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2001 Regular Session 1lr0026

By: Chairman, Commerce and Government Matters Committee (Departmental - Elections, State Board of)

Introduced and read first time: January 15, 2001 Assigned to: Commerce and Government Matters

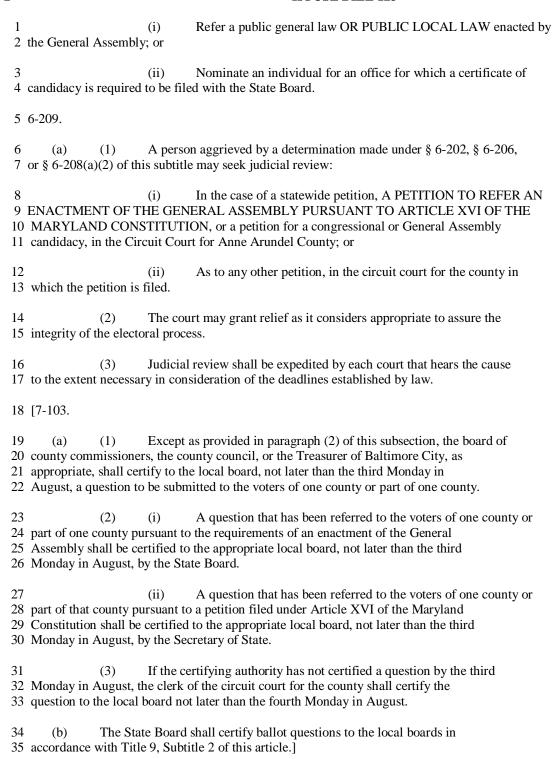
A BILL ENTITLED

2	Election Law - Petitions and Questions
3	FOR the purpose of clarifying certain procedural matters related to the qualification
4	and certification of ballot questions; specifying the venue for a judicial review
5	proceeding regarding an election official's determination concerning a
6	referendum petition under Article XVI of the Maryland Constitution: altering

- erendum petition under Article XVI of the Maryland Constitution; altering
- 7 the definition of "local petition"; and generally relating to procedures for
- qualifying and certifying ballot questions. 8
- 9 BY repealing and reenacting with amendments,
- Article 33 Election Code 10

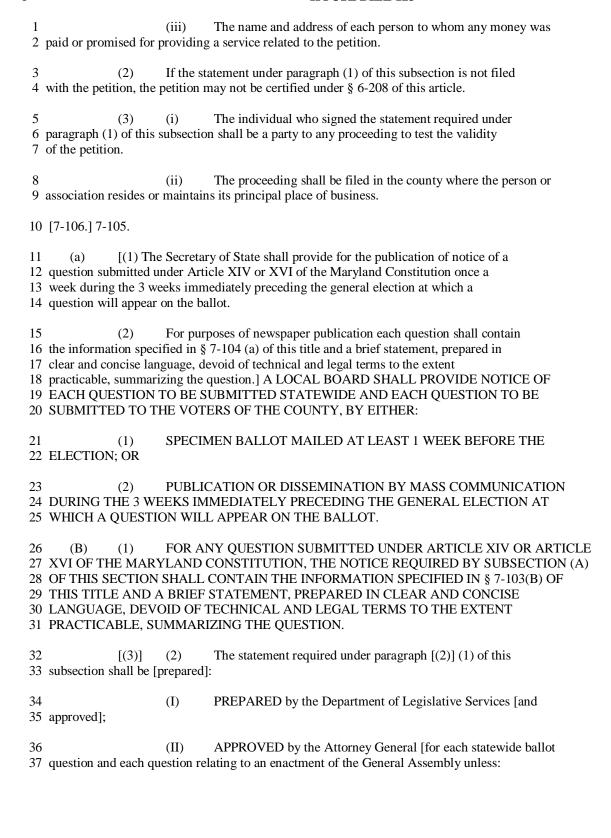
1 AN ACT concerning

- 11 Section 6-101(g), 6-209(a), 7-104, 7-105, 7-106, and 9-211
- Annotated Code of Maryland 12
- 13 (1997 Replacement Volume and 2000 Supplement)
- 14 BY repealing
- Article 33 Election Code 15
- 16 Section 7-103
- 17 Annotated Code of Maryland
- (1997 Replacement Volume and 2000 Supplement) 18
- 19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 20 MARYLAND, That the Laws of Maryland read as follows:
- 21 **Article 33 - Election Code**
- 22 6-101.
- "Local petition" means a petition: 23 (g)
- 24 (1) On which the signatures from only one county may be counted; and
- 25 (2) That does not seek to:



