

SENATE BILL 1029

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CF HB 1109

By: **Senator Carter**

Introduced and read first time: February 2, 2024

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Registered Voter List and Petitions**
3 **(Ballot Petition Modernization Act)**

4 FOR the purpose of requiring the State Board of Elections to adopt regulations for the
5 secure storage and use of voter data from the list of registered voters and specifying
6 procedures and requirements relating to electronic signatures; establishing and
7 altering certain provisions governing the petition process, including provisions
8 regarding the collection and invalidation of signatures, use of electronic signatures,
9 and attestations by petition circulators; repealing the prohibition on a person
10 willfully and knowingly signing a petition more than once; and generally relating to
11 the registered voter list and petitions.

12 BY repealing and reenacting, without amendments,
13 Article – Election Law
14 Section 1–101(a) and (y), 6–101(a), (d), and (i), and 6–210(b)
15 Annotated Code of Maryland
16 (2022 Replacement Volume and 2023 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Election Law
19 Section 3–506(a), 6–103(a), 6–203, 6–204, 6–210(c), (d), and (e), and 16–401
20 Annotated Code of Maryland
21 (2022 Replacement Volume and 2023 Supplement)

22 BY adding to
23 Article – Election Law
24 Section 6–208.1 and 6–210(c)
25 Annotated Code of Maryland
26 (2022 Replacement Volume and 2023 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 That the Laws of Maryland read as follows:

2 **Article – Election Law**

3 1–101.

4 (a) In this article the following words have the meanings indicated unless a
5 different meaning is clearly intended from the context.

6 (y) “Electronic signature” means an electronic sound, symbol, or process attached
7 to or logically associated with a record and executed or adopted by a person with the intent
8 to sign the record.

9 3–506.

10 (a) (1) A copy of a list of registered voters shall be provided to a Maryland
11 registered voter on receipt of:

12 (i) a written application; and

13 (ii) a statement, signed under oath, that the list is not intended to be
14 used for:

15 1. commercial solicitation; or

16 2. any other purpose not related to the electoral process.

17 (2) In consultation with the local boards, the State Board shall adopt
18 regulations that specify:

19 (i) the time for a list to be provided under this subsection;

20 (ii) the authorization to be required for providing a list;

21 (iii) the fee to be paid for providing a list;

22 (iv) the information to be included on a list;

23 (v) that the residence address of an individual who is a participant
24 in an address confidentiality program may not be disclosed;

25 (vi) that a participant in an address confidentiality program is not
26 required to apply to the State Board to keep the individual’s residence address confidential;

27 (vii) the format of the information; [and]

28 (viii) the medium or media on which the information is to be provided;

1 AND

2 (IX) REQUIREMENTS FOR SECURE STORAGE AND USE OF VOTER
3 DATA.

4 6–101.

5 (a) In this title the following words have the meanings indicated.

6 (d) “Circulator” means an individual who attests to one or more signatures affixed
7 to a petition.

8 (i) “Petition” means all of the associated pages necessary to fulfill the
9 requirements of a process established by the law by which individuals affix their signatures
10 as evidence of support for:

11 (1) placing the name of an individual, the names of individuals, or a
12 question on the ballot at any election;

13 (2) the creation of a new political party; or

14 (3) the appointment of a charter board under Article XI–A, § 1A of the
15 Maryland Constitution.

16 6–103.

17 (a) (1) The State Board shall adopt regulations, consistent with this title, to
18 carry out the provisions of this title.

19 (2) The regulations shall:

20 (i) prescribe the form and content of petitions;

21 (ii) specify procedures for the circulation of petitions for signatures,
22 INCLUDING THE COLLECTION OF ELECTRONIC SIGNATURES;

23 (III) SPECIFY THE REQUIREMENTS FOR THE VERIFICATION OF
24 ELECTRONIC SIGNATURES ON ANY ELECTRONIC SIGNATURE PAGE;

25 (IV) SPECIFY REQUIREMENTS FOR ACCESSIBILITY OF
26 ELECTRONIC SIGNATURE PAGES FOR PEOPLE WITH DISABILITIES;

27 [(iii)] (V) specify procedures for the verification and counting of
28 signatures; and

29 [(iv)] (VI) provide any other procedural or technical requirements

1 that the State Board considers appropriate.

2 6–203.

3 (a) To sign a petition, an individual shall:

4 (1) sign the individual’s name [as it appears on the statewide voter
5 registration list or the individual’s surname of registration and at least one full given name
6 and the initials of any other names]; and

7 (2) include the following information, printed or typed, in the spaces
8 provided:

9 (i) the signer’s name as it was signed;

10 (ii) the signer’s address;

11 (iii) the date of signing; and

12 (iv) other information required by regulations adopted by the State
13 Board.

