

HOUSE BILL 1170

G1

8lr2452

By: **Delegate King**

Introduced and read first time: February 8, 2008

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law - Voter Fraud - Penalties**

3 FOR the purpose of increasing the maximum fine and maximum term of
4 imprisonment for certain offenses related to voter registration and voting;
5 providing that an individual convicted of certain offenses related to voter
6 registration and voting is not qualified to be a registered voter; making a person
7 convicted of certain offenses related to voter registration and voting
8 permanently ineligible to be elected to any public office; and generally relating
9 to increasing the penalties for voter fraud.

10 BY repealing and reenacting, with amendments,
11 Article – Election Law
12 Section 3–102, 16–101, 16–201, and 16–1001
13 Annotated Code of Maryland
14 (2003 Volume and 2007 Supplement)

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

17 **Article – Election Law**

18 3–102.

19 (a) Except as provided in subsection (b) of this section, an individual may
20 become registered to vote if the individual:

21 (1) is a citizen of the United States;

22 (2) is at least 18 years old or will be 18 years old on or before the day
23 of the next succeeding general or special election;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) is a resident of the State as of the day the individual seeks to
2 register; and

3 (4) registers pursuant to this title.

4 (b) An individual is not qualified to be a registered voter if the individual:

5 (1) has been convicted of a felony and is actually serving a
6 court-ordered sentence of imprisonment, including any term of parole or probation, for
7 the conviction;

8 (2) is under guardianship for mental disability; [or]

9 (3) has been convicted of buying or selling votes; **OR**

10 (4) **HAS BEEN CONVICTED OF A VIOLATION OF § 16-101 OR §**
11 **16-201 OF THIS ARTICLE.**

12 16-101.

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

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

16 (2) register to vote more than once;

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

18 (4) secure registration through any unlawful means;

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

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

24 (7) falsify any name on a registration;

25 (8) misrepresent any fact relating to registration; or

26 (9) induce or attempt to induce a person to violate any prohibition in
27 items (1) through (8) of this subsection.

28 (b) A person who violates this section is guilty of a misdemeanor and **ON**
29 **CONVICTION:**

1 (1) IS subject to a fine of not more than [\$1,000] **\$7,000** or
2 imprisonment for not more than [5] **7** years or both; **AND**

3 (2) **SHALL BE PERMANENTLY INELIGIBLE TO BE ELECTED TO ANY**
4 **PUBLIC OFFICE.**

5 (c) A person who violates this section is subject to § 5–106(b) of the Courts
6 Article.

7 16–201.

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

9 (1) (i) impersonate another person in order to vote or attempt to
10 vote; or

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

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

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

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

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

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

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

26 (b) Except as provided in § 16–1002 of this title, a person who violates this
27 section is guilty of a misdemeanor and on conviction:

28 (1) is subject to a fine of not more than [\$2,500] **\$7,000** or
29 imprisonment for not more than [5] **7** years or both; **AND**

30 (2) **SHALL BE PERMANENTLY INELIGIBLE TO BE ELECTED TO ANY**
31 **PUBLIC OFFICE.**

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

3 16–1001.

4 (a) A person convicted of a misdemeanor under this article for which no
5 penalty is specifically provided is subject to a fine of not less than \$10 nor more than
6 \$250 or imprisonment for not less than 30 days nor more than 6 months or both.

7 (b) A person who is convicted of any criminal violation of this article shall be
8 disqualified permanently from serving as an election judge, board member, or
9 employee of a board.

10 (c) **[A] EXCEPT AS PROVIDED IN §§ 16–101 AND 16–201 OF THIS TITLE,**
11 **A** candidate who is convicted of any practice prohibited by this article shall be
12 ineligible to be elected or appointed to any public office or employment for a period of 5
13 years following the date of the conviction.

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