

SENATE BILL 638

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By: **Senator Raskin**

Introduced and read first time: February 2, 2007

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Development of State Voter Referendum Guide – Condensed**
3 **and Summary Statements**

4 FOR the purpose of requiring the State Board of Elections to post certain condensed or
5 summary statements for voters on its website; requiring that certain statements
6 drafted by the Attorney General, the Department of Legislative Services, or the
7 Secretary of State be subject to certain requirements; requiring certain agencies
8 or offices to schedule a certain meeting, take certain testimony, and follow
9 certain procedures that relate to preparing a certain guide; authorizing a
10 certain person to seek a certain review of certain titles and statements by a
11 certain court under certain circumstances; defining certain terms; and generally
12 relating to the development of a State Voter Referendum Guide.

13 BY repealing and reenacting, with amendments,
14 Article – Election Law
15 Section 7–103 and 7–105
16 Annotated Code of Maryland
17 (2003 Volume and 2006 Supplement)

18 BY adding to
19 Article – Election Law
20 Section 7–106
21 Annotated Code of Maryland
22 (2003 Volume and 2006 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Election Law**

4 7–103.

5 (a) In this section, “county attorney” means:

6 (1) the attorney or law department established by a county charter or
7 local law to represent the county generally, including its legislative and executive
8 officers; or

9 (2) if the county charter or local laws provide for different attorneys to
10 represent the legislative and executive branches of county government, the attorney
11 designated to represent the county legislative body.

12 (b) Each question shall appear on the ballot containing the following
13 information:

14 (1) a question number or letter as determined under subsection (d) of
15 this section;

16 (2) a brief designation of the type or source of the question;

17 (3) a brief descriptive title in boldface type;

18 (4) a condensed statement of the purpose of the question; and

19 (5) the voting choices that the voter has.

20 (c) (1) The Secretary of State shall prepare and certify to the State Board,
21 not later than the third Monday in August, the information required under subsection
22 (b) of this section, **SUBJECT TO THE REQUIREMENTS OF § 7–106 OF THIS ARTICLE**,
23 for all statewide ballot questions and all questions relating to an enactment of the
24 General Assembly which is petitioned to referendum.

25 (2) The State Board shall prepare and certify to the appropriate local
26 board, not later than the second Monday in August, the information required under
27 subsection (b) of this section for all questions that have been referred to the voters of
28 one county or part of one county pursuant to an enactment of the General Assembly.

1 (3) (i) The county attorney of the appropriate county shall prepare
2 and certify to the appropriate local board, not later than the third Monday in August,
3 the information required under subsection (b) of this section for each question to be
4 voted on in a single county or part of a county, except a question covered by paragraph
5 (1) or paragraph (2) of this subsection.

6 (ii) If the information required under subsection (b) of this
7 section has not been timely certified under subparagraph (i) of this paragraph, the
8 clerk of the circuit court for the jurisdiction shall prepare and certify that information
9 to the local board not later than the fourth Monday in August.

10 (iii) A local board shall provide a copy of each certified question
11 to the State Board within 48 hours after receipt of the certification from the certifying
12 authority.

13 (d) (1) Each statewide question and each question relating to an
14 enactment of the General Assembly which is petitioned to referendum shall be
15 assigned a numerical identifier in the following order:

16 (i) by years of sessions of the General Assembly at which
17 enacted; and

18 (ii) for each such session, by chapter numbers of the Session
19 Laws of that session.

20 (2) A question that has been referred to the voters of one county or
21 part of one county pursuant to an enactment of the General Assembly shall be
22 assigned an alphabetical identifier in an order established by the State Board.

23 (3) Questions certified under subsection (c)(3)(i) or (ii) of this section
24 shall be assigned an alphabetical identifier in an order established by the certifying
25 authority, consistent with and following the questions certified by the State Board.

26 7–105.

27 (a) A local board shall provide notice of each question to be submitted
28 statewide and each question to be submitted to the voters of the county, by:

29 (1) specimen ballot mailed at least 1 week before the general election;
30 or

1 (2) publication or dissemination by mass communication during the 3
2 weeks immediately preceding the general election at which a question will appear on
3 the ballot.

