

**Department of Legislative Services**  
Maryland General Assembly  
2017 Session

**FISCAL AND POLICY NOTE**  
**Third Reader - Revised**

House Bill 143

(Chair, Ways and Means Committee)(By Request -  
Departmental - State Board of Elections)

Ways and Means

Education, Health, and Environmental Affairs

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**Elections - Miscellaneous Duties and Procedures**

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This departmental bill makes various changes to State election law relating to voter notices, sample petition forms, certification of presidential electors, ballot arrangement for presidential candidates, recounts of votes on a ballot question, and candidate financial disclosure filing.

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**Fiscal Summary**

**State Effect:** The bill does not directly affect State finances.

**Local Effect:** None.

**Small Business Effect:** The State Board of Elections (SBE) has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

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**Analysis**

**Bill Summary:** The bill makes the following changes:

- An authorization for an election director of a local board of elections to issue “voter acknowledgement notices” is repealed.
- SBE must arrange to have sample forms related to petitions “available to the public” rather than “printed.”

- The residential addresses, in addition to the names, of individuals nominated as candidates for presidential elector by a political party or a candidate for President of the United States nominated by petition must be certified to SBE. A requirement that the certification to SBE by a candidate nominated by petition be on a form prescribed by SBE is repealed.
- A requirement that a candidate for President of the United States or Vice President of the United States be identified on the ballot by the state in which the candidate resides is repealed.
- The time within which a petition for a recount of votes on a question on the ballot must be filed is extended from two days after the results of the election are certified to three days after the results are certified.
- The time within which a candidate must file a financial disclosure statement after receiving notice of a failure to file the statement, in order to not be deemed to have withdrawn their candidacy, is reduced from 20 days to 8 days after receiving from the election board written notice of the failure to file.

### **Current Law/Background:**

#### *Voter Notices*

An election director of a local board of elections is authorized to issue voter acknowledgement notices and voter notification cards. SBE indicates that “voter acknowledgement notice” is an obsolete term and the notice is no longer sent by election directors.

#### *Sample Petition Forms*

SBE is required to design and arrange to have printed sample forms for each purpose for which a petition is authorized by law. SBE indicates that it provides the forms on its website and that the requirement to provide printed samples is unnecessary.

#### *Certification of Presidential Electors*

The names of individuals nominated as candidates for presidential elector by a political party or a candidate for President of the United States nominated by petition must be certified to SBE and, for a candidate nominated by petition, the certification must be on a form prescribed by SBE. SBE indicates that its current policy is to require residential addresses as well as names of electors and that it is not necessary for a certification to be on a form prescribed by SBE.

### *Ballot Arrangement*

Under provisions governing the arrangement of ballots, a candidate for President of the United States or Vice President of the United States is required to be identified by the state in which the candidate resides. SBE indicates that this requirement is unnecessary and adds to ballot clutter.

### *Ballot Question Recount*

A petition for a recount of votes on a question on the ballot must be filed within two days after the results of the election are certified. SBE indicates that changing this deadline to three days after the results of the election are certified makes it consistent with the deadline to petition for a recount of votes in a race for elective office.

### *Candidate Financial Disclosure Filing*

Under the Maryland Public Ethics Law, specified candidates for office must file a financial disclosure statement no later than the filing of a certificate of candidacy and each year after that, through the year of the election. If a candidate's financial disclosure statement is overdue and is not filed within 20 days after the candidate receives from the applicable election board written notice of the failure to file, the candidate is deemed to have withdrawn the candidacy. SBE indicates that reducing the time for an overdue financial disclosure statement to be filed, from 20 to 8 days after a failure to file notice, allows for removal of a candidate from the ballot, and time for an expedited judicial challenge to the removal, before the time when the ballot must be certified and absentee ballots must be mailed.

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## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** State Board of Elections; Baltimore City; Harford, Montgomery, Talbot, and Wicomico counties; Department of Legislative Services

**Fiscal Note History:** First Reader - February 2, 2017  
mm/hlb Third Reader - March 21, 2017  
Revised - Amendment(s) - March 21, 2017

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Elections- Duties of Election Director – Procedures

BILL NUMBER: HB 143

PREPARED BY: Jared DeMarinis  
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PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL  
BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL  
BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed departmental legislation will not impact Maryland small businesses.