

Chapter 82

(House Bill 284)

AN ACT concerning

**Election Law – Local Petitions – Advance Determination of Sufficiency of Local ~~Legislation~~ Law or Charter Amendment Summary**

FOR the purpose of ~~requiring a chief election official of an election authority who is determining the sufficiency of the format of a certain petition to determine the sufficiency of any summary of local legislation that is contained in the petition; requiring the chief election official to make a certain determination within a certain time period; requiring, under certain circumstances, the chief election official to provide the sponsor of a petition with an explanation of the reasons for a certain determination; and generally relating to notices of deficiencies in the information pages of local petitions~~ requiring an election director of a local board of elections to determine the sufficiency of a summary of a local law or charter amendment contained in a petition when determining the sufficiency of the format of the petition; requiring an election director to provide the sponsor of a petition with an explanation of the reasons for a determination that a summary of a local law or charter amendment is insufficient; authorizing an election director to seek the advice of certain persons in making the determination; requiring an election director to make the determination within a certain period of time; making a conforming change; and generally relating to an advance determination of the sufficiency of a summary of a local law or charter amendment contained in a petition.

BY repealing and reenacting, with amendments,  
Article – Election Law  
Section 6–202 and 6–210(a)  
Annotated Code of Maryland  
(2010 Replacement Volume and 2014 Supplement)

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

**Article – Election Law**

6–202.

(a) **(1)** The format of the petition prepared by a sponsor may be submitted to the chief election official of the appropriate election authority, in advance of filing the petition, for a determination of its sufficiency.

~~(b) (1) WHEN DETERMINING THE SUFFICIENCY UNDER SUBSECTION (A) OF THIS SECTION OF A PETITION THAT SEEKS TO PLACE A QUESTION REGARDING~~

~~LOCAL LEGISLATION ON A BALLOT, THE CHIEF ELECTION OFFICIAL OF THE APPROPRIATE ELECTION AUTHORITY SHALL DETERMINE THE SUFFICIENCY OF ANY SUMMARY OF THE LOCAL LEGISLATION THAT IS CONTAINED IN THE PETITION.~~

~~(2) THE CHIEF ELECTION OFFICIAL SHALL MAKE A DETERMINATION UNDER PARAGRAPH (1) OF THIS SECTION WITHIN 10 BUSINESS DAYS AFTER RECEIPT OF THE PETITION.~~

~~(3) IF THE CHIEF ELECTION OFFICIAL OF THE APPROPRIATE ELECTION AUTHORITY DETERMINES THAT THE SUMMARY OF LOCAL LEGISLATION IS INSUFFICIENT, THE CHIEF ELECTION OFFICIAL SHALL PROVIDE THE SPONSOR WITH AN EXPLANATION OF THE REASONS FOR THE DETERMINATION.~~

~~[(b)] (c) In making the determination, the chief election official may seek the advice of the legal authority.~~

(2) IN MAKING THE DETERMINATION UNDER THIS SUBSECTION, THE CHIEF ELECTION OFFICIAL MAY SEEK THE ADVICE OF THE LEGAL AUTHORITY.

(B) (1) WHEN DETERMINING THE SUFFICIENCY UNDER SUBSECTION (A) OF THIS SECTION OF A PETITION THAT SEEKS TO PLACE A QUESTION REGARDING A LOCAL LAW OR CHARTER AMENDMENT ON A BALLOT, THE ELECTION DIRECTOR OF THE LOCAL BOARD SHALL DETERMINE THE SUFFICIENCY OF ANY SUMMARY OF THE LOCAL LAW OR CHARTER AMENDMENT THAT IS CONTAINED IN THE PETITION.

(2) IF THE ELECTION DIRECTOR DETERMINES THAT THE SUMMARY OF THE LOCAL LAW OR CHARTER AMENDMENT IS INSUFFICIENT, THE ELECTION DIRECTOR SHALL PROVIDE THE SPONSOR WITH A CLEAR, CONCISE, AND UNDERSTANDABLE EXPLANATION OF THE REASONS FOR THE DETERMINATION.

(3) IN MAKING THE DETERMINATION UNDER THIS SUBSECTION, THE ELECTION DIRECTOR MAY SEEK THE ADVICE OF:

(I) THE COUNSEL TO THE LOCAL BOARD; OR

(II) THE ATTORNEY GENERAL.

6-210.

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

(2) [Within] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, WITHIN 5 business days of receiving [the] A request for an advance determination, the election authority shall make the determination.

(3) WITHIN 10 BUSINESS DAYS OF RECEIVING A REQUEST FOR AN ADVANCE DETERMINATION OF THE SUFFICIENCY OF A SUMMARY OF A LOCAL LAW OR CHARTER AMENDMENT CONTAINED IN A PETITION UNDER § 6-202(B) OF THIS SUBTITLE, THE ELECTION DIRECTOR SHALL MAKE THE DETERMINATION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015.

**Approved by the Governor, April 14, 2015.**