

Chapter 20

(Senate Bill 480)

AN ACT concerning

Protecting Election Officials Act of 2024

FOR the purpose of prohibiting a person from knowingly and willfully making a threat to harm an election official or an immediate family member of an election official because of the election official's role in administering the election process; and generally relating to prohibiting threats against election officials and their immediate family members.

BY adding to

Article – Election Law

Section 16–904

Annotated Code of Maryland

(2022 Replacement Volume and 2023 Supplement)

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

Article – Election Law**16–904.**

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

(2) (I) “ELECTION OFFICIAL” MEANS:

~~(I)~~ 1. THE STATE ADMINISTRATOR;

~~(II)~~ 2. A MEMBER OF THE STATE BOARD;

~~(III)~~ 3. AN EMPLOYEE OF THE STATE BOARD;

4. COUNSEL TO THE STATE BOARD;

~~(IV)~~ 4. 5. A COUNTY ELECTION DIRECTOR APPOINTED UNDER § 2–202 OF THIS ARTICLE;

~~(V)~~ 5. 6. A MEMBER OF A LOCAL BOARD;

~~(VI)~~ 6. 7. AN EMPLOYEE OF A LOCAL BOARD; ~~OR~~

8. COUNSEL TO A LOCAL BOARD; OR

~~(VII)~~ **7. 9. AN ELECTION JUDGE.**

(II) "ELECTION OFFICIAL" INCLUDES:

1. AN INDIVIDUAL WHO TAKES THE OATH PRESCRIBED IN ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION TO ASSIST IN ADMINISTERING AN ELECTION; AND

2. A PAGE AS DEFINED IN § 10-401 OF THIS ARTICLE.

(3) "ELECTRONIC COMMUNICATION" HAS THE MEANING STATED IN § 3-805 OF THE CRIMINAL LAW ARTICLE.

(4) "HARM" INCLUDES:

(I) SERIOUS INJURY; AND

(II) SERIOUS EMOTIONAL DISTRESS.

(5) "IMMEDIATE FAMILY MEMBER" INCLUDES:

(I) A PARENT;

(II) A SPOUSE; AND

(III) A CHILD.

(6) "THREAT" INCLUDES:

(I) AN ORAL THREAT;

(II) A THREAT MADE BY ELECTRONIC COMMUNICATION; AND

(III) A THREAT IN ANY WRITTEN FORM, WHETHER OR NOT THE WRITING IS SIGNED, OR IF THE WRITING IS SIGNED, WHETHER OR NOT IT IS SIGNED WITH A FICTITIOUS NAME OR ANY OTHER MARK.

(B) A PERSON MAY NOT KNOWINGLY AND WILLFULLY MAKE A THREAT TO HARM AN ELECTION OFFICIAL OR AN IMMEDIATE FAMILY MEMBER OF AN ELECTION OFFICIAL BECAUSE OF THE ELECTION OFFICIAL'S ROLE IN ADMINISTERING THE ELECTION PROCESS.

(C) A PERSON MAY NOT KNOWINGLY SEND, DELIVER, PART WITH, OR MAKE FOR THE PURPOSE OF SENDING OR DELIVERING A THREAT PROHIBITED UNDER SUBSECTION (B) OF THIS SECTION.

(D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$2,500 OR BOTH.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect June 1, 2024~~ is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 9, 2024.