

SENATE BILL 112

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EMERGENCY BILL
(PRE-FILED)

2lr0832

By: **Senator Kagan**

Requested: October 19, 2021

Introduced and read first time: January 12, 2022

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – False Ballot Drop Boxes – Criminal Penalty**

3 FOR the purpose of prohibiting a person from collecting absentee ballots during an election
4 in a certain container that is not a ballot drop box; and generally relating to ballot
5 drop boxes.

6 BY repealing and reenacting, without amendments,
7 Article – Election Law
8 Section 1–101(a) and (d–1)
9 Annotated Code of Maryland
10 (2017 Replacement Volume and 2021 Supplement)

11 BY adding to
12 Article – Election Law
13 Section 9–312
14 Annotated Code of Maryland
15 (2017 Replacement Volume and 2021 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Election Law
18 Section 9–312
19 Annotated Code of Maryland
20 (2017 Replacement Volume and 2021 Supplement)

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

23 **Article – Election Law**

24 1–101.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) In this article the following words have the meanings indicated unless a
2 different meaning is clearly intended from the context.

3 (d-1) "Ballot drop box" means a secure, durable, and weatherproof container that is
4 officially designated by a local board or the State Board exclusively for voters to deposit
5 election-related materials in person, including:

- 6 (1) absentee ballots;
- 7 (2) absentee ballot applications; and
- 8 (3) voter registration applications.

9 **9-312.**

10 **AN INDIVIDUAL, AN ORGANIZATION, AN ASSOCIATION, A POLITICAL PARTY, OR**
11 **ANY OTHER PERSON MAY NOT COLLECT ABSENTEE BALLOTS DURING AN ELECTION**
12 **IN A CONTAINER THAT:**

13 **(1) IS NOT A BALLOT DROP BOX THAT IS OFFICIALLY DESIGNATED BY**
14 **THE STATE BOARD OR A LOCAL BOARD; BUT**

15 **(2) IS LABELED, MARKED, OR OTHERWISE DESIGNATED TO APPEAR**
16 **TO BE AN OFFICIAL OR UNOFFICIAL BALLOT DROP BOX.**

17 **[9-312.] 9-313.**

18 **(A) [Any] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, ANY**
19 **person who is convicted of a violation of any of the provisions of this subtitle is subject to a**
20 **fine of not more than \$1,000 or imprisonment for not more than 2 years or both.**

21 **(B) ANY PERSON WHO VIOLATES § 9-312 OF THIS SUBTITLE IS GUILTY OF A**
22 **FELONY AND IS SUBJECT TO A FINE OF NOT MORE THAN \$10,000 OR IMPRISONMENT**
23 **FOR NOT MORE THAN 3 YEARS OR BOTH.**

24 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act is an emergency
25 **measure, is necessary for the immediate preservation of the public health or safety, has**
26 **been passed by a yea and nay vote supported by three-fifths of all the members elected to**
27 **each of the two Houses of the General Assembly, and shall take effect from the date it is**
28 **enacted.**