
By: **Delegates Gilleland, Boschert, Costa, Dwyer, Leopold, McConkey, and
McMillan**

Introduced and read first time: February 20, 2004

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Elections - Voting Equipment or Supplies - Penalties**

3 FOR the purpose of altering the penalty for the violation of certain provisions of the
4 State election law relating to voting equipment and supplies; and generally
5 relating to the penalty for violating certain election laws.

6 BY repealing and reenacting, with amendments,
7 Article - Election Law
8 Section 16-801 through 16-803
9 Annotated Code of Maryland
10 (2003 Volume and 2003 Supplement)

11 BY repealing and reenacting, without amendments,
12 Article - Election Law
13 Section 16-804
14 Annotated Code of Maryland
15 (2003 Volume and 2003 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article - Election Law**

19 16-801.

20 (a) A person may not willfully:

21 (1) conceal, damage, or destroy voting equipment used or intended to be
22 used on the day of election; or

23 (2) remove voting equipment from the custody of the election judges or
24 other election officials.

1 (b) A person who violates this section is guilty of a felony and is subject to A
2 FINE OF NOT MORE THAN \$50,000 OR imprisonment for not [less than 1 year nor]
3 more than [5] 10 years OR BOTH.

4 16-802.

5 (a) A person may not willfully and knowingly:

6 (1) tamper with, damage, or attempt to damage any voting equipment
7 that is used or will be used in an election; or

8 (2) prevent or attempt to prevent the correct operation of any voting
9 equipment that is used or will be used on the day of election.

10 (b) An unauthorized person may not make or have in the person's possession a
11 key to any voting equipment that is used or will be used on the day of election.

12 (c) A person who violates this section is guilty of a [misdemeanor] FELONY
13 and is subject to a fine of not more than [\$1,000] \$50,000 or imprisonment for not
14 more than [1 year] 10 YEARS or both.

15 16-803.

16 (a) A person may not remove, deface, or destroy equipment or supplies placed
17 in a polling place by election officials during an election.

18 (b) A person who violates this section is GUILTY OF A FELONY AND IS subject
19 to a fine of not more than [\$500] \$50,000 or imprisonment for not more than [1 year]
20 10 YEARS or both.

21 16-804.

22 (a) When an electronic voting system is used, a person may not willfully and
23 knowingly:

24 (1) access the system unless authorized to do so by the appropriate
25 election authority; or

26 (2) tamper with or alter the hardware, system components, or software
27 utilized by the voting system, for the purpose of affecting the vote count.

28 (b) A person who violates this section is guilty of a felony and on conviction
29 shall be subject to a fine of not more than \$50,000 or imprisonment for not more than
30 10 years or both.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2004.