

# MARYLAND LAW ENFORCEMENT QUICK REFERENCE GUIDE

This pocket reference guide contains key penal provisions found within the Maryland Election Law, within Title 16 and other relevant sections of the Maryland Statutes.

- Hindering or impeding official electoral activities by breach of the peace, disorder, or violence or threat of violence is a misdemeanor.
- Disobeying a lawful command of an election official is a misdemeanor.
- Concealing, damaging, destroying, removing, or tampering with voting equipment, or attempting to prevent the correct operation of voting equipment, is a felony.

## VOTING HOURS

**7 a.m. – 8 p.m.**

## ELECTION DATES

**2023** - No statewide elections, Local elections on varying dates

**2024** - General Election: November 5

**For other election dates:**

[msa.maryland.gov/msa/  
mdmanual/41electp/html/forth.html](https://msa.maryland.gov/msa/mdmanual/41electp/html/forth.html)

## REPORT SUSPICIOUS BEHAVIOR TO

**Maryland State Board of Elections:**

800-222-8683 or

[info.sbe@maryland.gov](mailto:info.sbe@maryland.gov)

**Local Boards of Election:**

[elections.maryland.gov/about/  
county\\_boards.html](https://elections.maryland.gov/about/county_boards.html)



## **Disturbing the peace**

Md. Code Ann., Election Law (EL) § 16-204

- (a) A person may not hinder or impede the conduct of official electoral activities by:
  - (1) breach of the peace;
  - (2) disorder; or
  - (3) violence or threat of violence.
- (b) A person who violates this section shall be guilty of a misdemeanor and shall be subject to imprisonment for not less than 30 days nor more than 1 year or by a fine of not less than \$50 nor more than \$1,000 or both.

## **Disobeying lawful command of election official**

Md. Code Ann. EL § 16-203

- (a) A person may not willfully disobey the lawful command of an election official at a polling place on election day.
- (b) A person who violates this section shall be guilty of a misdemeanor and shall be subject to a fine of not less than \$10 nor more than \$250 or imprisonment for not less than 30 days nor more than 6 months or both.

## **Interfering with election officials**

Md. Code Ann. EL § 16-205

- (a)
  - (1) A person may not interfere with an election official in the performance of the official duties of the election official.
  - (2) A person may not interfere with an individual lawfully present at a polling place or at the canvass of votes.
- (b) A person who violates this section is guilty of a misdemeanor and is subject to a fine of not less than \$50 nor more than \$1,000 or imprisonment for not less than 3 months nor more than 1 year or both.

## **Authority and duties of election judges** Md. Code Ann. EL § 10-303

- (a) Under the supervision of a chief judge, an election judge shall:
- (2) take measures throughout election day to ensure that:
    - (i) each voter's right to cast a ballot in privacy is maintained;
    - (ii) the integrity of the voting process is preserved;
    - (iii) the accuracy of the counting process is protected;
    - (iv) order in the polling place is maintained; and
    - (v) all election laws are observed.
- (b) While serving as an election judge on an election day, an election judge shall wear a badge that:
- (1) is in plain view;
  - (2) identifies the person as an election judge; and
  - (3) identifies the person by name and by the ward and precinct or election district for which the person is an election judge.
- (c) An election judge shall:
- (1) keep the peace; and
  - (2) order the arrest of any person who:
    - (i) breaches the peace;
    - (ii) breaches any provision of this article; or
    - (iii) interferes with the work of the judges in conducting the election and carrying out their assigned tasks.

## **Duties of police officers** Md. Code Ann. EL § 10-304

- (a) (1) A police officer who is on duty at a polling place shall obey the order of an election judge for that polling place.
- (2) A police officer making an arrest under an order of an election judge is fully protected in so doing as if the police officer received a valid warrant to make the arrest.

- (b) A police officer who is on duty at a polling place shall protect a challenger or watcher in the discharge of the duties of the challenger or watcher.

### **Access to voting room**

Md. Code Ann. EL § 10-308

An election judge shall allow the following individuals to have access to the voting room at a polling place:

- (1) a voter;
- (2) an individual who accompanies a voter in need of assistance in accordance with § 10-310(c) of this subtitle;
- (3) polling place staff;
- (4) a member or other representative of the State Board or local board;
- (5) an accredited watcher or challenger under § 10-311 of this subtitle;
- (6) an individual under the age of 18 who accompanies a voter in accordance with § 10-310(c) of this subtitle, provided that:
  - (i) the individual is in the care of the voter and does not disrupt or interfere with normal voting procedures; and
  - (ii) the individual is not eligible to vote in that election; and
- (7) any other individual authorized by the State Board or local board.

