

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE
Revised

House Bill 284

(Delegate Flanagan, *et al.*)

Ways and Means

Education, Health, and Environmental Affairs

Election Law - Local Petitions - Advance Determination of Sufficiency of Local
Law or Charter Amendment Summary

This bill requires that, when a petition that seeks to place a question regarding a local law or charter amendment on a ballot is submitted for an advance determination of sufficiency, the election director of a local board of elections must determine the sufficiency of any summary of the local law or charter amendment that is contained in the petition. The determination must be made within 10 business days of receiving a request for an advance determination of the sufficiency of a summary. If the election director determines that the summary of the local law or charter amendment is insufficient, the election director must provide the sponsor with a clear, concise, and understandable explanation of the reasons for the determination. In making the determination, the election director may seek the advice of the counsel to the local board of elections or the Attorney General.

The bill takes effect June 1, 2015.

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances.

Local Effect: County legal expenditures may increase by a minimal amount in some jurisdictions. Revenues are not affected.

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

Local Fiscal Effect: County expenditures may increase in at least some jurisdictions due to increased legal expenses for the local board of elections to review the sufficiency of a summary and any increased litigation costs that might result from the local board of elections making a determination of the sufficiency of a summary of local legislation contained in a petition. Montgomery County and Frederick County estimate increased annual costs of \$2,000 and \$1,000, respectively.

Additional Information

Prior Introductions: SB 848 of 2014 received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken.

Cross File: Although not designated as a cross file, SB 193 (Senator Bates, *et al.* – Education, Health, and Environmental Affairs) is identical.

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

Fiscal Note History: First Reader - February 16, 2015
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