Department of Legislative Services

Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

Senate Bill 1067   (Senator Kasemeyer)

Education, Health, and Environmental Affairs

Election Law - Petition Signatures

This emergency bill makes specified changes to requirements concerning signatures on a petition and the validation and counting of such signatures. The bill applies retroactively to signatures submitted to the State Board of Elections (SBE) or a county board of elections on or after December 1, 2008.

Fiscal Summary

State Effect: The bill's changes can be handled with existing budgeted resources.

Local Effect: Local government expenditures may increase due to costs associated with complying with the bill's signature matching requirement. Montgomery County indicates that local expenditures may increase by $38,500 for each petition. However, Baltimore City, Calvert County, and Howard County indicate that the bill's requirements can be handled with existing resources.

Small Business Effect: None.

Analysis

Bill Summary: The bill requires an individual's name to be signed in ink and eliminates a specific requirement that an individual sign his/her name as it appears on the statewide voter registration list, or the individual's surname of registration and at least one full given name and the initials of any other names. The signature of an individual must be validated and counted if, among other existing requirements, (1) the identity of the individual reasonably can be determined from the information required to be included on the petition; (2) the signature reasonably matches the signature for the individual on file

with the appropriate election authority; and (3) the individual is a registered voter in Maryland (replacing the existing requirement that an individual be a registered voter in the county specified on the signature page).

If the election authority reasonably can confirm the identity of the individual, the election authority may not invalidate a signature because the individual signed the petition using a derivative of the individual's given name. An individual's name on the petition, however, must match exactly the individual's surname of registration.

Current Law: A petition authorized by law to place the name of an individual or a question on the ballot, or to create a new political party, must contain an information page (containing, among other things, a description of the subject and purpose of the petition and identification of the sponsor) and signature pages containing not less than the total number of signatures required by law to be filed.

Each signature page must contain, among other information, a space for the name of the county in which each of the signers of that page is a registered voter and a statement, to which each signer subscribes, that the signer supports the purpose of that petition process and, based on the signer's information and belief, the signer is a registered voter in the county specified on the page and is eligible to have his or her signature counted.

To sign a petition, an individual must sign the individual's name as it appears on the statewide voter registration list, or the individual's surname of registration and at least one full given name and the initials of any other names. The individual must also include, printed or typed, the signer's name as it was signed, the signer's address, the date of signing, and any other information required by SBE regulations.

The signature of an individual is validated and counted if, among other requirements, the above-mentioned required information is provided by the individual and the individual is a registered voter in the county specified on the signature page and, if applicable, in a particular geographic area of the county.

Background: SBE recently revised its petition acceptance and verification procedures following a recent Court of Appeals decision, *Jane Doe v. Montgomery County Board of Elections* (December 2008). The decision stated that State law provisions requiring that a voter sign his or her name "as it appears on the statewide voter registration list or the individual's surname of registration and at least one full given name and the initials of any other names," are mandatory and not suggestive. SBE's revised procedures therefore indicate, for example, that for a name appearing on the voter registration list as John Henry Smith, the name and signature appearing on the petition are acceptable if they are shown as J. Henry Smith or John H. Smith, but not as John Smith, J. Smith, J.H. Smith, etc.

SBE advises that generally the provisions of the bill reflect the long-standing practice of election offices to accept a name on a petition if the identity of the voter can be determined with the information provided on the petition.

In a 2007 Court of Appeals opinion, *Nader for President 2004 v. Maryland State Board of Elections*, the court held that the invalidation of signatures on a petition to form a new political party, based on the State law requirement (which is modified by the bill) that an individual be a registered voter assigned to the county specified on a signature page in order for the signature to be validated and counted, was unconstitutional.

Local Fiscal Effect: Local government expenditures may increase to implement the bill's requirement that a signature on a petition reasonably match the signature for the individual on file with the appropriate election authority.

Montgomery County indicates that it may incur $38,500 in costs for a single petition verification, to have county police assist in the signature verification process as the board of elections' clerical staff is not trained to perform signature matching. This estimate accounts for the cost of police overtime and temporary clerical staff time. However, Baltimore City, Calvert County, and Howard County indicate the bill will not have a fiscal impact since existing staff would perform the signature verification.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State Board of Elections, Baltimore City, Calvert County, Howard County, Montgomery County, Department of Legislative Services

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mcp/hlb

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