4 (b) (1) For any question submitted under Article XIV or Article XVI of the
5 Maryland Constitution, the notice required by subsection (a) of this section shall
6 contain the information specified in § 7-103(b) of this title and a brief statement,
7 **SUBJECT TO THE REQUIREMENTS OF § 7-106 OF THIS ARTICLE**, prepared in clear
8 and concise language, devoid of technical and legal terms to the extent practicable,
9 summarizing the question.

10 (2) The statement required under paragraph (1) of this subsection
11 shall be:

12 (i) prepared by the Department of Legislative Services;

13 (ii) approved by the Attorney General; and

14 (iii) submitted to the State Board by the fourth Monday in
15 August.

16 (3) The statement required under paragraph (1) of this subsection is
17 sufficient if it is:

18 (i) contained in an enactment by the General Assembly, and
19 the enactment clearly specifies that the statement is to be used on the ballot; or

20 (ii) consistent with some other process mandated by the
21 Maryland Constitution.

22 (c) The State Board shall adopt regulations governing notice of questions to
23 appear on the ballot, including the use and content of specimen ballots and the
24 publication or dissemination of notice by mass communication.

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

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

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

4 **(E) THE STATE BOARD SHALL PROVIDE NOTICE OF EACH QUESTION TO**
5 **BE SUBMITTED STATEWIDE BY POSTING, AS REQUIRED UNDER SUBSECTION (F)**
6 **OF THIS SECTION, ALL STATEMENTS PREPARED FOR:**

7 **(1) STATEWIDE BALLOT QUESTIONS;**

8 **(2) QUESTIONS RELATING TO AN ENACTMENT OF THE GENERAL**
9 **ASSEMBLY THAT IS PETITIONED TO REFERENDUM; AND**

10 **(3) CONSTITUTIONAL AMENDMENTS.**

11 **(F) THE STATE BOARD SHALL POST THE STATEMENTS REQUIRED**
12 **UNDER SUBSECTION (E) OF THIS SECTION:**

13 **(1) ON ITS INTERNET SITE;**

14 **(2) DURING THE 3 WEEKS IMMEDIATELY PRECEDING THE**
15 **GENERAL ELECTION AT WHICH A QUESTION WILL APPEAR ON THE BALLOT; AND**

16 **(3) UNDER THE TITLE “STATE VOTER REFERENDUM GUIDE”.**

17 **7-106.**

18 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
19 **MEANINGS INDICATED.**

20 **(2) “DRAFTING AUTHORITY” MEANS:**

21 **(I) THE DEPARTMENT OF LEGISLATIVE SERVICES;**

22 **(II) THE SECRETARY OF STATE; OR**

23 **(III) THE ATTORNEY GENERAL.**

24 **(3) “MEASURE” MEANS:**

1 (I) A STATEWIDE BALLOT QUESTION;

2 (II) A QUESTION RELATING TO AN ENACTMENT OF THE
3 GENERAL ASSEMBLY THAT IS PETITIONED TO REFERENDUM UNDER ARTICLE
4 XVI OF THE MARYLAND CONSTITUTION; OR

5 (III) A QUESTION SUBMITTED UNDER ARTICLE XIV OF THE
6 MARYLAND CONSTITUTION.

7 (4) "SUMMARY STATEMENT" MEANS:

8 (I) A CONDENSED STATEMENT AS DESCRIBED IN § 7-103(B)
9 OF THIS ARTICLE; OR

10 (II) A SUMMARY STATEMENT AS DESCRIBED IN § 7-105(B)
11 OF THIS ARTICLE.

12 (B) THE DRAFTING AUTHORITY RESPONSIBLE FOR COMPOSING A
13 SUMMARY STATEMENT FOR A MEASURE SHALL:

14 (1) SCHEDULE A PUBLIC HEARING FOR CONSIDERATION OF THE
15 SUMMARY STATEMENT, NOT LATER THAN THE FOURTH MONDAY IN JULY;

16 (2) NOTIFY THE PROPONENT OF THE MEASURE OF THE EXACT
17 LANGUAGE OF THE SUMMARY STATEMENT, ON OR BEFORE THE FOURTH DAY
18 PRECEDING THE PUBLIC HEARING;

19 (3) HOLD A PUBLIC HEARING IN ANNAPOLIS ON REASONABLE
20 STATEWIDE NOTICE TO RECEIVE SUGGESTED CHANGES OR OTHER
21 INFORMATION THAT RELATES TO ANY SUMMARY STATEMENT, ON OR BEFORE
22 THE FIRST MONDAY IN AUGUST;

