

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE
Revised

House Bill 539

(Delegate Rosenberg)

Ways and Means

Education, Health, and Environmental Affairs

Voters' Rights Protection Act - Clarification

This bill amends current law by specifying that, *on election day at a polling site and within the electioneering boundary*, a person may not attire or equip an individual or permit an individual to be attired or equipped, in a manner that creates the appearance the individual is performing an official or governmental function in connection with an election. The bill also specifies that a person who knowingly violates this provision is guilty of a misdemeanor and on conviction subject to imprisonment for up to five years or a fine of up to \$2,500 or both.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the bill's penalty provision.

Local Effect: Potential minimal increase in revenues and expenditures due to the bill's penalty provision.

Small Business Effect: None.

Analysis

Current Law: Aside from a law enforcement officer or security guard on duty, traveling to or from duty, or performing an official governmental function, an individual may not be attired or equipped in a manner that creates the appearance that the individual is performing an official or governmental function in connection with an election, including:

- wearing a public or private law enforcement or security guard uniform;
- using an armband; or
- except as required by law or by regulation adopted by SBE in connection with ballot security activities, carrying or displaying a gun or badge within 100 feet of a polling site on election day.

A violator is subject to a civil penalty of up to \$5,000.

Electioneering Boundary

At each polling place, an election judge from each principal political party jointly establish an electioneering boundary by posting signs reading “No Electioneering Beyond this Point” that delineate a line around the entrance and exit of the building. The boundary must be located as near as practicable to 100 feet from the entrance and exit.

Background: The section being modified became law pursuant to Chapter 4 of 2006.

State Revenues: General fund revenues could increase minimally as a result of the bill’s monetary penalty provision from cases heard in the District Court.

State Expenditures: General fund expenditures could increase minimally as a result of the bill’s incarceration penalty due to more people being committed to Division of Correction (DOC) facilities and increased payments to counties for reimbursement of inmate costs. The number of people convicted of this proposed crime is expected to be minimal.

Persons serving a sentence longer than 18 months are incarcerated in DOC facilities. Currently, the average total cost per inmate, including overhead, is estimated at \$1,974 per month. This bill alone, however, should not create the need for additional beds, personnel, or facilities. Excluding overhead, the average cost of housing a new DOC inmate (including medical care and variable costs) is \$341 per month. Excluding medical care, the average variable costs total \$134 per month.

Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to local detention facilities. For persons sentenced to a term of between 12 and 18 months, the sentencing judge has the discretion to order that the sentence be served at a local facility or DOC. The State reimburses counties for part of their incarceration costs, on a per diem basis, after a person has served 90 days. State per diem reimbursements for fiscal 2007 are estimated to range from \$17 to \$65 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are

generally incarcerated in DOC facilities. The Baltimore City Detention Center, a State-operated facility, is used primarily for pretrial detentions.

Local Revenues: Revenues could increase minimally as a result of the bill's monetary penalty provision from cases heard in the circuit courts.

Local Expenditures: Expenditures could increase minimally as a result of the bill's incarceration penalty. Counties pay the full cost of incarceration for people in their facilities for the first 90 days of the sentence, plus part of the per diem cost after 90 days. Per diem operating costs of local detention facilities are expected to range from \$33 to \$119 per inmate in fiscal 2007.

Additional Information

Prior Introductions: None.

Cross File: SB 461 (Senator Gladden) – Education, Health, and Environmental Affairs.

Information Source(s): Washington County, Montgomery County, Kent County, Maryland State Board of Elections, Baltimore City, Department of Legislative Services

Fiscal Note History: First Reader - February 20, 2006
ncs/jr Revised - House Third Reader - March 30, 2006

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