

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1228
Ways and Means

(Delegate Lisanti)

Election Law - Ballot Drop Boxes - Prohibited Acts

This bill prohibits a person from (1) removing, defacing, damaging, destroying, or preventing the correct operation of a ballot drop box or (2) except for servicing by an authorized person, unlocking any locked compartment of a ballot drop box unless instructed to do so by the election director. “Ballot drop box” means a secure, durable, outdoor container that is officially designated by a local board of elections exclusively for voters to deposit completed absentee ballots in person. A person who violates the bill’s prohibitions is guilty of a felony and subject to a fine of up to \$10,000 and/or imprisonment for up to three years.

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances.

Local Effect: The bill is not expected to materially affect local government finances.

Small Business Effect: None.

Analysis

Current Law: Title 16 of the Election Law Article (to which the bill’s prohibitions are added) prohibits various actions relating to elections equipment and ballots, including:

- except for servicing by an authorized person, unlocking any locked compartment of a voting device unless instructed to do so by the election director;
- destroying or defacing a ballot, or delaying the delivery of a ballot;

- willfully concealing, damaging, or destroying voting equipment used or intended to be used on the day of the election, or removing voting equipment from the custody of the election judges or other election officials;
- willfully and knowingly tampering with, damaging, or attempting to damage any voting equipment that is used or will be used in an election, or preventing or attempting to prevent the correct operation of any voting equipment that is used or will be used on the day of the election;
- unless authorized, making or having in one's possession a key to any voting equipment that is used or will be used on the day of the election; and
- removing, defacing, or destroying equipment or supplies placed in a polling place by election officials during an election.

A person who violates the prohibitions relating to voting equipment or supplies is guilty of a felony and subject to a fine of up to \$10,000 and/or imprisonment for up to three years. A person who violates the prohibitions relating to ballots or unlocking a compartment of a voting device is guilty of a misdemeanor and subject to a fine of at least \$50 but not more than \$500 and/or imprisonment for up to 60 days.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Montgomery and Worcester counties; Judiciary (Administrative Office of the Courts); Office of the State Prosecutor; Department of Legislative Services

Fiscal Note History: First Reader - February 26, 2021
rh/hlb

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