

HOUSE BILL 101

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11r0323

By: **Delegates Rosenberg, Barve, Cardin, Ivey, Myers, Ross, and Summers**
Introduced and read first time: January 24, 2011
Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Petitions and Ballot Issues – Prohibited Actions**

3 FOR the purpose of prohibiting a person from obtaining a signature on a petition by
4 certain means; prohibiting a person from preventing, hindering, or delaying
5 another person from signing a petition by certain means; prohibiting a person
6 from taking certain actions against another person because of that person's
7 contribution to a ballot issue committee; providing that a certain prohibition
8 does not apply to certain peaceable activity; providing for certain penalties; and
9 generally relating to prohibited actions relating to petitions and ballot issues.

10 BY repealing and reenacting, with amendments,
11 Article – Election Law
12 Section 16–401
13 Annotated Code of Maryland
14 (2010 Replacement Volume)

15 BY adding to
16 Article – Election Law
17 Section 16–904
18 Annotated Code of Maryland
19 (2010 Replacement Volume)

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

22 **Article – Election Law**

23 16–401.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (1) give, transfer, promise, or offer anything of value for the purpose of
2 inducing another person to sign or not sign any petition;

3 (2) request, receive, or agree to receive, anything of value as an
4 inducement to sign or not to sign any petition;

5 (3) misrepresent any fact for the purpose of inducing another person to
6 sign or not to sign any petition;

7 (4) sign the name of any other person to a petition;

8 (5) falsify any signature or purported signature to a petition;

9 (6) obtain, or attempt to obtain, any signature to a petition by fraud,
10 duress, [or] force, **THREAT, MENACE, OR INTIMIDATION;**

11 **(7) PREVENT, HINDER, OR DELAY ANOTHER PERSON WHO HAS A**
12 **LAWFUL RIGHT TO SIGN A PETITION FROM SIGNING A PETITION THROUGH THE**
13 **USE OF FRAUD, DURESS, FORCE, THREAT, MENACE, OR INTIMIDATION;**

14 ~~[(7)](8)~~ circulate, cause to be circulated, or file with an election
15 authority a petition that contains any false, forged, or fictitious signatures;

16 ~~[(8)](9)~~ sign a petition that the person is not legally qualified to sign;

17 ~~[(9)](10)~~ sign a petition more than once; or

18 ~~[(10)](11)~~ alter any petition after it is filed with the election authority.

19 (b) Each violation of this section shall be considered a separate offense.

20 (c) A person who violates this section is guilty of a misdemeanor and is
21 subject to the penalties provided in Subtitle 10 of this title.

22 **16-904.**

23 **(A) BECAUSE OF ANOTHER PERSON'S CONTRIBUTION TO A BALLOT**
24 **ISSUE COMMITTEE, A PERSON MAY NOT:**

25 **(1) HARASS OR COMMIT A CRIME AGAINST THAT PERSON; OR**

26 **(2) DEFACE, DAMAGE, OR DESTROY OR ATTEMPT TO DEFACE,**
27 **DAMAGE, OR DESTROY THE REAL OR PERSONAL PROPERTY OF THAT PERSON.**

1 **(B) THIS SECTION DOES NOT APPLY TO A PEACEABLE ACTIVITY**
2 **INTENDED TO EXPRESS A POLITICAL VIEW OR PROVIDE INFORMATION TO**
3 **OTHERS.**

4 **(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A**
5 **MISDEMEANOR AND IS SUBJECT TO THE PENALTIES PROVIDED IN SUBTITLE 10**
6 **OF THIS TITLE.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 June 1, 2011.