballot applications should be picked up once a week from **September 21, 2020 through October 13, 2020.**
 - Pick ups should increase to at least every two days before every deadline, on the evening of that deadline.
 - Ballot applications from eligible incarcerated voters should be processed quickly because of inherent mail delays due to correctional procedures for both incoming and outgoing mail in the facilities. Ballots start being mailed out September 24th. After this deadline, local boards of elections should try to pick up ballots consistently twice a week. When in person voting begins, local boards should try to visit facilities more often.
 - After October 13th, the voter registration deadline will have passed. Local boards should shift to weekly pick up of ballots.

- SBE should inform the local boards that voter registration and mail-in ballot applications from local correctional facilities must be prioritized because of mail delays, putting the locals on notice that the mail will take longer in both directions.
- Ballots should be picked up once a week from **through October 23, 2020**.
 - Pick up should increase to at least every two days leading up to Election Day.
 - Last pick up of ballots should occur on the evening of Election Day, before 8pm.

Baltimore City Correctional Facilities

After the primary, a Baltimore City Senator was able to work with the Maryland Department of Public Safety & Correctional Services to ensure the facilities in Baltimore City sent lists of eligible incarcerated voters to SBE. Eligible voters in these facilities will be receiving election materials in the coming week, but no efforts have been made to ensure access to voters in other state facilities.

Other State Correctional Facilities

While we recognize the Maryland Department of Corrections has produced an [Inmate Voting and Procedures policy](#), this document was only recently made available. We are not confident this policy was implemented by DSPCS during the primary election and do not believe they have the ability to implement a secure process for voting by November 3rd as it does not involve local or state election officials. We hope the SBE will follow through on the commitments listed above and consider following the recommendations listed above. We also hope the SBE will make access to voting for eligible incarcerated voters a priority in all future elections.

**Out for Justice
ACLU Maryland
Life After Release
Maryland Justice Project**

**Common Cause Maryland
League of Women Voters of Maryland
Job Opportunities Task Force
Campaign Legal Center**