HOUSE BILL 42

A BILL ENTITLED

1   AN ACT concerning

2 Election Law – Petitions – Resubmission of Signatures

3   FOR the purpose of authorizing an individual whose signature on a petition is not
4   validated and counted during the initial verification process to resubmit the
5   signature under certain circumstances and in a certain manner; requiring the
6   State Board of Elections or a local board of elections to provide public notice of
7   the names of individuals whose signatures on a petition are not validated and
8   counted during the initial verification process; authorizing an individual to
9   resubmit a petition signature only if the signature was not validated and
10   counted due to a deficiency that is capable of being corrected through
11   resubmission of the signature; requiring that signatures that are resubmitted
12   be on a petition that satisfies certain requirements; requiring that certain
13   actions relating to the process of resubmitting and verifying petition signatures
14   be taken at certain times; and generally relating to resubmission of petition
15   signatures.

16   BY repealing and reenacting, with amendments,
17   Article – Election Law
18   Section 6–207 and 6–210
19   Annotated Code of Maryland
20   (2010 Replacement Volume and 2011 Supplement)

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

Article – Election Law

24   6–207.

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
        [Brackets] indicate matter deleted from existing law.

1	(a)	(1)	Upon the filing of a petition, and unless it has been declared
2	deficient under § 6–206 of this subtitle, the staff of the election authority shall proceed
3	to verify the signatures and count the validated signatures contained in the petition.

4	(2)	The purpose of signature verification under paragraph (1) of this
5	subsection is to ensure that the name of the individual who signed the petition is listed
6	as a registered voter.

7	(b)	[The] SUBJECT TO SUBSECTIONS (C) AND (D) OF THIS SECTION, THE
8	State Board, by regulation, shall establish the process to be followed by all election
9	authorities for verifying and counting signatures on petitions.

10	(c)	(1)	The process established under subsection (b) of this section shall
11	provide for optional verification of a random sample of signatures contained in a
12	petition.

13	(2)	Verification by random sample may only be used, with the
14	approval of the State Board:

15	(i)	for a single–county petition containing more than 500
16	signatures; or

17	(ii)	in the case of a multicounty petition, by a local board that
18	receives signature pages containing more than 500 signatures.

19	(3)	Verification under this subsection shall require the random
20	selection and verification of 500 signatures or 5% of the total signatures on the
21	petition, whichever number is greater, to determine what percentage of the random
22	sample is composed of signatures that are authorized by law to be counted. That
23	percentage shall be applied to the total number of signatures in the petition to
24	establish the number of valid signatures for the petition.

25	(4)	(i)	If the random sample verification establishes that the total
26	number of valid signatures does not equal 95% or more of the total number required,
27	the petition shall be deemed to have an insufficient number of signatures.

28	(ii)	If the random sample verification establishes that the total
29	number of valid signatures exceeds 105% of the total number required, the petition
30	shall be deemed to have a sufficient number of signatures.

31	(iii)	If the random sample verification establishes that the total
32	number of valid signatures is at least 95% but not more than 105% of the total number
33	required, a verification of all the signatures in the petition shall be conducted.

34	**(D)	(1)	AN INDIVIDUAL WHOSE SIGNATURE ON A PETITION IS NOT**
35	**VALIDATED AND COUNTED DURING THE INITIAL VERIFICATION PROCESS THAT**
36	**FOLLOWS THE FILING OF A PETITION SHALL BE PROVIDED THE OPPORTUNITY**

1   **TO RESUBMIT THE SIGNATURE TO THE ELECTION AUTHORITY IN ACCORDANCE**
2   **WITH THIS SUBSECTION.**

3   **(2)   (I)   THE ELECTION AUTHORITY SHALL PROVIDE PUBLIC**
4   **NOTICE OF THE NAME OF EACH INDIVIDUAL WHOSE SIGNATURE ON A PETITION**
5   **IS NOT VALIDATED AND COUNTED DURING THE INITIAL VERIFICATION PROCESS**
6   **AND THE REASON EACH SIGNATURE WAS NOT VALIDATED AND COUNTED.**

7   **(II)   THE ELECTION AUTHORITY MAY PROVIDE THE NOTICE**
8   **REQUIRED UNDER THIS PARAGRAPH THROUGH ITS INTERNET SITE.**

