

HOUSE BILL 127

G1

2lr0519

By: **Delegates Luedtke, Cardin, Hixson, and Ivey**

Introduced and read first time: January 23, 2012

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Referendum Integrity Act**

3 FOR the purpose of requiring each individual who signs a petition to provide certain
4 information on the petition printed in the individual's own handwriting;
5 requiring that an affidavit executed by a petition circulator on each signature
6 page of a petition be notarized; prohibiting an individual who is convicted of
7 certain election law violations from being a petition circulator; extending the
8 period of time during which judicial review of a determination concerning a
9 petition may be sought; prohibiting a person from willfully and knowingly
10 giving, promising, or offering a petition circulator any form of compensation
11 based on the number of signatures collected; prohibiting a petition circulator
12 from willfully and knowingly receiving or agreeing to receive any form of
13 compensation based on the number of signatures collected; and generally
14 relating to the requirements of the petition process.

15 BY repealing and reenacting, with amendments,
16 Article – Election Law
17 Section 6–203(a), 6–204, 6–210(e), and 16–401
18 Annotated Code of Maryland
19 (2010 Replacement Volume and 2011 Supplement)

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

22 **Article – Election Law**

23 6–203.

24 (a) [To sign a petition, an] **EACH** individual **WHO SIGNS A PETITION** shall:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) sign the individual's name as it appears on the statewide voter
2 registration list or the individual's surname of registration and at least one full given
3 name and the initials of any other names; and

4 (2) [include] **PROVIDE** the following information, printed [or typed]
5 **IN THE INDIVIDUAL'S OWN HANDWRITING**, in the spaces provided:

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

7 (ii) the signer's address;

8 (iii) the date of signing; and

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

11 6-204.

12 (a) Each signature page shall contain [an] **A NOTARIZED** affidavit made and
13 executed by the individual in whose presence all of the signatures on that page were
14 affixed and who observed each of those signatures being affixed.

15 (b) The affidavit shall contain the statements, required by regulation,
16 designed to assure the validity of the signatures and the fairness of the petition
17 process.

18 (c) A circulator must be at least 18 years old at the time any of the
19 signatures covered by the affidavit are affixed.

20 **(D) AN INDIVIDUAL WHO IS CONVICTED OF ANY CRIMINAL VIOLATION**
21 **OF THIS ARTICLE MAY NOT BE A CIRCULATOR.**

22 6-210.

23 (e) (1) Except as provided in paragraph (2) of this subsection, any judicial
24 review of a determination, as provided in § 6-209 of this subtitle, shall be sought by
25 the [10th] **30TH** day following the determination to which it relates.

26 (2) If the petition seeks to place the name of an individual or a
27 question on the ballot at any election, judicial review shall be sought by the day
28 specified in paragraph (1) of this subsection or the 63rd day preceding that election,
29 whichever day is earlier.

30 16-401.

31 (a) A person may not willfully and knowingly:

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

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

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

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

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

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

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

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

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

15 (10) alter any petition after it is filed with the election authority; **OR**

16 **(11) GIVE, PROMISE, OR OFFER A PETITION CIRCULATOR ANY**
17 **FORM OF COMPENSATION, INCLUDING A BONUS, THAT IS BASED ON THE**
18 **NUMBER OF PETITION SIGNATURES COLLECTED.**

19 **(B) A PETITION CIRCULATOR MAY NOT WILLFULLY AND KNOWINGLY**
20 **RECEIVE OR AGREE TO RECEIVE ANY FORM OF COMPENSATION, INCLUDING A**
21 **BONUS, THAT IS BASED ON THE NUMBER OF SIGNATURES COLLECTED.**

22 **[(b)] (C)** Each violation of this section shall be considered a separate
23 offense.

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

26 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect
27 June 1, 2012.