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HB 1288
ELECTION LAW – INITIATIVE PROCESS

In 1992, Mississippi became the 24th state to include the Initiative Process in their Constitution. HB1288 authorizes the people to petition to a vote a proposed change in the law to add, amend and/or repeal Maryland statutes or the Maryland Constitution that was not approved at a regular or special session of the Maryland General Assembly. The bill proposes a direct initiative process: proposals that meet the qualifications enunciated herein go directly to the ballot.

However, before any such petition is circulated for signatures, the petition must be submitted to the Secretary of State. The Attorney General is then to review and approve the petition once deemed accurate.

Once approved for accuracy, signers of the petition must not be compromised of more than 50% from Baltimore City or any one county. Signers must also number at least 10% of the votes cast for the Governor in the last gubernatorial election.

The people have 180 days from the date the final action on the bill by the Maryland General Assembly to begin the initiative process. Documented signatures must be supported by affidavit by the person or persons procuring the signatures assuring that, based on the persons' information, knowledge and belief, the signatures are genuine, that the signers are registered voters in the State and from Baltimore City or county as indicated.

Upon determination by the Secretary of State that the original and supplemental petitions meet the prerequisites and are valid signatures, the Secretary shall certify the proposal for a vote. If the certification is complete at least 90 days before the next general election, then the proposal shall be submitted for a vote on the next ballot. If less than 90 days before the upcoming general election, then the proposal will be on the ballot on the next general election thereafter.

The proposal must then be published prior to election day. The ballot shall delineate the proposal as a separate item and be sufficiently identified followed by the

words "For the Initiative Proposal" and "Against the Initiative Proposal." Votes cast for and against are sent to the Governor within 30 days. The Governor shall then determine the final count, both for and against. If at least 50% of the votes cast are in favor of the proposal, or in the case of an amendment to the Maryland Constitution, two-thirds of the votes cast are in favor, the Governor shall immediately declare the proposal effective.

If two or more proposals receive a favorable vote of the majority, but conflict with each other, the Governor shall declare that only the proposal receiving the highest number of votes to become law. The "law" becomes part of Maryland Statute or the Maryland Constitution 30 days after the Governor's proclamation.

Finally, an Initiative Proposal that becomes law may be amended or repealed in the 2 years following its effective date upon a vote of two-thirds of BOTH the HOUSE and SENATE of the Maryland General Assembly.

Please enter a Favorable Report for HB 1288.

A handwritten signature in blue ink, reading "Susan H. McCormick". The signature is written in a cursive style with a large initial 'S'.