

HOUSE BILL 1112

G1

3lr2700

By: **Delegates Ruth and Rosenberg**

Introduced and read first time: February 10, 2023

Assigned to: Ways and Means

A BILL ENTITLED

AN ACT concerning

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

FOR the purpose of requiring the State Board of Elections to adopt regulations for the secure storage and use of voter data from the list of registered voters and specifying procedures and requirements relating to electronic signatures; repealing the requirement that, to sign a petition, an individual sign the individual's name in a certain form; requiring that information requested from an individual signing a petition that is not required under certain provisions of law be marked as optional on a petition signature page; altering the circumstances under which signatures on a petition must be validated and counted or invalidated; authorizing the use of electronic signatures on a petition; requiring the chief election official of an election authority to make available to a petition sponsor a copy of the petition that includes certain information after making a certain notification; authorizing an eligible registered voter to correct certain technical deficiencies in the voter's signature in a certain manner; altering the date by which judicial review of certain petitions must be sought; repealing the prohibition on a person willfully and knowingly signing a petition more than once; and generally relating to the registered voter list and petitions.

BY repealing and reenacting, without amendments,

Article – Election Law

Section 1–101(a) and (y), 6–101(a), (d), and (i), and 6–210(b)

Annotated Code of Maryland

(2022 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, with amendments,

Article – Election Law

Section 3–506(a), 6–103(a), 6–203, 6–210(c), (d), and (e), and 16–401

Annotated Code of Maryland

(2022 Replacement Volume and 2022 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



BY adding to

Article – Election Law

Section 6–208.1 and 6–210(c)

Annotated Code of Maryland

(2022 Replacement Volume and 2022 Supplement)

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

Article – Election Law

1–101.

(a) In this article the following words have the meanings indicated unless a different meaning is clearly intended from the context.

(y) “Electronic signature” means 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.

3–506.

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

(i) a written application; and

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

1. commercial solicitation; or

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

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

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

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

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

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

(v) that the residence address of an individual who is a participant

in an address confidentiality program may not be disclosed;

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

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

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

AND

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

6-101.

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

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

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

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

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

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

6-103.

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

(2) The regulations shall:

(i) prescribe the form and content of petitions;

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

(III) SPECIFY THE REQUIREMENTS FOR THE VERIFICATION OF ELECTRONIC SIGNATURES ON ANY ELECTRONIC SIGNATURE PAGE;

(IV) SPECIFY REQUIREMENTS FOR ACCESSIBILITY OF ELECTRONIC SIGNATURE PAGES FOR PEOPLE WITH DISABILITIES;

[(iii)] (V) specify procedures for the verification and counting of signatures; and

[(iv)] (VI) provide any other procedural or technical requirements that the State Board considers appropriate.

6–203.

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

(1) 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]; and

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

(i) the signer's name as it was signed;

(ii) the signer's address;

(iii) the date of signing; and

(iv) other information required by regulations adopted by the State Board.

(b) ANY INFORMATION REQUESTED FROM AN INDIVIDUAL SIGNING A PETITION THAT IS NOT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE CLEARLY MARKED AS OPTIONAL ON ANY SIGNATURE PAGE.

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

(1) the requirements of subsection (a) of this section have been satisfied;

(2) THE IDENTITY OF THE INDIVIDUAL REASONABLY CAN BE DETERMINED USING THE INFORMATION REQUIRED UNDER SUBSECTION (A) OF THIS SECTION;

(3) the individual is a registered voter assigned to the county specified on the signature page and, if applicable, in a particular geographic area of the county;

[(3) the individual has not previously signed the same petition;]

(4) the signature is attested by an affidavit appearing on the page on which the signature appears;

(5) the date accompanying the signature is not later than the date of the affidavit on the page; and

(6) if applicable, the signature was affixed within the requisite period of time, as specified by law.

(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF THE ELECTION AUTHORITY REASONABLY CAN CONFIRM THE IDENTITY OF AN INDIVIDUAL, THE ELECTION AUTHORITY MAY NOT INVALIDATE THE INDIVIDUAL'S SIGNATURE BECAUSE THE INDIVIDUAL SIGNED A PETITION USING A DERIVATIVE OF THE INDIVIDUAL'S GIVEN NAME.

(2) 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 SHALL INVALIDATE THE INDIVIDUAL'S SIGNATURE.

(E) IF AN INDIVIDUAL SIGNS THE SAME PETITION MORE THAN ONCE:

(1) THE FIRST SIGNATURE OF THAT INDIVIDUAL TO BE VALIDATED SHALL BE COUNTED; AND

(2) ANY SUBSEQUENT SIGNATURE OF THAT INDIVIDUAL ON THE SAME PETITION SHALL BE INVALIDATED.

(F) (1) A PETITION MAY CONTAIN THE ELECTRONIC SIGNATURES OF:

(I) INDIVIDUALS SIGNING THE PETITION; OR

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

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

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

(3) (I) THE CIRCULATOR WHO ATTESTS TO AN ELECTRONIC

SIGNATURE ON A PETITION SHALL PERSONALLY OBSERVE THE SIGNER OF THE ELECTRONIC SIGNATURE WHILE THE SIGNER IS PROVIDING THE SIGNATURE.

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

[(c)] (G) (1) A signature may be removed:

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

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

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

6-208.1.

