

# SENATE BILL 938

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By: **Senators Manno, Ferguson, Lee, and Madaleno**

Introduced and read first time: February 5, 2016

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Voting by Mail**  
3 **(Universal Vote by Mail Act)**

4 FOR the purpose of authorizing a voter to cast a ballot by mail; requiring the State Board  
5 of Elections, in consultation with the local boards of elections, to select a certain  
6 voting system; requiring the State Board to adopt certain regulations; requiring the  
7 local boards to mail a ballot for voting by mail to certain voters by certain deadlines;  
8 authorizing certain voters to request that a local board provide a ballot for voting by  
9 mail to the voter; requiring a voter who receives a ballot for voting by mail to take  
10 certain action to vote the ballot; providing for the methods by which a voter may  
11 return a ballot for voting by mail; specifying that a ballot for voting by mail must be  
12 received by a certain deadline; authorizing an individual, under certain  
13 circumstances, to request a replacement ballot for voting by mail; requiring a local  
14 board, under certain circumstances, to take certain action regarding replacement  
15 ballots; requiring a voter to take certain action to vote a replacement ballot;  
16 providing for the circumstances under which ballots for voting by mail are to be  
17 counted; requiring that a voter who is at a certain location by a certain time on the  
18 day of an election be allowed to deposit a ballot for voting by mail; providing for the  
19 circumstances under which the deadline for returning ballots for voting by mail may  
20 be extended; requiring a ballot for voting by mail to contain a certain statement;  
21 altering certain definitions; making certain conforming changes; providing for a  
22 delayed effective date; and generally relating to elections by mail.

23 BY repealing

24 Article – Election Law

25 Section 9–501 through 9–506 and the subtitle “Subtitle 5. Voting by Mail in Special  
26 Elections”

27 Annotated Code of Maryland

28 (2010 Replacement Volume and 2015 Supplement)

29 BY repealing and reenacting, without amendments,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Election Law  
2 Section 1–101(a)  
3 Annotated Code of Maryland  
4 (2010 Replacement Volume and 2015 Supplement)

5 BY repealing and reenacting, with amendments,  
6 Article – Election Law  
7 Section 1–101(b) and (d), 2–107(c)(8), 2–202(b)(3)(ii) and (6), 2–203, 9–205, 9–213,  
8 11–101(c), 13–245, and 16–206  
9 Annotated Code of Maryland  
10 (2010 Replacement Volume and 2015 Supplement)

11 BY adding to  
12 Article – Election Law  
13 Section 9–501 through 9–507 to be under the new subtitle “Subtitle 1. Voting by  
14 Mail”  
15 Annotated Code of Maryland  
16 (2010 Replacement Volume and 2015 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
18 That Section(s) 9–501 through 9–506 and the subtitle “Subtitle 5. Voting by Mail in Special  
19 Elections” of Article – Election Law of the Annotated Code of Maryland be repealed.

20 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
21 as follows:

### 22 Article – Election Law

23 1–101.

24 (a) In this article the following words have the meanings indicated unless a  
25 different meaning is clearly intended from the context.

26 (b) “Absentee ballot” means a ballot [not used in a polling place] **APPLIED FOR**  
27 **UNDER TITLE 9, SUBTITLE 3 OF THIS ARTICLE.**

28 (d) (1) “Ballot” or “official ballot” includes:

29 (i) an absentee ballot;

30 (ii) a provisional ballot;

31 (iii) a document ballot; [or]

32 (iv) a voting machine ballot; **AND**

1 (V) **BALLOT FOR VOTING BY MAIL.**

2 (2) "Ballot" or "official ballot" does not include:

3 (i) a sample ballot; or

4 (ii) a specimen ballot.

5 2-107.

6 (c) Expenditures from the Fund may be made only in accordance with an  
7 appropriation for:

8 (8) establishing toll-free telephone hotlines that voters may use to report  
9 possible voting fraud and voting rights violations, to obtain general election information,  
10 and to access detailed automated information on their own voter registration status,  
11 specific polling place locations **AND LOCATIONS AT WHICH BALLOTS FOR VOTING BY**  
12 **MAIL MAY BE DEPOSITED**, and other relevant information; and

13 2-202.

