G1   5lr0530

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By: **Senator Stone (By Request)**
Introduced and read first time: January 25, 2005
Assigned to: Education, Health, and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2   **Election Law - Advisory Questions**

3 FOR the purpose of authorizing the Governor, the President of the Senate, and the
4   Speaker of the House each to submit an advisory question to the voters in each
5   general election; requiring the officers to submit a proposed advisory question to
6   the State Board of Elections by a certain date; authorizing the officers to confer
7   about proposed advisory questions; directing the President and the Speaker to
8   solicit recommendations for advisory questions from the members of their
9   respective chambers, but reserving to the presiding officers the sole discretion to
10   propose advisory questions; requiring the State Board to review and certify
11   proposed advisory questions; and generally relating to advisory questions on the
12   general election ballot.

13 BY adding to
14   Article - Election Law
15   Section 8-302
16   Annotated Code of Maryland
17   (2003 Volume and 2004 Supplement)

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

20   **Article - Election Law**

21 8-302.

22   (A)   IN ANY GENERAL ELECTION, THE GOVERNOR, THE PRESIDENT OF THE
23 SENATE, AND THE SPEAKER OF THE HOUSE EACH MAY SUBMIT TO THE LEGAL AND
24 QUALIFIED VOTERS OF THE STATE AN ADVISORY QUESTION TO OBTAIN
25 INFORMATION ABOUT THE VIEWS OF VOTERS ON IMPORTANT ISSUES.

26   (B)   THE VOTE ON AN ADVISORY QUESTION SUBMITTED TO THE VOTERS
27 UNDER THIS SECTION:

28   (1)   IS ADVISORY ONLY;

1   (2)   HAS NO LEGAL EFFECT; AND

2   (3)   IS NOT BINDING ON THE GOVERNOR OR THE GENERAL ASSEMBLY.

3   (C)   (1)   THE GOVERNOR, THE PRESIDENT OF THE SENATE, OR THE SPEAKER
4 OF THE HOUSE SHALL SUBMIT ANY QUESTION THAT THAT OFFICIAL PROPOSES TO
5 INCLUDE ON THE BALLOT AS AN ADVISORY QUESTION TO THE STATE BOARD NO
6 LATER THAN JUNE 30 IN THE YEAR OF A GENERAL ELECTION.

7   (2)   THE STATE BOARD SHALL REVIEW AND CERTIFY THE PROPOSED
8 QUESTIONS IN ACCORDANCE WITH THE REQUIREMENTS OF TITLE 9 OF THIS
9 ARTICLE.

10   (D)   (1)   BY JUNE 15 IN THE YEAR OF A GENERAL ELECTION, THE GOVERNOR,
11 THE PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE HOUSE MAY CONFER
12 ON ANY QUESTION THAT THAT OFFICIAL PROPOSES TO SUBMIT TO THE STATE
13 BOARD FOR INCLUSION ON THE BALLOT AS AN ADVISORY QUESTION AT THE
14 GENERAL ELECTION.

15   (2)   THE QUESTIONS PROPOSED BY THE GOVERNOR, THE PRESIDENT OF
16 THE SENATE, OR THE SPEAKER OF THE HOUSE MAY BE SIMILAR OR ON THE SAME
17 SUBJECT MATTER, BUT, IF TWO OR MORE QUESTIONS ARE IDENTICAL, ONLY ONE
18 QUESTION SHALL APPEAR ON THE BALLOT.

19   (E)   (1)   BEFORE DECIDING WHETHER TO PROPOSE THAT A QUESTION BE
20 PLACED ON THE BALLOT AT THE GENERAL ELECTION, THE PRESIDENT OF THE
21 SENATE AND THE SPEAKER OF THE HOUSE SHALL REQUEST THAT THE MAJORITY
22 LEADER AND THE MINORITY LEADER IN THE RESPECTIVE CHAMBERS POLL THE
23 MEMBERS OF THE SENATE OF MARYLAND AND OF THE HOUSE OF DELEGATES TO
24 SOLICIT RECOMMENDATIONS FROM THE MEMBERS ABOUT QUESTIONS THAT
25 SHOULD BE CONSIDERED FOR PLACEMENT ON THE BALLOT AS AN ADVISORY
26 QUESTION.

27   (2)   THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE
28 HAVE THE SOLE DISCRETION WHETHER TO PROPOSE TO THE STATE BOARD THAT A
29 QUESTION APPEAR ON THE BALLOT AT THE GENERAL ELECTION AS AN ADVISORY
30 QUESTION.

31   (F)   (1)   EACH QUESTION CERTIFIED BY THE STATE BOARD UNDER THIS
32 SECTION SHALL BE LABELED ON THE BALLOT AS AN "ADVISORY QUESTION".

33   (2)   THE STATE BOARD MAY NOT CERTIFY AS AN "ADVISORY QUESTION"
34 UNDER THIS SECTION MORE THAN THREE QUESTIONS.

35   (3)   THE STATE BOARD MAY NOT IDENTIFY AN ADVISORY QUESTION
36 CERTIFIED FOR THE BALLOT UNDER THIS SECTION AS SUBMITTED BY THE
37 GOVERNOR, THE PRESIDENT OF THE SENATE, OR THE SPEAKER OF THE HOUSE.

38   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
39 October 1, 2005.