

# SENATE BILL 269

L3, G1

4lr1637

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By: **Senator Conway**

Introduced and read first time: January 17, 2014

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Local Government – Municipal Elections – Voting Offenses, Penalties, and**  
3 **Enforcement**

4 FOR the purpose of providing that a voter in a municipal election is subject to the  
5 offenses and penalties related to voting specified in a certain provision of law;  
6 authorizing the State Prosecutor or the State’s Attorney for a certain county to  
7 prosecute a person for an offense; and generally relating to voting offenses,  
8 penalties, and enforcement regarding municipal elections.

9 BY repealing and reenacting, with amendments,  
10 Article – Criminal Procedure  
11 Section 14–107(a)(1)  
12 Annotated Code of Maryland  
13 (2008 Replacement Volume and 2013 Supplement)

14 BY repealing and reenacting, without amendments,  
15 Article – Criminal Procedure  
16 Section 14–107(a)(2)  
17 Annotated Code of Maryland  
18 (2008 Replacement Volume and 2013 Supplement)

19 BY adding to  
20 Article – Local Government  
21 Section 4–108.1  
22 Annotated Code of Maryland  
23 (2013 Volume)

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

26 **Article – Criminal Procedure**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 14–107.

2 (a) (1) Except as provided in paragraph (2) of this subsection, the State  
3 Prosecutor may investigate:

4 (i) a criminal offense under the State election laws;

5 (ii) a criminal offense under the State Public Ethics Law;

6 (iii) a violation of the State bribery laws in which an official or  
7 employee of the State, a political subdivision of the State, or a bicounty or multicounty  
8 unit of the State was the offeror, offeree, or intended offeror or offeree of a bribe;

9 (iv) an offense constituting criminal malfeasance, misfeasance,  
10 or nonfeasance in office committed by an officer or employee of the State, of a political  
11 subdivision of the State, or of a bicounty or multicounty unit of the State; [and]

12 (v) a violation of the State extortion, perjury, or obstruction of  
13 justice laws related to an activity described in this paragraph; AND

14 (VI) A CRIMINAL OFFENSE UNDER MUNICIPAL ELECTION  
15 LAWS.

16 (2) The State Prosecutor may not investigate an offense alleged to  
17 have been committed by the State Prosecutor or a member of the State Prosecutor's  
18 staff.

19 **Article – Local Government**

20 **4–108.1.**

21 **AS TO VOTING IN A MUNICIPAL ELECTION:**

22 (1) A PERSON IS SUBJECT TO THE OFFENSES AND PENALTIES  
23 RELATED TO VOTING SPECIFIED UNDER § 16–201 OF THE ELECTION LAW  
24 ARTICLE; AND

25 (2) THE STATE PROSECUTOR OR THE STATE'S ATTORNEY FOR  
26 THE COUNTY IN WHICH THE MUNICIPAL ELECTION WAS HELD AND WHERE THE  
27 OFFENSE IS ALLEGED TO HAVE OCCURRED MAY PROSECUTE THE PERSON FOR  
28 THE OFFENSE.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 October 1, 2014.