

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 951
Ways and Means

(Delegate D. Jones)

**Election Law – Election Officials and Workers – Prohibitions Against
Interference and Disclosure of Personal Information**

This bill prohibits a person from (1) interfering, in a specified manner, with an election official in the performance of their official duties or (2) making available on the Internet personal information regarding an election official or a member of an election official’s immediate family if the person knows or reasonably should know that it poses an imminent and serious threat to their safety. A person who violates these prohibitions is guilty of a misdemeanor and is subject to a fine of up to \$2,000 and/or imprisonment for up to one year. The bill also authorizes, under certain circumstances, an election worker to submit a written request to the State Department of Assessments and Taxation (SDAT) to remove personal information from a record from a specified publicly available database maintained by SDAT.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State finances. SDAT did not respond to requests for information regarding the fiscal effect of the bill; it is assumed that SDAT can handle the bill’s requirements with existing resources.

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

Small Business Effect: None.

Analysis

Bill Summary:

Interfering with an Election Official in the Performance of Official Duties

The bill prohibits a person from interfering with an election official in the performance of the official duties of the election official by:

- inducing the election official to violate or to refuse to comply with the official duties of the election official or any law or regulation regulating the official duties of the election official; or
- threatening, coercing, or intimidating the election official with the intent to (1) impede or interfere with the election official in the performance of the official duties of the election official or (2) retaliate against the election official for performing the official duties of the election official.

A person who violates this prohibition is guilty of a misdemeanor and is subject to a fine of up to \$2,000 and/or imprisonment for up to one year.

The bill specifies that this prohibition does not apply to an enforcement action brought by an election official against an election judge for a violation of law, a regulation adopted by the State Board of Elections (SBE), or an election judge's oath.

Prohibition Against Making Personal Information Available on the Internet

The bill prohibits a person from making available on the Internet personal information regarding an election official or a member of an election official's immediate family if the person knows or reasonably should know that the dissemination of the personal information poses an imminent and serious threat to the safety of the election official or a member of an election official's immediate family.

A person who violates this prohibition is guilty of a misdemeanor and is subject to a fine of up to \$2,000 and/or imprisonment for up to one year.

“Personal information” means the following information directly relating to an individual: (1) home address; (2) home telephone number, personal mobile telephone number, or pager number; (3) personal email address; (4) a photograph of the individual; (5) directions to, photograph of, or description of the individual's home; (6) directions to, photograph of, or a description of an individual's personal vehicle or an immediate family member's vehicle; and (7) a description or photograph of the license plate of an individual's personal vehicle or an immediate family member's vehicle.

“Immediate family” means a (1) spouse, child, or parent or (2) an individual who lives in the same residence.

Authorization to Request Removal of Personal Information from Database

The bill authorizes an election worker to submit a written request to SDAT to remove personal information from a record from the department’s publicly available database relating to the valuation of single-family residential real property in the State if the inclusion poses an imminent and serious threat to the election worker or the election worker’s immediate family. The election worker may withdraw the request by submitting a signed request for withdrawal with SDAT.

The request to remove personal information must be in the form required by SDAT and must include:

- a statement that (1) the personal information of the election worker or the immediate family of the election worker has been made available on the Internet; (2) the release of the personal information poses an imminent and serious threat to the election worker or the election worker’s immediate family; and (3) the election worker fears for the election worker’s safety or the safety of the election worker’s immediate family;
- evidence of publication of the personal information on the Internet and employment as an election worker;
- the actual address that the election worker requests not be included in the database;
- a sworn statement by the election worker that, to the best of the election worker’s knowledge, all information contained in the request is true;
- the signature of the election worker and the date on which the election worker signed the request; and
- a voluntary release and waiver of all future claims against the State that may arise from the request except for a claim based on gross negligence.

On receipt of a request that contains the information required, SDAT must review the request and release, and if the request and release are properly completed and accurate, (1) redact the information relating to the election worker in the database and (2) reject a request to view or release a copy of the redacted information.

On approval of a request, the information relating to the election worker must remain redacted for two years from the date the request is approved unless the election worker cancels the request before the end of the two-year period.

An exempt party may access a record that has been redacted if the person seeking access to the record provides evidence and an affirmation under penalty of perjury that they are an exempt party.

“Election worker” means an individual who is employed by a county, a municipality, SBE, or a local board of elections to perform election duties but does not include an election judge, or a temporary employee of a county, a municipality, SBE, or a local board.

“Exempt party” means a party to the record, a settlement service, a title insurance company, a title insurance agency, a mortgage servicer or a mortgage servicer’s qualified agent, or a licensed attorney who is engaged in a real estate matter.

Current Law:

Interfering with an Election Official and Disturbing the Peace

A person may not interfere with an election official in the performance of the official duties of the election official. A person who violates this prohibition is guilty of a misdemeanor and is subject to a fine of not less than \$50 nor more than \$1,000 and/or imprisonment for not less than 3 months nor more than one year.

A person may not hinder or impede the conduct of official electoral activities by (1) breach of the peace; (2) disorder; or (3) violence or threat of violence. A person who violates this prohibition is guilty of a misdemeanor and subject to a fine of not less than \$50 nor more than \$1,000 and/or imprisonment for not less than 30 days nor more than one year.

State Department of Assessments and Taxation Database

SDAT is required to maintain a database, available to the public on the department’s website and searchable by individual property, that relates to the valuation of single-family residential real property in the State and includes for each property (1) the square footage of the enclosed improvements above ground; (2) the square footage of the completed improvements below ground; (3) the number of bathrooms; (4) the number of garages; and (5) the date of the initial assessment of specified recently completed improvements.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Harford, Talbot, and Wicomico counties; Office of the Attorney General; Judiciary (Administrative Office of the Courts); Office of the Public Defender; State Prosecutor's Office; Department of Public Safety and Correctional Services; Maryland State Board of Elections; Department of Legislative Services

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