

HOUSE BILL 123

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2001 Regular Session  
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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

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: February 20, 2001

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Election Law - Referendum Petitions and Ballot Questions**

3 FOR the purpose of clarifying certain procedural matters related to the qualification  
4 and certification of certain ballot questions; specifying the venue for a judicial  
5 review proceeding regarding an election official's determination concerning a  
6 referendum petition under Article XVI of the Maryland Constitution; altering  
7 the notice requirements for ballot questions; altering the definition of "local  
8 petition"; defining a certain term; and generally relating to ~~procedures for~~  
9 qualifying and certifying referendum petitions and ballot questions.

10 BY repealing and reenacting with amendments,  
11 Article 33 - Election Code  
12 Section 6-101(g), 6-209(a), 7-104, 7-105, 7-106, and 9-211  
13 Annotated Code of Maryland  
14 (1997 Replacement Volume and 2000 Supplement)

15 BY repealing  
16 Article 33 - Election Code  
17 Section 7-103  
18 Annotated Code of Maryland  
19 (1997 Replacement Volume and 2000 Supplement)

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

1 **Article 33 - Election Code**

2 6-101.

3 (g) "Local petition" means a petition:

4 (1) On which the signatures from only one county may be counted; and

5 (2) That does not seek to:

6 (i) Refer a public ~~general~~ LOCAL law ~~OR PUBLIC LOCAL LAW~~  
7 enacted by the General Assembly; or8 (ii) Nominate an individual for an office for which a certificate of  
9 candidacy is required to be filed with the State Board.

10 6-209.

11 (a) (1) A person aggrieved by a determination made under § 6-202, § 6-206,  
12 or § 6-208(a)(2) of this subtitle may seek judicial review:13 (i) In the case of a statewide petition, A PETITION TO REFER AN  
14 ENACTMENT OF THE GENERAL ASSEMBLY PURSUANT TO ARTICLE XVI OF THE  
15 MARYLAND CONSTITUTION, or a petition for a congressional or General Assembly  
16 candidacy, in the Circuit Court for Anne Arundel County; or17 (ii) As to any other petition, in the circuit court for the county in  
18 which the petition is filed.19 (2) The court may grant relief as it considers appropriate to assure the  
20 integrity of the electoral process.21 (3) Judicial review shall be expedited by each court that hears the cause  
22 to the extent necessary in consideration of the deadlines established by law.

23 [7-103.

24 (a) (1) Except as provided in paragraph (2) of this subsection, the board of  
25 county commissioners, the county council, or the Treasurer of Baltimore City, as  
26 appropriate, shall certify to the local board, not later than the third Monday in  
27 August, a question to be submitted to the voters of one county or part of one county.28 (2) (i) A question that has been referred to the voters of one county or  
29 part of one county pursuant to the requirements of an enactment of the General  
30 Assembly shall be certified to the appropriate local board, not later than the third  
31 Monday in August, by the State Board.32 (ii) A question that has been referred to the voters of one county or  
33 part of that county pursuant to a petition filed under Article XVI of the Maryland  
34 Constitution shall be certified to the appropriate local board, not later than the third  
35 Monday in August, by the Secretary of State.

1 (3) If the certifying authority has not certified a question by the third  
2 Monday in August, the clerk of the circuit court for the county shall certify the  
3 question to the local board not later than the fourth Monday in August.

4 (b) The State Board shall certify ballot questions to the local boards in  
5 accordance with Title 9, Subtitle 2 of this article.]

6 [7-104.] 7-103.

7 (a) IN THIS SECTION, "COUNTY ATTORNEY" MEANS ~~EITHER~~:

8 (1) THE ATTORNEY OR LAW DEPARTMENT ESTABLISHED BY A COUNTY  
9 CHARTER OR LOCAL LAW TO REPRESENT THE COUNTY GENERALLY, INCLUDING ITS  
10 LEGISLATIVE AND EXECUTIVE OFFICERS; OR

11 (2) IF THE COUNTY CHARTER OR LOCAL LAWS PROVIDE FOR DIFFERENT  
12 ATTORNEYS TO REPRESENT THE LEGISLATIVE AND EXECUTIVE BRANCHES OF  
13 COUNTY GOVERNMENT, THE ATTORNEY DESIGNATED TO REPRESENT THE COUNTY  
14 LEGISLATIVE BODY.

