

# HOUSE BILL 101

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11r0323

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By: **Delegates Rosenberg, Barve, Cardin, Ivey, Myers, Ross, and Summers**

Introduced and read first time: January 24, 2011

Assigned to: Ways and Means

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 4, 2011

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

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

11 BY repealing and reenacting, with amendments,

12 Article – Election Law

13 Section 16-401

14 Annotated Code of Maryland

15 (2010 Replacement Volume)

16 ~~BY adding to~~

17 ~~Article – Election Law~~

18 ~~Section 16-904~~

19 ~~Annotated Code of Maryland~~

20 ~~(2010 Replacement Volume)~~

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



**Article – Election Law**

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16–401.

(a) A person may not willfully and knowingly:

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

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

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

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

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

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

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

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

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

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

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

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

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

~~16–904.~~

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

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

2           ~~(2) DEFACE, DAMAGE, OR DESTROY OR ATTEMPT TO DEFACE,~~  
3 ~~DAMAGE, OR DESTROY THE REAL OR PERSONAL PROPERTY OF THAT PERSON.~~

4           ~~(B) THIS SECTION DOES NOT APPLY TO A PEACEABLE ACTIVITY~~  
5 ~~INTENDED TO EXPRESS A POLITICAL VIEW OR PROVIDE INFORMATION TO~~  
6 ~~OTHERS.~~

7           ~~(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A~~  
8 ~~MISDEMEANOR AND IS SUBJECT TO THE PENALTIES PROVIDED IN SUBTITLE 10~~  
9 ~~OF THIS TITLE.~~

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.