

HOUSE BILL 784

G1, P1

9lr2282

By: **Delegate Rosenberg**

Introduced and read first time: February 8, 2019

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – False Statements – Correction and Prohibition**

3 FOR the purpose of requiring the Attorney General to communicate to the public accurate
4 information to correct certain materially false statements about endorsements or
5 voting requirements under certain circumstances; requiring information
6 communicated by the Attorney General to conform to certain requirements;
7 requiring the Attorney General to publish written procedures and standards on or
8 before a certain date for when and how corrective action will be taken under certain
9 provisions of this Act; requiring the written procedures and standards to include
10 certain deadlines and be developed in consultation with certain groups; prohibiting
11 a person from making a certain materially false statement about an endorsement;
12 providing that a person who makes a certain materially false statement about an
13 endorsement is guilty of a misdemeanor and on conviction is subject to certain
14 penalties except under certain circumstances; providing that a person who violates
15 certain provisions of this Act is subject to a certain provision of law; requiring a
16 person who makes a certain materially false statement about an endorsement
17 without knowing the act is illegal to pay a civil penalty and have the matter
18 adjudicated in a certain manner; defining certain terms; and generally relating to
19 false statements about an election.

20 BY adding to

21 Article – Election Law
22 Section 1–306 and 16–201.1
23 Annotated Code of Maryland
24 (2017 Replacement Volume and 2018 Supplement)

25 BY repealing and reenacting, with amendments,

26 Article – Election Law
27 Section 16–1002
28 Annotated Code of Maryland
29 (2017 Replacement Volume and 2018 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Election Law**

4 **1-306.**

5 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
6 INDICATED.

7 (2) “ENDORSEMENT” MEANS THE PUBLIC SUPPORT OF A SPECIALLY
8 NAMED PERSON, POLITICAL PARTY, OR ORGANIZATION FOR THE ELECTION OF A
9 SPECIFIC CANDIDATE.

10 (3) “MATERIALLY FALSE STATEMENT” MEANS A STATEMENT THAT IS
11 COMMUNICATED OR CAUSED TO BE COMMUNICATED BY ANY MEANS, INCLUDING BY
12 MEANS OF WRITTEN, ELECTRONIC, OR TELEPHONIC COMMUNICATIONS, WITHIN 60
13 DAYS BEFORE AN ELECTION, IF THE PERSON MAKING THE STATEMENT:

14 (I) KNOWS THE STATEMENT TO BE FALSE; AND

15 (II) HAS THE INTENT TO IMPEDE OR PREVENT ANOTHER
16 PERSON FROM EXERCISING THE RIGHT TO VOTE IN THE ELECTION.

17 (4) “VOTING REQUIREMENTS” MEANS:

18 (I) THE TIME, PLACE, OR MANNER OF HOLDING AN ELECTION;
19 OR

20 (II) THE QUALIFICATIONS FOR OR RESTRICTIONS ON VOTER
21 ELIGIBILITY FOR AN ELECTION, INCLUDING:

22 1. CRIMINAL PENALTIES ASSOCIATED WITH VOTING IN
23 AN ELECTION; AND

24 2. INFORMATION REGARDING A VOTER’S REGISTRATION
25 STATUS OR ELIGIBILITY TO VOTE.

26 (B) IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION, THE
27 ATTORNEY GENERAL SHALL COMMUNICATE TO THE PUBLIC BY ANY MEANS,
28 INCLUDING BY MEANS OF WRITTEN, ELECTRONIC, OR TELEPHONIC
29 COMMUNICATIONS, ACCURATE INFORMATION DESIGNED TO CORRECT A
30 MATERIALLY FALSE STATEMENT IF THE ATTORNEY GENERAL:

1 (1) RECEIVES A CREDIBLE REPORT THAT A MATERIALLY FALSE
2 STATEMENT ABOUT AN ENDORSEMENT OR VOTING REQUIREMENTS HAS BEEN OR IS
3 BEING COMMUNICATED; AND

4 (2) DETERMINES THAT THE STATE BOARD AND LOCAL BOARDS HAVE
5 NOT TAKEN ADEQUATE STEPS TO PROMPTLY COMMUNICATE ACCURATE
6 INFORMATION TO CORRECT THE MATERIALLY FALSE STATEMENT.

