

SENATE BILL 114

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CF HB 266

By: **Senator Gladden**

Introduced and read first time: January 15, 2010

Assigned to: Education, Health, and Environmental Affairs and Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 28, 2010

CHAPTER _____

1 AN ACT concerning

2 **Voter's Rights Protection Act of 2010**

3 FOR the purpose of authorizing the Attorney General or a registered voter to institute
4 an action in a circuit court for ~~preventive~~ injunctive relief when a person has
5 engaged in, or there is reason to believe a person is about to engage in, certain
6 violations of election law; requiring a circuit court to ~~immediately~~
7 determine an action filed under this Act as soon as practicable; providing that
8 the grant of a remedy under this Act does not preclude any other remedy
9 available under State or federal law; providing that a circuit court shall have
10 jurisdiction of any proceeding instituted under this Act; requiring a circuit court
11 to exercise its jurisdiction without regard to whether a person asserting a right
12 under this Act has exhausted any other remedy available under law; and
13 generally relating to the availability of preventive relief for certain election law
14 violations.

15 BY repealing and reenacting, without amendments,
16 Article – Election Law
17 Section 16–101 and 16–201
18 Annotated Code of Maryland
19 (2003 Volume and 2009 Supplement)

20 BY adding to
21 Article – Election Law
22 Section 16–1003
23 Annotated Code of Maryland

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 (2003 Volume and 2009 Supplement)

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

4 **Article – Election Law**

5 16–101.

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

7 (1) impersonate a voter or other person in order to register or attempt
8 to register in the name of the voter or other person;

9 (2) register to vote more than once;

10 (3) falsify residence in an attempt to register in the wrong location;

11 (4) secure registration through any unlawful means;

12 (5) cause by unlawful means the name of a qualified voter to be
13 stricken from the statewide voter registration list;

14 (6) prevent, hinder, or delay a person having a lawful right to register
15 from registering, through the use of force, threat, menace, intimidation, bribery,
16 reward, or offer of reward;

17 (7) falsify any name on a registration;

18 (8) misrepresent any fact relating to registration; or

19 (9) induce or attempt to induce a person to violate any prohibition in
20 items (1) through (8) of this subsection.

21 (b) A person who violates this section is guilty of a misdemeanor and subject
22 to a fine of not more than \$1,000 or imprisonment for not more than 5 years or both.

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

25 16–201.

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

27 (1) (i) impersonate another person in order to vote or attempt to
28 vote; or

- 1 (ii) vote or attempt to vote under a false name;
- 2 (2) vote more than once for a candidate for the same office or for the
3 same ballot question;
- 4 (3) vote or attempt to vote more than once in the same election, or vote
5 in more than one election district or precinct;
- 6 (4) vote in an election district or precinct without the legal authority
7 to vote in that election district or precinct;
- 8 (5) influence or attempt to influence a voter's voting decision through
9 the use of force, threat, menace, intimidation, bribery, reward, or offer of reward;
- 10 (6) influence or attempt to influence a voter's decision whether to go to
11 the polls to cast a vote through the use of force, fraud, threat, menace, intimidation,
12 bribery, reward, or offer of reward; or
- 13 (7) engage in conduct that results or has the intent to result in the
14 denial or abridgement of the right of any citizen of the United States to vote on
15 account of race, color, or disability.
- 16 (b) Except as provided in § 16-1002 of this title, a person who violates this
17 section is guilty of a misdemeanor and on conviction is subject to a fine of not more
18 than \$2,500 or imprisonment for not more than 5 years or both.
- 19 (c) A person who violates this section is subject to § 5-106(b) of the Courts
20 Article.

21 **16-1003.**

22 (A) **WHENEVER A PERSON, POLITICAL COMMITTEE, CAMPAIGN FINANCE**
23 **ENTITY, OR OTHER ORGANIZATION OR ENTITY HAS ENGAGED IN, OR THERE IS**
24 **REASONABLE GROUNDS TO BELIEVE THAT A PERSON, POLITICAL COMMITTEE,**
25 **CAMPAIGN FINANCE ENTITY, OR OTHER ORGANIZATION OR ENTITY IS ABOUT TO**
26 **ENGAGE IN, AN ACT OR PRACTICE PROHIBITED BY § 16-101 OR § 16-201 OF**
27 **THIS TITLE, THE ATTORNEY GENERAL OR ANY REGISTERED VOTER MAY**
28 **INSTITUTE AN ACTION IN A CIRCUIT COURT OF THE STATE FOR ~~PREVENTIVE~~**
29 **~~RELIEF, INCLUDING AN APPLICATION FOR A TEMPORARY OR PERMANENT~~**
30 **~~INJUNCTION, RESTRAINING ORDER, OR OTHER ORDER~~ INJUNCTIVE RELIEF IN**
31 **ACCORDANCE WITH THE MARYLAND RULES.**

32 (B) **THE CIRCUIT COURT SHALL HEAR AND DETERMINE THE MATTER**
33 **~~IMMEDIATELY ON~~ AS SOON AS PRACTICABLE AFTER FILING OF THE**
34 **APPLICATION.**

1 **(C) THE GRANT OF A REMEDY BY THE CIRCUIT COURT UNDER THIS**
2 **SECTION DOES NOT PRECLUDE ANY OTHER REMEDY AVAILABLE TO A PERSON**
3 **UNDER STATE OR FEDERAL LAW.**

4 **(D) THE CIRCUIT COURT SHALL:**

5 **(1) HAVE JURISDICTION OF ANY PROCEEDING INSTITUTED IN**
6 **ACCORDANCE WITH THIS SECTION; AND**

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

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 July 1, 2010.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.