

# SENATE BILL 192

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5lr1448  
CF HB 73

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By: **Senator Pinsky**

Introduced and read first time: February 2, 2015

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: April 4, 2015

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

1 AN ACT concerning

2 **Voters' Rights Protection Act of 2015**

3 FOR the purpose of authorizing the Attorney General to institute an action in a circuit  
4 court for injunctive relief to prohibit a person from engaging in or continuing to  
5 engage in certain violations of election ~~law,~~ law, except in certain circumstances;  
6 authorizing the State Prosecutor to seek injunctive relief in certain circumstances in  
7 which the Attorney General is prohibited from seeking injunctive relief under this  
8 Act; providing that injunctive relief may be granted under this Act only to prevent  
9 certain violations of election law from affecting a pending election; requiring a  
10 showing of certain evidence before injunctive relief may be granted under this Act;  
11 requiring a circuit court to hear and determine an action filed under this Act as soon  
12 as practicable; providing that the grant of a remedy under this Act does not preclude  
13 any other remedy available under State or federal law; providing that a circuit court  
14 shall have jurisdiction over any proceeding instituted under this Act; requiring a  
15 circuit court to exercise its jurisdiction without regard to whether a person asserting  
16 a right under this Act has exhausted any other remedy available under law; and  
17 generally relating to election law violations related to voting.

18 BY repealing and reenacting, without amendments,  
19 Article – Election Law  
20 Section 16–201  
21 Annotated Code of Maryland  
22 (2010 Replacement Volume and 2014 Supplement)

23 BY adding to

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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 Article – Election Law  
2 Section 16–1003  
3 Annotated Code of Maryland  
4 (2010 Replacement Volume and 2014 Supplement)

5 Preamble

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

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

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

14 **Article – Election Law**

15 16–201.

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

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

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

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

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

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

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

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

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

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

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

8 **16–1003.**

9           (A) ~~SUBJECT TO SUBSECTION (B) OF THIS SECTION~~

10           **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**  
11 **THE ATTORNEY GENERAL MAY INSTITUTE AN ACTION IN A CIRCUIT COURT OF THE**  
12 **STATE FOR INJUNCTIVE RELIEF IN ACCORDANCE WITH THE MARYLAND RULES TO**  
13 **PROHIBIT A PERSON FROM COMMITTING AN IMMINENT VIOLATION OR CONTINUING**  
14 **TO COMMIT A VIOLATION OF § 16–201 OF THIS TITLE.**

15           **(2) (I) THIS PARAGRAPH APPLIES IF THE ATTORNEY GENERAL IS**  
16 **A CANDIDATE IN A CONTEST ON THE BALLOT IN AN ELECTION.**

17           **(II) THE ATTORNEY GENERAL MAY NOT SEEK INJUNCTIVE**  
18 **RELIEF UNDER PARAGRAPH (1) OF THIS SUBSECTION IF A VIOLATION OF § 16–201**  
19 **OF THIS TITLE IS COMMITTED BY:**

20                           **1. THE ATTORNEY GENERAL;**

21                           **2. A PERSON ACTING ON BEHALF OF THE ATTORNEY**  
22 **GENERAL;**

23                           **3. A CANDIDATE WHO IS OPPOSING THE ATTORNEY**  
24 **GENERAL IN A CONTEST ON THE BALLOT; OR**

25                           **4. A PERSON ACTING ON BEHALF OF A CANDIDATE WHO**  
26 **IS OPPOSING THE ATTORNEY GENERAL IN A CONTEST ON THE BALLOT.**

27           **(III) THE STATE PROSECUTOR MAY SEEK INJUNCTIVE RELIEF IN**  
28 **ACCORDANCE WITH THIS SECTION IN ANY CIRCUMSTANCE IN WHICH THE ATTORNEY**  
29 **GENERAL IS PROHIBITED FROM SEEKING INJUNCTIVE RELIEF UNDER**  
30 **SUBPARAGRAPH (II) OF THIS PARAGRAPH.**

31           (B) INJUNCTIVE RELIEF MAY BE GRANTED UNDER THIS SECTION ONLY;

1           **(1) TO PREVENT A VIOLATION OF § 16-201 OF THIS TITLE FROM**  
2 **AFFECTING A PENDING ELECTION; AND**

3           **(2) BASED ON A SHOWING BY CLEAR AND CONVINCING EVIDENCE**  
4 **THAT A VIOLATION OF § 16-201 OF THIS TITLE IS IMMINENT OR IS BEING**  
5 **COMMITTED.**

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

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

11           **(E) THE CIRCUIT COURT SHALL:**

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

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

17           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
18 1, 2015.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.