

HOUSE BILL 353

G1

7lr0997

By: **Delegates Rosenberg and Luedtke**

Introduced and read first time: January 25, 2017

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of requiring the State Board of Elections or a local board of elections to
5 provide certain public notice in advance of a meeting at which a change in an
6 administrative policy affecting voting rights will be considered; requiring the State
7 Board of Elections or a local board of elections that adopts a change in an
8 administrative policy affecting voting rights to provide certain public notice of the
9 change; providing for the form, content, and timing of the public notice; providing
10 that an individual's right to vote may not be denied or abridged because the
11 individual failed to comply with a change in an administrative policy affecting voting
12 rights if the State Board or local board did not provide public notice of the change;
13 clarifying that existing prohibitions on voter fraud and voter suppression apply to a
14 person acting under color of law; defining a certain term; and generally relating to
15 notice of changes in administrative policies affecting voting rights.

16 BY adding to
17 Article – Election Law
18 Section 1–101(b–2) and 1–305
19 Annotated Code of Maryland
20 (2010 Replacement Volume and 2016 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Election Law
23 Section 16–201
24 Annotated Code of Maryland
25 (2010 Replacement Volume and 2016 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Election Law

2 1–101.

3 (B–2) “ADMINISTRATIVE POLICY AFFECTING VOTING RIGHTS” MEANS ANY
4 ACTION RELATING TO VOTER REGISTRATION, PROVISIONAL VOTING, ABSENTEE
5 VOTING, OR THE LOCATION OF A POLLING PLACE OR EARLY VOTING CENTER.

6 1–305.

7 (A) THE STATE BOARD OR A LOCAL BOARD MAY NOT CONSIDER A CHANGE
8 IN AN ADMINISTRATIVE POLICY AFFECTING VOTING RIGHTS AT A MEETING UNLESS
9 THE BOARD HAS POSTED A PROMINENT PUBLIC NOTICE ON ITS WEB SITE AT LEAST
10 48 HOURS IN ADVANCE OF THE MEETING STATING THAT THE BOARD WILL CONSIDER
11 AN ADMINISTRATIVE POLICY AFFECTING VOTING RIGHTS AT THE MEETING.

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

17 (C) THE PUBLIC NOTICE SHALL:

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

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

20 (i) STATE BOARD; AND

21 (ii) LOCAL BOARD THAT ADOPTED THE CHANGE, IF
22 APPLICABLE;

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

27 (4) BE PROVIDED WITHIN 48 HOURS OF THE ADOPTION OF THE
28 CHANGE.

29 (D) THE RIGHT TO VOTE OF AN INDIVIDUAL MAY NOT BE DENIED OR
30 ABRIDGED BECAUSE THE INDIVIDUAL FAILS TO COMPLY WITH A CHANGE IN AN
31 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 NOTICES REQUIRED UNDER THIS SECTION.

3 16–201.

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

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

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

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

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

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

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

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

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

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

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

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
28 1, 2017.