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To: Members of The House Judiciary Committee

From: Doyle Niemann, Chair, Legislative Committee, Criminal Law and Practice Section

Date: February 12, 2021

Subject: **HB1228 – Election Law – Ballot Drop Boxes – Prohibited Acts**

Position: **Support with Amendment**

The Legislative Committee of the Criminal Law & Practice Section of the Maryland State Bar Association (MSBA) **Supports with an Amendment HB1228 – Election Law – Ballot Drop Boxes – Prohibited Acts with an Amendment.**

This bill addresses the security of ballot drop boxes, such as those in widespread use during recent election. It prohibits someone from removing, defacing, damaging, destroying, preventing the correct operation of a ballot drop box, or opening it without authorization.

While there has been some controversy over the use of ballot drop boxes, once in operation, their security and protection must be of the highest priority. Voters who trust their ballot to a box need to be assured that their votes are safe and will be properly handled.

This bill protects ballot drop boxes from malicious tampering, destruction or interference. Current laws that might be applicable – like malicious destruction of property or theft – are not strong enough or focused enough to protect the votes of citizens.

We do suggest an amendment, however, to make the crime a misdemeanor rather than a felony. With this change, violators can be prosecuted either in the District Courts or in the Circuit Court for the jurisdiction involved, depending on the seriousness of the acts involved and local preferences.

For the reasons stated, we **Support HB1228 – Election Law – Ballot Drop Boxes – Prohibited Acts with an amendment to make the crime a misdemeanor.**

If you have questions about the position of the Criminal Law and Practice Section's Legislative Committee, please feel free to address them to me at 240-606-1298 or at doyleniemann@verizon.net.

Should you have other questions, please contact The MSBA's Legislative Office at (410)-269-6464 / (410)-685-7878 ext: 3066 or at Richard@MSBA.org.