- 1 [7-104.] 7-103.
- 2 (a) IN THIS SECTION, "COUNTY ATTORNEY" MEANS EITHER:
- 3 (1) THE ATTORNEY OR LAW DEPARTMENT ESTABLISHED BY A COUNTY
- 4 CHARTER OR LOCAL LAW TO REPRESENT THE COUNTY GENERALLY, INCLUDING ITS
- 5 LEGISLATIVE AND EXECUTIVE OFFICERS; OR
- 6 (2) IF THE COUNTY CHARTER OR LOCAL LAWS PROVIDE FOR DIFFERENT
- 7 ATTORNEYS TO REPRESENT THE LEGISLATIVE AND EXECUTIVE BRANCHES OF
- 8 COUNTY GOVERNMENT, THE ATTORNEY DESIGNATED TO REPRESENT THE COUNTY
- 9 LEGISLATIVE BODY.
- 10 (B) Each question shall appear on the ballot containing the following
- 11 information:
- 12 (1) A question number or letter as determined under subsection [(c)] (D)
- 13 of this section;
- 14 (2) A brief designation of the type or source of the question;
- 15 (3) A brief descriptive title in boldface type;
- 16 (4) A condensed statement of the purpose of the question; and
- 17 (5) The voting choices that the voter will have.
- 18 [(b)] (C) (1) The Secretary of State shall PREPARE AND certify to the State
- 19 Board, NOT LATER THAN THE THIRD MONDAY IN AUGUST, the information required
- 20 under subsection [(a)] (B) of this section, for all statewide ballot questions and all
- 21 questions relating to an enactment of the General Assembly which is petitioned to
- 22 referendum.
- 23 (2) [Each question to be voted on in a single county or part of a county,
- 24 except a question relating to an enactment of the General Assembly which has been
- 25 petitioned to referendum, shall be prepared as required under subsection (a) of this
- 26 section, by the county attorney of the county unless some other process is mandated
- 27 by law] THE STATE BOARD SHALL PREPARE AND CERTIFY TO THE APPROPRIATE
- 28 LOCAL BOARD, NOT LATER THAN THE SECOND MONDAY IN AUGUST, THE
- 29 INFORMATION REQUIRED UNDER SUBSECTION (B) OF THIS SECTION FOR ALL
- 30 QUESTIONS THAT HAVE BEEN REFERRED TO THE VOTERS OF ONE COUNTY OR PART
- 31 OF ONE COUNTY PURSUANT TO AN ENACTMENT OF THE GENERAL ASSEMBLY.
- 32 (3) (I) UNLESS SOME OTHER PROCESS IS MANDATED BY LAW, THE
- 33 COUNTY ATTORNEY OF THE APPROPRIATE COUNTY OR THE CITY SOLICITOR OF
- 34 BALTIMORE CITY SHALL PREPARE AND CERTIFY TO THE APPROPRIATE LOCAL
- 35 BOARD, NOT LATER THAN THE THIRD MONDAY IN AUGUST, THE INFORMATION
- 36 REQUIRED UNDER SUBSECTION (B) OF THIS SECTION FOR EACH QUESTION TO BE
- 37 VOTED ON IN A SINGLE COUNTY OR PART OF A COUNTY, EXCEPT A QUESTION
- 38 COVERED BY PARAGRAPH (1) OR PARAGRAPH (2) OF THIS SUBSECTION.

