

**Department of Legislative Services**  
Maryland General Assembly  
2012 Session

**FISCAL AND POLICY NOTE**

House Bill 127  
Ways and Means

(Delegate Luedtke, *et al.*)

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**Maryland Referendum Integrity Act**

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This bill establishes certain requirements and prohibitions relating to the process of collecting signatures for a petition and also extends the period of time within which judicial review of a determination of the sufficiency of a petition may be sought.

The bill takes effect June 1, 2012.

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**Fiscal Summary**

**State Effect:** The bill is not expected to materially affect State finances.

**Local Effect:** The bill is not expected to materially affect local government finances.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** The bill makes various changes relating to the process of collecting signatures for a petition and judicial review of a determination of a petition's sufficiency. Specifically, the bill:

- requires that identifying information that must be provided on a petition by a petition signer, in addition to the individual's signature, must be printed in the individual's own handwriting;
- requires that an affidavit required to be included on each signature page of a petition by the petition circulator be notarized;

- prohibits any person convicted of a criminal violation of the Election Law Article from being a petition circulator;
- extends the time within which judicial review of a determination of a petition's sufficiency may be sought, from within 10 days following the determination to within 30 days following the determination;
- prohibits a person from willfully and knowingly giving, promising, or offering a petition circulator any form of compensation, including a bonus, that is based on the number of petition signatures collected; and
- prohibits a petition circulator from willfully and knowingly receiving or agreeing to receive any form of compensation, including a bonus, that is based on the number of signatures collected.

### **Current Law:**

#### *Collection of Petition Signatures*

To sign a petition, an individual must sign the individual's name in a specified manner and include the following information, printed or typed: (1) the signer's name as it was signed; (2) the signer's address; (3) the date of signing; and (4) other information required by regulations adopted by the State Board of Elections. Each signature page must contain an affidavit made and executed by the individual in whose presence all of the signatures on that page were affixed and who observed each of the signatures being affixed. It must contain statements, required by regulation, designed to assure the validity of the signatures and fairness of the petition process. A circulator must be at least 18 years old at the time any of the signatures covered by the affidavit are affixed.

Section 16-401 of the Election Law Article contains various prohibitions relating to the collection of signatures for a petition, including that a person may not willfully and knowingly give, transfer, promise, or offer anything of value for the purpose of inducing another person to sign or not sign a petition. Correspondingly, a person may not willfully and knowingly request, receive, or agree to receive, anything of value as an inducement to sign or not to sign any petition. A person who violates section 16-401 is guilty of a misdemeanor and is subject to a fine of between \$10 and \$250 and/or imprisonment for between 30 days and six months.

#### *Judicial Review of a Determination of a Petition's Sufficiency*

A person aggrieved by a determination with respect to a petition's sufficiency may seek judicial review. However, judicial review must be sought by the tenth day following the determination. If the petition seeks to place the name of an individual or a question on

the ballot at any election, judicial review must be sought by the earlier of the tenth day following the determination or the sixty-third day preceding the election.

**Background:** Various uses of petitions under State law are shown below in **Exhibit 1**, along with the signature requirement and the constitutional or statutory authority for each use.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** State Board of Elections; Anne Arundel, Baltimore, Charles, Frederick, and Montgomery counties; Department of Legislative Services

**Fiscal Note History:** First Reader - March 6, 2012  
ncs/hlb

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## Exhibit 1 Uses of Petitions under State Law

<b><u>Purpose</u></b>	<b><u>Required Signatures</u></b>	<b><u>Authority</u></b>
State law referendum	3% of qualified voters of the State (except for a public local law for any one county or Baltimore City, which requires 10% of the qualified voters of the jurisdiction)*	Maryland Constitution, Article XVI
Formation of new political party	10,000 registered voters	Maryland Code, Election Law Article, § 4-102
Nomination of unaffiliated candidate for general election	1% of registered voters eligible to vote for the office sought, but not less than 250 signatures	Maryland Code, Election Law Article, § 5-703
Placement of presidential candidate on primary election ballot**	400 registered voters from each congressional district in the State	Maryland Code, Election Law Article, § 8-502
Local Referendum (Charter County)	Set in charter	Maryland Code, Article 25A, § 8
Local Referendum (Code County)	10% of registered voters of the county	Maryland Constitution, Article XI-F, § 7; Maryland Code, Article 25B, § 10
Creation of a charter board	20% of registered voters of the county under § 1 or 5% under § 1A, but in both cases not more than 10,000 signatures is required	Maryland Constitution, Article XI-A, §§ 1 and 1A
Nomination of charter board members	5% of registered voters of the county under § 1 or 3% under § 1A, but in both cases not more than 2,000 signatures is required	Maryland Constitution, Article XI-A, §§ 1 and 1A
Charter Amendment	20% of registered voters of the county, but not more than 10,000 signatures is required	Maryland Constitution, Article XI-A, § 5

Note: Additional uses of petitions, such as for incorporation of a municipality or amendment of a municipal charter, are not included.

\*“Qualified voters” means the number of votes cast for Governor at the last preceding gubernatorial election. In 2011, the 3% requirement equals 55,736 signatures.

\*\*For Democratic or Republican presidential primary candidates who are not recognized and certified by the Secretary of State to be on the ballot.

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