

SENATE BILL 495

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SB 56/20 – EHE

4r1755
CF 4r1918

By: **Senator Kagan**

Introduced and read first time: January 24, 2024

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Petitions and Ballot Questions – Plain Language Requirement**

3 FOR the purpose of requiring that a certain statement included on the signature page of a
4 petition seeking to place a question on the ballot and a certain statement about the
5 purpose of a question on the ballot be written in plain language reasonably calculated
6 to be understood by an individual who has attained not higher than a certain level
7 of reading comprehension; and generally relating to petitions and ballot questions.

8 BY repealing and reenacting, with amendments,

9 Article – Election Law

10 Section 6–103(b), 6–201(c), and 7–103(b) and (c)

11 Annotated Code of Maryland

12 (2022 Replacement Volume and 2023 Supplement)

13 BY repealing and reenacting, without amendments,

14 Article – Election Law

15 Section 6–201(a) and (d)

16 Annotated Code of Maryland

17 (2022 Replacement Volume and 2023 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

20 **Article – Election Law**

21 6–103.

22 (b) (1) The State Board shall:

23 (i) prepare guidelines and instructions relating to the petition
24 process; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) design and arrange to have sample forms available to the public
2 conforming to this title for each purpose for which a petition is authorized by law.

3 (2) **WHEN PREPARING GUIDELINES AND INSTRUCTIONS FOR**
4 **COMPLIANCE WITH THE PLAIN LANGUAGE REQUIREMENT OF § 6-201(C)(2)(I) OF**
5 **THIS TITLE, THE STATE BOARD SHALL CONSIDER ANY GENERALLY ACCEPTED**
6 **GUIDELINES REGARDING COMPLIANCE WITH THE FEDERAL PLAIN WRITING ACT OF**
7 **2010.**

8 (3) The guidelines, instructions, and forms shall be provided to the public,
9 on request, without charge.

10 6-201.

11 (a) A petition shall contain:

12 (1) an information page; and

13 (2) signature pages containing not less than the total number of signatures
14 required by law to be filed.

15 (c) Each signature page shall contain:

16 (1) a description of the subject and purpose of the petition, conforming to
17 the requirements of regulations;

18 (2) if the petition seeks to place a question on the ballot, either:

19 (i) a fair and accurate summary of the substantive provisions of the
20 proposal **WRITTEN IN PLAIN LANGUAGE REASONABLY CALCULATED TO BE**
21 **UNDERSTOOD BY AN INDIVIDUAL WHO HAS ATTAINED NOT HIGHER THAN A GRADE 6**
22 **LEVEL OF READING COMPREHENSION;** or

23 (ii) the full text of the proposal;

24 (3) a statement, to which each signer subscribes, that:

25 (i) the signer supports the purpose of that petition process; and

26 (ii) based on the signer's information and belief, the signer is a
27 registered voter in the county specified on the page and is eligible to have his or her
28 signature counted;

29 (4) spaces for signatures and the required information relating to the
30 signers;

1 (5) a space for the name of the county in which each of the signers of that
2 page is a registered voter;

3 (6) a space for the required affidavit made and executed by the circulator;
4 and

5 (7) any other information required by regulation.

6 (d) If the petition seeks to place a question on the ballot and the sponsor elects to
7 print a summary of the proposal on each signature page as provided in subsection (c)(2)(i)
8 of this section:

9 (1) the circulator shall have the full text of the proposal present at the time
10 and place that each signature is affixed to the page; and

11 (2) the signature page shall state that the full text is available from the
12 circulator.

13 7–103.

14 (b) Each question shall appear on the ballot containing the following information:

15 (1) a question number or letter as determined under subsection (d) of this
16 section;

17 (2) a brief designation of the type or source of the question;

18 (3) a brief descriptive title in boldface type;

19 (4) a condensed statement of the purpose of the question **WRITTEN IN**
20 **PLAIN LANGUAGE REASONABLY CALCULATED TO BE UNDERSTOOD BY AN**
21 **INDIVIDUAL WHO HAS ATTAINED NOT HIGHER THAN A GRADE 6 LEVEL OF READING**
22 **COMPREHENSION**; and

23 (5) the voting choices that the voter has.

24 (c) (1) The Secretary of State shall prepare and certify to the State Board, not
25 later than the 95th day before the general election, the information required under
26 subsection (b) of this section, for all statewide ballot questions and all questions relating to
27 an enactment of the General Assembly which is petitioned to referendum.

28 (2) The State Board shall prepare and certify to the appropriate local
29 board, not later than the 105th day before the general election, the information required
30 under subsection (b) of this section for all questions that have been referred to the voters of
31 one county or part of one county pursuant to an enactment of the General Assembly.

1 (3) (i) The county attorney of the appropriate county shall prepare and
2 certify to the State Board, not later than the 95th day before the general election, the
3 information required under subsection (b) of this section for each question to be voted on in
4 a single county or part of a county, except a question covered by paragraph (1) or paragraph
5 (2) of this subsection.

6 (ii) If the information required under subsection (b) of this section
7 has not been timely certified under subparagraph (i) of this paragraph, the clerk of the
8 circuit court for the jurisdiction shall prepare and certify that information to the State
9 Board not later than the first Friday in August.

10 (4) (i) The municipal attorney of the appropriate municipal corporation
11 shall prepare and certify to the State Board, not later than the 95th day before the general
12 election, the information required under subsection (b) of this section for each question to
13 be voted on in the municipal corporation, except a question covered by paragraphs (1)
14 through (3) of this subsection.

15 (ii) If the information required under subsection (b) of this section
16 has not been timely certified under subparagraph (i) of this paragraph, the clerk of the
17 circuit court for the county in which the municipal corporation is located shall prepare and
18 certify that information to the State Board not later than the first Friday in August.

19 (5) **AN ENTITY THAT IS REQUIRED TO PREPARE AND CERTIFY A**
20 **QUESTION MAY USE ANY GENERALLY ACCEPTED GUIDELINES REGARDING**
21 **COMPLIANCE WITH THE FEDERAL PLAIN WRITING ACT OF 2010 IN DETERMINING**
22 **WHETHER THE QUESTION IS IN COMPLIANCE WITH THE PLAIN LANGUAGE**
23 **REQUIREMENTS OF SUBSECTION (B)(4) OF THIS SECTION.**

24 (6) The information required under subsection (b) of this section for a
25 question that is being placed on the ballot by petition may be prepared before the petition
26 is certified under § 6-208 of this article.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 January 1, 2025.