14 (b) Each local board, in accordance with the provisions of this article and  
15 regulations adopted by the State Board, shall:

16 (3) maintain an office and be open for business as provided in this article,  
17 and provide the supplies and equipment necessary for the proper and efficient conduct of  
18 voter registration and election, including:

19 (ii) office [and], polling place, **AND BALLOT DEPOSIT LOCATION**  
20 equipment expenses;

21 (6) establish and alter the boundaries and number of precincts in  
22 accordance with § 2-303 of this title, and provide a suitable polling place for each precinct,  
23 and assign voters to precincts;

24 2-203.

25 Each county shall appropriate the funds essential for the operations of its local board  
26 to enable the local board to pay the reasonable expenses incurred by the local board to  
27 exercise the powers and perform the duties prescribed for it by law, including:

28 (1) personnel expenses, such as compensation, workers' compensation, and  
29 unemployment insurance;

30 (2) polling place **AND BALLOT DEPOSIT LOCATION** operation expenses;

31 and

(3) supplies and equipment required under § 2-202(b)(3) of this subtitle.

**SUBTITLE 5. VOTING BY MAIL.**

**9-501.**

(A) A VOTER MAY CAST A BALLOT BY MAIL.

(B) THE STATE BOARD, IN CONSULTATION WITH THE LOCAL BOARDS, SHALL SELECT A VOTING SYSTEM FOR TABULATING BALLOTS OR VOTES CAST IN AN ELECTION BY MAIL.

(C) (1) THE STATE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.

(2) THE REGULATIONS ADOPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:

(I) SPECIFY THE DATES AND TIMES THAT THE LOCATIONS WHERE A VOTER MAY DEPOSIT A BALLOT UNDER § 9-503 OF THIS SUBTITLE ARE TO BE OPEN;

(II) PROVIDE SECURITY REQUIREMENTS FOR THE LOCATIONS WHERE A VOTER MAY DEPOSIT A BALLOT UNDER § 9-503 OF THIS SUBTITLE;

(III) REQUIRE THAT THE LOCATIONS WHERE A VOTER MAY DEPOSIT A BALLOT UNDER § 9-503 OF THIS SUBTITLE BE OPEN ON THE DAY OF THE ELECTION A MINIMUM OF 8 HOURS AND UNTIL AT LEAST 8 P.M.; AND

(IV) PROVIDE FOR THE PROCEDURES TO BE FOLLOWED IN SELECTING AND USING THE VOTING SYSTEM SELECTED UNDER SUBSECTION (B) OF THIS SECTION.

**9-502.**

(A) EACH LOCAL BOARD SHALL SEND, BY NONFORWARDABLE MAIL, A BALLOT FOR VOTING BY MAIL TO EACH VOTER WHO WAS REGISTERED TO VOTE AS OF THE 21ST DAY BEFORE THE DAY OF THE ELECTION.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, BALLOTS SHALL BE MAILED:

1 (I) NOT EARLIER THAN THE 18TH DAY BEFORE THE DAY OF THE  
2 ELECTION; AND

3 (II) NOT LATER THAN THE 14TH DAY BEFORE THE DAY OF THE  
4 ELECTION.

5 (2) IF A LOCAL BOARD DETERMINES THAT A VOTER DOES NOT  
6 RECEIVE DAILY MAIL SERVICE FROM THE UNITED STATES POSTAL SERVICE, A  
7 BALLOT SHALL BE MAILED TO THE VOTER:

8 (I) NOT EARLIER THAN THE 20TH DAY BEFORE THE DAY OF THE  
9 ELECTION; AND

10 (II) NOT LATER THAN THE 18TH DAY BEFORE THE DAY OF THE  
11 ELECTION.

12 (C) (1) IF A VOTER UPDATES THE VOTER'S REGISTRATION AFTER THE  
13 21ST DAY BEFORE THE DAY OF THE ELECTION, THE VOTER MAY REQUEST THAT THE  
14 LOCAL BOARD PROVIDE A BALLOT TO THE VOTER.