(A) AFTER THE CHIEF ELECTION OFFICIAL OF THE ELECTION AUTHORITY NOTIFIES THE SPONSOR OF A DEFICIENCY IN A PETITION UNDER § 6-208 OF THIS SUBTITLE, THE CHIEF ELECTION OFFICIAL SHALL 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.

(B) THE CHIEF ELECTION OFFICIAL MAY CHARGE A REASONABLE FEE TO COVER THE COST OF PRODUCING THE COPY OF THE PETITION REQUIRED UNDER SUBSECTION (A) OF THIS SECTION.

(C) (1) 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 METHOD OF SUBMISSION AUTHORIZED BY THIS TITLE.

(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT ALLOW NEW SIGNATURES TO BE ADDED TO A PETITION AFTER THE DEADLINE FOR SUBMISSION OF THE PETITION UNDER APPLICABLE LAW.

(b) Within 2 business days after an advance determination under § 6–202 of this subtitle, or a determination of deficiency under § 6–206 or § 6–208 of this subtitle, the chief election official of the election authority shall notify the sponsor of the determination.

(C) (1) THE CHIEF ELECTION OFFICIAL SHALL MAKE A COPY OF A PETITION AVAILABLE TO THE SPONSOR UNDER § 6–208.1(A) OF THIS SUBTITLE:

(I) WITHIN 1 BUSINESS DAY AFTER PAYMENT OF ANY FEE REQUIRED UNDER § 6–208.1(B) OF THIS SUBTITLE; OR

(II) IF A FEE IS NOT REQUIRED UNDER § 6–208.1(B) OF THIS SUBTITLE, WITHIN 1 BUSINESS DAY AFTER THE CHIEF ELECTION OFFICIAL NOTIFIES THE SPONSOR OF A DEFICIENCY IN A PETITION UNDER § 6–208(A)(2) OF THIS SUBTITLE.

(2) AN ELIGIBLE REGISTERED VOTER SHALL SUBMIT A NEW SIGNATURE PAGE FOR A PETITION UNDER § 6–208.1(C)(1) OF THIS SUBTITLE TO THE ELECTION AUTHORITY BY THE DEADLINE FOR SEEKING JUDICIAL REVIEW OF THE PETITION UNDER SUBSECTION (F) OF THIS SECTION.

[(c)] (D) (1) Except as provided in paragraph (2) of this subsection, the verification and counting of validated signatures on a petition shall be completed within 20 days after the filing of the petition.

(2) If a petition seeks to place the name of an individual on the ballot for a special election, the verification and counting of validated signatures on the petition shall be completed within 10 days after the filing of the petition.

[(d)] (E) Within 1 business day of the completion of the verification and counting processes, or, if judicial review is pending, within 1 business day after a final judicial decision, the appropriate election official shall make the certifications required by § 6–208 of this subtitle.

[(e)] (F) (1) Except as provided in paragraph (2) of this subsection, any judicial review of a determination, as provided in § 6–209 of this subtitle, shall be sought by the 10th day following the **DATE THE SPONSOR IS NOTIFIED OF THE** determination to which the judicial review relates.

(2) (i) If the petition seeks to place the name of an individual or a question on the ballot at any election, except a presidential primary election, judicial review shall be sought by the day specified in paragraph (1) of this subsection or the 69th day preceding that election, whichever day is earlier.

(ii) If the petition seeks to place the name of an individual on the

ballot for a presidential primary election in accordance with § 8–502 of this article, judicial review of a determination made under § 6–208(a)(2) of this subtitle shall be sought by the 5th day following the **DATE THE SPONSOR IS NOTIFIED OF THE** determination to which the judicial review relates.

(iii) If the petition seeks to place the name of an individual on the ballot for a special election, judicial review shall be sought by the 2nd day following the **DATE THE SPONSOR IS NOTIFIED OF THE** determination to which the judicial review relates.

(3) (i) A judicial proceeding under this subsection shall be conducted in accordance with the Maryland Rules, except that:

1. the case shall be heard and decided without a jury and as expeditiously as the circumstances require; and

2. an appeal shall be taken directly to the Court of Appeals within 5 days after the date of the decision of the circuit court.

(ii) The Supreme Court of Maryland shall give priority to hear and decide an appeal brought under subparagraph (i)2 of this paragraph as expeditiously as the circumstances require.

16–401.

(a) A person may not willfully and knowingly:

(1) give, transfer, promise, or offer anything of value for the purpose of inducing another person to sign or not sign any petition;

(2) request, receive, or agree to receive, anything of value as an inducement to sign or not to sign any petition;

(3) misrepresent any fact for the purpose of inducing another person to sign or not to sign any petition;

(4) sign the name of any other person to a petition;

(5) falsify any signature or purported signature to a petition;

(6) obtain, or attempt to obtain, any signature to a petition by fraud, duress, or force;

(7) circulate, cause to be circulated, or file with an election authority a petition that contains any false, forged, or fictitious signatures;

(8) sign a petition that the person is not legally qualified to sign; **OR**

(9) [sign a petition more than once; or

(10)] alter any petition after it is filed with the election authority.

(b) Each violation of this section shall be considered a separate offense.

(c) A person who violates this section is guilty of a misdemeanor and is subject to the penalties provided in Subtitle 10 of this title.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2023.