

HOUSE BILL 410

G1, P3

3lr0337

By: **Delegate Rosenberg**

Introduced and read first time: January 30, 2023

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Reform Act of 2023**

3 FOR the purpose of prohibiting a local board of elections from voting to change the location
4 of a polling place unless the local board first holds a meeting to discuss the proposed
5 change and provides an opportunity for interested individuals and organizations to
6 testify on the proposed change at the meeting; requiring the local board to provide
7 written notice of the meeting to certain individuals and organizations; prohibiting a
8 person from influencing or attempting to influence, through certain means, a voter's
9 decision whether to vote by any lawful means; authorizing the official custodian for
10 a board of elections to temporarily deny inspection of a public record under certain
11 circumstances; requiring the official custodian to petition a court to order
12 authorization for the continued denial of inspection within a certain time period;
13 establishing certain hearing and appeal procedures; and generally relating to
14 elections.

15 BY repealing and reenacting, with amendments,
16 Article – Election Law
17 Section 2–303(f) and 16–201
18 Annotated Code of Maryland
19 (2022 Replacement Volume and 2022 Supplement)

20 BY adding to
21 Article – Election Law
22 Section 2–303(h)
23 Annotated Code of Maryland
24 (2022 Replacement Volume and 2022 Supplement)

25 BY repealing and reenacting, without amendments,
26 Article – Election Law
27 Section 16–1002
28 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2022 Replacement Volume and 2022 Supplement)

BY adding to

Article – General Provisions

Section 4–359

Annotated Code of Maryland

(2019 Replacement Volume and 2022 Supplement)

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

Article – Election Law

2–303.

(f) Notwithstanding any restrictions imposed by **SUBSECTIONS (A) THROUGH (E) OR (G) OF** this section, subject to the approval of the State Board, a local board may create a new precinct or change a precinct boundary or polling place if the local board determines that an emergency exists.

(H) (1) THE REQUIREMENTS OF THIS SUBSECTION DO NOT APPLY IF A LOCAL BOARD IS CREATING A NEW PRECINCT OR CHANGING A PRECINCT BOUNDARY OR POLLING PLACE UNDER SUBSECTION (F) OF THIS SECTION DURING THE PERIOD BEGINNING 21 DAYS BEFORE ELECTION DAY THROUGH ELECTION DAY.

(2) EACH LOCAL BOARD SHALL:

(I) MAINTAIN A CONTACT LIST OF INDIVIDUALS AND ORGANIZATIONS WHO WISH TO BE NOTIFIED ABOUT LOCAL BOARD MEETINGS AT WHICH PROPOSED CHANGES TO THE LOCATIONS OF POLLING PLACES WILL BE DISCUSSED; AND

(II) ENABLE INDIVIDUALS AND ORGANIZATIONS TO REGISTER FOR THE CONTACT LIST MAINTAINED IN ACCORDANCE WITH ITEM (I) OF THIS PARAGRAPH.

(3) A LOCAL BOARD MAY NOT VOTE TO CHANGE THE LOCATION OF A POLLING PLACE UNLESS THE LOCAL BOARD FIRST:

(I) HOLDS A MEETING TO DISCUSS THE PROPOSED CHANGE; AND

(II) PROVIDES AN OPPORTUNITY FOR INTERESTED INDIVIDUALS AND ORGANIZATIONS TO TESTIFY ON THE PROPOSED CHANGE AT THE MEETING.

(4) AT LEAST 14 DAYS BEFORE THE MEETING REQUIRED UNDER PARAGRAPH (3)(I) OF THIS SUBSECTION, THE LOCAL BOARD SHALL PROVIDE WRITTEN NOTICE OF THE MEETING TO:

(I) EACH INDIVIDUAL AND ORGANIZATION ON THE CONTACT LIST MAINTAINED IN ACCORDANCE WITH PARAGRAPH (2)(I) OF THIS SUBSECTION; AND

(II) THE FOLLOWING ELECTED OFFICIALS IF THE OFFICIAL IS ELECTED BY ELIGIBLE VOTERS RESIDING IN THE PRECINCT CONTAINING EITHER THE CURRENT POLLING PLACE LOCATION OR THE PROPOSED POLLING PLACE LOCATION:

1. THE MAYOR;

2. THE COUNTY EXECUTIVE;

3. EACH COUNTY COMMISSIONER;

4. EACH COUNTY COUNCIL MEMBER;

5. EACH MUNICIPAL COUNCIL MEMBER; AND

6. EACH MEMBER OF THE MARYLAND GENERAL ASSEMBLY.

16–201.

