

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 269

(Senator Conway)

Judicial Proceedings

Ways and Means

Local Government - Municipal Elections - Voting Offenses, Penalties, and Enforcement

This bill makes a person, in relation to voting in a municipal election, subject to specified voting-related offenses and penalties under State election law. The State Prosecutor may investigate such offenses and 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.

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances, assuming that the number of complaints received by the State Prosecutor's Office as a result of the bill is relatively minimal. To the extent a significant amount of complaints are received, additional resources in the State Prosecutor's Office may be required to effectively pursue all complaints.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The voting-related offenses under State election law (under the Election Law Article) that the bill makes applicable to municipal elections are willfully and knowingly:

- (1) impersonating another person in order to vote or attempt to vote;
- (2) voting or attempting to vote under a false name;

- (3) voting more than once for a candidate for the same office or for the same ballot question;
- (4) voting or attempting to vote more than once in the same election, or voting in more than one election district or precinct;
- (5) voting in an election district or precinct without the legal authority to vote in that election district or precinct;
- (6) influencing or attempting to influence a voter's voting decision through the use of force, threat, menace, intimidation, bribery, reward, or offer of reward;
- (7) influencing or attempting to influence a voter's decision whether to go to the polls to cast a vote through the use of force, fraud, threat, menace, intimidation, bribery, reward, or offer of reward; or
- (8) engaging in conduct that results or has the intent to result in the denial or abridgement of the right of any citizen of the United States to vote on account of race, color, or disability.

These offenses are misdemeanors and are subject to a fine of up to \$5,000 and/or imprisonment for up to five years. The offenses under (7) and (8) can instead be subject to a civil penalty of up to \$5,000 if the violator did not know the act was illegal.

The Election Law Article governs State, county, and Baltimore City elections, but generally does not govern municipal elections other than those in Baltimore City. Other municipal elections are subject to law under municipal charters and ordinances.

The State Prosecutor is authorized to investigate and prosecute, among other things, criminal offenses under the State election laws. State's Attorneys in each county and Baltimore City are responsible for prosecuting persons accused of violating the State criminal law or certain county or municipal ordinances.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State Prosecutor's Office, State's Attorneys' Association, Department of Legislative Services

Fiscal Note History: First Reader - February 10, 2014
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