15 (2) IF A VOTER REQUESTS A BALLOT UNDER PARAGRAPH (1) OF THIS  
16 SUBSECTION, THE LOCAL BOARD SHALL MAKE A BALLOT, RETURN IDENTIFICATION  
17 ENVELOPE, AND SECRECY ENVELOPE AVAILABLE TO THE VOTER:

18 (I) BY MAIL;

19 (II) AT THE OFFICE OF THE LOCAL BOARD; OR

20 (III) AT ANOTHER LOCATION DESIGNATED BY THE LOCAL  
21 BOARD.

22 9-503.

23 (A) TO VOTE A BALLOT FOR VOTING BY MAIL, A VOTER SHALL:

24 (1) MARK THE BALLOT;

25 (2) SIGN THE RETURN IDENTIFICATION ENVELOPE SUPPLIED WITH  
26 THE BALLOT; AND

27 (3) COMPLY WITH THE INSTRUCTIONS PROVIDED WITH THE BALLOT.

1           **(B) (1) A VOTER MAY RETURN THE MARKED BALLOT TO THE LOCAL**  
2 **BOARD BY:**

3                           **(I) UNITED STATES MAIL;**

4                           **(II) DEPOSITING THE BALLOT AT THE OFFICE OF THE LOCAL**  
5 **BOARD; OR**

6                           **(III) DEPOSITING THE BALLOT AT A LOCATION DESIGNATED BY**  
7 **THE LOCAL BOARD.**

8                   **(2) A BALLOT MUST BE RETURNED IN THE RETURN IDENTIFICATION**  
9 **ENVELOPE.**

10                   **(3) IF A VOTER RETURNS THE BALLOT BY MAIL, THE STATE BOARD**  
11 **SHALL PAY THE POSTAGE.**

12                   **(4) AT EACH LOCATION AT WHICH A BALLOT MAY BE RETURNED, THE**  
13 **LOCAL BOARD SHALL:**

14                           **(I) PROMINENTLY DISPLAY A SIGN STATING THAT THE**  
15 **LOCATION IS AN OFFICIAL BALLOT DROP SITE; AND**

16                           **(II) PROVIDE AT LEAST THREE SUITABLE SURFACES AT WHICH**  
17 **A VOTER MAY MARK THE VOTER'S BALLOT IN SECRECY.**

18           **(C) A BALLOT FOR VOTING BY MAIL MUST BE RECEIVED BY THE LOCAL**  
19 **BOARD OR DEPOSITED AT A LOCATION SPECIFIED IN SUBSECTION (B)(1)(II) OR (III)**  
20 **OF THIS SECTION BY THE DEADLINE ESTABLISHED BY THE STATE ADMINISTRATOR**  
21 **IN REGULATION.**

22 **9-504.**

23           **(A) AN INDIVIDUAL MAY REQUEST A REPLACEMENT BALLOT FOR VOTING BY**  
24 **MAIL IF:**

25                   **(1) A BALLOT WAS MAILED TO THE INDIVIDUAL UNDER § 9-502 OF**  
26 **THIS SUBTITLE, BUT THE BALLOT WAS DESTROYED, SPOILED, LOST, OR NOT**  
27 **RECEIVED BY THE VOTER; OR**

28                   **(2) A BALLOT WAS NOT MAILED TO THE INDIVIDUAL BECAUSE THE**  
29 **INDIVIDUAL DOES NOT APPEAR ON THE ELECTION REGISTER.**

1           **(B) IF THE LOCAL BOARD RECEIVES A REQUEST FOR A REPLACEMENT**  
2 **BALLOT UNDER SUBSECTION (A) OF THIS SECTION, THE LOCAL BOARD SHALL:**

3           **(1) VERIFY THE REGISTRATION OF THE VOTER;**

4           **(2) VERIFY THAT A BALLOT HAS NOT BEEN RETURNED BY THE VOTER;**

5           **(3) NOTE IN THE ELECTION REGISTER THAT THE VOTER HAS**  
6 **REQUESTED A REPLACEMENT BALLOT;**

7           **(4) MARK THE RETURN IDENTIFICATION ENVELOPE CLEARLY TO**  
8 **IDENTIFY THE BALLOT AS A REPLACEMENT BALLOT; AND**