(a) A person may not willfully and knowingly:

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

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

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

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

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

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

(6) influence or attempt to influence a voter's decision, **THROUGH THE USE OF FORCE, FRAUD, THREAT, MENACE, INTIMIDATION, BRIBERY, REWARD, OR OFFER OF REWARD**, whether to:

(I) go to the polls to cast a vote [through the use of force, fraud, threat, menace, intimidation, bribery, reward, or offer of reward]; or

(II) VOTE BY OTHER LAWFUL MEANS; OR

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

(b) Except as provided in § 16–1002 of this title, a person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine of not more than \$5,000 or imprisonment for not more than 5 years or both.

(c) A person who violates this section is subject to § 5–106(b) of the Courts Article. 16–1002.

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

Article – General Provisions

4–359.

(A) **IN THIS SECTION, “BOARD OF ELECTIONS” MEANS THE STATE BOARD OF ELECTIONS OR A COUNTY BOARD OF ELECTIONS.**

(B) **WHENEVER THIS TITLE AUTHORIZES INSPECTION OF A PUBLIC RECORD HELD BY A BOARD OF ELECTIONS, THE OFFICIAL CUSTODIAN MAY DENY INSPECTION TEMPORARILY IF:**

(1) **THE REQUEST FOR INSPECTION IS RECEIVED IN THE PERIOD BEGINNING 90 DAYS BEFORE A PRIMARY OR GENERAL ELECTION AND ENDING WHEN THE PRIMARY OR GENERAL ELECTION IS CERTIFIED; AND**

1 **(2) THE OFFICIAL CUSTODIAN BELIEVES THAT INSPECTION WOULD**
2 **CAUSE SUBSTANTIAL INJURY TO THE PUBLIC INTEREST BY IMPAIRING THE ABILITY**
3 **OF THE BOARD OF ELECTIONS TO PREPARE FOR THE ELECTION.**

4 **(C) (1) WITHIN 5 WORKING DAYS AFTER THE DENIAL, THE OFFICIAL**
5 **CUSTODIAN SHALL PETITION A COURT TO ORDER AUTHORIZATION FOR THE**
6 **CONTINUED DENIAL OF INSPECTION.**

7 **(2) THE PETITION SHALL BE FILED WITH THE CIRCUIT COURT FOR**
8 **THE COUNTY WHERE:**

9 **(I) THE PUBLIC RECORD IS LOCATED; OR**

10 **(II) THE PRINCIPAL PLACE OF BUSINESS OF THE OFFICIAL**
11 **CUSTODIAN IS LOCATED.**

12 **(3) THE PETITION SHALL BE SERVED ON THE APPLICANT, AS**
13 **PROVIDED IN THE MARYLAND RULES.**

14 **(D) THE APPLICANT IS ENTITLED TO APPEAR AND TO BE HEARD ON THE**
15 **PETITION.**

16 **(E) WHEN MAKING A DETERMINATION REGARDING A PETITION FILED**
17 **UNDER SUBSECTION (C) OF THIS SECTION, THE COURT SHALL CONSIDER THE**
18 **TOTALITY OF THE CIRCUMSTANCES, INCLUDING:**

19 **(1) THE PROXIMITY OF THE PRIMARY ELECTION OR GENERAL**
20 **ELECTION; AND**

21 **(2) WHETHER THE APPLICANT'S REQUEST IS PART OF A PATTERN OF**
22 **REQUESTS MADE BY OTHER INDIVIDUALS.**

23 **(F) IF, AFTER THE HEARING, THE COURT FINDS THAT INSPECTION OF THE**
24 **PUBLIC RECORD WOULD CAUSE SUBSTANTIAL INJURY TO THE PUBLIC INTEREST,**
25 **THE COURT MAY ISSUE AN APPROPRIATE ORDER AUTHORIZING THE CONTINUED**
26 **DENIAL OF INSPECTION.**

27 **(G) (1) A JUDICIAL PROCEEDING UNDER THIS SECTION SHALL BE**
28 **CONDUCTED IN ACCORDANCE WITH THE MARYLAND RULES, EXCEPT THAT:**

29 **(I) THE CASE SHALL BE HEARD AND DECIDED WITHOUT A JURY**
30 **AND AS EXPEDITIOUSLY AS THE CIRCUMSTANCES REQUIRE; AND**

1 **(II) AN APPEAL SHALL BE TAKEN DIRECTLY TO THE SUPREME**
2 **COURT OF MARYLAND WITHIN 5 DAYS AFTER THE DATE OF THE DECISION OF THE**
3 **CIRCUIT COURT.**

4 **(2) THE SUPREME COURT OF MARYLAND SHALL GIVE PRIORITY TO**
5 **HEAR AND DECIDE AN APPEAL BROUGHT UNDER PARAGRAPH (1)(II) OF THIS**
6 **SUBSECTION AS EXPEDITIOUSLY AS THE CIRCUMSTANCES REQUIRE.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2023.