### **Offenses as to ballots and balloting in general**

Md. Code Ann. EL § 16-206 (a)

- (a) A person may not:
- (1) place any distinguishing mark on the person's own or another person's ballot for the purpose of identifying the ballot;
  - (2) misrepresent the person's ability to mark a ballot or operate voting equipment;

- (3) interfere or attempt to interfere with a voter while the voter is inside the polling room, marking a ballot, or operating voting equipment;
  - (4) induce or attempt to induce a voter to mark the voter's ballot in a certain way;
  - (5) except for servicing by an authorized person, unlock any locked compartment of a voting device unless instructed to do so by the election director;
  - (6) destroy or deface a ballot;
  - (7) remove a ballot from a building in which voting occurs, except as otherwise provided in this article;
  - (8) delay the delivery of a ballot;
  - (9) possess on or before the day of election an official ballot printed for the election, unless the possession of the ballot is necessary and appropriate for carrying out the election process;
  - (10) canvass, electioneer, or post any campaign material in the polling place or beyond a line established by signs posted in accordance with subsection (b) of this section;
  - (11) canvass, electioneer, or post any campaign material in a manner that obstructs access to a ballot drop box; or
  - (12) place any campaign material or any other unauthorized material on a ballot drop box.
- (c) A person who violates this section is guilty of a misdemeanor and is subject to a fine of not less than \$50 nor more than \$500 or imprisonment for not more than 60 days or both.

## **Offenses as to ballots and balloting in general - Electioneering**

Md. Code Ann. EL § 16-206 (b)

(b)

- (1) At each polling place, one election judge from each principal political party shall be designated by the local

board and, acting jointly, shall post signs delineating a line around the entrance and exit of the building that are closest to that part of the building in which voting occurs.

(2)

(i) Except as provided in subparagraph (ii) of this paragraph, the line shall be located as near as practicable to 100 feet from the entrance and exit and shall be established after consideration of the configuration of the entrance and the effect of placement on public safety and the flow of pedestrian and vehicular traffic.

(ii) In Montgomery County, on approval of the local board, the line may be located at any point between 25 feet and 100 feet from the entrance and exit.

(3) The signs shall contain the words "No Electioneering Beyond this Point".

### **Destruction of voting equipment**

Md. Code Ann. EL § 16-801

(a) A person may not willfully:

(1) conceal, damage, or destroy voting equipment used or intended to be used on the day of election; or

(2) remove voting equipment from the custody of the election judges or other election officials.

(b) A person who violates this section is guilty of a felony and is subject to a fine of not more than \$10,000 or imprisonment for not more than 3 years or both.

### **Tampering with voting equipment**

Md. Code Ann. EL § 16-802

(a) A person may not willfully and knowingly:

(1) tamper with, damage, or attempt to damage any voting equipment that is used or will be used in an election; or

(2) prevent or attempt to prevent the correct operation of any voting equipment that is used or will be used on the day of election.

- (b) An unauthorized person may not make or have in the person's possession a key to any voting equipment that is used or will be used on the day of election.
- (c) A person who violates this section is guilty of a felony and is subject to a fine of not more than \$10,000 or imprisonment for not more than 3 years or both.

## **Tampering with electronic voting system**

Md. Code Ann. EL § 16-804

- (a) When an electronic voting system is used, a person may not willfully and knowingly:
  - (1) access the system unless authorized to do so by the appropriate election authority; or
  - (2) tamper with or alter the hardware, system components, or software utilized by the voting system, for the purpose of affecting the vote count.
- (b) A person who violates this section is guilty of a felony and on conviction shall be subject to a fine of not more than \$50,000 or imprisonment for not more than 10 years or both.

## **Offenses relating to voting**

Md. Code Ann. EL § 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 whether to go to the polls to cast a vote through the use of force, fraud, threat, menace, intimidation, bribery, reward, or offer of reward; 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) ... [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.

## **Adding or deleting votes or provisional ballots**

Md. Code Ann. EL § 16-304

- (a) In a polling place on election day, an election judge may not willfully and knowingly:
- (1) permit a ballot or ballots to be placed into a ballot receptacle prior to the time for voting; or
  - (2) place a ballot in a ballot receptacle unless the ballot is offered by a properly registered voter or is a provisional ballot placed with other provisional ballots of the same character.
- (b) A person may not:
- (1) cause or permit a ballot, including a provisional ballot, to be cast or deposited in a ballot receptacle, voting device, or other receptacle designed for the collection of ballots other than by a person entitled under this article to cast a ballot; or
  - (2) substitute, alter, add, or remove a submitted ballot from a ballot receptacle, voting device, or other receptacle designed for the collection of ballots, except when instructed to do so by the election director.
- (c) A person who violates this section is guilty of a felony and is subject to imprisonment for not less than 1 year nor more than 5 years.



## **Neglect of duties**

Md. Code Ann. EL § 16-301

- (a) An election official or an official of a political party may not willfully neglect official duties under this article or engage in corrupt or fraudulent acts in the performance of official duties under this article.
- (b) A person who violates this section is subject to a fine of not less than \$50 nor more than \$1,000 or imprisonment for not less than 30 days nor more than 3 years or both.