9           **(5) ISSUE THE REPLACEMENT BALLOT AND A REPLACEMENT BALLOT**  
10 **REQUEST FORM.**

11          **(C) (1) A REPLACEMENT BALLOT MAY BE:**

12                   **(I) MAILED;**

13                   **(II) MADE AVAILABLE AT THE LOCAL BOARD; OR**

14                   **(III) MADE AVAILABLE AT ONE CENTRAL LOCATION THAT:**

15                           **1. IS IN THE ELECTORAL DISTRICT IN WHICH THE**  
16 **ELECTION IS CONDUCTED; AND**

17                           **2. IS DESIGNATED BY THE LOCAL BOARD.**

18           **(2) A LOCAL BOARD MAY NOT BE REQUIRED TO MAIL A REPLACEMENT**  
19 **BALLOT IF THE REQUEST FOR THE REPLACEMENT BALLOT WAS MADE LATER THAN**  
20 **5 DAYS BEFORE THE DAY OF THE ELECTION.**

21          **(D) TO VOTE A REPLACEMENT BALLOT, THE VOTER SHALL COMPLETE, SIGN,**  
22 **AND DEPOSIT A REPLACEMENT BALLOT REQUEST FORM WITH THE REPLACEMENT**  
23 **BALLOT AT A LOCATION AT WHICH BALLOTS MAY BE DEPOSITED UNDER § 9-503 OF**  
24 **THIS SUBTITLE.**

25 **9-505.**

26          **(A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A BALLOT FOR**  
27 **VOTING BY MAIL SHALL BE COUNTED ONLY IF:**

1 (I) IT IS RETURNED IN THE RETURN IDENTIFICATION  
2 ENVELOPE;

3 (II) THE RETURN IDENTIFICATION ENVELOPE IS SIGNED BY THE  
4 VOTER TO WHOM THE BALLOT WAS ISSUED; AND

5 (III) THE SIGNATURE IS VERIFIED AS PROVIDED IN SUBSECTION  
6 (B) OF THIS SECTION.

7 (2) A REPLACEMENT BALLOT MAY NOT BE COUNTED UNLESS THE  
8 REPLACEMENT BALLOT REQUEST FORM THAT WAS DEPOSITED WITH THE BALLOT IS  
9 COMPLETE AND SIGNED BY THE VOTER.

10 (B) THE LOCAL BOARD SHALL VERIFY THE SIGNATURE OF A VOTER ON THE  
11 RETURN IDENTIFICATION ENVELOPE BY COMPARING THE SIGNATURE WITH THE  
12 SIGNATURE ON THE VOTER'S REGISTRATION CARD IN ACCORDANCE WITH  
13 REGULATIONS ADOPTED BY THE STATE BOARD.

14 (C) IF THE LOCAL BOARD DETERMINES THAT A VOTER TO WHOM A  
15 REPLACEMENT BALLOT HAS BEEN ISSUED HAS VOTED MORE THAN ONCE, THE  
16 LOCAL BOARD SHALL COUNT ONLY ONE BALLOT CAST BY THE VOTER.

17 **9-506.**

18 A VOTER WHO IS AT A LOCATION AT WHICH A BALLOT FOR VOTING BY MAIL  
19 MAY BE DEPOSITED UNDER § 9-503 OF THIS SUBTITLE BY 8 P.M. ON THE DAY OF THE  
20 ELECTION SHALL BE ALLOWED TO DEPOSIT THE BALLOT.

21 **9-507.**

22 (A) (1) IN THIS SUBSECTION, "EMERGENCY" MEANS A HUMAN-CREATED  
23 OR NATURAL EVENT OR CIRCUMSTANCE THAT CAUSES OR THREATENS WIDESPREAD  
24 LOSS OF LIFE, INJURY TO INDIVIDUALS, DAMAGE TO PROPERTY, HUMAN SUFFERING,  
25 OR FINANCIAL LOSS.

