

# SENATE BILL 1021

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6lr3731  
CF HB 645

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By: **Senator Pugh**

Introduced and read first time: February 17, 2016

Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Change in Administrative Policy Affecting Voting**  
3 **Rights – Notice and Judicial Review**

4 FOR the purpose of requiring the State Board of Elections or a local board of elections that  
5 adopts a change in an administrative policy affecting voting rights to provide certain  
6 public notice of the change; providing for the form, content, and timing of the public  
7 notice; providing that an individual's right to vote may not be denied or abridged  
8 because the individual failed to comply with a change in an administrative policy  
9 affecting voting rights if the State Board or local board did not provide public notice  
10 of the change; authorizing a registered voter to seek judicial relief from an  
11 administrative change affecting voting rights adopted by the State Board that  
12 results or has the intent to result in the denial or abridgement of the right to vote on  
13 account of race, color, or disability; authorizing the Attorney General to seek judicial  
14 relief from an administrative change affecting voting rights adopted by a local board  
15 that results or has the intent to result in the denial or abridgement of the right to  
16 vote on account of race, color, or disability; providing for the procedures to be followed  
17 by the courts in reviewing requests for judicial relief under this Act; providing for  
18 the application of this Act; defining a certain term; and generally relating to notice  
19 and judicial review of changes in administrative policies affecting voting rights.

20 BY adding to

21 Article – Election Law

22 Section 1–101(b–1) and 1–305; and 12–301 and 12–302 to be under the new subtitle

23 “Subtitle 3. Judicial Review of Change in Administrative Policy Affecting  
24 Voting Rights”

25 Annotated Code of Maryland

26 (2010 Replacement Volume and 2015 Supplement)

27 BY repealing and reenacting, with amendments,

28 Article – Election Law

29 Section 16–201

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland  
2 (2010 Replacement Volume and 2015 Supplement)

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

5 **Article – Election Law**

6 1–101.

7 **(B–1) “ADMINISTRATIVE POLICY AFFECTING VOTING RIGHTS” MEANS ANY**  
8 **ACTION RELATING TO VOTER REGISTRATION, PROVISIONAL VOTING, ABSENTEE**  
9 **VOTING, OR THE LOCATION OF A POLLING PLACE OR EARLY VOTING CENTER.**

10 **1–305.**

11 **(A) IF THE STATE BOARD OR A LOCAL BOARD ADOPTS A CHANGE IN AN**  
12 **ADMINISTRATIVE POLICY AFFECTING VOTING RIGHTS, THE STATE BOARD AND, IF**  
13 **APPLICABLE, THE LOCAL BOARD THAT ADOPTED THE CHANGE SHALL PROVIDE**  
14 **REASONABLE PUBLIC NOTICE OF THE CHANGE AS PROVIDED IN THIS SECTION.**

15 **(B) THE PUBLIC NOTICE SHALL:**

16 **(1) BE IN A REASONABLY CONVENIENT AND ACCESSIBLE FORMAT;**

17 **(2) BE PROMINENTLY POSTED ON THE WEB SITE OF THE:**

18 **(i) STATE BOARD; AND**

19 **(ii) LOCAL BOARD THAT ADOPTED THE CHANGE, IF**  
20 **APPLICABLE;**

21 **(3) INCLUDE A CONCISE DESCRIPTION OF THE CHANGE, INCLUDING**  
22 **THE DIFFERENCE BETWEEN THE NEW ADMINISTRATIVE POLICY AFFECTING VOTING**  
23 **RIGHTS AND THE ADMINISTRATIVE POLICY AFFECTING VOTING RIGHTS THAT WAS**  
24 **PREVIOUSLY IN EFFECT; AND**

25 **(4) BE PROVIDED WITHIN 48 HOURS OF THE ADOPTION OF THE**  
26 **CHANGE.**

27 **(C) THE RIGHT TO VOTE OF AN INDIVIDUAL MAY NOT BE DENIED OR**  
28 **ABRIDGED BECAUSE THE INDIVIDUAL FAILS TO COMPLY WITH A CHANGE IN AN**  
29 **ADMINISTRATIVE POLICY AFFECTING VOTING RIGHTS IF THE STATE BOARD AND, IF**

