

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

House Bill 312
Ways and Means

(Delegate Rosenberg, *et al.*)

Election Law - Petitions - Prohibited Actions

This bill expands the existing prohibition against a person willfully and knowingly obtaining, or attempting to obtain, any signature to a petition by fraud, duress, or force to also include doing so by threat, menace, or intimidation. The bill also prohibits a person from willfully and knowingly preventing, hindering, or delaying 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. A person who violates these prohibitions is guilty of a misdemeanor and is subject to existing criminal penalties.

The bill takes effect June 1, 2012.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the bill's penalty provisions.

Local Effect: Potential minimal increase in expenditures due to the bill's penalty provisions.

Small Business Effect: None.

Analysis

Current Law: Various offenses relating to petitions and signing of petitions are specified in the Election Law Article, including willfully and knowingly obtaining, or attempting to obtain, any signature to a petition by fraud, duress, or force (which is being expanded by the bill). The other offenses are, willfully and knowingly:

- giving, transferring, promising, or offering anything of value as an inducement to sign or not sign a petition;
- requesting, receiving, or agreeing to receive, anything of value as an inducement to sign or not sign a petition;
- misrepresenting any fact for the purpose of inducing another person to sign or not to sign a petition;
- signing the name of another person to a petition;
- falsifying a signature or purported signature to a petition;
- circulating, causing to be circulated, or filing with an election authority a petition that contains false, forged, or fictitious signatures;
- signing a petition that the person is not legally qualified to sign;
- signing a petition more than once; and
- altering any petition after it is filed with the election authority.

A person who violates any of these prohibitions is guilty of a misdemeanor and is subject to a fine of between \$10 and \$250 and/or imprisonment of between 30 days and six months.

State Revenues: General fund revenues may increase minimally as a result of the bill's monetary penalty provisions from cases heard in the District Court.

State Expenditures: General fund expenditures may increase minimally as a result of the bill's incarceration penalty due to more people being committed to Division of Correction facilities for convictions in Baltimore City. The number of people convicted of these proposed crimes is expected to be minimal.

Generally, persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility. The Baltimore City Detention Center, a State-operated facility, is used primarily for pretrial detentions.

Local Expenditures: Expenditures may increase minimally as a result of the bill's incarceration penalties. Counties pay the full cost of incarceration for people in their facilities for the first 12 months of the sentence. Per diem operating costs of local detention facilities have ranged from \$60 to \$160 per inmate in recent years.

Additional Information

Prior Introductions: HB 101 of 2011 passed the House and received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken.

Cross File: SB 349 (Senators Gladden and Conway) - Education, Health, and Environmental Affairs.

Information Source(s): State Board of Elections; Judiciary (Administrative Office of the Courts); Department of State Police; State Prosecutor's Office; Baltimore, Carroll, Harford, and Queen Anne's counties; Department of Legislative Services

Fiscal Note History: First Reader - February 6, 2012
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