15 (B) Each question shall appear on the ballot containing the following  
16 information:

17 (1) A question number or letter as determined under subsection [(c)] (D)  
18 of this section;

19 (2) A brief designation of the type or source of the question;

20 (3) A brief descriptive title in boldface type;

21 (4) A condensed statement of the purpose of the question; and

22 (5) The voting choices that the voter will have.

23 [(b)] (C) (1) The Secretary of State shall PREPARE AND certify to the State  
24 Board, NOT LATER THAN THE THIRD MONDAY IN AUGUST, the information required  
25 under subsection [(a)] (B) of this section, for all statewide ballot questions and all  
26 questions relating to an enactment of the General Assembly which is petitioned to  
27 referendum.

28 (2) [Each question to be voted on in a single county or part of a county,  
29 except a question relating to an enactment of the General Assembly which has been  
30 petitioned to referendum, shall be prepared as required under subsection (a) of this  
31 section, by the county attorney of the county unless some other process is mandated  
32 by law] THE STATE BOARD SHALL PREPARE AND CERTIFY TO THE APPROPRIATE  
33 LOCAL BOARD, NOT LATER THAN THE SECOND MONDAY IN AUGUST, THE  
34 INFORMATION REQUIRED UNDER SUBSECTION (B) OF THIS SECTION FOR ALL  
35 QUESTIONS THAT HAVE BEEN REFERRED TO THE VOTERS OF ONE COUNTY OR PART  
36 OF ONE COUNTY PURSUANT TO AN ENACTMENT OF THE GENERAL ASSEMBLY.

1 (3) (I) UNLESS SOME OTHER PROCESS IS MANDATED BY LAW, THE  
2 COUNTY ATTORNEY OF THE APPROPRIATE COUNTY ~~OR THE CITY SOLICITOR OF~~  
3 ~~BALTIMORE CITY~~ SHALL PREPARE AND CERTIFY TO THE APPROPRIATE LOCAL  
4 BOARD, NOT LATER THAN THE THIRD MONDAY IN AUGUST, THE INFORMATION  
5 REQUIRED UNDER SUBSECTION (B) OF THIS SECTION FOR EACH QUESTION TO BE  
6 VOTED ON IN A SINGLE COUNTY OR PART OF A COUNTY, EXCEPT A QUESTION  
7 COVERED BY PARAGRAPH (1) OR PARAGRAPH (2) OF THIS SUBSECTION.

8 (II) IF THE INFORMATION REQUIRED UNDER SUBSECTION (B) OF  
9 THIS SECTION HAS NOT BEEN TIMELY CERTIFIED UNDER SUBPARAGRAPH (I) OF THIS  
10 PARAGRAPH, THE CLERK OF THE CIRCUIT COURT FOR THE JURISDICTION SHALL  
11 PREPARE AND CERTIFY THAT INFORMATION TO THE LOCAL BOARD NOT LATER THAN  
12 THE FOURTH MONDAY IN AUGUST.

13 (III) A LOCAL BOARD SHALL PROVIDE A COPY OF EACH CERTIFIED  
14 QUESTION TO THE STATE BOARD WITHIN 48 HOURS AFTER RECEIPT OF THE  
15 CERTIFICATION FROM THE CERTIFYING AUTHORITY.

16 [(c)] (D) (1) Each statewide question AND EACH QUESTION RELATING TO  
17 AN ENACTMENT OF THE GENERAL ASSEMBLY WHICH IS PETITIONED TO  
18 REFERENDUM shall be assigned a numerical identifier in the following order:

19 (i) By years of sessions of the General Assembly at which enacted;  
20 and

21 (ii) For each such session, by chapter numbers of the Session Laws  
22 of that session.

