

HOUSE BILL 31

G1
HB 266/10 – W&M

11r0333
CF SB 220

By: ~~Delegates Rosenberg and Cardin~~, **Cardin, and Kipke**

Introduced and read first time: January 14, 2011

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 17, 2011

CHAPTER _____

1 AN ACT concerning

2 **Voter's Rights Protection Act of 2011**

3 FOR the purpose of authorizing the Attorney General ~~or a registered voter~~ to institute
4 an action in a circuit court for injunctive relief ~~when a person has engaged in, or~~
5 ~~there is reason to believe a person is about to engage in,~~ to prohibit a person
6 from engaging in or continuing to engage in certain violations of election law;
7 providing that injunctive relief may be granted under this Act only to prevent
8 certain ~~prohibited acts or practices~~ violations of election law from affecting a
9 pending election; requiring a circuit court to hear and determine an action filed
10 under this Act as soon as practicable; providing that the grant of a remedy
11 under this Act does not preclude any other remedy available under State or
12 federal law; providing that a circuit court shall have jurisdiction ~~of~~ over any
13 proceeding instituted under this Act; requiring a circuit court to exercise its
14 jurisdiction without regard to whether a person asserting a right under this Act
15 has exhausted any other remedy available under law; and generally relating to
16 the availability of injunctive relief for certain election law violations.

17 BY repealing and reenacting, without amendments,
18 Article – Election Law
19 Section 16–201
20 Annotated Code of Maryland
21 (2010 Replacement Volume)

22 BY adding to
23 Article – Election Law

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 16–1003
2 Annotated Code of Maryland
3 (2010 Replacement Volume)

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

6 **Article – Election Law**

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 is subject to a fine of not more
28 than \$2,500 or imprisonment for not more than 5 years or both.

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

31 **16–1003.**

1 (A) ~~WHENEVER A PERSON, POLITICAL COMMITTEE, CAMPAIGN FINANCE~~
 2 ~~ENTITY, OR OTHER ORGANIZATION OR ENTITY HAS ENGAGED IN, OR THERE IS~~
 3 ~~REASONABLE GROUNDS TO BELIEVE THAT A PERSON, POLITICAL COMMITTEE,~~
 4 ~~CAMPAIGN FINANCE ENTITY, OR OTHER ORGANIZATION OR ENTITY IS ABOUT TO~~
 5 ~~ENGAGE IN, AN ACT OR PRACTICE PROHIBITED BY § 16-201 OF THIS TITLE~~
 6 SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE ATTORNEY GENERAL OR
 7 ~~ANY REGISTERED VOTER~~ MAY INSTITUTE AN ACTION IN A CIRCUIT COURT OF
 8 THE STATE FOR INJUNCTIVE RELIEF IN ACCORDANCE WITH THE MARYLAND
 9 RULES TO PROHIBIT A PERSON FROM COMMITTING AN IMMINENT VIOLATION
 10 OR CONTINUING TO COMMIT A VIOLATION OF § 16-201 OF THIS TITLE.

11 (B) INJUNCTIVE RELIEF MAY BE GRANTED UNDER THIS SECTION ONLY
 12 TO PREVENT AN ACT OR PRACTICE PROHIBITED BY A VIOLATION OF § 16-201 OF
 13 THIS TITLE FROM AFFECTING A PENDING ELECTION.

14 ~~(B)~~ (C) THE CIRCUIT COURT SHALL HEAR AND DETERMINE THE
 15 MATTER AS SOON AS PRACTICABLE AFTER FILING OF THE APPLICATION.

16 ~~(C)~~ (D) THE GRANT OF A REMEDY BY THE CIRCUIT COURT UNDER
 17 THIS SECTION DOES NOT PRECLUDE ANY OTHER REMEDY AVAILABLE TO A
 18 PERSON UNDER STATE OR FEDERAL LAW.

19 ~~(D)~~ (E) THE CIRCUIT COURT SHALL:

20 (1) HAVE JURISDICTION ~~OF~~ OVER ANY PROCEEDING INSTITUTED
 21 IN ACCORDANCE WITH THIS SECTION; AND

22 (2) EXERCISE ITS JURISDICTION WITHOUT REGARD TO WHETHER
 23 A PERSON ASSERTING A RIGHT UNDER THIS SECTION HAS EXHAUSTED ANY
 24 ADMINISTRATIVE OR OTHER REMEDY AVAILABLE TO THAT PERSON UNDER LAW.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 26 July 1, 2011.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.