

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

Senate Bill 226 (Senator Stone) (By Request)
Education, Health, and Environmental Affairs

Election Law - Advisory Questions

This bill authorizes the Governor, the President of the Senate, and the Speaker of the House each to submit a nonbinding advisory question to the voters in each general election.

Fiscal Summary

State Effect: Any additional costs associated with producing a longer election ballot and specimen ballot could be absorbed within the existing resources of the State Board of Elections (SBE).

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The bill gives the Governor, the President of the Senate, and the Speaker of the House the sole discretion whether to propose to SBE that a question appear on the ballot at the general election as an advisory question. By June 15 in a general election year, the Governor, the President, and the Speaker may confer on any question proposed for submission to SBE for inclusion on the ballot. The President and the Speaker are required to request the majority leader and minority leader in each chamber to poll members to solicit recommendations about potential questions that should be considered for placement on the ballot.

The deadline for submission of any question is June 30 in the year of a general election. Proposed questions may be similar or on the same subject matter, but if two or more questions are identical, only one question shall appear on the ballot. SBE must review and certify no more than three proposed advisory questions in accordance with State law regarding the content and arrangement of the official ballot. The advisory question must not identify the individual submitting it and must be labeled as an “advisory question.”

Current Law: State law authorizes the General Assembly to require statutory enactments to be placed on the ballot for voter approval through referendum. Passage of the provision is automatic upon the approval of a majority of voters.

The State board must certify the content and the arrangement of each ballot to be used in an election. Questions to be voted upon must be placed on the ballot in the following order:

- (1) those relating to the creation or adoption of a new State Constitution;
- (2) those proposing amendments to the Maryland Constitution;
- (3) those relating to other enactments of the General Assembly;
- (4) those relating to the creation or adoption of, or the amendment or other change in, the charter of a county;
- (5) those relating to other enactments by the governing body of a county; and
- (6) other questions.

There are no provisions in State law that allow the members of the General Assembly or the Governor to submit nonbinding questions to the voters.

Background: While the use of nonbinding advisory questions is not widespread among the states, Illinois and Massachusetts have a long tradition of its use. The Illinois Election Code authorizes “advisory questions of public policy,” which can be initiated upon written petition signed by 10% of the registered voters in any local governmental district. Legislative advisory questions in Massachusetts have been in use since 1919. Since that time, only 13 questions have been put to voters and 8 were approved by a majority of votes. In both states, the signatures of a portion of registered voters in applicable districts are required to submit the advisory question for inclusion on the ballot.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland State Board of Elections, Department of Legislative Services

Fiscal Note History: First Reader - February 3, 2005
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