23 (2) A QUESTION THAT HAS BEEN REFERRED TO THE VOTERS OF ONE  
24 COUNTY OR PART OF ONE COUNTY PURSUANT TO AN ENACTMENT OF THE GENERAL  
25 ASSEMBLY SHALL BE ASSIGNED AN ALPHABETICAL IDENTIFIER IN AN ORDER  
26 ESTABLISHED BY THE STATE BOARD.

27 (3) Questions certified [by the local governing authority] UNDER  
28 SUBSECTION (C)(3)(I) OR (II) OF THIS SECTION shall be assigned an alphabetical  
29 identifier in an order established by the [local governing authority] THE CERTIFYING  
30 AUTHORITY, consistent with and following the questions certified by the State Board.  
31 [7-105.] 7-104.

32 (a) A petition for the election of a charter board may not be filed unless all of  
33 the signatures attached to the petition have been written by the signers within 6  
34 months of the date when the petition is presented to the board.

35 (b) A petition relating to a question arising under Article XI-A of the  
36 Maryland Constitution shall be filed with the appropriate governmental body or  
37 officer not later than the second Monday in August in the year of the election at which  
38 the question is to be voted on.

1 (c) (1) At the time of filing a petition under the provisions of Article XI-A or  
 2 Article XVI of the Maryland Constitution, the person who files the petition shall also  
 3 file a signed statement, under penalty of perjury, showing the contributions and  
 4 expenditures for the petition including:

5 (i) The name and post office address of every contributor to the  
 6 expense of the petition;

7 (ii) The amount contributed by each contributor; and

8 (iii) The name and address of each person to whom any money was  
 9 paid or promised for providing a service related to the petition.

10 (2) If the statement under paragraph (1) of this subsection is not filed  
 11 with the petition, the petition may not be certified under § 6-208 of this article.

12 (3) (i) The individual who signed the statement required under  
 13 paragraph (1) of this subsection shall be a party to any proceeding to test the validity  
 14 of the petition.

15 (ii) The proceeding shall be filed in the county where the person or  
 16 association resides or maintains its principal place of business.

17 [7-106.] 7-105.

18 (a) [(1) The Secretary of State shall provide for the publication of notice of a  
 19 question submitted under Article XIV or XVI of the Maryland Constitution once a  
 20 week during the 3 weeks immediately preceding the general election at which a  
 21 question will appear on the ballot.

22 (2) For purposes of newspaper publication each question shall contain  
 23 the information specified in § 7-104 (a) of this title and a brief statement, prepared in  
 24 clear and concise language, devoid of technical and legal terms to the extent  
 25 practicable, summarizing the question.] A LOCAL BOARD SHALL PROVIDE NOTICE OF  
 26 EACH QUESTION TO BE SUBMITTED STATEWIDE AND EACH QUESTION TO BE  
 27 SUBMITTED TO THE VOTERS OF THE COUNTY, BY ~~EITHER~~:

28 (1) SPECIMEN BALLOT MAILED AT LEAST 1 WEEK BEFORE THE  
 29 GENERAL ELECTION; OR

30 (2) PUBLICATION OR DISSEMINATION BY MASS COMMUNICATION  
 31 DURING THE 3 WEEKS IMMEDIATELY PRECEDING THE GENERAL ELECTION AT  
 32 WHICH A QUESTION WILL APPEAR ON THE BALLOT.

33 (B) (1) FOR ANY QUESTION SUBMITTED UNDER ARTICLE XIV OR ARTICLE  
 34 XVI OF THE MARYLAND CONSTITUTION, THE NOTICE REQUIRED BY SUBSECTION (A)  
 35 OF THIS SECTION SHALL CONTAIN THE INFORMATION SPECIFIED IN § 7-103(B) OF  
 36 THIS TITLE AND A BRIEF STATEMENT, PREPARED IN CLEAR AND CONCISE  
 37 LANGUAGE, DEVOID OF TECHNICAL AND LEGAL TERMS TO THE EXTENT  
 38 PRACTICABLE, SUMMARIZING THE QUESTION.

