

# HOUSE BILL 73

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HB 224/14 – W&M

5lr0345  
CF SB 192

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By: **Delegates Rosenberg, Hixson, C. Howard, Kaiser, Luedtke, A. Miller, Platt, S. Robinson, and Walker**

Introduced and read first time: January 23, 2015

Assigned to: Ways and Means

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Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 15, 2015

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Voters' Rights Protection Act of 2015**

3 FOR the purpose of authorizing the Attorney General to institute an action in a circuit  
4 court for injunctive relief to prohibit a person from engaging in or continuing to  
5 engage in certain violations of election ~~law,~~ law, except in certain circumstances;  
6 authorizing the State Prosecutor to seek injunctive relief in certain circumstances in  
7 which the Attorney General is prohibited from seeking injunctive relief under this  
8 Act; providing that injunctive relief may be granted under this Act only to prevent  
9 certain violations of election law from affecting a pending election; requiring a  
10 showing of certain evidence before injunctive relief may be granted under this Act;  
11 requiring a circuit court to hear and determine an action filed under this Act as soon  
12 as practicable; providing that the grant of a remedy under this Act does not preclude  
13 any other remedy available under State or federal law; providing that a circuit court  
14 shall have jurisdiction over any proceeding instituted under this Act; requiring a  
15 circuit court to exercise its jurisdiction without regard to whether a person asserting  
16 a right under this Act has exhausted any other remedy available under law; and  
17 generally relating to election law violations related to voting.

18 BY repealing and reenacting, without amendments,  
19 Article – Election Law  
20 Section 16–201  
21 Annotated Code of Maryland  
22 (2010 Replacement Volume and 2014 Supplement)

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY adding to  
2 Article – Election Law  
3 Section 16–1003  
4 Annotated Code of Maryland  
5 (2010 Replacement Volume and 2014 Supplement)

6 Preamble

7 WHEREAS, The Attorney General of the United States has the authority under 42  
8 U.S.C. § 1971(c) to institute a proceeding for preventive relief to protect certain rights of  
9 voters that are secured by federal law; and

10 WHEREAS, The General Assembly determines that the Attorney General of  
11 Maryland should possess similar authority to protect the rights of voters in the State; now,  
12 therefore,

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

15 **Article – Election Law**

16 16–201.

17 (a) A person may not willfully and knowingly:

18 (1) (i) impersonate another person in order to vote or attempt to vote;  
19 or

20 (ii) vote or attempt to vote under a false name;

21 (2) vote more than once for a candidate for the same office or for the same  
22 ballot question;

23 (3) vote or attempt to vote more than once in the same election, or vote in  
24 more than one election district or precinct;

25 (4) vote in an election district or precinct without the legal authority to vote  
26 in that election district or precinct;

27 (5) influence or attempt to influence a voter's voting decision through the  
28 use of force, threat, menace, intimidation, bribery, reward, or offer of reward;

29 (6) influence or attempt to influence a voter's decision whether to go to the  
30 polls to cast a vote through the use of force, fraud, threat, menace, intimidation, bribery,  
31 reward, or offer of reward; or

1 (7) engage in conduct that results or has the intent to result in the denial  
2 or abridgement of the right of any citizen of the United States to vote on account of race,  
3 color, or disability.

4 (b) Except as provided in § 16-1002 of this title, a person who violates this section  
5 is guilty of a misdemeanor and on conviction is subject to a fine of not more than \$5,000 or  
6 imprisonment for not more than 5 years or both.

7 (c) A person who violates this section is subject to § 5-106(b) of the Courts Article.

8 **16-1003.**

9 (A) ~~(1) SUBJECT TO SUBSECTION (B) OF THIS SECTION~~ EXCEPT AS  
10 PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE ATTORNEY GENERAL MAY  
11 INSTITUTE AN ACTION IN A CIRCUIT COURT OF THE STATE FOR INJUNCTIVE RELIEF  
12 IN ACCORDANCE WITH THE MARYLAND RULES TO PROHIBIT A PERSON FROM  
13 COMMITTING AN IMMINENT VIOLATION OR CONTINUING TO COMMIT A VIOLATION  
14 OF § 16-201 OF THIS TITLE.

15 (2) (I) THIS PARAGRAPH APPLIES IF THE ATTORNEY GENERAL IS  
16 A CANDIDATE IN A CONTEST ON THE BALLOT IN AN ELECTION.

17 (II) THE ATTORNEY GENERAL MAY NOT SEEK INJUNCTIVE  
18 RELIEF UNDER PARAGRAPH (1) OF THIS SUBSECTION IF A VIOLATION OF § 16-201  
19 OF THIS TITLE IS COMMITTED BY:

20 1. THE ATTORNEY GENERAL;

21 2. A PERSON ACTING ON BEHALF OF THE ATTORNEY  
22 GENERAL;

23 3. A CANDIDATE WHO IS OPPOSING THE ATTORNEY  
24 GENERAL IN A CONTEST ON THE BALLOT; OR

25 4. A PERSON ACTING ON BEHALF OF A CANDIDATE WHO  
26 IS OPPOSING THE ATTORNEY GENERAL IN A CONTEST ON THE BALLOT.

27 (III) THE STATE PROSECUTOR MAY SEEK INJUNCTIVE RELIEF IN  
28 ACCORDANCE WITH THIS SECTION IN ANY CIRCUMSTANCE IN WHICH THE ATTORNEY  
29 GENERAL IS PROHIBITED FROM SEEKING INJUNCTIVE RELIEF UNDER  
30 SUBPARAGRAPH (II) OF THIS PARAGRAPH.

31 (B) INJUNCTIVE RELIEF MAY BE GRANTED UNDER THIS SECTION ONLY;

1           **(1) TO PREVENT A VIOLATION OF § 16-201 OF THIS TITLE FROM**  
 2 **AFFECTING A PENDING ELECTION; AND**

3           **(2) BASED ON A SHOWING BY CLEAR AND CONVINCING EVIDENCE**  
 4 **THAT A VIOLATION OF § 16-201 OF THIS TITLE IS IMMINENT OR IS BEING**  
 5 **COMMITTED.**

6           **(C) THE CIRCUIT COURT SHALL HEAR AND DETERMINE THE MATTER AS**  
 7 **SOON AS PRACTICABLE AFTER FILING OF THE APPLICATION.**

8           **(D) THE GRANT OF A REMEDY BY THE CIRCUIT COURT UNDER THIS SECTION**  
 9 **DOES NOT PRECLUDE ANY OTHER REMEDY AVAILABLE TO A PERSON UNDER STATE**  
 10 **OR FEDERAL LAW.**

11           **(E) THE CIRCUIT COURT SHALL:**

12           **(1) HAVE JURISDICTION OVER ANY PROCEEDING INSTITUTED IN**  
 13 **ACCORDANCE WITH THIS SECTION; AND**

14           **(2) EXERCISE ITS JURISDICTION WITHOUT REGARD TO WHETHER A**  
 15 **PERSON ASSERTING A RIGHT UNDER THIS SECTION HAS EXHAUSTED ANY**  
 16 **ADMINISTRATIVE OR OTHER REMEDY AVAILABLE TO THAT PERSON UNDER LAW.**

17           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
 18 1, 2015.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.