

**Department of Legislative Services**  
 Maryland General Assembly  
 2007 Session

**FISCAL AND POLICY NOTE**

Senate Bill 638 (Senator Raskin)  
 Education, Health, and Environmental Affairs

**Election Law - Development of State Voter Referendum Guide - Condensed and Summary Statements**

This bill requires the Secretary of State and the Department of Legislative Services (DLS) each to hold a public hearing on the summary statement prepared by each agency on a ballot question, to receive suggested changes or other information relating to the summary statement. Any testimony, statement, or argument received must be considered and a revised statement must be drafted if necessary. Any registered voter that objects to specified aspects of a summary statement may seek judicial review of the statement. The State Board of Elections (SBE) must post the statements on its Internet site during the three weeks preceding the general election at which the ballot question will appear.

**Fiscal Summary**

**State Effect:** General fund expenditures could increase by \$18,500 in FY 2009 to hire a contractual employee to handle duties relating to holding a public hearing and receiving information from the public for the Secretary of State’s Office and notification costs. This assumes a statewide or referendum ballot question would be submitted to the voters during the 2008 general election. A similar expenditure increase could be incurred in FY 2011 prior to the 2010 general election, reflecting inflation.

(in dollars)	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	0	18,500	0	20,000	0
Net Effect	\$0	(\$18,500)	\$0	(\$20,000)	\$0

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect*

**Local Effect:** None.

**Small Business Effect:** None.

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## **Analysis**

**Bill Summary:** Each public hearing must be scheduled by the fourth Monday in July and held by the first Monday in August. The proponent of the ballot question must be notified of the exact language of the summary statement on or before the fourth day prior to the hearing.

The name of a person or organization may be used in an argument or statement incorporated in a summary statement under specified circumstances.

Judicial review of a summary statement may be sought by a registered voter in the Circuit Court for Anne Arundel County. The court must review the objections of the registered voter within 72 hours of the objection being filed and must issue a decision within 48 hours after review, either upholding and preserving the statement or amending the statement as necessary.

**Current Law:** The Secretary of State prepares a condensed statement of the purpose of each statewide ballot question and each question relating to an enactment of the General Assembly that is petitioned to referendum, to appear on the ballot along with the question.

DLS prepares, and the Attorney General approves, a brief summary statement, prepared in clear and concise language and devoid of technical and legal terms to the extent practicable, for all questions relating to a constitutional amendment or an enactment of the General Assembly petitioned to referendum. The statement is included, along with the Secretary of State's condensed statement, with election mailings or publications distributed by local boards.

**Background:** SBE currently provides summary statements of ballot questions on its Internet web site.

**State Fiscal Effect:** General fund expenditures could increase by an estimated \$18,506 in fiscal 2009. This estimate reflects the cost of hiring a contractual employee for the Secretary of State's Office to handle the scheduling and conduct of hearings (it is not clear under the bill whether a separate hearing must be held for each summary statement or whether a consolidated hearing could be held) and to receive and review information received from the public regarding summary statements. The estimate includes a salary, fringe benefits, and notification costs.

DLS could handle the bill's requirements with existing resources.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Anne Arundel County, Judiciary (Administrative Office of the Courts), Office of the Attorney General, Secretary of State, State Board of Elections, Department of Legislative Services,

**Fiscal Note History:** First Reader - March 6, 2007  
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