

Chapter 396

(House Bill 73)

AN ACT concerning

Voters' Rights Protection Act of 2015

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~~, law, except in certain circumstances; authorizing the State Prosecutor to seek injunctive relief in certain circumstances in which the Attorney General is prohibited from seeking injunctive relief under this Act; 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 showing of certain evidence before injunctive relief may be granted under this Act; 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; *providing that an appeal of a decision of the circuit court under this Act shall be taken directly to the Court of Appeals within a certain time period; requiring the Court of Appeals to give priority to hear and decide the appeal in a certain manner;* 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 2014 Supplement)

BY adding to
 Article – Election Law
 Section 16–1003
 Annotated Code of Maryland
 (2010 Replacement Volume and 2014 Supplement)

Preamble

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; and

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) ~~(1) SUBJECT TO SUBSECTION (B) OF THIS SECTION~~ EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, 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.

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

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

1. THE ATTORNEY GENERAL;
2. A PERSON ACTING ON BEHALF OF THE ATTORNEY GENERAL;
3. A CANDIDATE WHO IS OPPOSING THE ATTORNEY GENERAL IN A CONTEST ON THE BALLOT; OR
4. A PERSON ACTING ON BEHALF OF A CANDIDATE WHO IS OPPOSING THE ATTORNEY GENERAL IN A CONTEST ON THE BALLOT.

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

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

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

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

(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.

(F) (1) AN APPEAL OF A DECISION OF THE CIRCUIT COURT UNDER THIS SECTION SHALL BE TAKEN DIRECTLY TO THE COURT OF APPEALS WITHIN 5 DAYS OF THE DATE OF THE DECISION.

(2) THE COURT OF APPEALS SHALL GIVE PRIORITY TO HEAR AND DECIDE AN APPEAL BROUGHT UNDER PARAGRAPH (1) OF THIS SUBSECTION AS EXPEDITIOUSLY AS THE CIRCUMSTANCES REQUIRE.

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

Approved by the Governor, May 12, 2015.