

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 114 (Senator Gladden)

Education, Health, and Environmental Affairs
and Judicial Proceedings

Ways and Means

Voter's Rights Protection Act of 2010

This bill authorizes the Attorney General or any registered voter to institute an action in circuit court for injunctive relief when a person, political committee, campaign finance entity, or other organization or entity has engaged, or there are reasonable grounds to believe the person or entity is about to engage, in specified prohibited actions related to voter registration and voting. The circuit court must hear and determine the matter as soon as practicable after the filing of an application for injunctive relief and may exercise its jurisdiction without regard to whether a person asserting a right has exhausted administrative or other available remedies. The grant of a remedy by a circuit court does not preclude any other available remedy under State or federal law.

The bill takes effect July 1, 2010.

Fiscal Summary

State Effect: The bill is not expected to significantly impact State finances.

Local Effect: The bill is not expected to significantly impact local government finances.

Small Business Effect: None.

Analysis

Current Law: Various voting- and voter registration-related offenses are specified in statute, including (1) specified means of willfully and knowingly influencing or attempting to influence a voter's voting decision or decision whether to go to the polls to

vote; and (2) specified means of willfully and knowingly preventing, hindering, or delaying a person having a lawful right to register from registering. Voting-related offenses are generally misdemeanors and are subject to fines of up to \$2,500 and/or imprisonment for up to five years. Certain violations can instead be subject to civil penalties of up to \$5,000 if the violators did not know the act was illegal. Voter registration-related offenses are misdemeanors and subject to fines of up to \$1,000 or imprisonment for up to five years. Authority for injunctive relief to be sought for these violations is not specified in statute.

Background: The Attorney General’s Task Force on Voting Irregularities indicated in an April 2008 report that “organized efforts to suppress or discourage voting have occurred in Maryland.” The task force recommended that the Attorney General put in place an ongoing procedure to investigate acts of voter intimidation and to take legal action where appropriate. It was also recommended that the Attorney General consider convening a multistate task force to work with the U.S. Department of Justice regarding broader coordination of legal efforts to prosecute voter suppression activities targeted at minority groups.

State Fiscal Effect: The bill is not expected to have a significant impact on State finances. The State Board of Elections (SBE) has indicated the possibility of needing to devote staff time or incur legal costs in relation to litigation brought under the bill and the possibility of a court order affecting election preparations and associated costs. Presumably, however, any actions for injunctive relief or resulting court orders that would have a fiscal impact on SBE would occur infrequently and any resulting fiscal impact would be minimal in most cases.

Local Fiscal Effect: The bill is not expected to have a significant impact on local government finances. Local boards of elections may also need to devote staff/board attorney time in relation to litigation brought under the bill and/or experience delays or changes in election preparations due to a court order. As stated above, however, presumably any actions for injunctive relief or resulting court orders that would have a fiscal impact on a given local board of elections would occur infrequently and any fiscal impact would be minimal in most cases.

Additional Information

Prior Introductions: None.

Cross File: HB 266 (Delegates Rosenberg and Cardin) – Ways and Means.

Information Source(s): Office of the Attorney General, *Report of the Attorney General's Task Force on Voting Irregularities* (April 2008), State Board of Elections, Judiciary (Administrative Office of the Courts), Talbot and Wicomico counties, Department of Legislative Services

Fiscal Note History: First Reader - February 2, 2010
mlm/mwc Revised - Senate Third Reader - April 6, 2010

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