3 4	THIS SECTION HAS PARAGRAPH, THE	NOT BE CLERK (TIFY TH	IF THE INFORMATION REQUIRED UNDER SUBSECTION (B) OF EEN TIMELY CERTIFIED UNDER SUBPARAGRAPH (I) OF THIS OF THE CIRCUIT COURT FOR THE JURISDICTION SHALL HAT INFORMATION TO THE LOCAL BOARD NOT LATER THAN AUGUST.			
	QUESTION TO THE	STATE	A LOCAL BOARD SHALL PROVIDE A COPY OF EACH CERTIFIED BOARD WITHIN 48 HOURS AFTER RECEIPT OF THE E CERTIFYING AUTHORITY.			
	AN ENACTMENT C	F THE C	Each statewide question AND EACH QUESTION RELATING TO GENERAL ASSEMBLY WHICH IS PETITIONED TO gned a numerical identifier in the following order:			
12 13	and	(i)	By years of sessions of the General Assembly at which enacted;			
14 15	of that session.	(ii)	For each such session, by chapter numbers of the Session Laws			
18	COUNTY OR PART	OF ONE BE ASS	TION THAT HAS BEEN REFERRED TO THE VOTERS OF ONE ECOUNTY PURSUANT TO AN ENACTMENT OF THE GENERAL SIGNED AN ALPHABETICAL IDENTIFIER IN AN ORDER ATE BOARD.			
22 23	SUBSECTION (C)(3) identifier in an order of)(I) OR (establishe	as certified [by the local governing authority] UNDER II) OF THIS SECTION shall be assigned an alphabetical ed by the [local governing authority] THE CERTIFYING and following the questions certified by the State Board.			
	the signatures attached	d to the p	election of a charter board may not be filed unless all of betition have been written by the signers within 6 etition is presented to the board.			
30	(b) A petition relating to a question arising under Article XI-A of the Maryland Constitution shall be filed with the appropriate governmental body or officer not later than the second Monday in August in the year of the election at which the question is to be voted on.					
34	(c) (1) At the time of filing a petition under the provisions of Article XI-A or Article XVI of the Maryland Constitution, the person who files the petition shall also file a signed statement, under penalty of perjury, showing the contributions and expenditures for the petition including:					
36 37	expense of the petition		The name and post office address of every contributor to the			
38		(ii)	The amount contributed by each contributor; and			



	()		The statement is contained in an enactment by the General early specifies that the statement is to be used on the
4 5	Constitution]; AND	i)	Some other process is mandated by the Maryland
6 7	(I AUGUST.	III)	SUBMITTED TO THE STATE BOARD BY THE FOURTH MONDAY IN
8 9	(3) TO SUBSECTION IS SUFF		ATEMENT REQUIRED UNDER PARAGRAPH (1) OF THIS T IF IT IS:
			CONTAINED IN AN ENACTMENT BY THE GENERAL ASSEMBLY, EARLY SPECIFIES THAT THE STATEMENT IS TO BE USED ON
13 14	3 4 MARYLAND CONSTI	,	CONSISTENT WITH SOME OTHER PROCESS MANDATED BY THE ON.
17	6 QUESTIONS TO APPE	EAR O	ARD SHALL ADOPT REGULATIONS GOVERNING NOTICE OF N THE BALLOT, INCLUDING THE USE AND CONTENT OF THE PUBLICATION OR DISSEMINATION OF NOTICE BY MASS
		the Stat	on of a statewide question shall be in accordance with e Board, consistent with the requirements of Article constitution.
24	3 voters in only one count	ty, publ	se of a question referred by the General Assembly to the ication shall be in accordance with regulations adopted with the requirements of Article XVI of the Maryland
26 27	6 (c) The cost of 7 Constitution shall be pa		hing notice required under Article XVI of the Maryland llows:
28 29	3 (1) If O State Board; and	the que	estion is submitted to the voters of the entire State, by the
30 31	(2) If governing body of the c		estion is submitted to the voters of a single county, by the
	` ' ' ' '	of the S	plete text of a question shall be posted or available for public state Board and each applicable local board for 30 days
35 36			f the complete text of all statewide questions shall be the local boards in quantities as determined by the

- 1 State Board, including quantities sufficient to provide one copy of each for posting in 2 each polling place and in each local board office. An individual may receive without charge a copy of the complete text 4 of all constitutional amendments and questions from a local board, either in person or 5 by mail. 6 9-211. Questions to be voted upon shall be placed on the ballot in the following 7 (a) 8 order: (1) Those relating to the creation or adoption of a new State 10 Constitution; 11 (2) Those proposing amendments to the Maryland Constitution; 12 (3) Those relating to other enactments of the General Assembly; 13 (4) Those relating to the creation or adoption of, or the amendment or 14 other change in, the charter of a county; 15 (5) Those relating to other enactments by the governing body of a county; 16 and 17 (6) Other questions. [The Secretary of State shall certify the form of statewide questions, and 18 19 any question relating to an enactment of the General Assembly, in accordance with 20 Title 7 of this article. 21 (c) The appropriate local authority shall certify the form of a question to be 22 voted on by voters in a single county, other than a question pursuant to an enactment
- 24 (d)] The numbering of questions on a ballot shall be as provided in Title 7 of 25 this article.

23 of the General Assembly, in accordance with Title 7 of this article.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 27 October 1, 2001.