



PRESS RELEASE

Attorney General Frosh Issues Guidance to Remind Voters of Their Right to Vote Free of Harassment or Intimidation

BALTIMORE, MD (October 14, 2020) – With less than a month before the upcoming Presidential Election, Maryland Attorney General Brian E. Frosh today issued guidance to remind Maryland voters of their protections against voter intimidation and clarifying the role of poll watchers in Maryland.

“Maryland and federal law provides every voter the right to vote free of coercion or intimidation,” said Attorney General Frosh. “Voter harassment and intimidation is illegal and will not be tolerated in Maryland. Anyone attempting to violate these laws will be held accountable and prosecuted.”

VOTER INTIMIDATION:

Voter intimidation is a crime under both Maryland and federal law. In Maryland, it is illegal to willfully and knowingly influence or attempt to influence a voter’s voting decision, or a voter’s decision whether to go to the polls to cast a vote, through the use of force, threat, menace, intimidation, bribery, reward, or offer of reward. It is also unlawful to engage in conduct that results or has the intent to result in the denial of the right of any citizen to vote on account of race, color, or disability. Violation is a misdemeanor and on conviction, the person is subject to a fine of not more than \$5,000 or imprisonment for not more than 5 years, or both.

Pursuant to passage of the Voters’ Rights Protection Act of 2015, sponsored by Delegate Rosenberg, the Attorney General of Maryland may bring an action in Circuit Court to prohibit a person from committing an imminent or continuing violation of the State’s voter intimidation law. Similarly, under federal law, it is a crime for a person to intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right to vote. A person found guilty of such a violation shall be fined or imprisoned not more than one year, or both.

CHALLENGERS AND POLL WATCHERS:

Maryland law authorizes certain groups or individuals to designate registered voters as challengers or watchers. However, challengers or watchers are subject to a number of important limits on their roles, including the prohibitions on voter intimidation. A challenger or watcher, whether accredited or unaccredited, may not prevent a person from voting. A challenger or watcher may challenge the right of any person to vote only on the grounds of identity. A person whose identity is challenged will be able to vote by provisional ballot. To be recognized as an

accredited challenger or watcher, an authorized representative of the person or entity designating the challenger or watcher must sign a certification form provided by the State Board.

Although a challenger or watcher may be positioned near the election judges and inside the voting room, the challenger or watcher may not attempt to:

- Ascertain how a voter voted or intends to vote;
- Converse in the polling place with any voter;
- Assist any voter in voting; or
- Physically handle an original election document.

ELECTIONEERING:

Election judges are required to establish a “no electioneering” zone with a radius of approximately 100 feet around the entrance/exit of each polling place. For the 2020 presidential general election, that also applies to each ballot drop-off box. Within this zone, the law forbids canvassing, electioneering, or posting of campaign signs. Activities like handing out campaign literature for or against a candidate or ballot issue, soliciting signatures on petitions, or canvassing voters outside the polling place to determine their entitlement to vote are prohibited. Candidates, challengers or watchers, or others are prohibited from wearing or carrying any clothing button, sticker, sign, or other paraphernalia that indicates support or opposition to a candidate or question within the designated radius. The only exception is that a voter may wear clothing, buttons, or stickers while he or she is in the polling place to vote, but such a voter may not linger in the polling place. Unlike electioneering, which is permissible outside of the “no electioneering” zone, voter intimidation is prohibited regardless of where it occurs.

To report instances of voter intimidation or harassment, call the Office of Attorney General at 443-961-2830 or toll free at 833-282-0960, or by email at electionswork@oag.state.md.us

To view the Attorney General’s Full Guidance on Voter Intimidation, visit: https://www.marylandattorneygeneral.gov/Reports/GUIDANCE_ON_VOTER_INTIMIDATION.pdf