

# HOUSE BILL 220

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By: **Delegates Rosenberg, Cardin, Hixson, Howard, Kaiser, Luedtke, A. Miller, Stukes, F. Turner, and Walker**

Introduced and read first time: January 21, 2013

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Voters' Rights Protection Act of 2013**

3 FOR the purpose of prohibiting a person from willfully and knowingly influencing or  
4 attempting to influence a voter's voting decision through the use of fraud;  
5 authorizing the Attorney General to institute an action in a circuit court for  
6 injunctive relief to prohibit a person from engaging in or continuing to engage in  
7 certain violations of election law; providing that injunctive relief may be granted  
8 under this Act only to prevent certain violations of election law from affecting a  
9 pending election; requiring a circuit court to hear and determine an action filed  
10 under this Act as soon as practicable; providing that the grant of a remedy  
11 under this Act does not preclude any other remedy available under State or  
12 federal law; providing that a circuit court shall have jurisdiction over any  
13 proceeding instituted under this Act; requiring a circuit court to exercise its  
14 jurisdiction without regard to whether a person asserting a right under this Act  
15 has exhausted any other remedy available under law; and generally relating to  
16 election law violations related to voting.

17 BY repealing and reenacting, with amendments,  
18 Article – Election Law  
19 Section 16–201  
20 Annotated Code of Maryland  
21 (2010 Replacement Volume and 2012 Supplement)

22 BY adding to  
23 Article – Election Law  
24 Section 16–1003  
25 Annotated Code of Maryland  
26 (2010 Replacement Volume and 2012 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Election Law**

4 16–201.

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

6 (1) (i) impersonate another person in order to vote or attempt to  
7 vote; or

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

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

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

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

15 (5) influence or attempt to influence a voter's voting decision through  
16 the use of force, **FRAUD**, threat, menace, intimidation, bribery, reward, or offer of  
17 reward;

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

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

24 (b) Except as provided in § 16–1002 of this title, a person who violates this  
25 section is guilty of a misdemeanor and on conviction is subject to a fine of not more  
26 than \$2,500 or imprisonment for not more than 5 years or both.

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

29 **16–1003.**

30 **(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE ATTORNEY**  
31 **GENERAL MAY INSTITUTE AN ACTION IN A CIRCUIT COURT OF THE STATE FOR**

1 INJUNCTIVE RELIEF IN ACCORDANCE WITH THE MARYLAND RULES TO  
2 PROHIBIT A PERSON FROM COMMITTING AN IMMINENT VIOLATION OR  
3 CONTINUING TO COMMIT A VIOLATION OF § 16-201 OF THIS TITLE.

4 (B) INJUNCTIVE RELIEF MAY BE GRANTED UNDER THIS SECTION ONLY  
5 TO PREVENT A VIOLATION OF § 16-201 OF THIS TITLE FROM AFFECTING A  
6 PENDING ELECTION.

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

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

12 (E) THE CIRCUIT COURT SHALL:

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

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

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 July 1, 2013.