

HOUSE BILL 1089

G1
HB 355/21 – W&M

2lr2441

By: **Delegate Ruth**

Introduced and read first time: February 10, 2022

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Registered Voter List Security and Electronic Signature**
3 **Requirements for Petitions**

4 FOR the purpose of requiring the State Board of Elections to adopt regulations specifying
5 requirements for the secure storage and use of voter data for copies of the registered
6 voter list; requiring the State Board to adopt regulations specifying procedures for
7 the collection of electronic signatures on petitions; providing that a petition may
8 contain the electronic signature of individuals signing the petitions and circulators
9 circulating any of the signature pages filed with the petition; and generally relating
10 to the security of the registered voter list and electronic signatures on petitions.

11 BY repealing and reenacting, without amendments,
12 Article – Election Law
13 Section 1–101(a) and (y) and 6–101(a), (d), and (i)
14 Annotated Code of Maryland
15 (2017 Replacement Volume and 2021 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Election Law
18 Section 3–506(a), 6–103(a), and 6–203
19 Annotated Code of Maryland
20 (2017 Replacement Volume and 2021 Supplement)

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

23 **Article – Election Law**

24 1–101.

25 (a) In this article the following words have the meanings indicated unless a

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 different meaning is clearly intended from the context.

2 (y) "Electronic signature" means an electronic sound, symbol, or process attached
3 to or logically associated with a record and executed or adopted by a person with the intent
4 to sign the record.

5 3-506.

6 (a) (1) A copy of a list of registered voters shall be provided to a Maryland
7 registered voter on receipt of:

8 (i) a written application; and

9 (ii) a statement, signed under oath, that the list is not intended to be
10 used for:

11 1. commercial solicitation; or

12 2. any other purpose not related to the electoral process.

13 (2) In consultation with the local boards, the State Board shall adopt
14 regulations that specify:

15 (i) the time for a list to be provided under this subsection;

16 (ii) the authorization to be required for providing a list;

17 (iii) the fee to be paid for providing a list;

18 (iv) the information to be included on a list;

19 (v) that the residence address of an individual who is a participant
20 in an address confidentiality program may not be disclosed;

21 (vi) that a participant in an address confidentiality program is not
22 required to apply to the State Board to keep the individual's residence address confidential;

23 (vii) the format of the information; [and]

24 (viii) the medium or media on which the information is to be provided;

25 **AND**

26 **(IX) REQUIREMENTS FOR SECURE STORAGE AND USE OF VOTER**
27 **DATA.**

28 6-101.

1 (a) In this title the following words have the meanings indicated.

2 (d) "Circulator" means an individual who attests to one or more signatures affixed
3 to a petition.

4 (i) "Petition" means all of the associated pages necessary to fulfill the
5 requirements of a process established by the law by which individuals affix their signatures
6 as evidence of support for:

7 (1) placing the name of an individual, the names of individuals, or a
8 question on the ballot at any election;

9 (2) the creation of a new political party; or

10 (3) the appointment of a charter board under Article XI–A, § 1A of the
11 Maryland Constitution.

12 6–103.

13 (a) (1) The State Board shall adopt regulations, consistent with this title, to
14 carry out the provisions of this title.

15 (2) The regulations shall:

16 (i) prescribe the form and content of petitions;

17 (ii) specify procedures for the circulation of petitions for signatures,
18 **INCLUDING THE COLLECTION OF ELECTRONIC SIGNATURES;**

19 (iii) specify procedures for the verification and counting of signatures;
20 and

21 (iv) provide any other procedural or technical requirements that the
22 State Board considers appropriate.

23 6–203.

24 (a) To sign a petition, an individual shall:

25 (1) sign the individual's name as it appears on the statewide voter
26 registration list or the individual's surname of registration and at least one full given name
27 and the initials of any other names; and

28 (2) include the following information, printed or typed, in the spaces
29 provided:

- 1 (i) the signer's name as it was signed;
2 (ii) the signer's address;
3 (iii) the date of signing; and
4 (iv) other information required by regulations adopted by the State
5 Board.

6 (b) The signature of an individual shall be validated and counted if:

- 7 (1) the requirements of subsection (a) of this section have been satisfied;
8 (2) the individual is a registered voter assigned to the county specified on
9 the signature page and, if applicable, in a particular geographic area of the county;
10 (3) the individual has not previously signed the same petition;
11 (4) the signature is attested by an affidavit appearing on the page on which
12 the signature appears;
13 (5) the date accompanying the signature is not later than the date of the
14 affidavit on the page; and
15 (6) if applicable, the signature was affixed within the requisite period of
16 time, as specified by law.

17 (c) **(1) A PETITION MAY CONTAIN THE ELECTRONIC SIGNATURES OF:**

18 **(I) INDIVIDUALS SIGNING THE PETITION; OR**

19 **(II) CIRCULATORS CIRCULATING ANY OF THE SIGNATURE**
20 **PAGES FILED WITH THE PETITION.**

21 **(2) (I) AN ELECTRONIC SIGNATURE SHALL BE ELECTRONICALLY**
22 **SIGNED, TYPED, OR AFFIXED ONTO A FORM PRESCRIBED BY THE STATE BOARD.**

23 **(II) AN ELECTRONIC SIGNATURE MUST REFLECT THE**
24 **AFFIRMATIVE ACTION OF THE SIGNER TO ELECTRONICALLY SIGN, TYPE, OR AFFIX**
25 **THE SIGNER'S NAME ONTO THE SIGNATURE PAGE OF A PETITION.**

26 **(3) (I) THE CIRCULATOR WHO ATTESTS TO AN ELECTRONIC**
27 **SIGNATURE ON A PETITION SHALL PERSONALLY OBSERVE THE SIGNER OF THE**
28 **ELECTRONIC SIGNATURE WHILE THE SIGNER IS PROVIDING THE SIGNATURE.**

1 **(II) A CIRCULATOR MAY NOT ATTEST TO THE PERSONAL**
2 **OBSERVATION OF AN ELECTRONIC SIGNATURE UNDER SUBPARAGRAPH (I) OF THIS**
3 **PARAGRAPH IF THE CIRCULATOR WITNESSED THE SIGNING REMOTELY.**

4 **(D)** (1) A signature may be removed:

5 (i) by the signer upon written application to the election authority
6 with which the petition will be filed if the application is received by the election authority
7 prior to the filing of that signature; or

8 (ii) prior to the filing of that signature, by the circulator who attested
9 to that signature or by the sponsor of the petition, if it is concluded that the signature does
10 not satisfy the requirements of this title.

11 (2) A signature removed pursuant to paragraph (1)(ii) of this subsection
12 may not be included in the number of signatures stated on the information page included
13 in the petition.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
15 1, 2022.