

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

House Bill 1475 (Delegate Bobo)
Rules and Executive Nominations

Election Law - Signing a Petition - Required Information

This bill modifies the information an individual must provide when signing a petition. The bill requires an individual to enter the individual's name, printed or typed, subject to specific criteria, and the individual's ordinary signature, replacing requirements that an individual sign the individual's name according to specific criteria and then print or type the individual's name as it was signed. The bill also adds a requirement that the individual's birth date be entered on the petition.

Fiscal Summary

State Effect: The bill does not materially affect State finances.

Local Effect: The bill does not materially affect local government finances.

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) 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; and (3) spaces for signatures and the required information relating to the signers.

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 other information required by State Board of Elections (SBE) regulations. SBE regulations require that a petition circulator ask each signer to provide the signer's date of birth or, at a minimum, the signer's month and day of birth, but providing such information is optional and a signer's failure to do so does not invalidate the signature.

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 petition acceptance and verification procedures for election officials indicate that when determining whether a signer has met the requirements of signing "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," both the printed name and the signature must be reviewed. The procedures indicate that if every required component is present when considering the printed name, the signature, or both together, the signature is to be accepted, even despite any partial illegibility. According to the procedures, the printed name is not required to match the signature, but the names must be consistent.

Various uses of petitions under State law are shown in the attached **Appendix – Uses of Petitions under State Law**, along with the signature requirement and the constitutional or statutory authority for each use.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State Board of Elections; Dorchester, Garrett, and Montgomery counties; Department of Legislative Services

Fiscal Note History: First Reader - April 2, 2014
ncs/hlb

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Appendix – Uses of Petitions under State Law

<u>Purpose</u>	<u>Required Signatures</u>	<u>Authority</u>
State law referendum	3% of qualified voters (defined as votes cast for Governor at the last election) of the State*; for a public local law for any one county or Baltimore City – 10% of the qualified voters of the jurisdiction	Maryland Constitution, Article XVI
Formation of new political party	10,000 registered voters	Maryland Code, Election Law Article, § 4-102
Nomination of unaffiliated candidate for general election	1% of registered voters eligible to vote for the office sought, but not less than 250 signatures	Maryland Code, Election Law Article, § 5-703
Placement of presidential candidate on primary election ballot**	400 registered voters from each congressional district in the State	Maryland Code, Election Law Article, § 8-502
Local Referendum (Charter County)	Set in charter	Maryland Code, Local Government Article, § 9-205
Local Referendum (Code County)	10% of voters of the county	Maryland Constitution, Article XI-F, § 7; Maryland Code, Local Government Article, § 9-313
Creation of a charter board	20% of registered voters of the county under § 1 or 5% under § 1A, but in both cases not more than 10,000 signatures is required	Maryland Constitution, Article XI-A, §§ 1 and 1A
Nomination of charter board members	5% of registered voters of the county under § 1 or 3% under § 1A, but in both cases not more than 2,000 signatures is required	Maryland Constitution, Article XI-A, §§ 1 and 1A
Charter amendment	20% of registered voters of the county, but not more than 10,000 signatures is required	Maryland Constitution, Article XI-A, § 5

Note: Additional uses of petitions, such as for incorporation of a municipality or amendment of a municipal charter, are not included.

* In 2014, the 3% requirement equals 55,736 signatures.

**For Democratic or Republican presidential primary candidates who are not recognized and certified by the Secretary of State to be on the ballot.