

HOUSE BILL 220

G1

3lr0346

By: **Delegates Rosenberg, Cardin, Hixson, Howard, Kaiser, Luedtke, A. Miller, Stukes, F. Turner, and Walker**

Introduced and read first time: January 21, 2013

Assigned to: Ways and Means

Committee Report: Favorable

House action: Adopted with floor amendments

Read second time: March 7, 2013

CHAPTER _____

1 AN ACT concerning

2 **Voters' Rights Protection Act of 2013**

3 FOR the purpose of ~~prohibiting a person from willfully and knowingly influencing or~~
4 ~~attempting to influence a voter's voting decision through the use of fraud;~~
5 authorizing the Attorney General to institute an action in a circuit court for
6 injunctive relief to prohibit a person from engaging in or continuing to engage in
7 certain violations of election law; providing that injunctive relief may be granted
8 under this Act only to prevent certain violations of election law from affecting a
9 pending election; requiring a circuit court to hear and determine an action filed
10 under this Act as soon as practicable; providing that the grant of a remedy
11 under this Act does not preclude any other remedy available under State or
12 federal law; providing that a circuit court shall have jurisdiction over any
13 proceeding instituted under this Act; requiring a circuit court to exercise its
14 jurisdiction without regard to whether a person asserting a right under this Act
15 has exhausted any other remedy available under law; and generally relating to
16 election law violations related to voting.

17 BY repealing and reenacting, ~~with~~ without amendments,
18 Article – Election Law
19 Section 16–201
20 Annotated Code of Maryland
21 (2010 Replacement Volume and 2012 Supplement)

22 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Election Law
2 Section 16–1003
3 Annotated Code of Maryland
4 (2010 Replacement Volume and 2012 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
6 MARYLAND, That the Laws of Maryland read as follows:

7 **Article – Election Law**

8 16–201.

9 (a) A person may not willfully and knowingly:

10 (1) (i) impersonate another person in order to vote or attempt to
11 vote; or

12 (ii) vote or attempt to vote under a false name;

13 (2) vote more than once for a candidate for the same office or for the
14 same ballot question;

15 (3) vote or attempt to vote more than once in the same election, or vote
16 in more than one election district or precinct;

17 (4) vote in an election district or precinct without the legal authority
18 to vote in that election district or precinct;

19 (5) influence or attempt to influence a voter’s voting decision through
20 the use of force, ~~FRAUD~~, threat, menace, intimidation, bribery, reward, or offer of
21 reward;

22 (6) influence or attempt to influence a voter’s decision whether to go to
23 the polls to cast a vote through the use of force, fraud, threat, menace, intimidation,
24 bribery, reward, or offer of reward; or

25 (7) engage in conduct that results or has the intent to result in the
26 denial or abridgement of the right of any citizen of the United States to vote on
27 account of race, color, or disability.

28 (b) Except as provided in § 16–1002 of this title, a person who violates this
29 section is guilty of a misdemeanor and on conviction is subject to a fine of not more
30 than \$2,500 or imprisonment for not more than 5 years or both.

31 (c) A person who violates this section is subject to § 5–106(b) of the Courts
32 Article.

1 16-1003.

2 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE ATTORNEY
3 GENERAL MAY INSTITUTE AN ACTION IN A CIRCUIT COURT OF THE STATE FOR
4 INJUNCTIVE RELIEF IN ACCORDANCE WITH THE MARYLAND RULES TO
5 PROHIBIT A PERSON FROM COMMITTING AN IMMINENT VIOLATION OR
6 CONTINUING TO COMMIT A VIOLATION OF § 16-201 OF THIS TITLE.

7 (B) INJUNCTIVE RELIEF MAY BE GRANTED UNDER THIS SECTION ONLY
8 TO PREVENT A VIOLATION OF § 16-201 OF THIS TITLE FROM AFFECTING A
9 PENDING ELECTION.

10 (C) THE CIRCUIT COURT SHALL HEAR AND DETERMINE THE MATTER AS
11 SOON AS PRACTICABLE AFTER FILING OF THE APPLICATION.

12 (D) THE GRANT OF A REMEDY BY THE CIRCUIT COURT UNDER THIS
13 SECTION DOES NOT PRECLUDE ANY OTHER REMEDY AVAILABLE TO A PERSON
14 UNDER STATE OR FEDERAL LAW.

15 (E) THE CIRCUIT COURT SHALL:

16 (1) HAVE JURISDICTION OVER ANY PROCEEDING INSTITUTED IN
17 ACCORDANCE WITH THIS SECTION; AND

18 (2) EXERCISE ITS JURISDICTION WITHOUT REGARD TO WHETHER
19 A PERSON ASSERTING A RIGHT UNDER THIS SECTION HAS EXHAUSTED ANY
20 ADMINISTRATIVE OR OTHER REMEDY AVAILABLE TO THAT PERSON UNDER LAW.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 July 1, 2013.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.