14 (b) **ANY INFORMATION REQUESTED FROM AN INDIVIDUAL SIGNING A**
15 **PETITION THAT IS NOT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL**
16 **BE CLEARLY MARKED AS OPTIONAL ON ANY SIGNATURE PAGE.**

17 (c) The signature of an individual shall be validated and counted if:

18 (1) the requirements of subsection (a) of this section have been satisfied;

19 (2) **THE IDENTITY OF THE INDIVIDUAL REASONABLY CAN BE**
20 **DETERMINED USING THE INFORMATION REQUIRED UNDER SUBSECTION (A) OF THIS**
21 **SECTION;**

22 (3) the individual is a registered voter assigned to the county specified on
23 the signature page and, if applicable, in a particular geographic area of the county;

24 [(3) the individual has not previously signed the same petition;]

25 (4) the signature is attested by an affidavit appearing on the page on which
26 the signature appears;

27 (5) the date accompanying the signature is not later than the date of the
28 affidavit on the page; and

29 (6) if applicable, the signature was affixed within the requisite period of

1 time, as specified by law.

2 **(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF**
3 **THE ELECTION AUTHORITY REASONABLY CAN CONFIRM THE IDENTITY OF AN**
4 **INDIVIDUAL, THE ELECTION AUTHORITY MAY NOT INVALIDATE THE INDIVIDUAL'S**
5 **SIGNATURE BECAUSE THE INDIVIDUAL SIGNED A PETITION USING A DERIVATIVE OF**
6 **THE INDIVIDUAL'S GIVEN NAME.**

7 **(2) IF AN INDIVIDUAL'S SURNAME ON A PETITION DOES NOT EXACTLY**
8 **MATCH THE INDIVIDUAL'S SURNAME AS IT APPEARS IN THE INDIVIDUAL'S VOTER**
9 **REGISTRATION RECORD, THE ELECTION AUTHORITY SHALL INVALIDATE THE**
10 **INDIVIDUAL'S SIGNATURE.**

11 **(E) IF AN INDIVIDUAL SIGNS THE SAME PETITION MORE THAN ONCE:**

12 **(1) THE FIRST SIGNATURE OF THAT INDIVIDUAL TO BE VALIDATED**
13 **SHALL BE COUNTED; AND**

14 **(2) ANY SUBSEQUENT SIGNATURE OF THAT INDIVIDUAL ON THE SAME**
15 **PETITION SHALL BE INVALIDATED.**

16 **(F) (1) A PETITION MAY CONTAIN THE ELECTRONIC SIGNATURES OF:**

17 **(I) INDIVIDUALS SIGNING THE PETITION; OR**

18 **(II) CIRCULATORS CIRCULATING ANY OF THE SIGNATURE**
19 **PAGES FILED WITH THE PETITION.**

20 **(2) (I) AN ELECTRONIC SIGNATURE SHALL BE ELECTRONICALLY**
21 **SIGNED, TYPED, OR AFFIXED ONTO A FORM PRESCRIBED BY THE STATE BOARD.**

22 **(II) AN ELECTRONIC SIGNATURE MUST REFLECT THE**
23 **AFFIRMATIVE ACTION OF THE SIGNER TO ELECTRONICALLY SIGN, TYPE, OR AFFIX**
24 **THE SIGNER'S NAME ONTO THE SIGNATURE PAGE OF A PETITION.**

25 **(3) (I) THE CIRCULATOR WHO ATTESTS TO AN ELECTRONIC**
26 **SIGNATURE ON A PETITION SHALL PERSONALLY OBSERVE THE SIGNER OF THE**
27 **ELECTRONIC SIGNATURE WHILE THE SIGNER IS PROVIDING THE SIGNATURE.**

28 **(II) A CIRCULATOR MAY NOT ATTEST TO THE PERSONAL**
29 **OBSERVATION OF AN ELECTRONIC SIGNATURE UNDER SUBPARAGRAPH (I) OF THIS**
30 **PARAGRAPH IF THE CIRCULATOR WITNESSED THE SIGNING REMOTELY.**

31 **[(c)] (G) (1) A signature may be removed:**

1 (i) by the signer upon written application to the election authority
2 with which the petition will be filed if the application is received by the election authority
3 prior to the filing of that signature; or

4 (ii) prior to the filing of that signature, by the circulator who attested
5 to that signature or by the sponsor of the petition, if it is concluded that the signature does
6 not satisfy the requirements of this title.

7 (2) A signature removed pursuant to paragraph (1)(ii) of this subsection
8 may not be included in the number of signatures stated on the information page included
9 in the petition.

10 6-204.

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

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

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

18 **(D) AN INDIVIDUAL SIGNER MAY:**

19 **(1) EXECUTE AS CIRCULATOR AN AFFIDAVIT THAT COVERS THE**
20 **INDIVIDUAL'S OWN SIGNATURE; AND**

21 **(2) ATTEST IN THE AFFIDAVIT TO THE VALIDITY OF THE INDIVIDUAL'S**
22 **OWN SIGNATURE.**

23 **6-208.1.**

24 **(A) AFTER THE CHIEF ELECTION OFFICIAL OF THE ELECTION AUTHORITY**
25 **NOTIFIES THE SPONSOR OF A DEFICIENCY IN A PETITION UNDER § 6-208 OF THIS**
26 **SUBTITLE, THE CHIEF ELECTION OFFICIAL SHALL MAKE AVAILABLE TO THE**
27 **SPONSOR A PHYSICAL OR ELECTRONIC COPY OF THE PETITION THAT INDICATES THE**
28 **PARTICULAR DEFICIENCIES FOR EACH INVALIDATED SIGNATURE.**