26 (2) THE STATE ADMINISTRATOR MAY SUBMIT A WRITTEN REQUEST  
27 TO THE GOVERNOR TO EXTEND THE DEADLINE FOR RETURNING BALLOTS FOR  
28 VOTING BY MAIL IF THE STATE ADMINISTRATOR, AFTER CONSULTING THE LOCAL  
29 BOARD, DETERMINES THAT IT WOULD BE IMPOSSIBLE OR IMPRACTICABLE FOR  
30 VOTERS TO RETURN BALLOTS OR FOR ELECTION OFFICIALS TO TABULATE BALLOTS  
31 DUE TO AN EMERGENCY.

1           **(B) (1) IF THE GOVERNOR RECEIVES A WRITTEN REQUEST UNDER**  
2 **SUBSECTION (A) OF THIS SECTION, SUBJECT TO PARAGRAPH (3) OF THIS**  
3 **SUBSECTION, THE GOVERNOR MAY ISSUE A WRITTEN PROCLAMATION TO EXTEND**  
4 **THE DEADLINE.**

5           **(2) IF THE GOVERNOR ISSUES A WRITTEN PROCLAMATION UNDER**  
6 **PARAGRAPH (1) OF THIS SUBSECTION, THE WRITTEN PROCLAMATION SHALL**  
7 **INCLUDE:**

8                   **(I) THE DETERMINATION OF THE GOVERNOR;**

9                   **(II) THE REASON THE DEADLINE FOR RETURNING BALLOTS IS**  
10 **BEING EXTENDED; AND**

11                   **(III) THE DATE AND TIME BY WHICH BALLOTS MUST BE**  
12 **RETURNED IN THE ELECTION.**

13           **(3) THE GOVERNOR MAY NOT EXTEND THE DEADLINE FOR**  
14 **RETURNING BALLOTS FOR MORE THAN 7 CALENDAR DAYS AFTER THE DATE OF THE**  
15 **ELECTION.**

16           **(C) IF THE GOVERNOR EXTENDS THE DEADLINE UNDER SUBSECTION (B) OF**  
17 **THIS SECTION, A LOCAL BOARD MAY NOT ORDER A TABULATION OF VOTES UNTIL**  
18 **THE DATE AND TIME SET BY THE GOVERNOR BY WHICH BALLOTS FOR VOTING BY**  
19 **MAIL MUST BE RETURNED.**

20 9–205.

21 Each ballot shall contain:

22           (1) a heading as provided in § 9–206(a) of this subtitle;

23           (2) a statement of each question that has met all of the qualifications to  
24 appear on the ballot;

25           (3) the title of each office to be voted on;

26           (4) the name, as specified in the certificate of candidacy, or as otherwise  
27 provided in Title 5 of this article, of each candidate who has been certified by the State  
28 Board;

29           (5) a party designation for certain candidates as provided in this subtitle;

30           (6) a means by which a voter may cast write-in votes, as provided in this  
31 subtitle; [and]

1 (7) instructions to voters as provided in this subtitle; AND

2 (8) IF THE BALLOT IS FOR VOTING BY MAIL, THE FOLLOWING  
3 WARNING:

4 “ANY PERSON WHO, BY USE OF FORCE OR OTHER MEANS, UNDULY  
5 INFLUENCES A VOTER TO VOTE IN ANY PARTICULAR MANNER OR TO REFRAIN FROM  
6 VOTING IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE,  
7 IMPRISONMENT, OR BOTH.”

8 9–213.

9 The content of [both] an absentee ballot [and], a provisional ballot, AND A BALLOT  
10 MAILED TO THE VOTER UNDER § 9–502 OF THIS SUBTITLE issued to a voter shall be  
11 identical to the ballot used in the polling place of the voter’s residence.

12 11–101.

13 (c) (1) “Canvass” means the entire process of vote tallying, vote tabulation,  
14 and vote verification or audit, culminating in the production and certification of the official  
15 election results.

16 (2) For absentee ballots AND BALLOT RETURNED BY A VOTER UNDER §  
17 9–502 OF THIS ARTICLE, the “canvass” includes the opening of any envelope  
18 accompanying an absentee THE ballot and the assembly and review of [absentee] ballots  
19 in preparation for vote tallying.

20 (3) For provisional ballots, the “canvass” includes the review of the  
21 provisional ballot applications described in § 11–303 of this title and the assembly and  
22 review of provisional ballots in preparation for vote tallying.

