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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

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 20, 2001

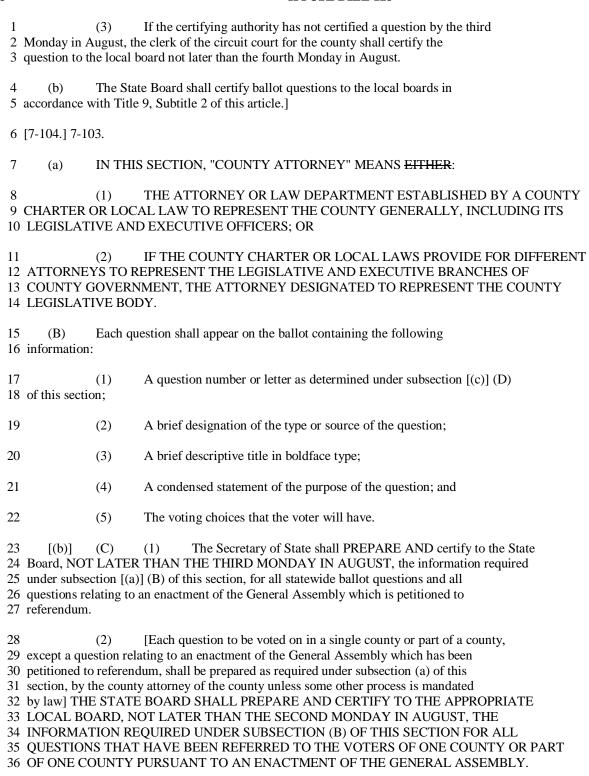
CHAPTER

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
- and certification of <u>certain</u> 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 <u>the notice requirements for ballot questions;</u> 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:

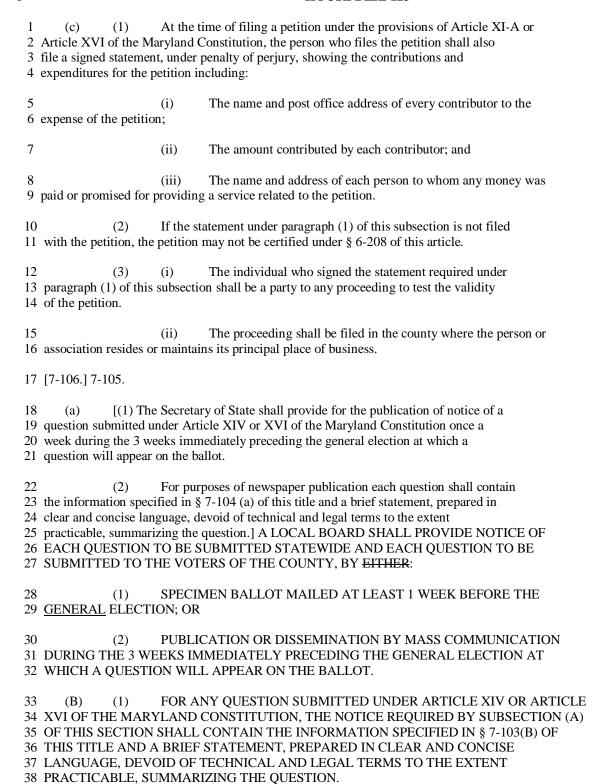
1 Article 33 - Election Code 2 6-101. 3 "Local petition" means a petition: (g) On which the signatures from only one county may be counted; and 4 (1) 5 (2) That does not seek to: Refer a public general LOCAL law OR PUBLIC LOCAL LAW 6 (i) 7 enacted by the General Assembly; or 8 (ii) Nominate an individual for an office for which a certificate of 9 candidacy is required to be filed with the State Board. 10 6-209. A person aggrieved by a determination made under § 6-202, § 6-206, 11 (a) (1) 12 or § 6-208(a)(2) of this subtitle may seek judicial review: In the case of a statewide petition, A PETITION TO REFER AN 13 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; or 17 As to any other petition, in the circuit court for the county in 18 which the petition is filed. 19 The court may grant relief as it considers appropriate to assure the 20 integrity of the electoral process. 21 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. Except as provided in paragraph (2) of this subsection, the board of 24 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 A question that has been referred to the voters of one county or (2)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) UNLESS SOME OTHER PROCESS IS MANDATED BY LAW, THE (I) 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. IF THE INFORMATION REQUIRED UNDER SUBSECTION (B) OF 8 (II)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 OUESTION TO THE STATE BOARD WITHIN 48 HOURS AFTER RECEIPT OF THE 15 CERTIFICATION FROM THE CERTIFYING AUTHORITY. 16 Each statewide question AND EACH QUESTION RELATING TO [(c)](D) (1)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 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 Questions certified [by the local governing authority] UNDER (3) 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 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. A petition relating to a question arising under Article XI-A of the 35