## **Use of alcoholic beverages at a polling place**

Md. Code Ann. EL § 16-207

- (a) In this section, "alcoholic beverages" has the meaning provided in § 1-101 of the Alcoholic Beverages Article.
- (b) A person may not bring, send, or attempt to bring or send any alcoholic beverages into a polling place during the hours that the polling place is open.
- (c) A person who violates this section is guilty of a misdemeanor and is subject to a fine of not less than \$10 nor more than \$100.

## **Individuals attired or equipped as officials prohibited; exceptions**

Md. Code Ann. EL § 16-903

- (a) Except as provided in subsection (b) of this section, a person may not attire or equip an individual, or permit an individual to be attired or equipped, in a manner which creates the appearance that the individual is performing an official or governmental function in connection with an election, including:
  - (1) wearing a public or private law enforcement or security guard uniform;
  - (2) using an armband; or
  - (3) except as required by law or by regulation adopted by the State Board in connection with ballot security activities, carrying or displaying a gun or badge within 100 feet of a polling site on election day.

- (b) (1) A law enforcement officer or security guard who is on duty or traveling to or from duty may vote while wearing a uniform.
- (2) A law enforcement officer who is performing an official governmental function may wear a uniform at a polling site.
- (c) A person who violates this section is subject to the civil penalty specified under § 16-1002 of this title.

## **Challengers and watchers**

Md. Code Ann. EL § 10-311

- (a) (1) The following persons or entities have the right to designate a registered voter as a challenger or a watcher at each place of registration and election:
  - (i) the State Board for any polling place in the State;
  - (ii) a local board for any polling place located in the county of the local board;
  - (iii) a candidate;
  - (iv) a political party; and
  - (v) any other group of voters supporting or opposing a candidate, principle, or proposition on the ballot.
- (2) A person who appoints a challenger or watcher may remove the challenger or watcher at any time.
- (b) Except as provided in § 10-303(d)(2) of this subtitle and subsection (d) of this section, a challenger or watcher has the right to:
  - (1) enter the polling place one-half hour before the polls open;
  - (2) enter or be present at the polling place at any time when the polls are open;
  - (3) remain in the polling place until the completion of all tasks associated with the close of the polls under § 10-314 of this subtitle and the election judges leave the polling place;
  - (4) maintain a list of registered voters who have voted, or individuals who have cast provisional ballots, and take the list outside of the polling place; and

(5) enter and leave a polling place for the purpose of taking outside of the polling place information that identifies registered voters who have cast ballots or individuals who have cast provisional ballots.

(c) (1)

(i) A certificate signed by any party or candidate shall be sufficient evidence of the right of a challenger or watcher to be present in the voting room.

(ii) The State Board shall prescribe a form that shall be supplied to the challenger or watcher by the person or entity designating the challenger or watcher.

(2) A challenger or watcher shall be positioned near the election judges and inside the voting room so that the challenger or watcher may see and hear each person as the person offers to vote.

(d) (1) A challenger or watcher may not attempt to:

(i) ascertain how a voter voted or intends to vote;

(ii) converse in the polling place with any voter;

(iii) assist any voter in voting; or

(iv) physically handle an original election document.

(2) An election judge may eject a challenger or watcher who violates the prohibitions under paragraph (1) of this subsection.

(e) (1) Except as provided in paragraphs (2) and (3) of this subsection, an election judge shall permit an individual other than an accredited challenger or watcher who desires to challenge the right to vote of any other individual to enter the polling place for that purpose.

(2) A majority of the election judges may limit the number of nonaccredited challengers and watchers allowed in the polling place at any one time for the purpose of challenging the right of an individual to vote.

(3) A nonaccredited challenger or watcher shall leave the polling place as soon as a majority of the election judges decides the right to vote of the individual challenged by the challenger or watcher.

(4) In addition to restrictions provided under this subsection, all restrictions on the actions of an accredited challenger or watcher provided under this subtitle apply to a nonaccredited challenger or watcher.

### **Cell Phones, Pagers, Cameras, etc.**

Md. Code Regs. 33.07.04.02

(a) In General. Except as specified in §B of this regulation, electronic communication devices may not be used in a polling place. Prohibited devices include:

- (1) Cameras;
- (2) Cellular telephones;
- (3) Pagers; or
- (4) Computer equipment.

(b) Exceptions. This regulation does not apply to:

- (1) Cameras used by media representatives as long as the media representatives are recording polling place operations and not a screen or ballot;
- (2) Cellular telephones, pagers, or computer equipment used by election officials or law enforcement officers, when acting in their official capacities; or
- (3) Cellular telephones or other electronic devices used by a voter to provide lawful proof of residency or identification as required by this title.

