

## **Chapter 50**

**(Senate Bill 269)**

AN ACT concerning

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

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

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

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

BY adding to  
Article – Local Government  
Section 4–108.1  
Annotated Code of Maryland  
(2013 Volume)

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

#### **Article – Criminal Procedure**

14–107.

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

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

- (ii) a criminal offense under the State Public Ethics Law;
- (iii) a violation of the State bribery laws in which an official or employee of the State, a political subdivision of the State, or a bicounty or multicounty unit of the State was the offeror, offeree, or intended offeror or offeree of a bribe;
- (iv) an offense constituting criminal malfeasance, misfeasance, or nonfeasance in office committed by an officer or employee of the State, of a political subdivision of the State, or of a bicounty or multicounty unit of the State; [and]
- (v) a violation of the State extortion, perjury, or obstruction of justice laws related to an activity described in this paragraph; **AND**

**(VI) A CRIMINAL OFFENSE ~~UNDER~~ RELATED TO VOTING IN A MUNICIPAL ELECTION ~~LAW~~ UNDER § 4-108.1 OF THE LOCAL GOVERNMENT ARTICLE.**

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

**Article – Local Government**

**4-108.1.**

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

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

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

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

**Approved by the Governor, April 8, 2014.**