

(i) specify the policies and standards that the State Board of Elections implemented as a result of its review;

(ii) include a list of all violations that occurred during the 2005 municipal elections; and

(iii) include the penalties that have been enforced as a result of the violations.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2005.

May 20, 2005

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 312 – *Baltimore City – Illegal Dumping – Surveillance Systems*.

Senate Bill 312 allows Baltimore City to set up surveillance cameras in sites where illegal dumping is occurring and record a violation of the State litter law or a similar local law and the vehicle used to violate the law. Further, unless the person violating the law receives a citation at the time of the violation, Baltimore City may mail a civil citation with a penalty not to exceed \$1,000 to the owner of the vehicle involved in the violation. An owner may pay the amount stated in the citation or elect to stand trial in the District Court. At trial a certificate sworn to by an agent of the Baltimore City Department of Public Works is evidence of a violation and liability is determined by the civil standard of proof by a preponderance of the evidence.

An owner can contest a citation by proving: (1) that the motor vehicle was stolen, provided a police report of the theft was filed; (2) that another was operating the motor vehicle, if the owner provides at a minimum the name and address of the other; or (3) any other issues and introducing any other evidence that the District Court deems pertinent. A violation may not be recorded on the driving record of the owner and may be considered a parking violation for purposes of registering or suspending a registration for an unpaid citation.

Senate Bill 312 is similar to House Bill 443 – *Montgomery County – Vehicle Laws – Speed Monitoring Systems*, which I have also vetoed today. Although I realize that illegal dumping and littering is a serious quality of life issue, I have the same due process and privacy concerns with Senate Bill 312 that I have with House Bill 443.

Specifically, Senate Bill 312 will allow the State to charge, try, and convict an individual solely through the use of a photograph of a vehicle. This bill takes what has traditionally been a violation of the criminal law, redefines a violation to be a civil offense, lowers the burden of proof to the civil standard, and abridges the right to confront the witnesses against the accused. Although purporting to be a civil offense,