

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

House Bill 585
Judiciary

(The Speaker, *et al.*) (By Request - Administration)

Education, Energy, and the Environment

Protecting Election Officials Act of 2024

This emergency Administration bill prohibits a person from threatening to harm an election official or an immediate family member of an election official because of the election official's role in administering the election process, with violations subject to penalties of imprisonment for up to three years and/or a fine of up to \$2,500.

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: The Administration has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Bill Summary: The bill prohibits a person from (1) knowingly and willfully making a threat to harm an election official or an immediate family member of an election official because of the election official's role in administering the election process or (2) knowingly sending, delivering, parting with, or making for the purpose of sending or delivering a threat to harm an election official or an immediate family member of an election official because of the election official's role in administering the election process.

A person who violates these prohibitions is guilty of a misdemeanor and subject to imprisonment for up to three years and/or a fine of up to \$2,500.

“Threat” includes (1) an oral threat; (2) a threat made by electronic communication; and (3) a threat in any written form, whether or not the writing is signed, or if the writing is signed, whether or not it is signed with a fictitious name or any other mark.

“Electronic communication” is defined (in the same manner as it is defined under provisions of the Criminal Law Article relating to malicious use of electronic communications) as the act of transmitting any information, data, writing, image, or communication by the use of a computer or any other electronic means, including a communication that involves the use of email, an instant messaging service, an Internet website, a social media application, a network call, a facsimile machine, or any other Internet-based communication tool.

“Harm” includes (1) serious injury and (2) serious emotional distress.

“Election official” means:

- the State Administrator of Elections;
- a member of the State Board of Elections (SBE);
- an employee of SBE;
- counsel to SBE;
- a county election director;
- a member of a local board of elections;
- an employee of a local board of elections;
- counsel to a local board of elections; or
- an election judge.

“Election official” includes (1) an individual who takes the oath prescribed in Article I, § 9 of the Maryland Constitution to assist in administering an election and (2) a page serving under the Election Day Page Program. (See Current Law, below.)

“Immediate family member” includes (1) a parent; (2) a spouse; and (3) a child.

Current Law:

Election Law Article

Title 16 of the Election Law Article (to which the bill’s prohibitions are added) prohibits a person from (1) interfering with an election official in the performance of their official duties or (2) hindering or impeding the conduct of official electoral activities by breach of the peace, disorder, violence, or threat of violence. A person who violates either prohibition

is guilty of a misdemeanor and subject to a fine of \$50 to \$1,000 and/or imprisonment for three months to one year.

Criminal Law Article

Threats Against Certain State and Local Officials

Section 3-708 of the Criminal Law Article prohibits a person from (1) knowingly and willfully making a threat to take the life of, kidnap, or cause physical injury to a State official, a local official, a deputy State's Attorney, an assistant State's Attorney, or an assistant Public Defender or (2) knowingly sending, delivering, parting with, or making for the purpose of sending or delivering a threat to take the life of, kidnap, or cause physical injury to any of those officials. A person who violates the prohibition is guilty of a misdemeanor and subject to imprisonment for up to three years and/or a fine of up to \$2,500.

"Threat" includes (1) an oral threat and (2) a threat in any written form, whether or not the writing is signed, or if the writing is signed, whether or not it is signed with a fictitious name or any other mark.

"State official" means (1) the Governor, Governor-elect, Lieutenant Governor, and Lieutenant Governor-elect; (2) a constitutional officer or officer-elect in an executive unit; (3) a member or member-elect of the General Assembly; (4) a judge or judge-elect; (5) specified judicial appointees; (6) a State's Attorney; (7) a clerk of the circuit court; (8) a register of wills; or (9) a sheriff.

"Local official" means an individual serving in a publicly elected office of a local government unit.

Malicious Use of Electronic Communications

Section 3-805 of the Criminal Law Article contains specified prohibitions against (1) malicious use of electronic communications after receiving a reasonable warning or request to stop and (2) malicious use of electronic communications intended to cause physical injury or serious emotional distress to a minor. A person who violates those prohibitions is guilty of a misdemeanor and subject to imprisonment for up to three years and/or a fine of up to \$10,000.

Article I, Section 9 of the Maryland Constitution (Referred to in the Bill)

Under Article I, § 9 of the Maryland Constitution, every person elected or appointed to any office of profit or trust under the constitution, or under the laws made pursuant to the

constitution, must, before the person enters upon the duties of the office, take and subscribe to a specified oath or affirmation.

Election Day Page Program (Referred to in the Bill)

The Election Day Page Program, enacted under Chapter 468 of 2019, has the purpose of (1) stimulating the interest of students in the election process; (2) providing assistance to election judges in polling places on Election Day; and (3) ensuring the safe entry and exit of elderly voters and voters with disabilities from polling places. SBE must develop a specified page training program for use by participating local boards of elections. A local board (1) may participate in the Election Day Page Program; (2) is responsible for the staffing of and implementation of a page training program; and (3) must ensure that each page receives the required training before Election Day.

To qualify as a page, an individual must (1) be at least 14 years old; (2) apply to the local board in the individual's county of residence; (3) be available to work at least one full four-hour shift on Election Day; and (4) complete the required training before Election Day. A page may work up to two four-hour shifts at a polling place on Election Day and must (1) serve under the direct supervision of the chief election judges for the assigned polling place and (2) assist election judges with Election Day duties, as directed.

Background: The National Conference of State Legislatures (NCSL) [indicates](#) that in recent years election officials, staff, and poll workers have been subjected to threats, accusations of crime, and leaked private information (“doxing”) at much higher rates than usual. According to information updated by NCSL in April 2024, 16 states (other than Maryland) – Arizona, California, Colorado, Indiana, Maine, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Mexico, Oklahoma, Oregon, Vermont, Virginia, and Washington – and the District of Columbia have enacted laws specifically addressing protections for election officials and poll workers since 2020.

For additional information, see [Issue Papers, 2024 Legislative Session](#), Department of Legislative Services, p. 180 (“Protections for Election Workers”) (December 2023).

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 480 (The President, *et al.*) (By Request - Administration) - Education, Energy, and the Environment.

Information Source(s): State Board of Elections; Judiciary (Administrative Office of the Courts); Office of the Public Defender; State Prosecutor's Office; National Conference of State Legislatures; Department of Legislative Services

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: **Protecting Election Officials Act of 2024**

BILL NUMBER: HB0585

PREPARED BY: Governor's Legislative Office

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS