

HOUSE BILL 645

G1

6lr0759

By: **Delegates Rosenberg and Luedtke**

Introduced and read first time: February 4, 2016

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Change in Administrative Policy Affecting Voting**
3 **Rights – Notice and Judicial Review**

4 FOR the purpose of requiring the State Board of Elections or a local board of elections that
5 adopts a change in an administrative policy affecting voting rights to provide certain
6 public notice of the change; providing for the form, content, and timing of the public
7 notice; providing that an individual’s right to vote may not be denied or abridged
8 because the individual failed to comply with a change in an administrative policy
9 affecting voting rights if the State Board or local board did not provide public notice
10 of the change; authorizing a registered voter to seek judicial relief from an
11 administrative change affecting voting rights adopted by the State Board that
12 results or has the intent to result in the denial or abridgement of the right to vote on
13 account of race, color, or disability; authorizing the Attorney General to seek judicial
14 relief from an administrative change affecting voting rights adopted by a local board
15 that results or has the intent to result in the denial or abridgement of the right to
16 vote on account of race, color, or disability; providing for the procedures to be followed
17 by the courts in reviewing requests for judicial relief under this Act; providing for
18 the application of this Act; defining a certain term; and generally relating to notice
19 and judicial review of changes in administrative policies affecting voting rights.

20 BY adding to

21 Article – Election Law
22 Section 1–101(b–1) and 1–305; and 12–301 and 12–302 to be under the new subtitle
23 “Subtitle 3. Judicial Review of Change in Administrative Policy Affecting
24 Voting Rights”
25 Annotated Code of Maryland
26 (2010 Replacement Volume and 2015 Supplement)

27 BY repealing and reenacting, with amendments,

28 Article – Election Law
29 Section 16–201

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2010 Replacement Volume and 2015 Supplement)

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

5 **Article – Election Law**

6 1–101.

7 **(B–1) “ADMINISTRATIVE POLICY AFFECTING VOTING RIGHTS” MEANS ANY**
8 **ACTION RELATING TO VOTER REGISTRATION, PROVISIONAL VOTING, ABSENTEE**
9 **VOTING, OR THE LOCATION OF A POLLING PLACE OR EARLY VOTING CENTER.**

10 **1–305.**

11 **(A) IF THE STATE BOARD OR A LOCAL BOARD ADOPTS A CHANGE IN AN**
12 **ADMINISTRATIVE POLICY AFFECTING VOTING RIGHTS, THE STATE BOARD AND, IF**
13 **APPLICABLE, THE LOCAL BOARD THAT ADOPTED THE CHANGE SHALL PROVIDE**
14 **REASONABLE PUBLIC NOTICE OF THE CHANGE AS PROVIDED IN THIS SECTION.**

15 **(B) THE PUBLIC NOTICE SHALL:**

16 **(1) BE IN A REASONABLY CONVENIENT AND ACCESSIBLE FORMAT;**

17 **(2) BE PROMINENTLY POSTED ON THE WEB SITE OF THE:**

18 **(i) STATE BOARD; AND**

19 **(ii) LOCAL BOARD THAT ADOPTED THE CHANGE, IF**
20 **APPLICABLE;**

21 **(3) INCLUDE A CONCISE DESCRIPTION OF THE CHANGE, INCLUDING**
22 **THE DIFFERENCE BETWEEN THE NEW ADMINISTRATIVE POLICY AFFECTING VOTING**
23 **RIGHTS AND THE ADMINISTRATIVE POLICY AFFECTING VOTING RIGHTS THAT WAS**
24 **PREVIOUSLY IN EFFECT; AND**

25 **(4) BE PROVIDED WITHIN 48 HOURS OF THE ADOPTION OF THE**
26 **CHANGE.**

27 **(C) THE RIGHT TO VOTE OF AN INDIVIDUAL MAY NOT BE DENIED OR**
28 **ABRIDGED BECAUSE THE INDIVIDUAL FAILS TO COMPLY WITH A CHANGE IN AN**
29 **ADMINISTRATIVE POLICY AFFECTING VOTING RIGHTS IF THE STATE BOARD AND, IF**

1 **(2) THE COURT OF APPEALS SHALL GIVE PRIORITY TO HEAR AND**
2 **DECIDE AN APPEAL BROUGHT UNDER PARAGRAPH (1) OF THIS SUBSECTION AS**
3 **EXPEDITIOUSLY AS THE CIRCUMSTANCES REQUIRE.**

4 16–201.

5 (a) A person, **INCLUDING A PERSON ACTING UNDER COLOR OF LAW**, may not
6 willfully and knowingly:

7 (1) (i) impersonate another person in order to vote or attempt to vote;
8 or

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

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

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

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

16 (5) influence or attempt to influence a voter's voting decision through the
17 use of force, threat, menace, intimidation, bribery, reward, or offer of reward;

18 (6) influence or attempt to influence a voter's decision whether to go to the
19 polls to cast a vote through the use of force, fraud, threat, menace, intimidation, bribery,
20 reward, or offer of reward; or

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

24 (b) Except as provided in § 16–1002 of this title, a person who violates this section
25 is guilty of a misdemeanor and on conviction is subject to a fine of not more than \$5,000 or
26 imprisonment for not more than 5 years or both.

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

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
29 apply only prospectively and may not be applied or interpreted to have any effect on or
30 application to any changes in administrative policies affecting voting rights adopted before
31 the effective date of this Act.

32 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
33 1, 2016.