SENATE BILL 112

G1 EMERGENCY BILL 2lr0832
(PRE–FILED)

By: Senator Kagan
Requested: October 19, 2021
Introduced and read first time: January 12, 2022
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

AN ACT concerning

Election Law – False Ballot Drop Boxes – Criminal Penalty

FOR the purpose of prohibiting a person from collecting absentee ballots during an election in a certain container that is not a ballot drop box; and generally relating to ballot drop boxes.

BY repealing and reenacting, without amendments,

Article – Election Law
Section 1–101(a) and (d–1)
Annotated Code of Maryland
(2017 Replacement Volume and 2021 Supplement)

BY adding to

Article – Election Law
Section 9–312
Annotated Code of Maryland
(2017 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,

Article – Election Law
Section 9–312
Annotated Code of Maryland
(2017 Replacement Volume and 2021 Supplement)

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

Article – Election Law

1–101.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
Brackets indicate matter deleted from existing law.
(a) In this article the following words have the meanings indicated unless a

different meaning is clearly intended from the context.

(d–1) “Ballot drop box” means a secure, durable, and weatherproof container that is
officially designated by a local board or the State Board exclusively for voters to deposit

election–related materials in person, including:

(1) absentee ballots;

(2) absentee ballot applications; and

(3) voter registration applications.

9–312.

AN INDIVIDUAL, AN ORGANIZATION, AN ASSOCIATION, A POLITICAL PARTY, OR

ANY OTHER PERSON MAY NOT COLLECT ABSENTEE BALLOTS DURING AN ELECTION

IN A CONTAINER THAT:

(1) IS NOT A BALLOT DROP BOX THAT IS OFFICIALLY DESIGNATED BY

THE STATE BOARD OR A LOCAL BOARD; BUT

(2) IS LABELED, MARKED, OR OTHERWISE DESIGNATED TO APPEAR

TO BE AN OFFICIAL OR UNOFFICIAL BALLOT DROP BOX.

[9–312.] 9–313.

(A) [Any] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, ANY

PERSON WHO IS CONVICTED OF A VIOLATION OF ANY OF THE PROVISIONS OF THIS SUBTITLE IS SUBJECT TO A

FINE OF NOT MORE THAN $1,000 OR IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR BOTH.

(B) ANY PERSON WHO VIOLATES § 9–312 OF THIS SUBTITLE IS GUILTY OF A

FELONY AND IS SUBJECT TO A FINE OF NOT MORE THAN $10,000 OR IMPRISONMENT

FOR NOT MORE THAN 3 YEARS OR BOTH.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency

MEASURE, IS NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC HEALTH OR SAFETY, HAS

BEEN PASSED BY A YEA AND NAY VOTE SUPPORTED BY THREE–FIFTHS OF ALL THE MEMBERS ELECTED TO

EACH OF THE TWO HOUSES OF THE GENERAL ASSEMBLY, AND SHALL TAKE EFFECT FROM THE DATE IT IS

ENacted.