23 (4) For votes cast during early voting, the “canvass” includes the tabulation  
24 of votes cast during early voting.

25 13–245.

26 (a) In this section, “walk-around services” means the following activities if  
27 performed for money while the polls OR LOCATIONS AT WHICH VOTERS CAN DEPOSIT A  
28 BALLOT UNDER § 9–502 OF THIS ARTICLE are open:

29 (1) distributing campaign material;

30 (2) stationing a person, including oneself, or an object in the path of a voter;

31 (3) electioneering or canvassing as described in § 16–206 of this article;

- 1 (4) communicating in any other manner a voting preference or choice; or  
2 (5) performing any other service as a poll worker or distributor of sample  
3 ballots.

4 (b) This section does not apply to:

- 5 (1) meals, beverages, and refreshments served to campaign workers;  
6 (2) salaries of regularly employed personnel in campaign headquarters;  
7 (3) media advertising, including newspaper, radio, television, billboard, or  
8 aerial advertising;  
9 (4) rent and regular office expenses; or  
10 (5) the cost of telephoning voters or transporting voters to and from polling  
11 places **OR THE LOCATIONS AT WHICH VOTERS CAN DEPOSIT A BALLOT UNDER §**  
12 **9-503 OF THIS ARTICLE.**

13 (c) (1) A campaign finance entity, or a person acting on its behalf, may not at  
14 any time, directly or indirectly, pay or incur an obligation to pay, and a person may not,  
15 directly or indirectly, receive any money or thing of value, for a political endorsement.

16 (2) (i) A campaign finance entity, or a person acting on its behalf, that  
17 pays any person for walk-around services shall make all payments by check from a  
18 campaign account designated under § 13-220(a) of this subtitle.

19 (ii) All payments made under subparagraph (i) of this paragraph  
20 shall be reported in accordance with § 13-304 of this title.

21 16-206.

22 (a) A person may not:

23 (1) place any distinguishing mark on the person's own or another person's  
24 ballot for the purpose of identifying the ballot;

25 (2) misrepresent the person's ability to mark a ballot or operate voting  
26 equipment;

27 (3) interfere or attempt to interfere with a voter while the voter is inside  
28 the polling room, marking a ballot, or operating voting equipment;

29 (4) induce or attempt to induce a voter to mark the voter's ballot in a  
30 certain way;

1 (5) except for servicing by an authorized person, unlock any locked  
2 compartment of a voting device unless instructed to do so by the election director;

3 (6) destroy or deface a ballot;

4 (7) remove a ballot from a building in which voting occurs, except as  
5 otherwise provided in this article;

6 (8) delay the delivery of a ballot;

7 (9) possess on or before the day of election an official ballot printed for the  
8 election, unless the possession of the ballot is necessary and appropriate for carrying out  
9 the election process; or

10 (10) canvass, electioneer, or post any campaign material in the polling place  
11 **OR A LOCATION AT WHICH VOTERS MAY DEPOSIT A BALLOT UNDER § 9-503 OF THIS**  
12 **ARTICLE** or beyond a line established by signs posted in accordance with subsection (b) of  
13 this section.

14 (b) (1) At each polling place, one election judge from each principal political  
15 party shall be designated by the local board and, acting jointly, shall post signs delineating  
16 a line around the entrance and exit of the building that are closest to that part of the  
17 building in which voting occurs **OR BALLOTS MAY BE DEPOSITED UNDER § 9-503 OF**  
18 **THIS ARTICLE.**

19 (2) (i) Except as provided in subparagraph (ii) of this paragraph, the  
20 line shall be located as near as practicable to 100 feet from the entrance and exit and shall  
21 be established after consideration of the configuration of the entrance and the effect of  
22 placement on public safety and the flow of pedestrian and vehicular traffic.

23 (ii) In Montgomery County, on approval of the local board, the line  
24 may be located at any point between 25 feet and 100 feet from the entrance and exit.

25 (3) The signs shall contain the words "No Electioneering Beyond this  
26 Point".

27 (c) A person who violates this section is guilty of a misdemeanor and is subject to  
28 a fine of not less than \$50 nor more than \$500 or imprisonment for not more than 60 days  
29 or both.

30 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 January 1, 2017.