7 (C) INFORMATION COMMUNICATED BY THE ATTORNEY GENERAL UNDER
8 SUBSECTION (B) OF THIS SECTION:

9 (1) SHALL BE ACCURATE AND OBJECTIVE;

10 (2) SHALL CONSIST OF ONLY THE INFORMATION NECESSARY TO
11 CORRECT THE MATERIALLY FALSE STATEMENT THAT HAS BEEN OR IS BEING
12 COMMUNICATED;

13 (3) SHALL, TO THE EXTENT PRACTICABLE, BE COMMUNICATED BY A
14 MEANS THAT THE ATTORNEY GENERAL DETERMINES WILL REACH THE PERSONS TO
15 WHOM THE MATERIALLY FALSE STATEMENT HAS BEEN OR IS BEING
16 COMMUNICATED; AND

17 (4) MAY NOT BE DESIGNED TO FAVOR OR DISFAVOR ANY CANDIDATE,
18 ORGANIZATION, OR POLITICAL PARTY.

19 (D) (1) THE ATTORNEY GENERAL SHALL PUBLISH ON THE ATTORNEY
20 GENERAL'S WEBSITE WRITTEN PROCEDURES AND STANDARDS FOR DETERMINING
21 WHEN AND HOW CORRECTIVE ACTION WILL BE TAKEN UNDER THIS SECTION.

22 (2) THE PROCEDURES AND STANDARDS PUBLISHED UNDER
23 PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE APPROPRIATE DEADLINES,
24 BASED IN PART ON THE NUMBER OF DAYS REMAINING BEFORE AN ELECTION.

25 (3) IN DEVELOPING THE PROCEDURES AND STANDARDS PUBLISHED
26 UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE ATTORNEY GENERAL SHALL
27 CONSULT WITH THE STATE BOARD, LOCAL BOARDS, CIVIL RIGHTS ORGANIZATIONS,
28 VOTING RIGHTS GROUPS, VOTER PROTECTION GROUPS, AND OTHER INTERESTED
29 COMMUNITY ORGANIZATIONS.

30 16-201.1.

31 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS

1 INDICATED.

2 (2) "ENDORSEMENT" HAS THE MEANING STATED IN § 1-306 OF THIS
3 ARTICLE.

4 (3) "MATERIALLY FALSE STATEMENT" HAS THE MEANING STATED IN
5 § 1-306 OF THIS ARTICLE.

6 (B) A PERSON, INCLUDING A PERSON ACTING UNDER COLOR OF LAW, MAY
7 NOT MAKE A MATERIALLY FALSE STATEMENT ABOUT AN ENDORSEMENT.

8 (C) EXCEPT AS PROVIDED IN § 16-1002 OF THIS TITLE, A PERSON WHO
9 VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS
10 SUBJECT TO A FINE OF NOT MORE THAN \$5,000 OR IMPRISONMENT FOR NOT MORE
11 THAN 5 YEARS OR BOTH.

12 (D) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO § 5-106(B) OF
13 THE COURTS ARTICLE.

14 16-1002.

15 A person who violates § 16-201(a)(6) or (7), § 16-201.1, or § 16-903 of this title
16 without knowing that the act is illegal shall pay a civil penalty and have the matter
17 adjudicated in accordance with § 13-604 of this article.

18 SECTION 2. AND BE IT FURTHER ENACTED, That the Attorney General shall
19 publish the written procedures and standards required under § 1-306(d) of the Election
20 Law Article, as enacted by Section 1 of this Act, on or before January 1, 2020.

21 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
22 1, 2019.