29 **(B) THE CHIEF ELECTION OFFICIAL MAY CHARGE A REASONABLE FEE THAT**
30 **DOES NOT EXCEED THE COST OF PRODUCING THE COPY OF THE PETITION REQUIRED**
31 **UNDER SUBSECTION (A) OF THIS SECTION.**

1 **(C) (1) AN ELIGIBLE REGISTERED VOTER WHO SIGNED A PETITION BUT**
2 **WHOSE SIGNATURE WAS INVALIDATED MAY CORRECT TECHNICAL DEFICIENCIES,**
3 **INCLUDING MISSING, PARTIAL, OR MISSPELLED NAMES, ADDRESSES, OR DATES, BY**
4 **SUBMITTING A NEW SIGNATURE PAGE TO THE ELECTION AUTHORITY USING ANY**
5 **METHOD OF SUBMISSION AUTHORIZED BY THIS TITLE.**

6 **(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT ALLOW NEW**
7 **SIGNATURES TO BE ADDED TO A PETITION AFTER THE DEADLINE FOR SUBMISSION**
8 **OF THE PETITION UNDER APPLICABLE LAW.**

9 6–210.

10 (b) Within 2 business days after an advance determination under § 6–202 of this
11 subtitle, or a determination of deficiency under § 6–206 or § 6–208 of this subtitle, the chief
12 election official of the election authority shall notify the sponsor of the determination.

13 **(C) THE CHIEF ELECTION OFFICIAL SHALL MAKE A COPY OF A PETITION**
14 **AVAILABLE TO THE SPONSOR UNDER § 6–208.1(A) OF THIS SUBTITLE:**

15 **(1) WITHIN 1 BUSINESS DAY AFTER PAYMENT OF ANY FEE REQUIRED**
16 **UNDER § 6–208.1(B) OF THIS SUBTITLE; OR**

17 **(2) IF A FEE IS NOT REQUIRED UNDER § 6–208.1(B) OF THIS SUBTITLE,**
18 **WITHIN 1 BUSINESS DAY AFTER THE CHIEF ELECTION OFFICIAL NOTIFIES THE**
19 **SPONSOR OF A DEFICIENCY IN A PETITION UNDER § 6–208(A)(2) OF THIS SUBTITLE.**

20 **[(c)] (D) (1) Except as provided in paragraph (2) of this subsection, the**
21 **verification and counting of validated signatures on a petition shall be completed within 20**
22 **days after the filing of the petition.**

23 (2) If a petition seeks to place the name of an individual on the ballot for a
24 special election, the verification and counting of validated signatures on the petition shall
25 be completed within 10 days after the filing of the petition.

26 **[(d)] (E) Within 1 business day of the completion of the verification and counting**
27 **processes, or, if judicial review is pending, within 1 business day after a final judicial**
28 **decision, the appropriate election official shall make the certifications required by § 6–208**
29 **of this subtitle.**

30 **[(e)] (F) (1) Except as provided in paragraph (2) of this subsection, any**
31 **judicial review of a determination, as provided in § 6–209 of this subtitle, shall be sought**
32 **by the 10th day following the DATE THE SPONSOR IS NOTIFIED OF THE determination to**
33 **which the judicial review relates.**

34 (2) (i) If the petition seeks to place the name of an individual or a

1 question on the ballot at any election, except a presidential primary election, judicial review
2 shall be sought by the day specified in paragraph (1) of this subsection or the 69th day
3 preceding that election, whichever day is earlier.

4 (ii) If the petition seeks to place the name of an individual on the
5 ballot for a presidential primary election in accordance with § 8–502 of this article, judicial
6 review of a determination made under § 6–208(a)(2) of this subtitle shall be sought by the
7 5th day following the **DATE THE SPONSOR IS NOTIFIED OF THE** determination to which
8 the judicial review relates.

9 (iii) If the petition seeks to place the name of an individual on the
10 ballot for a special election, judicial review shall be sought by the 2nd day following the
11 **DATE THE SPONSOR IS NOTIFIED OF THE** determination to which the judicial review
12 relates.

13 (3) (i) A judicial proceeding under this subsection shall be conducted in
14 accordance with the Maryland Rules, except that:

15 1. the case shall be heard and decided without a jury and as
16 expeditiously as the circumstances require; and

17 2. an appeal shall be taken directly to the Court of Appeals
18 within 5 days after the date of the decision of the circuit court.

19 (ii) The Supreme Court of Maryland shall give priority to hear and
20 decide an appeal brought under subparagraph (i)2 of this paragraph as expeditiously as the
21 circumstances require.

22 16–401.

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

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

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

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

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

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

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

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

3 (8) sign a petition that the person is not legally qualified to sign; **OR**

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

5 (10)] alter any petition after it is filed with the election authority.

6 (b) Each violation of this section shall be considered a separate offense.

7 (c) A person who violates this section is guilty of a misdemeanor and is subject to
8 the penalties provided in Subtitle 10 of this title.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2024.