

SENATE BILL 1067

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EMERGENCY BILL

9lr3476

By: **Senator Kasemeyer**

Constitutional Requirements Complied with for Introduction in the last 35 Days of Session

Introduced and read first time: March 20, 2009

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Petition Signatures**

3 FOR the purpose of repealing provisions of law that require an individual to sign the
4 individual's name on a petition in a certain manner; providing that the petition
5 signature of an individual shall be validated and counted if the identity of the
6 individual reasonably can be determined in accordance with certain
7 requirements; clarifying a certain provision of law relating to the residence of a
8 petition signer; prohibiting an election authority from invalidating a petition
9 signature under certain circumstances; requiring an individual's name on a
10 petition to match exactly the individual's surname of registration; providing for
11 the application of this Act; making this Act an emergency measure; and
12 generally relating to petition signature requirements.

13 BY repealing and reenacting, with amendments,
14 Article – Election Law
15 Section 6–203
16 Annotated Code of Maryland
17 (2003 Volume and 2008 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 6–203.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

4 (2) include the following information, printed or typed, in the spaces
5 provided:

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

7 (ii) the signer's address;

8 (iii) the date of signing; and

9 (iv) other information required by regulations adopted by the
10 State Board.

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

12 (1) the requirements of subsection (a) of this section have been
13 satisfied;

14 **(2) THE IDENTITY OF THE INDIVIDUAL REASONABLY CAN BE**
15 **DETERMINED USING THE INFORMATION REQUIRED UNDER SUBSECTION (A) OF**
16 **THIS SECTION;**

17 **(3) THE SIGNATURE REASONABLY MATCHES THE SIGNATURE FOR**
18 **THE INDIVIDUAL ON FILE WITH THE APPROPRIATE ELECTION AUTHORITY;**

19 ~~[(2)]~~ **(4)** the individual is a registered voter [assigned to the county
20 specified on the signature page] **IN MARYLAND** and, if applicable, in a particular
21 geographic area of [the] **A** county;

22 ~~[(3)]~~ **(5)** the individual has not previously signed the same petition;

23 ~~[(4)]~~ **(6)** the signature is attested by an affidavit appearing on the
24 page on which the signature appears;

25 ~~[(5)]~~ **(7)** the date accompanying the signature is not later than the
26 date of the affidavit on the page; and

27 ~~[(6)]~~ **(8)** if applicable, the signature was affixed within the requisite
28 period of time, as specified by law.

29 **(c) (1) IF THE ELECTION AUTHORITY REASONABLY CAN CONFIRM**
30 **THE IDENTITY OF THE INDIVIDUAL, THE ELECTION AUTHORITY MAY NOT**

1 **INVALIDATE A SIGNATURE BECAUSE THE INDIVIDUAL SIGNED THE PETITION**
2 **USING A DERIVATIVE OF THE INDIVIDUAL'S GIVEN NAME.**

3 **(2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, AN**
4 **INDIVIDUAL'S NAME ON THE PETITION MUST MATCH EXACTLY THE**
5 **INDIVIDUAL'S SURNAME OF REGISTRATION.**

6 **[(c)] (D) (1) A signature may be removed:**

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

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

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

16 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall be
17 construed to apply retroactively and shall be applied to and interpreted to affect
18 signatures submitted to the State Board of Elections or to a county board of elections
19 in the State on or after December 1, 2008, for any petition authorized by law.

20 **SECTION 3. AND BE IT FURTHER ENACTED,** That this Act is an emergency
21 measure, is necessary for the immediate preservation of the public health or safety,
22 has been passed by a yea and nay vote supported by three-fifths of all the members
23 elected to each of the two Houses of the General Assembly, and shall take effect from
24 the date it is enacted.