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Committee

Chair

Government Operations and
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Joint Committee on Administrative,
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Testimony of Delegate Samuel I. Rosenberg
Before the House Ways and Means Committee
In Support of
House Bill 554 - Election Petition - Signatures

"Petitioning is one of the most important activities in democratic politics . . . it is mentioned in the Declaration of Independence and enshrined as a right in the First Amendment to the U.S. Constitution.

- *Colin Moore, Professor of American Politics at University of Hawaii at Manoa*

Madam Chair and Members of the Committee:

Political petitions are one of the most democratic forms of action. Petitions enable large numbers of voters to let their representatives know their beliefs and to seek electoral choice, whether by statewide referendum or additional candidates on the ballot.

Under current law, overly technical requirements have invalidated many signatures on petitions. If someone abbreviates their first name with just the first letter or uses a derivative of their first name, their signature can be invalidated. For example, if someone writes "Sandy," "S." or even "Sam" instead of "Samuel," and the voting records show "Samuel," that signature can be invalidated. Further, if someone omits a middle initial, this could be grounds to invalidate a signature.

This isn't theoretical. The Court of Appeals of Maryland upheld the invalidation of over 60% of signatures on petitions by lesser-known political parties that sought to be listed on the ballot.¹ The Court of Appeals said that these stringent standards also apply to petitions for ballot referendums.²

¹ Md. State Bd. of Elections v. Libertarian Party, 426 Md. 488, 44 A.3d 1002 (2012).

² Md. State Bd. of Elections v. Libertarian Party, 426 Md. 488, 44 A.3d 1002 (2012).

House Bill 554 would modify the requirements for validating petition signatures. A signature would be validated if the identity of the individual can reasonably be determined from the name, address, and other information which signers are already required to print on petitions.

This legislation would still allow election authorities to ensure that the signers of petitions are registered voters by confirming that their addresses match the records. Potential fraud is combated by invalidating signatures with surnames that are spelled incorrectly and by cross referencing names, addresses, and other information with what is on the voter lists. If the same petitioner signs a petition to which their signature was already recorded, the subsequent signatures are not counted.

This common sense change would provide that, instead of removing signatures from petitions over minor technical failings, the Board of Elections would count signatures on petitions when the identity of the signer can reasonably be determined.

I urge a favorable report on HB 554.

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