23 (4) RECEIVE, AT OR BEFORE THE PUBLIC HEARING, SUGGESTED
24 CHANGES OR OTHER INFORMATION RELATING TO THE MEASURE FROM ANY
25 PERSON, INCLUDING COMMENTS RELATING TO THE MEASURE'S FAIRNESS,
26 ACCURACY, IDEOLOGICAL BALANCE, AND POLITICAL NEUTRALITY, IN THE FORM
27 OF WRITTEN OR ORAL TESTIMONY; AND

1 **(5) CONSIDER ANY TESTIMONY, STATEMENT, OR ARGUMENT**
2 **SUBMITTED UNDER ITEM (4) OF THIS SUBSECTION, ON OR BEFORE THE SECOND**
3 **MONDAY IN AUGUST, AND DRAFT A REVISED STATEMENT IF NECESSARY.**

4 **(C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, THE**
5 **DRAFTING AUTHORITY MAY NOT PRINT THE NAME OF ANY PERSON OR**
6 **ORGANIZATION IN THE SUMMARY STATEMENT, IF THE NAME OF THE PERSON OR**
7 **ORGANIZATION IS CITED AS SUPPORTING OR ENDORSING THE MATTER.**

8 **(D) THE DRAFTING AUTHORITY MAY PRINT THE NAME OF A PERSON OR**
9 **ORGANIZATION IN AN ARGUMENT OR STATEMENT INCORPORATED IN THE**
10 **SUMMARY STATEMENT IF:**

11 **(1) NOT LATER THAN THE DEADLINE FOR FILING AN ARGUMENT**
12 **OR STATEMENT WITH THE DRAFTING AUTHORITY, THE DRAFTING AUTHORITY**
13 **RECEIVES A NOTARIZED STATEMENT SIGNED BY THE PERSON, OR BY AN**
14 **AUTHORIZED PERSON ON BEHALF OF AN ORGANIZATION, STATING THAT THE**
15 **PERSON CONSENTS TO THE USE OF THE NAME OF THE PERSON OR**
16 **ORGANIZATION; OR**

17 **(2) THE NAME OF A PERSON OR ORGANIZATION IS USED WITH A**
18 **QUOTATION THAT HAS BEEN MADE IN INFORMATION SUBMITTED UNDER**
19 **SUBSECTION (B)(4) OF THIS SECTION:**

20 **(I) BY THE PERSON;**

21 **(II) ON BEHALF OF THE PERSON; OR**

22 **(III) BY AN AUTHORIZED PERSON ON BEHALF OF AN**
23 **ORGANIZATION.**

24 **(E) IF ANY REGISTERED VOTER OBJECTS TO THE FAIRNESS, ACCURACY,**
25 **IDEOLOGICAL BALANCE, OR POLITICAL NEUTRALITY OF THE SUMMARY**
26 **STATEMENT AS COMPOSED BY THE DRAFTING AUTHORITY, THAT PERSON MAY**
27 **SEEK IMMEDIATE REVIEW OF THE DRAFTING AUTHORITY'S PUBLICATION OF**
28 **THE SHORT TITLE AND SUMMARY STATEMENT IN THE CIRCUIT COURT FOR**
29 **ANNE ARUNDEL COUNTY.**

30 **(F) THE CIRCUIT COURT SHALL:**

1 (1) REVIEW THE OBJECTIONS OF A REGISTERED VOTER WITHIN
2 **72 HOURS AFTER THE TIME THE OBJECTION IS FILED WITH THE CLERK OF THE**
3 **CIRCUIT COURT; AND**

4 (2) ISSUE A DECISION WITHIN 48 HOURS AFTER REVIEW THAT, IN
5 **THE CIRCUIT COURT'S DISCRETION:**

6 (I) UPHOLDS AND PRESERVES THE SUMMARY STATEMENT
7 **AS WRITTEN BY THE DRAFTING AUTHORITY; OR**

8 (II) AMENDS THE SUMMARY STATEMENT AS NECESSARY TO
9 **PRESERVE FAIRNESS, ACCURACY, IDEOLOGICAL BALANCE, AND POLITICAL**
10 **NEUTRALITY.**

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2007.