1 APPLICABLE, THE LOCAL BOARD THAT ADOPTED THE CHANGE DID NOT PROVIDE  
2 THE PUBLIC NOTICE REQUIRED UNDER THIS SECTION.

3 **SUBTITLE 3. JUDICIAL REVIEW OF CHANGE IN ADMINISTRATIVE POLICY**  
4 **AFFECTING VOTING RIGHTS.**

5 **12-301.**

6 **IF A CHANGE IN AN ADMINISTRATIVE POLICY AFFECTING VOTING RIGHTS**  
7 **THAT VIOLATES § 16-201(A)(7) OF THIS ARTICLE IS ADOPTED BY:**

8 **(1) THE STATE BOARD, A REGISTERED VOTER MAY SEEK JUDICIAL**  
9 **RELIEF IN THE APPROPRIATE CIRCUIT COURT; OR**

10 **(2) A LOCAL BOARD, THE ATTORNEY GENERAL MAY SEEK JUDICIAL**  
11 **RELIEF IN THE APPROPRIATE CIRCUIT COURT.**

12 **12-302.**

13 **(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PROCEEDING**  
14 **UNDER THIS SUBTITLE SHALL BE CONDUCTED IN ACCORDANCE WITH THE**  
15 **MARYLAND RULES.**

16 **(B) THE CIRCUIT COURT SHALL HEAR AND DETERMINE THE MATTER AS**  
17 **EXPEDITIOUSLY AS THE CIRCUMSTANCES REQUIRE.**

18 **(C) IF THE CIRCUIT COURT DETERMINES THAT A VIOLATION OF § 1-306 OF**  
19 **THIS ARTICLE HAS OCCURRED, THE COURT MAY ORDER ANY RELIEF THAT THE**  
20 **COURT CONSIDERS APPROPRIATE UNDER THE CIRCUMSTANCES.**

21 **(D) A DETERMINATION OF THE COURT UNDER SUBSECTION (C) OF THIS**  
22 **SECTION SHALL BE BASED ON CLEAR AND CONVINCING EVIDENCE.**

23 **(E) THE GRANT OF A REMEDY BY THE CIRCUIT COURT UNDER SUBSECTION**  
24 **(C) OF THIS SECTION DOES NOT PRECLUDE ANY OTHER REMEDY AVAILABLE TO A**  
25 **PERSON UNDER STATE OR FEDERAL LAW.**

26 **(F) (1) AN APPEAL OF A DECISION OF THE CIRCUIT COURT UNDER**  
27 **SUBSECTION (C) OF THIS SECTION SHALL BE TAKEN DIRECTLY TO THE COURT OF**  
28 **APPEALS WITHIN 5 DAYS OF THE DATE OF THE DECISION.**

1           **(2) THE COURT OF APPEALS SHALL GIVE PRIORITY TO HEAR AND**  
2 **DECIDE AN APPEAL BROUGHT UNDER PARAGRAPH (1) OF THIS SUBSECTION AS**  
3 **EXPEDITIOUSLY AS THE CIRCUMSTANCES REQUIRE.**

4 16–201.

5           (a) A person, **INCLUDING A PERSON ACTING UNDER COLOR OF LAW**, may not  
6 willfully and knowingly:

7                   (1) (i) impersonate another person in order to vote or attempt to vote;  
8 or

9                           (ii) vote or attempt to vote under a false name;

10                   (2) vote more than once for a candidate for the same office or for the same  
11 ballot question;

12                   (3) vote or attempt to vote more than once in the same election, or vote in  
13 more than one election district or precinct;

14                   (4) vote in an election district or precinct without the legal authority to vote  
15 in that election district or precinct;

16                   (5) influence or attempt to influence a voter's voting decision through the  
17 use of force, threat, menace, intimidation, bribery, reward, or offer of reward;

18                   (6) influence or attempt to influence a voter's decision whether to go to the  
19 polls to cast a vote through the use of force, fraud, threat, menace, intimidation, bribery,  
20 reward, or offer of reward; or

21                   (7) engage in conduct that results or has the intent to result in the denial  
22 or abridgement of the right of any citizen of the United States to vote on account of race,  
23 color, or disability.

24           (b) Except as provided in § 16–1002 of this title, a person who violates this section  
25 is guilty of a misdemeanor and on conviction is subject to a fine of not more than \$5,000 or  
26 imprisonment for not more than 5 years or both.

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

28           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to  
29 apply only prospectively and may not be applied or interpreted to have any effect on or  
30 application to any changes in administrative policies affecting voting rights adopted before  
31 the effective date of this Act.

32           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
33 1, 2016.