1                    [(3)]    (2)    The statement required under paragraph [(2)] (1) of this  
2 subsection shall be [prepared]:

3                    (I)     PREPARED by the Department of Legislative Services [and  
4 approved];

5                    (II)    APPROVED by the Attorney General [for each statewide ballot  
6 question and each question relating to an enactment of the General Assembly unless:

7                    (i)     The statement is contained in an enactment by the General  
8 Assembly, and the enactment clearly specifies that the statement is to be used on the  
9 ballots; or

10                   (ii)    Some other process is mandated by the Maryland  
11 Constitution]; AND

12                   (III)   SUBMITTED TO THE STATE BOARD BY THE FOURTH MONDAY IN  
13 AUGUST.

14                   (3)     THE STATEMENT REQUIRED UNDER PARAGRAPH (1) OF THIS  
15 SUBSECTION IS SUFFICIENT IF IT IS:

16                   (I)     CONTAINED IN AN ENACTMENT BY THE GENERAL ASSEMBLY,  
17 AND THE ENACTMENT CLEARLY SPECIFIES THAT THE STATEMENT IS TO BE USED ON  
18 THE BALLOT; OR

19                   (II)    CONSISTENT WITH SOME OTHER PROCESS MANDATED BY THE  
20 MARYLAND CONSTITUTION.

21                   (C)     THE STATE BOARD SHALL ADOPT REGULATIONS GOVERNING NOTICE OF  
22 QUESTIONS TO APPEAR ON THE BALLOT, INCLUDING THE USE AND CONTENT OF  
23 SPECIMEN BALLOTS AND THE PUBLICATION OR DISSEMINATION OF NOTICE BY MASS  
24 COMMUNICATION.

25                   [(b)    (1)     Publication of a statewide question shall be in accordance with  
26 regulations adopted by the State Board, consistent with the requirements of Article  
27 XIV or XVI of the Maryland Constitution.

28                   (2)     In the case of a question referred by the General Assembly to the  
29 voters in only one county, publication shall be in accordance with regulations adopted  
30 by the State Board, consistent with the requirements of Article XVI of the Maryland  
31 Constitution.

32                   (c)     The cost of publishing notice required under Article XVI of the Maryland  
33 Constitution shall be paid as follows:

34                   (1)     If the question is submitted to the voters of the entire State, by the  
35 State Board; and

1 (2) If the question is submitted to the voters of a single county, by the  
2 governing body of the county.]

3 (d) (1) The complete text of a question shall be posted or available for public  
4 inspection in the office of the State Board and each applicable local board for 30 days  
5 prior to the general election.

6 (2) Copies of the complete text of all statewide questions shall be  
7 furnished by the State Board to the local boards in quantities as determined by the  
8 State Board, including quantities sufficient to provide one copy of each for posting in  
9 each polling place and in each local board office.

10 (3) An individual may receive without charge a copy of the complete text  
11 of all constitutional amendments and questions from a local board, either in person or  
12 by mail.

13 9-211.

14 (a) Questions to be voted upon shall be placed on the ballot in the following  
15 order:

16 (1) Those relating to the creation or adoption of a new State  
17 Constitution;

18 (2) Those proposing amendments to the Maryland Constitution;

19 (3) Those relating to other enactments of the General Assembly;

20 (4) Those relating to the creation or adoption of, or the amendment or  
21 other change in, the charter of a county;

22 (5) Those relating to other enactments by the governing body of a county;  
23 and

24 (6) Other questions.

25 (b) [ The Secretary of State shall certify the form of statewide questions, and  
26 any question relating to an enactment of the General Assembly, in accordance with  
27 Title 7 of this article.

28 (c) The appropriate local authority shall certify the form of a question to be  
29 voted on by voters in a single county, other than a question pursuant to an enactment  
30 of the General Assembly, in accordance with Title 7 of this article.

31 (d)] The numbering of questions on a ballot shall be as provided in Title 7 of  
32 this article.

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

