

Department of Legislative Services  
Maryland General Assembly  
2014 Session

**FISCAL AND POLICY NOTE**

Senate Bill 848 (Senator Kittleman, *et al.*)  
Education, Health, and Environmental Affairs

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**Election Law - Local Petitions - Advance Determination of Sufficiency of Local  
Legislation Summary**

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This bill requires an election director of a local board of elections, when a petition that seeks to place a question regarding local legislation on a ballot is submitted for an advance determination of sufficiency, to determine the sufficiency of any summary of the local legislation that is contained in the petition. If the election director determines that the summary of local legislation is insufficient, the election director must provide the sponsor with an explanation of the reasons for the determination.

The bill takes effect June 1, 2014.

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**Fiscal Summary**

**State Effect:** None.

**Local Effect:** County legal expenditures may increase in some jurisdictions, potentially by over \$5,000 per petition.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** A petition authorized by law to place the name of an individual or a question on the ballot, or to create a new political party, must contain an information page (containing, among other things, a description of the subject and purpose of the petition and identification of the sponsor) and signature pages containing not less than the total number of signatures required by law to be filed.

Each signature page must contain, among other information, (1) a description of the subject and purpose of the petition; (2) if the petition seeks to place a question on the ballot, either a fair and accurate summary of the substantive provisions of the proposal or the full text of the proposal; and (3) a statement, to which each signer subscribes, that the signer supports the purpose of that petition process and, based on the signer's information and belief, the signer is a registered voter in the county specified on the page and is eligible to have his or her signature counted.

The format of a local petition prepared by the petition's sponsor may be submitted to the election director of the appropriate local board of elections, in advance of filing the petition, for a determination of its sufficiency. In making the determination, the election director may seek the advice of the counsel to the local board. The advance determination of sufficiency must be made within five business days of receiving the request for an advance determination.

**Local Fiscal Effect:** County expenditures may increase in at least some jurisdictions due to increased legal expenses for the local board of elections to review the sufficiency of a summary and any increased litigation costs that might result from the local board of elections making a determination of the sufficiency of a summary of local legislation contained in a petition. One local board of elections that does not currently review summaries of legislation for sufficiency indicates that the cost for board counsel to review a summary for sufficiency may be over \$5,000 per petition submitted.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** State Board of Elections; Carroll, Cecil, Harford, Howard, and Montgomery counties; Department of Legislative Services

**Fiscal Note History:** First Reader - February 26, 2014  
mc/hlb

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