

HOUSE BILL 1412

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4lr3158

By: **Delegates Bobo, Bates, DeBoy, Guzzone, Malone, W. Miller, Pendergrass,
and F. Turner**

Introduced and read first time: February 13, 2014

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Petitions – Advance Determinations**

3 FOR the purpose of providing that, under certain circumstances, the chief election
4 official of the election authority shall prepare the format and a certain summary
5 of an act or part of an act proposed to be petitioned to referendum; requiring the
6 chief election official also to make a determination and certify the sufficiency of
7 the petition within a certain time period; providing that a sponsor that seeks an
8 advance determination of the sufficiency of a petition may not circulate the
9 petition for signatures during a certain period; allotting a sponsor additional
10 time to circulate a petition for signatures under certain circumstances;
11 requiring a chief election authority to seek the advice of the legal authority
12 under certain circumstances; and generally relating to advance determinations
13 concerning petitions.

14 BY repealing and reenacting, with amendments,
15 Article – Election Law
16 Section 6–202
17 Annotated Code of Maryland
18 (2010 Replacement Volume and 2013 Supplement)

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

21 **Article – Election Law**

22 6–202.

23 (a) **(1)** [The format of the petition prepared by a sponsor may be
24 submitted to the chief election official of the appropriate election authority, in advance

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 of filing the petition, for a determination of its sufficiency] **WITHIN 10 DAYS AFTER**
2 **RECEIVING A WRITTEN REQUEST FROM A SPONSOR FOR AN ADVANCE**
3 **DETERMINATION OF THE SUFFICIENCY OF A PETITION, THE CHIEF ELECTION**
4 **OFFICIAL OF THE APPROPRIATE ELECTION AUTHORITY SHALL:**

5 **(I) IN CONSULTATION WITH THE SPONSOR, PREPARE THE**
6 **FORMAT OF THE PETITION AND A FAIR AND ACCURATE SUMMARY OF THE ACT**
7 **OR PART OF THE ACT PROPOSED TO BE PETITIONED TO REFERENDUM; AND**

8 **(II) MAKE A DETERMINATION AND CERTIFY THE**
9 **SUFFICIENCY OF THE PETITION BEFORE ITS CIRCULATION TO COLLECT**
10 **SIGNATURES.**

11 **(2) A SPONSOR THAT SEEKS AN ADVANCE DETERMINATION OF**
12 **THE SUFFICIENCY OF A PETITION MAY NOT CIRCULATE THE PETITION FOR**
13 **SIGNATURES UNTIL THE APPROPRIATE ELECTION AUTHORITY MAKES A**
14 **DETERMINATION AND CERTIFIES THE SUFFICIENCY OF THE PETITION.**

15 **(3) ON RECEIPT OF A DETERMINATION AND CERTIFICATION**
16 **FROM THE APPROPRIATE ELECTION AUTHORITY, THE SPONSOR SHALL BE**
17 **ALLOTTED AN ADDITIONAL PERIOD, EQUAL TO THE NUMBER OF DAYS TAKEN BY**
18 **THE APPROPRIATE ELECTION AUTHORITY TO MAKE THE DETERMINATION AND**
19 **ISSUE THE CERTIFICATION, TO CIRCULATE THE PETITION FOR SIGNATURES.**

20 (b) In making the determination, the chief election official [may] **SHALL** seek
21 the advice of the legal authority.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2014.