

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 112 (Senator Kagan)
Education, Health, and Environmental Affairs

Election Law - False Ballot Drop Boxes - Criminal Penalty

This emergency bill prohibits an individual, an organization, an association, a political party, or any other person from collecting absentee ballots during an election in a container that is not a ballot drop box that is officially designated by the State Board of Elections (SBE) or a local board of elections but is labeled, marked, or otherwise designated to appear to be an official or unofficial ballot drop box. Any person who violates the prohibition is guilty of a felony and is subject to a fine of up to \$10,000 and/or imprisonment for up to three years.

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances.

Local Effect: The bill is not expected to materially affect local government finances.

Small Business Effect: None.

Analysis

Current Law: “Ballot drop box” is defined as a secure, durable, and weatherproof container that is officially designated by a local board or SBE exclusively for voters to deposit election-related materials in person, including absentee ballots, absentee ballot applications, and voter registration applications.

Title 16 of the Election Law Article prohibits various actions relating to elections equipment, supplies, and ballots, including:

- willfully concealing, damaging, or destroying voting equipment used or intended to be used on the day of the election, or removing voting equipment from the custody of the election judges or other election officials;
- willfully and knowingly tampering with, damaging, or attempting to damage any voting equipment that is used or will be used in an election, or preventing or attempting to prevent the correct operation of any voting equipment that is used or will be used on the day of the election;
- unless authorized, making or having in one's possession a key to any voting equipment that is used or will be used on the day of the election;
- removing, defacing, or destroying equipment or supplies placed in a polling place by election officials during an election;
- destroying or defacing a ballot, or delaying the delivery of a ballot;
- except for servicing by an authorized person, unlocking any locked compartment of a voting device unless instructed to do so by the election director;
- canvassing, electioneering, or posting any campaign material in a manner that obstructs access to a ballot drop box; and
- placing any campaign material or any other unauthorized material on a ballot drop box.

A person who violates the prohibitions relating to voting equipment or supplies is guilty of a felony and subject to a fine of up to \$10,000 and/or imprisonment for up to three years. A person who violates the prohibitions relating to ballots, unlocking a compartment of a voting device, and obstructing access to or placing unauthorized material on a ballot drop box is guilty of a misdemeanor and subject to a fine of at least \$50 but not more than \$500 and/or imprisonment for up to 60 days.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): State Board of Elections; Office of the State Prosecutor; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Maryland State's Attorneys' Association; Caroline, Howard, and Prince George's counties; Department of Legislative Services

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rh/hlb

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