

HOUSE BILL 224

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HB 220/13 – W&M

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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 17, 2014

Assigned to: Ways and Means

A BILL ENTITLED

AN ACT concerning

Voters' Rights Protection Act of 2014

FOR the purpose of authorizing the Attorney General to institute an action in a circuit court for injunctive relief to prohibit a person from engaging in or continuing to engage in certain violations of election law; providing that injunctive relief may be granted under this Act only to prevent certain violations of election law from affecting a pending election; requiring a circuit court to hear and determine an action filed under this Act as soon as practicable; providing that the grant of a remedy under this Act does not preclude any other remedy available under State or federal law; providing that a circuit court shall have jurisdiction over any proceeding instituted under this Act; requiring a circuit court to exercise its jurisdiction without regard to whether a person asserting a right under this Act has exhausted any other remedy available under law; and generally relating to election law violations related to voting.

BY repealing and reenacting, without amendments,
Article – Election Law
Section 16–201
Annotated Code of Maryland
(2010 Replacement Volume and 2013 Supplement)

BY adding to
Article – Election Law
Section 16–1003
Annotated Code of Maryland
(2010 Replacement Volume and 2013 Supplement)

Preamble

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



WHEREAS, The Attorney General of the United States has the authority under 42 U.S.C. § 1971(c) to institute a proceeding for preventive relief to protect certain rights of voters that are secured by federal law;

WHEREAS, The General Assembly determines that the Attorney General of Maryland should possess similar authority to protect the rights of voters in the State; now, therefore,

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

Article – Election Law

16–201.

(a) A person may not willfully and knowingly:

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

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

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

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

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

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

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

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

(b) Except as provided in § 16–1002 of this title, a person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine of not more than \$5,000 or imprisonment for not more than 5 years or both.

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

16–1003.

(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE ATTORNEY GENERAL MAY INSTITUTE AN ACTION IN A CIRCUIT COURT OF THE STATE FOR INJUNCTIVE RELIEF IN ACCORDANCE WITH THE MARYLAND RULES TO PROHIBIT A PERSON FROM COMMITTING AN IMMINENT VIOLATION OR CONTINUING TO COMMIT A VIOLATION OF § 16–201 OF THIS TITLE.

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

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

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

(E) THE CIRCUIT COURT SHALL:

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

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

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