

Department of Legislative Services  
Maryland General Assembly  
2014 Session

FISCAL AND POLICY NOTE

House Bill 1412  
Ways and Means

(Delegate Bobo, *et al.*)

---

Election Law - Petitions - Advance Determinations

---

This bill requires the State Administrator of Elections or an election director of a local board of elections (for a local petition), upon request by a petition sponsor for an advance determination of the sufficiency of a petition, to (1) prepare the format of the petition; (2) prepare a fair and accurate summary of the law proposed to be petitioned to referendum; and (3) make a determination and certify the sufficiency of the petition. This must be completed within 10 days after receiving a written request. A petition sponsor that seeks an advance determination may not circulate the petition for signatures before the advance determination is made and certification of the sufficiency of the petition is issued. The sponsor receives an additional allotment of days to circulate the petition that is equal to the number of days needed to make the advance determination and issue the certification. In making the determination, the State Administrator or the election director must seek the advice of the Attorney General or the counsel to the local board, respectively.

---

Fiscal Summary

**State Effect:** General fund expenditures may increase to the extent the bill results in increased litigation involving the State Administrator and/or the State Board of Elections (SBE).

**Local Effect:** County legal expenditures may increase in some jurisdictions, potentially by over \$5,000 per petition.

**Small Business Effect:** None.

---

## Analysis

**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, (1) a description of the subject and purpose of the petition; (2) if the petition seeks to place a question on the ballot, either a fair and accurate summary of the substantive provisions of the proposal or the full text of the proposal; and (3) 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.

The format of a petition prepared by the petition's sponsor may be submitted to the State Administrator of Elections or the election director of the appropriate local board of elections (for a local petition), in advance of filing the petition, for a determination of its sufficiency. In making the determination, the State Administrator or the election director may seek the advice of the Attorney General or the counsel to the local board, respectively. The advance determination of sufficiency must be made within five business days of receiving the request for an advance determination.

**State Fiscal Effect:** General fund expenditures may increase to the extent that preparing the fair and accurate summary of a law proposed to be petitioned to referendum causes the State Administrator and/or SBE to be involved in additional litigation. The extent of any increase in general fund expenditures cannot be reliably estimated at this time.

**Local Fiscal Effect:** County expenditures may increase in at least some jurisdictions due to increased legal expenses for the local board of elections to prepare a fair and accurate summary of a law proposed to be petitioned to referendum and any increased litigation costs that might result. The additional costs just to prepare a fair and accurate summary (exclusive of any additional litigation costs) may be over \$5,000 per petition.

---

## Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** State Board of Elections; Charles, Frederick, Howard, and Montgomery counties; Department of Legislative Services

**Fiscal Note History:** First Reader - March 5, 2014  
mam/hlb

---

Analysis by: Scott D. Kennedy

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