

HOUSE BILL 565

G1

8lr1451

By: **Delegates Rosenberg and Cardin**
Introduced and read first time: January 31, 2008
Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Elections - Voting Interference - Misuse of Telephone Facilities and**
3 **Electronic Mail**

4 FOR the purpose of prohibiting the use of electronic mail or telephone facilities or
5 equipment with the intent to prevent, obstruct, or delay the broadcast or
6 exchange of certain registration information or the registration of a person
7 having a lawful right to register; prohibiting the use of electronic mail or
8 telephone facilities or equipment with the intent to prevent, obstruct, or delay
9 the broadcast or exchange of election related information, or the use of a
10 telecommunications device to engage in certain communication; making certain
11 conforming changes; defining certain terms; and generally relating to voting
12 interference.

13 BY repealing and reenacting, with amendments,
14 Article - Election Law
15 Section 16-101, 16-201, and 16-1002
16 Annotated Code of Maryland
17 (2003 Volume and 2007 Supplement)

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

20 **Article - Election Law**

21 16-101.

22 (a) **IN THIS SECTION, "ELECTRONIC MAIL" MEANS THE TRANSMISSION**
23 **OF INFORMATION OR A COMMUNICATION BY THE USE OF A COMPUTER OR**
24 **OTHER ELECTRONIC MEANS THAT IS SENT TO A PERSON IDENTIFIED BY A**
25 **UNIQUE ADDRESS AND THAT IS RECEIVED BY THE PERSON.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (B) A person may not willfully and knowingly:

2 (1) impersonate a voter or other person in order to register or attempt
3 to register in the name of the voter or other person;

4 (2) register to vote more than once;

5 (3) falsify residence in an attempt to register in the wrong location;

6 (4) secure registration through any unlawful means;

7 (5) cause by unlawful means the name of a qualified voter to be
8 stricken from the statewide voter registration list;

9 (6) prevent, hinder, or delay a person having a lawful right to register
10 from registering, through the use of force, threat, menace, intimidation, bribery,
11 reward, or offer of reward;

12 (7) USE ELECTRONIC MAIL WITH THE INTENT TO:

13 (I) PREVENT, OBSTRUCT, OR DELAY THE BROADCAST OR
14 EXCHANGE OF INFORMATION RELATED TO REGISTERING; OR

15 (II) PREVENT, OBSTRUCT, OR DELAY A PERSON HAVING A
16 LAWFUL RIGHT TO REGISTER FROM REGISTERING;

17 (8) USE TELEPHONE FACILITIES OR EQUIPMENT WITH THE
18 INTENT TO:

19 (I) PREVENT, OBSTRUCT, OR DELAY THE BROADCAST OR
20 EXCHANGE OF INFORMATION RELATED TO REGISTERING; OR

21 (II) PREVENT, OBSTRUCT, OR DELAY A PERSON HAVING A
22 LAWFUL RIGHT TO REGISTER FROM REGISTERING;

23 [(7)] (9) falsify any name on a registration;

24 [(8)] (10) misrepresent any fact relating to registration; or

25 [(9)] (11) induce or attempt to induce a person to violate any
26 prohibition in items (1) through [(8)] (10) of this subsection.

27 [(b)] (C) A person who violates this section is guilty of a misdemeanor and
28 subject to a fine of not more than \$1,000 or imprisonment for not more than 5 years or
29 both.

1 [(c)] (D) A person who violates this section is subject to § 5–106(b) of the
2 Courts Article.
3 16–201.

