

HOUSE BILL 284

G1

5lr1049

By: **Delegates Flanagan, Hill, Atterbeary, Ebersole, Kittleman, Lam, W. Miller, Pendergrass, and Turner**

Introduced and read first time: February 4, 2015

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2015

CHAPTER _____

1 AN ACT concerning

2 **Election Law – Local Petitions – Advance Determination of Sufficiency of Local**
3 **~~Legislation~~ Law or Charter Amendment Summary**

4 FOR the purpose of ~~requiring a chief election official of an election authority who is~~
5 ~~determining the sufficiency of the format of a certain petition to determine the~~
6 ~~sufficiency of any summary of local legislation that is contained in the petition;~~
7 ~~requiring the chief election official to make a certain determination within a certain~~
8 ~~time period; requiring, under certain circumstances, the chief election official to~~
9 ~~provide the sponsor of a petition with an explanation of the reasons for a certain~~
10 ~~determination; and generally relating to notices of deficiencies in the information~~
11 ~~pages of local petitions~~ requiring an election director of a local board of elections to
12 determine the sufficiency of a summary of a local law or charter amendment
13 contained in a petition when determining the sufficiency of the format of the petition;
14 requiring an election director to provide the sponsor of a petition with an explanation
15 of the reasons for a determination that a summary of a local law or charter
16 amendment is insufficient; authorizing an election director to seek the advice of
17 certain persons in making the determination; requiring an election director to make
18 the determination within a certain period of time; making a conforming change; and
19 generally relating to an advance determination of the sufficiency of a summary of a
20 local law or charter amendment contained in a petition.

21 BY repealing and reenacting, with amendments,

22 Article – Election Law

23 Section 6–202 and 6–210(a)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (2010 Replacement Volume and 2014 Supplement)

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

5 **Article – Election Law**

6 6–202.

7 (a) **(1)** The format of the petition prepared by a sponsor may be submitted to
8 the chief election official of the appropriate election authority, in advance of filing the
9 petition, for a determination of its sufficiency.

10 ~~**(B) (1) WHEN DETERMINING THE SUFFICIENCY UNDER SUBSECTION (A)**~~
11 ~~**OF THIS SECTION OF A PETITION THAT SEEKS TO PLACE A QUESTION REGARDING**~~
12 ~~**LOCAL LEGISLATION ON A BALLOT, THE CHIEF ELECTION OFFICIAL OF THE**~~
13 ~~**APPROPRIATE ELECTION AUTHORITY SHALL DETERMINE THE SUFFICIENCY OF ANY**~~
14 ~~**SUMMARY OF THE LOCAL LEGISLATION THAT IS CONTAINED IN THE PETITION.**~~

15 ~~**(2) THE CHIEF ELECTION OFFICIAL SHALL MAKE A DETERMINATION**~~
16 ~~**UNDER PARAGRAPH (1) OF THIS SECTION WITHIN 10 BUSINESS DAYS AFTER**~~
17 ~~**RECEIPT OF THE PETITION.**~~

18 ~~**(3) IF THE CHIEF ELECTION OFFICIAL OF THE APPROPRIATE**~~
19 ~~**ELECTION AUTHORITY DETERMINES THAT THE SUMMARY OF LOCAL LEGISLATION IS**~~
20 ~~**INSUFFICIENT, THE CHIEF ELECTION OFFICIAL SHALL PROVIDE THE SPONSOR WITH**~~
21 ~~**AN EXPLANATION OF THE REASONS FOR THE DETERMINATION.**~~

22 ~~**[(b)](C)**~~ In making the determination, the chief election official may seek the
23 ~~advice of the legal authority.~~

24 **(2) IN MAKING THE DETERMINATION UNDER THIS SUBSECTION, THE**
25 **CHIEF ELECTION OFFICIAL MAY SEEK THE ADVICE OF THE LEGAL AUTHORITY.**

26 **(B) (1) WHEN DETERMINING THE SUFFICIENCY UNDER SUBSECTION (A)**
27 **OF THIS SECTION OF A PETITION THAT SEEKS TO PLACE A QUESTION REGARDING A**
28 **LOCAL LAW OR CHARTER AMENDMENT ON A BALLOT, THE ELECTION DIRECTOR OF**
29 **THE LOCAL BOARD SHALL DETERMINE THE SUFFICIENCY OF ANY SUMMARY OF THE**
30 **LOCAL LAW OR CHARTER AMENDMENT THAT IS CONTAINED IN THE PETITION.**

31 **(2) IF THE ELECTION DIRECTOR DETERMINES THAT THE SUMMARY**
32 **OF THE LOCAL LAW OR CHARTER AMENDMENT IS INSUFFICIENT, THE ELECTION**
33 **DIRECTOR SHALL PROVIDE THE SPONSOR WITH A CLEAR, CONCISE, AND**
34 **UNDERSTANDABLE EXPLANATION OF THE REASONS FOR THE DETERMINATION.**

1 **(3) IN MAKING THE DETERMINATION UNDER THIS SUBSECTION, THE**
2 **ELECTION DIRECTOR MAY SEEK THE ADVICE OF:**

3 **(I) THE COUNSEL TO THE LOCAL BOARD; OR**

4 **(II) THE ATTORNEY GENERAL.**

5 6-210.

6 (a) (1) A request for an advance determination under § 6-202 of this subtitle
7 shall be submitted at least 30 days, but not more than 2 years and 1 month, prior to the
8 deadline for the filing of the petition.

9 (2) [Within] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS
10 SUBSECTION, WITHIN 5 business days of receiving [the] A request for an advance
11 determination, the election authority shall make the determination.

12 **(3) WITHIN 10 BUSINESS DAYS OF RECEIVING A REQUEST FOR AN**
13 **ADVANCE DETERMINATION OF THE SUFFICIENCY OF A SUMMARY OF A LOCAL LAW**
14 **OR CHARTER AMENDMENT CONTAINED IN A PETITION UNDER § 6-202(B) OF THIS**
15 **SUBTITLE, THE ELECTION DIRECTOR SHALL MAKE THE DETERMINATION.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
17 1, 2015.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.