

SENATE BILL 445

G1

9lr0331

By: **Senator Madaleno**

Introduced and read first time: February 3, 2009

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Petitions – Signer Photo Identification Requirement and Affidavit**

3 FOR the purpose of requiring that each affidavit on each signature page of a petition
4 contain a certain statement that the circulator has seen a certain form of photo
5 identification for each signer; requiring an individual signing a petition to show
6 the circulator of a petition certain photo identification; requiring that each
7 signature page of a petition contain an affidavit by an individual who observed
8 each signer's photo identification; requiring a certain affidavit to contain a
9 statement that the circulator has seen the signer's photo identification; and
10 generally relating to photo identification and affidavit requirements applicable
11 to the signer and the circulator of a petition.

12 BY repealing and reenacting, with amendments,
13 Article – Election Law
14 Section 6–201(c), 6–203, and 6–204
15 Annotated Code of Maryland
16 (2003 Volume and 2008 Supplement)

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

19 **Article – Election Law**

20 6–201.

21 (c) Each signature page shall contain:

22 (1) a description of the subject and purpose of the petition, conforming
23 to the requirements of regulations;

24 (2) if the petition seeks to place a question on the ballot, either:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) a fair and accurate summary of the substantive provisions of
2 the proposal; or

3 (ii) the full text of the proposal;

4 (3) a statement, to which each signer subscribes, that:

5 (i) the signer supports the purpose of that petition process; and

6 (ii) based on the signer's information and belief, the signer is a
7 registered voter in the county specified on the page and is eligible to have his or her
8 signature counted;

9 (4) spaces for signatures and the required information relating to the
10 signers;

11 (5) a space for the name of the county in which each of the signers of
12 that page is a registered voter;

13 (6) a space for the required affidavit made and executed by the
14 circulator, **INCLUDING A STATEMENT THAT, FOR EACH SIGNER, THE CIRCULATOR**
15 **HAS SEEN A CURRENT AND VALID PHOTO IDENTIFICATION AS PRESCRIBED BY**
16 **THE FEDERAL HELP AMERICA VOTE ACT OF 2002, AND THAT ALSO INCLUDES**
17 **THE SIGNER'S DATE OF BIRTH;** and

18 (7) any other information required by regulation.

19 6-203.

20 (a) To sign a petition, an individual shall:

21 (1) sign the individual's name as it appears on the statewide voter
22 registration list or the individual's surname of registration and at least one full given
23 name and the initials of any other names; [and]

24 (2) **SHOW THE CIRCULATOR OF THE PETITION A CURRENT AND**
25 **VALID PHOTO IDENTIFICATION AS PRESCRIBED BY THE FEDERAL HELP**
26 **AMERICA VOTE ACT OF 2002, AND THAT ALSO INCLUDES THE SIGNER'S DATE**
27 **OF BIRTH; AND**

28 (3) include the following information, printed or typed, in the spaces
29 provided:

30 (i) the signer's name as it was signed;

31 (ii) the signer's address;

1 (iii) the date of signing; and
2 (iv) other information required by regulations adopted by the
3 State Board.

4 (b) The signature of an individual shall be validated and counted if:

5 (1) the requirements of subsection (a) of this section have been
6 satisfied;

7 (2) the individual is a registered voter assigned to the county specified
8 on the signature page and, if applicable, in a particular geographic area of the county;

9 (3) the individual has not previously signed the same petition;

10 (4) the signature is attested by an affidavit appearing on the page on
11 which the signature appears;

12 (5) the date accompanying the signature is not later than the date of
13 the affidavit on the page; and

14 (6) if applicable, the signature was affixed within the requisite period
15 of time, as specified by law.

16 (c) (1) A signature may be removed:

17 (i) by the signer upon written application to the election
18 authority with which the petition will be filed if the application is received by the
19 election authority prior to the filing of that signature; or

20 (ii) prior to the filing of that signature, by the circulator who
21 attested to that signature or by the sponsor of the petition, if it is concluded that the
22 signature does not satisfy the requirements of this title.

23 (2) A signature removed pursuant to paragraph (1)(ii) of this
24 subsection may not be included in the number of signatures stated on the information
25 page included in the petition.

26 6-204.

27 (a) Each signature page shall contain an affidavit made and executed by the
28 individual in whose presence all of the signatures on that page were affixed [and
29 who], **WHO** observed each of those signatures being affixed, **AND WHO OBSERVED**
30 **EACH SIGNER'S IDENTIFICATION.**

1 (b) The affidavit shall contain the statements, required by regulation,
2 designed to assure the validity of the signatures and the fairness of the petition
3 process, **INCLUDING A STATEMENT THAT, FOR EACH SIGNER, THE CIRCULATOR**
4 **HAS SEEN A CURRENT AND VALID PHOTO IDENTIFICATION AS PRESCRIBED BY**
5 **THE FEDERAL HELP AMERICA VOTE ACT OF 2002, AND THAT ALSO INCLUDES**
6 **THE SIGNER'S DATE OF BIRTH.**

7 (c) A circulator must be at least 18 years old at the time any of the
8 signatures covered by the affidavit are affixed.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 July 1, 2009.