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To: Members of The Senate Judicial Proceedings Committee

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

Date: February 23, 2022

Subject: **SB285 – Election Law – Campaign Signs - Prohibitions**

Position: **Oppose**

The Legislative Committee of the Criminal Law & Practice Section of the Maryland State Bar Association (MSBA) **Opposes SB285 – Election Law – Campaign Signs - Prohibitions.**

This bill is intended to address a problem confronting almost every candidate for an election – theft, defacement or destruction of campaign signs. It creates two new misdemeanor laws – one for malicious destruction and the other for theft of signs. Offenders would be permanently disqualified for serving as an election judge and banned from being elected or appointed to an office for five years.

While damage to or theft of campaign signs is an aggravation and a unnecessary expense to the candidate, we do not believe there is a compelling need for this bill. Destruction or damage of signs would already be covered by the law governing malicious destruction of property and theft of signs is already covered under the theft law. In both cases, the penalties are essentially the same.

In addition, the Committee is concerned that the creation of a new statute covering only campaign signs would open the door to malicious and unsubstantiated criminal complaints, motivated more by political gain than by evidence obtained by law enforcement. In Maryland, anyone can appear before a Court Commissioner and swear out a complaint that results in a criminal charge being filed. In a world where questionable campaign tactics are increasingly common, it is easy to anticipate such actions, designed more to embarrass or harass political opponents than to secure actual convictions.

For the reasons stated, we **Oppose SB285 – Election Law – Campaign Signs - Prohibitions.**

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.