

SENATE BILL 220

G1
SB 114/10 – EHE & JPR

11r0332
CF HB 31

By: **Senator Gladden**

Introduced and read first time: January 27, 2011

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

A BILL ENTITLED

1 AN ACT concerning

2 **Voter's Rights Protection Act of 2011**

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

14 BY repealing and reenacting, without amendments,
15 Article – Election Law
16 Section 16–201
17 Annotated Code of Maryland
18 (2010 Replacement Volume)

19 BY adding to
20 Article – Election Law
21 Section 16–1003
22 Annotated Code of Maryland
23 (2010 Replacement Volume)

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

26 **Article – Election Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 16–201.

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

3 (1) (i) impersonate another person in order to vote or attempt to
4 vote; or

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

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

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

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

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

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

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

20 (b) Except as provided in § 16–1002 of this title, a person who violates this
21 section is guilty of a misdemeanor and on conviction is subject to a fine of not more
22 than \$2,500 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 **16–1003.**

26 **(A) WHENEVER A PERSON, POLITICAL COMMITTEE, CAMPAIGN FINANCE**
27 **ENTITY, OR OTHER ORGANIZATION OR ENTITY HAS ENGAGED IN, OR THERE IS**
28 **REASONABLE GROUNDS TO BELIEVE THAT A PERSON, POLITICAL COMMITTEE,**
29 **CAMPAIGN FINANCE ENTITY, OR OTHER ORGANIZATION OR ENTITY IS ABOUT TO**
30 **ENGAGE IN, AN ACT OR PRACTICE PROHIBITED BY § 16–201 OF THIS TITLE, THE**
31 **ATTORNEY GENERAL OR ANY REGISTERED VOTER MAY INSTITUTE AN ACTION**
32 **IN A CIRCUIT COURT OF THE STATE FOR INJUNCTIVE RELIEF IN ACCORDANCE**
33 **WITH THE MARYLAND RULES.**

1 **(B) THE CIRCUIT COURT SHALL HEAR AND DETERMINE THE MATTER AS**
2 **SOON AS PRACTICABLE AFTER FILING OF THE APPLICATION.**

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

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

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

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

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 July 1, 2011.