

**Department of Legislative Services**  
Maryland General Assembly  
2024 Session

**FISCAL AND POLICY NOTE**  
**Enrolled - Revised**

Senate Bill 480

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

Education, Energy, and the Environment

Judiciary

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**Protecting Election Officials Act of 2024**

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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.

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**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.)

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**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 an individual who takes the oath prescribed in Article I, § 9 of the Maryland Constitution to assist in administering an election.

“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.

**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).

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### Additional Information

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

**Designated Cross File:** HB 585 (The Speaker, *et al.*) (By Request - Administration) - Judiciary.

**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

**Fiscal Note History:** First Reader - February 2, 2024  
km/sdk Third Reader - March 18, 2024  
Revised - Amendment(s) - March 18, 2024  
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Analysis by: Arnold H. Adja

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510

# **ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES**

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

BILL NUMBER: SB0480

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