

SENATE BILL 348

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SB 220/11 – EHE & JPR

2lr2712
CF HB 314

By: **Senator Gladden**

Introduced and read first time: January 30, 2012

Assigned to: Education, Health, and Environmental Affairs and Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Voter's Rights Protection Act of 2012**

3 FOR the purpose of authorizing the Attorney General to institute an action in a circuit
4 court for injunctive relief to prohibit a person from engaging in or continuing to
5 engage in certain violations of election law; providing that injunctive relief may
6 be granted under this Act only to prevent certain violations of election law from
7 affecting a pending election; requiring a circuit court to hear and determine an
8 action filed under this Act as soon as practicable; providing that the grant of a
9 remedy under this Act does not preclude any other remedy available under
10 State or federal law; providing that a circuit court shall have jurisdiction over
11 any proceeding instituted under this Act; requiring a circuit court to exercise its
12 jurisdiction without regard to whether a person asserting a right under this Act
13 has exhausted any other remedy available under law; and generally relating to
14 the availability of injunctive relief for certain election law violations.

15 BY repealing and reenacting, without amendments,
16 Article – Election Law
17 Section 16–201
18 Annotated Code of Maryland
19 (2010 Replacement Volume and 2011 Supplement)

20 BY adding to
21 Article – Election Law
22 Section 16–1003
23 Annotated Code of Maryland
24 (2010 Replacement Volume and 2011 Supplement)

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

27 **Article – Election Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 16–201.

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

3 (1) (i) impersonate another person in order to vote or attempt to
4 vote; or

5 (ii) vote or attempt to vote under a false name;

6 (2) vote more than once for a candidate for the same office or for the
7 same ballot question;

8 (3) vote or attempt to vote more than once in the same election, or vote
9 in more than one election district or precinct;

10 (4) vote in an election district or precinct without the legal authority
11 to vote in that election district or precinct;

12 (5) influence or attempt to influence a voter's voting decision through
13 the use of force, threat, menace, intimidation, bribery, reward, or offer of reward;

14 (6) influence or attempt to influence a voter's decision whether to go to
15 the polls to cast a vote through the use of force, fraud, threat, menace, intimidation,
16 bribery, reward, or offer of reward; or

17 (7) engage in conduct that results or has the intent to result in the
18 denial or abridgement of the right of any citizen of the United States to vote on
19 account of race, color, or disability.

20 (b) Except as provided in § 16–1002 of this title, a person who violates this
21 section is guilty of a misdemeanor and on conviction is subject to a fine of not more
22 than \$2,500 or imprisonment for not more than 5 years or both.

23 (c) A person who violates this section is subject to § 5–106(b) of the Courts
24 Article.

25 **16–1003.**

26 **(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE ATTORNEY**
27 **GENERAL MAY INSTITUTE AN ACTION IN A CIRCUIT COURT OF THE STATE FOR**
28 **INJUNCTIVE RELIEF IN ACCORDANCE WITH THE MARYLAND RULES TO**
29 **PROHIBIT A PERSON FROM COMMITTING AN IMMINENT VIOLATION OR**
30 **CONTINUING TO COMMIT A VIOLATION OF § 16–201 OF THIS TITLE.**

1 **(B) INJUNCTIVE RELIEF MAY BE GRANTED UNDER THIS SECTION ONLY**
2 **TO PREVENT A VIOLATION OF § 16–201 OF THIS TITLE FROM AFFECTING A**
3 **PENDING ELECTION.**

4 **(C) THE CIRCUIT COURT SHALL HEAR AND DETERMINE THE MATTER AS**
5 **SOON AS PRACTICABLE AFTER FILING OF THE APPLICATION.**

6 **(D) THE GRANT OF A REMEDY BY THE CIRCUIT COURT UNDER THIS**
7 **SECTION DOES NOT PRECLUDE ANY OTHER REMEDY AVAILABLE TO A PERSON**
8 **UNDER STATE OR FEDERAL LAW.**

9 **(E) THE CIRCUIT COURT SHALL:**

10 **(1) HAVE JURISDICTION OVER ANY PROCEEDING INSTITUTED IN**
11 **ACCORDANCE WITH THIS SECTION; AND**

12 **(2) EXERCISE ITS JURISDICTION WITHOUT REGARD TO WHETHER**
13 **A PERSON ASSERTING A RIGHT UNDER THIS SECTION HAS EXHAUSTED ANY**
14 **ADMINISTRATIVE OR OTHER REMEDY AVAILABLE TO THAT PERSON UNDER LAW.**

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 July 1, 2012.