

Department of Legislative Services  
2010 Session

FISCAL AND POLICY NOTE

Senate Bill 240 (Senator Conway, *et al.*)  
Education, Health, and Environmental Affairs

---

Election Law - Petition Signatures

---

This bill makes specified changes to requirements concerning signatures on a petition and the validation and counting of such signatures.

---

Fiscal Summary

**State Effect:** The bill is not expected to have a significant, direct impact on State finances to the extent actions needed to implement the bill are limited to State Board of Elections (SBE) staff training.

**Local Effect:** The bill is similarly not expected to have a significant, direct impact on local government finances to the extent actions needed to implement the bill are limited to local board of elections staff training.

**Small Business Effect:** Potential minimal.

---

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.

Verification and counting of validated signatures on a petition must be completed within 20 days after the filing of the petition. SBE, by regulation, must establish the process to be followed by all election authorities for verifying and counting signatures on petitions. SBE regulations require that verification of signature pages be undertaken in accordance with guidelines and instructions adopted by SBE and that, in general, each election director must review all names and accompanying information on each signature page and determine which signers are registered voters who meet the petition criteria and which are not registered voters or do not meet the petition criteria.

**Background:** SBE revised its petition acceptance and verification procedures following a 2008 Court of Appeals decision, *Jane Doe v. Montgomery County Board of Elections*. 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 indicates that, with the exception of the bill's requirement that a signature reasonably match the signature for the individual on file with the appropriate election authority, the provisions of the bill generally reflect the long-standing practice of election offices (prior to the revision of procedures described above) 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.

**State Fiscal Effect:** It is uncertain what actions may need to be taken to comply with the bill's requirement that a petition signature "reasonably matches the signature for the individual on file with the appropriate election authority" in order to be validated and counted, and to what extent there may be costs associated with those actions. Current law and SBE's procedures require matching of the signed names on petitions with those of registered voters, not the signatures. SBE has indicated a possible need for staff training regarding signature matching, which could be limited to a small number of staff. To the extent actions needed to implement the bill's signature matching requirement (aside from any procedural changes) are limited to staff training, presumably the associated costs will not significantly impact State finances.

**Local Fiscal Effect:** As mentioned above, with respect to the State fiscal effect, it is unclear what actions may need to be taken to comply with the bill's requirement of signature matching, and to what extent there may be associated costs. Based on indications from a small group of local election directors contacted, absent additional requirements imposed by SBE, it appears the bill's changes could increase the burden of the petition verification process somewhat, but would not have a significant fiscal impact. To the extent any additional requirements imposed by SBE would be limited to staff training, presumably costs of that training will also not significantly impact local government finances.

## **Additional Information**

**Prior Introductions:** SB 1067 of 2009 received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken.

**Cross File:** None.

**Information Source(s):** State Board of Elections; Allegany, Harford, Montgomery, and Wicomico counties; Department of Legislative Services

**Fiscal Note History:** First Reader - February 9, 2010  
mlm/mwc

---

Analysis by: Scott D. Kennedy

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510