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

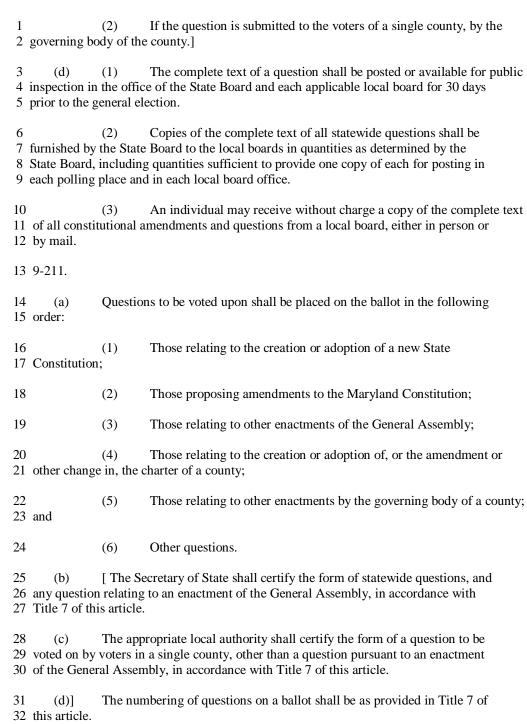
38 the question is to be voted on.



1 2	1 [(3)] (2) 2 subsection shall be [prepared	The statement required under paragraph [(2)] (1) of this]:
3 4	3 (I) 4 approved];	PREPARED by the Department of Legislative Services [and
5 6		APPROVED by the Attorney General [for each statewide ballot elating to an enactment of the General Assembly unless:
	. (-)	The statement is contained in an enactment by the General t clearly specifies that the statement is to be used on the
10 11	0 (ii) 1 Constitution]; AND	Some other process is mandated by the Maryland
12 13	2 (III) 3 AUGUST.	SUBMITTED TO THE STATE BOARD BY THE FOURTH MONDAY IN
14 15	4 (3) THE S 5 SUBSECTION IS SUFFICE	STATEMENT REQUIRED UNDER PARAGRAPH (1) OF THIS ENT IF IT IS:
	· /	CONTAINED IN AN ENACTMENT BY THE GENERAL ASSEMBLY, CLEARLY SPECIFIES THAT THE STATEMENT IS TO BE USED ON
19 20	9 (II) 20 MARYLAND CONSTITUT	CONSISTENT WITH SOME OTHER PROCESS MANDATED BY THE CION.
23	(C) THE STATE BOARD SHALL ADOPT REGULATIONS GOVERNING NOTICE OF QUESTIONS TO APPEAR ON THE BALLOT, INCLUDING THE USE AND CONTENT OF SPECIMEN BALLOTS AND THE PUBLICATION OR DISSEMINATION OF NOTICE BY MASS COMMUNICATION.	
	[(b) (1) Publication of a statewide question shall be in accordance with regulations adopted by the State Board, consistent with the requirements of Article XIV or XVI of the Maryland Constitution.	
30	In the case of a question referred by the General Assembly to the voters in only one county, publication shall be in accordance with regulations adopted by the State Board, consistent with the requirements of Article XVI of the Maryland Constitution.	
32 33	The cost of pub Constitution shall be paid as	olishing notice required under Article XVI of the Maryland follows:
34 35	34 (1) If the 35 State Board; and	question is submitted to the voters of the entire State, by the

33

34 October 1, 2001.



SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect