

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1112
Ways and Means

(Delegates Ruth and Rosenberg)

**Election Law - Registered Voter List and Petitions (Ballot Petition
Modernization Act)**

This bill makes various changes to State election law provisions relating to (1) the secure storage and use of voter data; (2) the signing of petitions and validation and counting of petition signatures; (3) the use of electronic signatures for petitions; (4) a deficiency in a petition; and (5) the time within which judicial review of a petition determination must be sought.

Fiscal Summary

State Effect: Any impact on the State Board of Elections (SBE) can be absorbed within existing budgeted resources. Revenues are not affected.

Local Effect: The bill is not expected to materially affect local government finances.

Small Business Effect: None.

Analysis

Bill Summary:

Secure Storage and Use of Voter Data

Under provisions that allow for a Maryland registered voter to request a copy of a list of registered voters, if not intended to be used for commercial solicitation or any other purpose not related to the electoral process, the bill requires SBE to include requirements for secure storage and use of voter data in the regulations that govern that process.

Signing of Petitions and Validation and Counting of Petition Signatures

The bill eliminates a specific requirement that an individual sign their name on a petition 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. Instead, the bill only requires that an individual sign their name. The bill establishes that any information requested from an individual signing a petition that is not required under State law must be clearly marked as optional on any signature page. The bill applies to any petition (other than a municipal petition) authorized by law to place the name of an individual or a question on the ballot, to create a new political party, or to appoint a charter board.

The bill requires the signature of an individual to be validated and counted if, along with meeting other requirements, the identity of the individual reasonably can be determined using the information required to be included by the individual on the petition.

The election authority (SBE or the local board of elections) may not invalidate an individual's signature because the individual signed the petition using a derivative of the individual's given name if the election authority reasonably can confirm the identity of the individual. However, if an individual's surname on a petition does not exactly match the individual's surname as it appears in the individual's voter registration record, the election authority must invalidate the individual's signature.

The bill repeals a prohibition against willfully and knowingly signing a petition more than once and establishes that if an individual signs the same petition more than once, the first signature of that individual to be validated must be counted and any subsequent signature of that individual on the same petition must be invalidated.

Use of Electronic Signatures for Petitions

The bill establishes that a petition may contain the electronic signatures of (1) individuals signing the petition or (2) circulators circulating any of the signature pages filed with the petition.

An electronic signature must (1) be electronically signed, typed, or affixed onto a form prescribed by SBE and (2) reflect the affirmative action of the signer to electronically sign, type, or affix the signer's name onto the signature page of a petition. The circulator who attests to an electronic signature on a petition must (1) personally observe the signer of the electronic signature while the signer is providing the signature and (2) may not attest to the personal observation of an electronic signature if the circulator witnessed the signing remotely.

The bill also requires that procedures in SBE regulations for the circulation of petitions for signatures include procedures for the collection of electronic signatures. In addition, SBE regulations must specify requirements for (1) the verification of electronic signatures on any electronic signature page and (2) accessibility of electronic signature pages for people with disabilities.

Deficiency in a Petition

After the chief election official of an election authority notifies a sponsor of a deficiency in a petition after the verification and counting of signatures, the chief election official must make available to the sponsor a physical or electronic copy of the petition that includes a code next to each signature indicating the final disposition of the signature. The chief election official may charge a reasonable fee to cover the cost of producing the copy of the petition. The chief election official must make the copy of the petition available to the sponsor within one business day after payment of any fee required or, if a fee is not required, within one business day after the chief election official notifies the sponsor of a deficiency in the petition.

An eligible registered voter who signed a petition but whose signature was invalidated may correct technical deficiencies with the signature including missing, partial, or misspelled names, addresses, or dates by submitting a new signature page to the election authority using any authorized method of submission. However, new signatures are not allowed to be added to a petition after the deadline for submission of the petition. An eligible registered voter must submit a new signature page for a petition to the election authority by the deadline for seeking judicial review of the petition.

Time within Which Judicial Review of a Determination Must Be Sought

The bill also establishes that the time period under existing statute within which judicial review of a determination on a petition must be sought (as well as time periods under specified exceptions), begins on the date the sponsor of the petition is notified of the determination instead of on the date of the determination.

Current Law:

Availability of Voter Registration Data to Registered Voters

A copy of a list of registered voters must be provided to a Maryland registered voter who submits a written application and a statement, signed under oath, that the list is not intended to be used for commercial solicitation or any other purpose not related to the electoral process. SBE must adopt regulations, in consultation with the local boards of elections,

which establish specified procedures and requirements to govern the process of providing a copy of a list of registered voters to a Maryland registered voter.

Petition Requirements

Under State law provisions that apply to any petition (other than a municipal petition) authorized by law to place the name of an individual or a question on the ballot, to create a new political party, or to appoint a charter board, a petition 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; (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; and (4) a space for the required affidavit made and executed by the circulator. "Circulator" is defined as an individual who attests to one or more signatures affixed to a petition. Each signature page must contain an affidavit made and executed by the individual in whose presence all of the signatures on that page were affixed and who observed each of those signatures being affixed.

SBE must adopt regulations that, among other things, specify procedures for the circulation of petitions for signatures.

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 SBE regulations.

The signature of an individual is validated and counted if the above-mentioned requirements have been satisfied and, among other requirements, the individual has not previously signed the same petition. A person who willfully and knowingly signs a petition more than once is guilty of a misdemeanor and subject to (1) a fine of at least \$10 but not more than \$250 and/or imprisonment for at least 30 days but not more than 6 months and (2) disqualification, permanently, from serving as an election judge, board member, or employee of a board.

Electronic Signatures

Under State election law, “electronic signature” is defined as an electronic sound, symbol, or process attached to, or logically associated with, a record and executed or adopted by a person with the intent to sign the record. Campaign finance provisions of State election law authorize SBE to accept an electronic signature for any form, document, report, or affidavit required by the board under those provisions, and electronic signatures are required for certain campaign finance and voter registration submissions.

The Maryland Uniform Electronic Transactions Act gives governmental agencies of the State discretion to determine whether, and the extent to which, they will send and accept electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures. The act does not require a government agency to use or permit the use of electronic records or electronic signatures.

Determination of Petition Sufficiency

At the conclusion of the process of verifying signatures and counting validated signatures contained in a petition, the chief election official of the election authority must (1) determine whether the validated signatures contained in the petition are sufficient to satisfy all requirements relating to the number and geographical distribution of signatures and (2) if it has not done so previously, determine whether the petition has satisfied all other requirements for the petition and immediately notify the sponsor of that determination, including any deficiencies found.

Time within Which Judicial Review of a Determination Must Be Sought

Subject to specified exceptions, judicial review of a petition determination must be sought by the tenth day following the determination to which the judicial review relates.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Baltimore City; Prince George’s County; Maryland State Board of Elections; Department of Legislative Services

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