
By: **Delegates Gilleland, Boschert, Costa, Dwyer, Leopold, McConkey, and
McMillan**

Introduced and read first time: February 20, 2004

Assigned to: Rules and Executive Nominations

Re-referred to: Ways and Means, March 1, 2004

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 27, 2004

CHAPTER 549

1 AN ACT concerning

2 **Elections - Voting Equipment or Supplies - Penalties**

3 FOR the purpose of providing that the District Court and the circuit court have
4 concurrent jurisdiction in certain cases; altering the penalty for the violation of
5 certain provisions of the State election law relating to voting equipment and
6 supplies; and generally relating to the penalty for violating certain election laws.

7 BY repealing and reenacting, with amendments,

8 Article - Courts and Judicial Proceedings

9 Section 4-301(b)(19) and (20) and 4-302(a) and (d)(1)

10 Annotated Code of Maryland

11 (2002 Replacement Volume and 2003 Supplement)

12 BY adding to

13 Article - Courts and Judicial Proceedings

14 Section 4-301(b)(21)

15 Annotated Code of Maryland

16 (2000 Replacement Volume and 2003 Supplement)

17 BY repealing and reenacting, with amendments,

18 Article - Election Law

19 Section 16-801 through 16-803

20 Annotated Code of Maryland

21 (2003 Volume and 2003 Supplement)

1 BY repealing and reenacting, without amendments,
2 Article - Election Law
3 Section 16-804
4 Annotated Code of Maryland
5 (2003 Volume and 2003 Supplement)

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

8 **Article - Courts and Judicial Proceedings**

9 4-301.

10 (b) Except as provided in § 4-302 of this subtitle, the District Court also has
11 exclusive original jurisdiction in a criminal case in which a person at least 18 years
12 old or a corporation is charged with:

13 (19) Violation of § 8-604 of the Criminal Law Article; [or]

14 (20) Violation of Title 8, Subtitle 2, Part II of the Criminal Law Article; OR

15 (21) VIOLATION OF §§ 16-801 THROUGH 16-804 OF THE ELECTION LAW
16 ARTICLE.

17 4-302.

18 (a) Except as provided in § 4-301(b)(2), (6), (7), (8), (9), (10), (11), (12), (13),
19 (14), (15), (16), (17), (18), (19), [and] (20), AND (21) of this subtitle, the District Court
20 does not have jurisdiction to try a criminal case charging the commission of a felony.

21 (d) (1) Except as provided in paragraph (2) of this subsection, the
22 jurisdiction of the District Court is concurrent with that of the circuit court in a
23 criminal case:

24 (i) In which the penalty may be confinement for 3 years or more or
25 a fine of \$2,500 or more; or

26 (ii) That is a felony, as provided in § 4-301(b)(2), (6), (7), (8), (9),
27 (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), [and] (20), AND (21) of this subtitle.

28 **Article - Election Law**

29 16-801.

30 (a) A person may not willfully:

31 (1) conceal, damage, or destroy voting equipment used or intended to be
32 used on the day of election; or

1 (2) remove voting equipment from the custody of the election judges or
2 other election officials.

3 (b) A person who violates this section is guilty of a felony and is subject to A
4 FINE OF NOT MORE THAN ~~50,000~~ 10,000 OR imprisonment for not [less than 1 year
5 nor] more than [5] ~~4~~ 3 years OR BOTH.

6 16-802.

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

8 (1) tamper with, damage, or attempt to damage any voting equipment
9 that is used or will be used in an election; or

10 (2) prevent or attempt to prevent the correct operation of any voting
11 equipment that is used or will be used on the day of election.

12 (b) An unauthorized person may not make or have in the person's possession a
13 key to any voting equipment that is used or will be used on the day of election.

14 (c) A person who violates this section is guilty of a [misdemeanor] FELONY
15 and is subject to a fine of not more than [\$1,000] ~~50,000~~ 10,000 or imprisonment for
16 not more than [1 year] ~~4~~ 3 YEARS or both.

17 16-803.

18 (a) A person may not remove, deface, or destroy equipment or supplies placed
19 in a polling place by election officials during an election.

20 (b) A person who violates this section is GUILTY OF A FELONY AND IS subject
21 to a fine of not more than [\$500] ~~50,000~~ 10,000 or imprisonment for not more than
22 [1 year] ~~4~~ 3 YEARS or both.

23 16-804.

24 (a) When an electronic voting system is used, a person may not willfully and
25 knowingly:

26 (1) access the system unless authorized to do so by the appropriate
27 election authority; or

28 (2) tamper with or alter the hardware, system components, or software
29 utilized by the voting system, for the purpose of affecting the vote count.

30 (b) A person who violates this section is guilty of a felony and on conviction
31 shall be subject to a fine of not more than \$50,000 or imprisonment for not more than
32 10 years or both.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 2004.

