

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1085
Ways and Means

(Delegate Kaiser)

Election Law - Prohibition of Solicitation to Commit Election Crime

This bill prohibits a person from willfully and knowingly soliciting, commanding, importuning, or otherwise attempting to cause another person to commit a misdemeanor or felony violation of provisions of the Election Law Article that prohibit various actions relating to elections (Title 16 of the Election Law Article, “Offenses and Penalties”). A person who attempts to cause another person to commit a misdemeanor is guilty of a misdemeanor and subject to a fine of up to \$5,000 and/or imprisonment for up to three years. A person who attempts to cause another person to commit a felony is guilty of a felony and subject to a fine of up to \$10,000 and/or imprisonment for up to five years. It is not a defense to a prosecution that the person allegedly solicited by the defendant could not be guilty of the crime solicited.

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances.

Local Effect: The bill is not expected to materially affect local government finances.

Small Business Effect: None.

Analysis

Current Law: Title 16 of the Election Law Article prohibits various actions relating to elections, including (1) offenses related to voter registration and voting, including willfully and knowingly voting or attempting to vote more than once, or influencing or attempting to influence a voter’s voting decision or decision whether to go to the polls to cast a vote, through the use of force, threat, or other specified means; (2) hindering or impeding the

conduct of official electoral activities by breach of the peace, disorder, or violence or threat of violence; (3) interfering with an election official in the performance of the official duties of the election official; (4) fraudulently tampering with election records; (5) willfully and knowingly tampering with, damaging, or attempting to damage any voting equipment that is used or will be used in an election; and (6) willfully and knowingly accessing an electronic voting system unless authorized to do so, or tampering with or altering the hardware, system components, or software utilized by the voting system, for the purpose of affecting the vote count.

Varying penalties apply to the various different offenses under Title 16, with some offenses being felonies and others misdemeanors.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Office of the State Prosecutor; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

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