

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 333

(Delegate Rosenberg, *et al.*)

Ways and Means

Education, Energy, and the Environment

Election Law - Election Disinformation and Improper Influence Related to
Voting

This bill requires the State Board of Elections (SBE) to (1) maintain a portal on its website that the public may use to report election disinformation (incorrect or misleading information regarding the time, place, or manner of an election, election results, or voting rights in the State) and (2) conduct a periodic review of material submitted by the public through the portal, and to the extent necessary, issue corrective information or refer submissions to the State Prosecutor. The bill also defines “influence” under existing provisions that prohibit willfully and knowingly influencing or attempting to influence, through specified means, a voter’s voting decision or decision whether to vote. “Influence” means to use pressure, deception, trickery, or direct or indirect authority to induce action or to change the decision or act of another, regardless of the medium used. **The bill takes effect June 1, 2024.**

Fiscal Summary

State Effect: General fund expenditures increase by at least \$50,000 in FY 2024 only. Special fund revenues may increase annually beginning in FY 2025.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: A person may not willfully and knowingly influence or attempt to influence (1) a voter’s voting decision through the use of force, threat, menace, intimidation, bribery, reward, or offer of reward or (2) a voter’s decision whether to go to the polls to cast a vote

or vote by other lawful means, through the use of force, fraud, threat, menace, intimidation, bribery, reward, or offer of reward.

A person who violates those prohibitions is guilty of a misdemeanor and subject to a fine of up to \$5,000 and/or imprisonment for up to five years. A person who violates the prohibition against influencing or attempting to influence, through specified means, a voter's decision whether to vote, without knowing that the act is illegal, is subject to a civil penalty of up to \$5,000. Monetary penalties for these violations are distributed to the Fair Campaign Financing Fund, which holds funds for public campaign financing of gubernatorial tickets under the Public Financing Act.

State Expenditures: General fund expenditures are expected to increase by at least \$50,000 in fiscal 2024 only, to establish a portal on SBE's website that the public may use to report election disinformation. The costs of establishing a portal are assumed to be incurred in fiscal 2024, accounting for the bill's June 1, 2024 effective date, but may instead be incurred in fiscal 2025 depending on the timing of the development of the portal.

State Revenues: Special fund (Fair Campaign Financing Fund) revenues may increase annually beginning in fiscal 2025 to the extent the bill results in increased collection of penalties. The extent of any increase cannot be reliably estimated.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); State Prosecutor's Office; Maryland State Board of Elections; Department of Legislative Services

Fiscal Note History: First Reader - February 4, 2024
rh/sdk Third Reader - March 26, 2024
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