

# SENATE BILL 269

L3, G1

4lr1637

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By: **Senator Conway**

Introduced and read first time: January 17, 2014

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 8, 2014

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

1 AN ACT concerning

2 **Local Government – Municipal Elections – Voting Offenses, Penalties, and**  
3 **Enforcement**

4 FOR the purpose of providing that a voter in a municipal election is subject to the  
5 offenses and penalties related to voting specified in a certain provision of law;  
6 authorizing the State Prosecutor or the State’s Attorney for a certain county to  
7 prosecute a person for an offense; and generally relating to voting offenses,  
8 penalties, and enforcement regarding municipal elections.

9 BY repealing and reenacting, with amendments,  
10 Article – Criminal Procedure  
11 Section 14–107(a)(1)  
12 Annotated Code of Maryland  
13 (2008 Replacement Volume and 2013 Supplement)

14 BY repealing and reenacting, without amendments,  
15 Article – Criminal Procedure  
16 Section 14–107(a)(2)  
17 Annotated Code of Maryland  
18 (2008 Replacement Volume and 2013 Supplement)

19 BY adding to  
20 Article – Local Government  
21 Section 4–108.1  
22 Annotated Code of Maryland

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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 (2013 Volume)

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

4 **Article – Criminal Procedure**

5 14–107.

6 (a) (1) Except as provided in paragraph (2) of this subsection, the State  
7 Prosecutor may investigate:

8 (i) a criminal offense under the State election laws;

9 (ii) a criminal offense under the State Public Ethics Law;

10 (iii) a violation of the State bribery laws in which an official or  
11 employee of the State, a political subdivision of the State, or a bicounty or multicounty  
12 unit of the State was the offeror, offeree, or intended offeror or offeree of a bribe;

13 (iv) an offense constituting criminal malfeasance, misfeasance,  
14 or nonfeasance in office committed by an officer or employee of the State, of a political  
15 subdivision of the State, or of a bicounty or multicounty unit of the State; [and]

16 (v) a violation of the State extortion, perjury, or obstruction of  
17 justice laws related to an activity described in this paragraph; AND

18 (VI) **A CRIMINAL OFFENSE ~~UNDER~~ RELATED TO VOTING IN A**  
19 **MUNICIPAL ELECTION ~~LAW~~ UNDER § 4–108.1 OF THE LOCAL GOVERNMENT**  
20 **ARTICLE.**

21 (2) The State Prosecutor may not investigate an offense alleged to  
22 have been committed by the State Prosecutor or a member of the State Prosecutor's  
23 staff.

24 **Article – Local Government**

25 **4–108.1.**

26 **AS TO VOTING IN A MUNICIPAL ELECTION:**

27 **(1) A PERSON IS SUBJECT TO THE OFFENSES AND PENALTIES**  
28 **RELATED TO VOTING SPECIFIED UNDER § 16–201 OF THE ELECTION LAW**  
29 **ARTICLE; AND**

1                   **(2) THE STATE PROSECUTOR OR THE STATE’S ATTORNEY FOR**  
2 **THE COUNTY IN WHICH THE MUNICIPAL ELECTION WAS HELD AND WHERE THE**  
3 **OFFENSE IS ALLEGED TO HAVE OCCURRED MAY PROSECUTE THE PERSON FOR**  
4 **THE OFFENSE.**

5                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2014.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.