

# SENATE BILL 193

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SB 848/14 – EHE

5lr0963  
CF 5lr1349

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By: **Senators Bates, Guzzone, and Kasemeyer**  
Introduced and read first time: February 2, 2015  
Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 18, 2015

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Election Law – Local Petitions – Advance Determination of Sufficiency of Local**  
3 **~~Legislation~~ Law or Charter Amendment Summary**

4 FOR the purpose of ~~requiring a chief election official of an election authority who is~~  
5 ~~determining the sufficiency of the format of a certain petition to determine the~~  
6 ~~sufficiency of any summary of local legislation that is contained in the petition;~~  
7 ~~requiring the chief election official to make a certain determination within a certain~~  
8 ~~time period; requiring, under certain circumstances, the chief election official to~~  
9 ~~provide the sponsor of a petition with an explanation of the reasons for a certain~~  
10 ~~determination; and generally relating to notices of deficiencies in the information~~  
11 ~~pages of local petitions~~ requiring an election director of a local board of elections to  
12 determine the sufficiency of a summary of a local law or charter amendment  
13 contained in a petition when determining the sufficiency of the format of the petition;  
14 requiring an election director to provide the sponsor of a petition with an explanation  
15 of the reasons for a determination that a summary of a local law or charter  
16 amendment is insufficient; authorizing an election director to seek the advice of  
17 certain persons in making the determination; requiring an election director to make  
18 the determination within a certain period of time; making a conforming change; and  
19 generally relating to an advance determination of the sufficiency of a summary of a  
20 local law or charter amendment contained in a petition.

21 BY repealing and reenacting, with amendments,  
22 Article – Election Law  
23 Section 6–202 and 6–210(a)  
24 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(2010 Replacement Volume and 2014 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Election Law**

6–202.

(a) **(1)** The format of the petition prepared by a sponsor may be submitted to the chief election official of the appropriate election authority, in advance of filing the petition, for a determination of its sufficiency.

~~**(b) (1) WHEN DETERMINING THE SUFFICIENCY UNDER SUBSECTION (A) OF THIS SECTION OF A PETITION THAT SEEKS TO PLACE A QUESTION REGARDING LOCAL LEGISLATION ON A BALLOT, THE CHIEF ELECTION OFFICIAL OF THE APPROPRIATE ELECTION AUTHORITY SHALL DETERMINE THE SUFFICIENCY OF ANY SUMMARY OF THE LOCAL LEGISLATION THAT IS CONTAINED IN THE PETITION.**~~

~~**(2) THE CHIEF ELECTION OFFICIAL SHALL MAKE A DETERMINATION UNDER PARAGRAPH (1) OF THIS SECTION WITHIN 10 BUSINESS DAYS AFTER RECEIPT OF THE PETITION.**~~

~~**(3) IF THE CHIEF ELECTION OFFICIAL OF THE APPROPRIATE ELECTION AUTHORITY DETERMINES THAT THE SUMMARY OF LOCAL LEGISLATION IS INSUFFICIENT, THE CHIEF ELECTION OFFICIAL SHALL PROVIDE THE SPONSOR WITH AN EXPLANATION OF THE REASONS FOR THE DETERMINATION.**~~

~~**(b) (C) In making the determination, the chief election official may seek the advice of the legal authority.**~~

**(2) IN MAKING THE DETERMINATION UNDER THIS SUBSECTION, THE CHIEF ELECTION OFFICIAL MAY SEEK THE ADVICE OF THE LEGAL AUTHORITY.**

**(B) (1) WHEN DETERMINING THE SUFFICIENCY UNDER SUBSECTION (A) OF THIS SECTION OF A PETITION THAT SEEKS TO PLACE A QUESTION REGARDING A LOCAL LAW OR CHARTER AMENDMENT ON A BALLOT, THE ELECTION DIRECTOR OF THE LOCAL BOARD SHALL DETERMINE THE SUFFICIENCY OF ANY SUMMARY OF THE LOCAL LAW OR CHARTER AMENDMENT THAT IS CONTAINED IN THE PETITION.**

**(2) IF THE ELECTION DIRECTOR DETERMINES THAT THE SUMMARY OF THE LOCAL LAW OR CHARTER AMENDMENT IS INSUFFICIENT, THE ELECTION DIRECTOR SHALL PROVIDE THE SPONSOR WITH A CLEAR, CONCISE, AND UNDERSTANDABLE EXPLANATION OF THE REASONS FOR THE DETERMINATION.**

1           **(3) IN MAKING THE DETERMINATION UNDER THIS SUBSECTION, THE**  
2 **ELECTION DIRECTOR MAY SEEK THE ADVICE OF:**

3                   **(I) THE COUNSEL TO THE LOCAL BOARD; OR**

4                   **(II) THE ATTORNEY GENERAL.**

5 6-210.

6           (a) (1) A request for an advance determination under § 6-202 of this subtitle  
7 shall be submitted at least 30 days, but not more than 2 years and 1 month, prior to the  
8 deadline for the filing of the petition.

9                   **(2) [Within] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**  
10 **SUBSECTION, WITHIN 5 business days of receiving [the] A request for an advance**  
11 **determination, the election authority shall make the determination.**

12                   **(3) WITHIN 10 BUSINESS DAYS OF RECEIVING A REQUEST FOR AN**  
13 **ADVANCE DETERMINATION OF THE SUFFICIENCY OF A SUMMARY OF A LOCAL LAW**  
14 **OR CHARTER AMENDMENT CONTAINED IN A PETITION UNDER § 6-202(B) OF THIS**  
15 **SUBTITLE, THE ELECTION DIRECTOR SHALL MAKE THE DETERMINATION.**

16           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
17 1, 2015.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.