4 (a) (1) **IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
5 **MEANINGS INDICATED.**

6 (2) **“ELECTION–RELATED INFORMATION” MEANS INFORMATION**
7 **RELATED TO:**

8 (I) **THE ENDORSEMENT, SUPPORT, AND PROMOTION OF, OR**
9 **OPPOSITION TO ANY CLEARLY IDENTIFIED CANDIDATE OR SLATE OF**
10 **CANDIDATES FOR A STATE OR FEDERAL OFFICE, INCLUDING A CANDIDATE FOR**
11 **THE OFFICE OF PRESIDENT, VICE PRESIDENT, PRESIDENTIAL ELECTOR,**
12 **MEMBER OF THE UNITED STATES SENATE, MEMBER OF THE UNITED STATES**
13 **HOUSE OF REPRESENTATIVES, GOVERNOR, LIEUTENANT GOVERNOR, MEMBER**
14 **OF THE SENATE OF MARYLAND, OR MEMBER OF THE HOUSE OF DELEGATES;**

15 (II) **THE TIME, PLACE, OR MANNER FOR AN ELECTION FOR**
16 **STATE OR FEDERAL OFFICE;**

17 (III) **REGISTRATION OR VOTING IN AN ELECTION FOR STATE**
18 **OR FEDERAL OFFICE; OR**

19 (IV) **THE FACILITATION OF TRANSPORT TO OR FROM**
20 **POLLING PLACES FOR AN ELECTION FOR STATE OR FEDERAL OFFICE.**

21 (3) **“ELECTRONIC MAIL” MEANS THE TRANSMISSION OF**
22 **INFORMATION OR A COMMUNICATION BY THE USE OF A COMPUTER OR OTHER**
23 **ELECTRONIC MEANS THAT IS SENT TO A PERSON IDENTIFIED BY A UNIQUE**
24 **ADDRESS AND THAT IS RECEIVED BY THE PERSON.**

25 (B) A person may not willfully and knowingly:

26 (1) (i) impersonate another person in order to vote or attempt to
27 vote; or

28 (ii) vote or attempt to vote under a false name;

29 (2) vote more than once for a candidate for the same office or for the
30 same ballot question;

31 (3) vote or attempt to vote more than once in the same election, or vote
32 in more than one election district or precinct;

1 (4) vote in an election district or precinct without the legal authority
2 to vote in that election district or precinct;

3 (5) influence or attempt to influence a voter's voting decision through
4 the use of force, threat, menace, intimidation, bribery, reward, or offer of reward;

5 (6) influence or attempt to influence a voter's decision whether to go to
6 the polls to cast a vote through the use of force, fraud, threat, menace, intimidation,
7 bribery, reward, or offer of reward;[or]

8 (7) **USE ELECTRONIC MAIL WITH THE INTENT TO:**

9 (I) **PREVENT, OBSTRUCT, OR DELAY THE BROADCAST OR**
10 **EXCHANGE OF ELECTION-RELATED INFORMATION; OR**

11 (II) **PREVENT, OBSTRUCT, OR DELAY ANY OTHER**
12 **TELECOMMUNICATIONS DEVICE FROM BEING USED TO ENGAGE IN**
13 **COMMUNICATIONS CONTAINING ELECTION-RELATED INFORMATION;**

14 (8) **USE TELEPHONE FACILITIES OR EQUIPMENT WITH THE**
15 **INTENT TO:**

16 (I) **PREVENT, OBSTRUCT, OR DELAY THE BROADCAST OR**
17 **EXCHANGE OF ELECTION-RELATED INFORMATION; OR**

18 (II) **PREVENT, OBSTRUCT, OR DELAY ANY OTHER**
19 **TELECOMMUNICATIONS DEVICE FROM BEING USED TO ENGAGE IN**
20 **COMMUNICATIONS CONTAINING ELECTION-RELATED INFORMATION; OR**

21 [(7)] (9) engage in conduct that results or has the intent to result in
22 the denial or abridgement of the right of any citizen of the United States to vote on
23 account of race, color, or disability.

24 [(b)] (C) Except as provided in § 16-1002 of this title, a person who violates
25 this section is guilty of a misdemeanor and on conviction is subject to a fine of not
26 more than \$2,500 or imprisonment for not more than 5 years or both.

27 [(c)] (D) A person who violates this section is subject to § 5-106(b) of the
28 Courts Article.

29 16-1002.

30 A person who violates [§ 16-201(a)(6) or (7)] **§ 16-201(B)(6) OR (9)** or §
31 16-903 of this title without knowing that the act is illegal shall pay a civil penalty and
32 have the matter adjudicated in accordance with § 13-604 of this article.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2008.