9   **(3)   (I)   AN INDIVIDUAL WHOSE SIGNATURE ON A PETITION WAS**
10   **NOT VALIDATED AND COUNTED DURING THE INITIAL VERIFICATION PROCESS**
11   **MAY RESUBMIT THE SIGNATURE TO THE ELECTION AUTHORITY ONLY IF THE**
12   **INDIVIDUAL'S SIGNATURE WAS NOT VALIDATED AND COUNTED DUE TO A**
13   **DEFICIENCY THAT IS CAPABLE OF BEING CORRECTED THROUGH RESUBMISSION**
14   **OF THE SIGNATURE.**

15   **(II)   A SIGNATURE RESUBMITTED TO THE ELECTION**
16   **AUTHORITY UNDER THIS PARAGRAPH SHALL BE ON A NEW PETITION THAT**
17   **SATISFIES ALL THE REQUIREMENTS OF THIS TITLE.**

18   **(4)   THE PROCESS OF VERIFYING AND COUNTING SIGNATURES ON**
19   **A PETITION IS CONCLUDED AND THE ELECTION AUTHORITY SHALL MAKE A**
20   **DETERMINATION OR CERTIFICATION UNDER § 6–208 OF THIS SUBTITLE ONLY**
21   **AFTER THE ELECTION AUTHORITY COMPLETES THE PROCESS OF VERIFYING**
22   **ANY SIGNATURES THAT ARE RESUBMITTED TO THE ELECTION AUTHORITY**
23   **UNDER THIS SUBSECTION.**

24   6–210.

25   (a)   (1)   A request for an advance determination under § 6–202 of this
26   subtitle shall be submitted at least 30 days, but not more than 2 years and 1 month,
27   prior to the deadline for the filing of the petition.

28   (2)   Within 5 business days of receiving the request for an advance
29   determination, the election authority shall make the determination.

30   (b)   Within 2 business days after an advance determination under § 6–202 of
31   this subtitle, or a determination of deficiency under § 6–206 or § 6–208 of this subtitle,
32   the chief election official of the election authority shall notify the sponsor of the
33   determination.

1   (c)   **(1)**   The **INITIAL PROCESS OF** verification and counting of validated
2   signatures on a petition shall be completed within 20 days after the filing of the
3   petition.

4   **(2)   AN ELECTION AUTHORITY SHALL PROVIDE THE PUBLIC**
5   **NOTICE REQUIRED UNDER § 6–207(D)(2) OF THIS SUBTITLE WITHIN 22 DAYS**
6   **AFTER THE FILING OF THE PETITION.**

7   **(3)   A PETITION CONTAINING SIGNATURES FOR RESUBMISSION TO**
8   **AN ELECTION AUTHORITY UNDER § 6–207(D)(3) OF THIS SUBTITLE SHALL BE**
9   **FILED WITHIN 10 DAYS AFTER THE DATE THAT PUBLIC NOTICE IS PROVIDED**
10 **UNDER PARAGRAPH (2) OF THIS SUBSECTION.**

11   **(4)   AN ELECTION AUTHORITY SHALL COMPLETE THE PROCESS OF**
12 **VERIFYING SIGNATURES THAT ARE RESUBMITTED UNDER § 6–207(D)(3) OF THIS**
13 **SUBTITLE WITHIN 5 DAYS AFTER THE FILING OF THE PETITION CONTAINING**
14 **THE SIGNATURES.**

15   (d)   Within 2 business days of the completion of the verification and counting
16 processes, or, if judicial review is pending, within 2 business days after a final judicial
17 decision, the appropriate election official shall make the certifications required by §
18 6–208 of this subtitle.

19   (e)   (1)   Except as provided in paragraph (2) of this subsection, any judicial
20 review of a determination, as provided in § 6–209 of this subtitle, shall be sought by
21 the 10th day following the determination to which it relates.

22   (2)   If the petition seeks to place the name of an individual or a
23 question on the ballot at any election, judicial review shall be sought by the day
24 specified in paragraph (1) of this subsection or the 63rd day preceding that election,
25 whichever day is earlier.

26   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 June 1, 2012.