

## Testimony of Prof. Larry S Gibson

This bill would correct three problems with the Elections Law, Title 6, relating to petitions signed by individuals to place names and questions on the ballot, to create new political parties, and to appoint charter boards.

### **Middle names and initials:**

Under §6-203, In order for a signature on a petition to be validated and counted, the petition must have the handwritten signature of the individual “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.”

Problems most often arise with middle names and middle initials. Often voters do not remember exactly how they entered their name when they registered to vote, perhaps several years ago. Many people do not recall whether they spelled out their full name, listed a middle initial, or just left off the middle name. Even if the voter remembers what is on their voter registration, they may inadvertently fail to repeat it exactly when signing a petition, especially since signing a petition at the same requires the voter to provide other verifying data such their address. No valid reason exists, in this digital age, to disregard the signature, if the election authority “reasonably can confirm the identity of an individual.”

### **Written signature compared to printed name**

A second problem arises from the requirement that the individual, in addition to signing by hand, also print on the petition their name, address, and date of signing. The current statute requires that the printed name be exactly “as it was signed” on the petition. Any deviation between the handwritten signature and the printed name invalidates the signature. Therefore, if the written signature shows a middle initial, but the printed name does not give that initial, or visa versa, the signature is not be counted. This provision should be repealed,

### **Duplicate signatures**

A third problem being addressed by this legislation arises from the requirement that a written signature be invalidated, if the individual has previously signed the same petition. Of course, an individual should be counted only once in a petition effort. But, a person should also be able to correct an error and to have a possibly ineffective earlier signature replaced by a valid signature. The Court of Appeals has interpreted the current statute to require that the second signature be invalidated, even when the earlier signature has been invalidated. So neither signature counts. The Courts of Appeals has interpreted this requirements strictly, leading to thousands of petition signature to being disregarded for no sound reason. *Md. State Board of Elections v Libertarian Party* 426 Md, 488 (2012) .

Larry S. Gibson, Morton and Sophia Macht Professor of Law