

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 285
(Senator Hough)
Education, Health, and Environmental Affairs

Election Law - Campaign Signs - Prohibitions

This bill prohibits a person from destroying, injuring, or defacing a campaign sign that is on another person's property, or obtaining or exerting unauthorized control over a campaign sign, with violations subject to specified penalties, including a fine of up to \$1,000. **The bill takes effect June 1, 2022.**

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

Bill Summary: The bill prohibits a person from willfully and maliciously destroying, injuring, or defacing a campaign sign that is on another person's property. A person who violates this prohibition is guilty of a misdemeanor and subject to a fine of up to \$1,000 and/or imprisonment for up to 60 days.

The bill also prohibits a person from willfully or knowingly obtaining or exerting unauthorized control over a campaign sign, if the person (1) intends to deprive the owner of ownership of or control over the campaign sign; (2) willfully or knowingly uses, conceals, or abandons the campaign sign in a manner that deprives the owner of ownership of or control over the campaign sign; or (3) uses, conceals, or abandons the campaign sign knowing the use, concealment, or abandonment will most likely deprive the owner of

ownership of or control over the campaign sign. A person who violates this prohibition is guilty of a misdemeanor and subject to a fine of up to \$1,000 and/or imprisonment for up to 90 days.

Current Law:

Criminal Law Provisions

Under criminal law provisions regarding the malicious destruction of property, a person may not willfully and maliciously destroy, injure, or deface the real or personal property of another. A person who causes damage of less than \$1,000 to the property is guilty of a misdemeanor and subject to a fine of up to \$500 and/or imprisonment for up to 60 days.

Under criminal law theft provisions, a person may not willfully or knowingly obtain or exert unauthorized control over property if the person (1) intends to deprive the owner of the property; (2) willfully or knowingly uses, conceals, or abandons the property in a manner that deprives the owner of the property; or (3) uses, conceals, or abandons the property knowing the use, concealment, or abandonment probably will deprive the owner of the property. A person convicted of theft of property or services with a value of less than \$100 is guilty of a misdemeanor and subject to a fine of up to \$500 and/or imprisonment for up to 90 days. A person convicted of theft of property or services with a value of at least \$100 but less than \$1,500 is guilty of a misdemeanor and subject to a fine of up to \$500 and/or imprisonment for up to six months for a first conviction and a fine of up to \$500 and/or imprisonment for up to one year for a second or subsequent conviction.

Election Law Provisions

Title 16 of the Election Law Article (to which the bill's prohibitions are added) prohibits various actions relating to elections, including (1) hindering or impeding the conduct of official electoral activities by breach of the peace, disorder, or violence or threat of violence; (2) willfully and knowingly destroying, defacing, falsifying, removing, or concealing any record related to voting; (3) 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; and (4) removing, defacing, or destroying equipment or supplies placed in a polling place by election officials during an election.

Varying penalties apply to the various different offenses under Title 16, with some offenses being felonies and others being misdemeanors. In addition, a person convicted of any criminal violation of the Election Law Article is permanently disqualified from serving as an election judge, a member of a board of elections, or an employee of a board of elections. A candidate who is convicted of any practice prohibited by the Election Law Article is

ineligible to be elected or appointed to any public office or employment for five years following the date of the conviction.

Additional Information

Prior Introductions: SB 713 of 2021 received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken.

Designated Cross File: None.

Information Source(s): Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the State Prosecutor; State Board of Elections; State Ethics Commission; Department of Legislative Services

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