

**MARYLAND
STATE BOARD OF ELECTIONS**

**PROCEDURES FOR FILING
A STATEWIDE OR
A PUBLIC LOCAL LAW
REFERENDUM PETITION**

**PRESIDENTIAL ELECTION
NOVEMBER 6, 2012**

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**The State Board of Elections
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Referendum Petition Procedures*

General Information

Election Date

November 2, 2010

Filing Location

Secretary of State
Jeffrey Building, 16 Francis Street
Annapolis, Maryland 21401
410-974-5521
1-888-874-0013

Statutory References

Maryland Constitution, Article XVI
Election Laws of Maryland:
Title 1 – Definitions and General Provisions
Title 6 - Petitions
Title 7 - Questions
Title 9, Subtitle 2 – Voting, Ballots
Title 13 - Campaign Finance

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Summary of Deadlines

Review full Maryland election calendar for complete list of election-related dates.

- May 1
Deadline to submit petition format for advance determination of sufficiency.
- May 31, Midnight
Deadline to file more than one-third of required petition signatures with Petition Fund Report and information page.
- June 30, Midnight
Deadline to file balance of required petition signatures with new Petition Fund Report and new information page.

A political committee must be established with the State Board of Elections at the time a petition sponsor knows or anticipates that a referendum question will be placed on the ballot and *before* money is collected or spent to support or oppose the question.

The Referendum Process

Any person or group may attempt to void an Act or any part of an Act passed by the General Assembly by referring that Act to a vote of the electorate in a General Election. This is accomplished by obtaining the requisite number of signatures on a referendum petition and submitting that petition, along with other required documents, to the Secretary of State within a specified period of time. If the legal requirements are met, including confirmation of the number and validity of voters' names, the question of whether the referred Act will take effect will appear on the general election ballot.

Ballot Placement

Acts or parts of Acts passed at the 2011 and 2012 Sessions of the General Assembly, if they are successfully petitioned to referendum, will appear on the next general election ballot (November 6, 2012).

Signatures may be placed on a referendum petition anytime after an Act has been passed by both houses of the General Assembly and before July 1 of the same year. Signatures may be placed on a Referendum Petition before the Governor signs the Act. The process cannot be initiated after May 31 of the year of passage. Signatures may be gathered between June 1 and June 30 only if more than one-third of the required signatures were filed with the Secretary of State before June 1.

Petition Signature Page

The petition signature page is used to collect the names, addresses, and signatures of voters who support having an Act or part of an Act of the General Assembly placed on the ballot for approval or rejection by the voters. A form prescribed or approved by the State Board of Elections must be used. The State Board will supply a specimen signature page form or the form may be printed from the State Board web site under “Forms” and “Petition and Candidacy”. The petition sponsor is responsible for completing the form properly and producing the quantity needed.

Advance Determination of Sufficiency

A petition sponsor may seek advance determination of the sufficiency of the completed signature page format. **A written request for advance determination must be filed with the State Board of Elections not later than May 1.** The State Administrator of Elections will make a determination of sufficiency within 5 business days after receiving the request. The petition sponsor will be notified of the Administrator’s determination within 2 business days after the determination is made.

Petition Signature Page Content

Each signature page must contain either:

- The full text of the Act; or
- A fair and accurate summary of the substantive provisions of the Act, which has been approved by the Attorney General. If the petition sponsor elects to print a summary of the Act on each signature page, each circulator must have the full text of the Act present at the time and place that each signature is placed on the page. The signature page must state that the full text is available from the circulator.

The text or summary is ordinarily printed or copied onto the back of each signature page. This is the recommended practice. Although the State Board will accept signature pages to which the text or summary is stapled or otherwise attached, this is not recommended because the attached pages may become separated during the signature collection process or during the verification process after the petition signatures are filed. If a signature page does not contain the required text or summary when it reaches the local election board for verification, the signatures on the page will not be counted.

Only one side of the petition page may be used for signatures.

A person may not sign a petition for the same referendum more than once.

All signatures on a signature page should be of voters residing in the one local jurisdiction (county or Baltimore City) identified at the top of the page.

Each signature page of the petition must contain a statement, to which each signer subscribes, that:

1. The signer supports the purpose of the petition, and

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2. Based on the signer's information and belief, the signer is a registered Maryland voter and is eligible to have his/her signature counted for that petition.

Each registered voter signing the petition must provide the following information on the signature page (all information except the signature must be printed or typed in the appropriate space on the form):

1. Date of signing (to be valid, signatures on a referendum petition may be obtained only after the Act is passed by the General Assembly. However, signatures may be placed on a referendum petition before the Governor signs the Act.);
2. **Signer's printed full name, as it appears in voting records.** For example, if a voter is registered as Margaret Hall Smith, it is permissible for her to sign as Margaret H. Smith or M. Hall Smith. But M.H. Smith or Margaret Smith is not permissible and will be invalidated. If a voter uses a nickname of Peggy Smith, the signature will be invalidated. Also not permitted is the name of Mrs. Smith. If a voter's registered name has a suffix (i.e. Jr., Sr., III, etc.) the signature will not be invalidated if the signer fails to include it on the petition.

Voter registration name listed on the voter registration list – Margaret Hall Smith

<i>Permissible</i>	<i>Non Permissible</i>
Margaret Hall Smith	M.H. Smith
Margaret H. Smith	Mrs. Smith
M. Hall Smith	Peggy Smith – (no nicknames)
	Margaret Smith

* If a voter's registered name has a suffix (i.e. Jr., Sr., III, etc.) the signature will not be invalidated if the signer fails to include it on the petition.

3. Signer's current permanent residence address (including street, house and apartment number, city, and zip code). A business address is insufficient, and a post office box address will be sufficient only if there is no street and house number designation for the voter's residence and only if the post office box address is on record with the election office. Homeless persons can be registered voters even without residence addresses, if they live and receive mail in Maryland. When signing a petition, a homeless person should use his or her voter registration address;
4. Date of Birth: Each registered voter is asked to include his/her date of birth on the petition. The date of birth greatly assists the local board in identifying a voter and therefore validating the voter's signature. If a voter refuses to provide a year of birth, the circulator should request month and day of birth at a minimum. A signature will not be invalidated merely because date of birth is omitted, and

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5. Signature (use name as it appears in voting records, or use surname of registration and at least one full given name and the initial of any other name; do not use nicknames). Signature must match printed name.

Note: The petition circulator may fill in the information on the petition page, except for signature, only at the request of the signer.

Circulator's Affidavit

Each signature page of the petition must include an affidavit, completed by a circulator who is an individual (not a business or organization), stating that:

1. All identifying information given by the circulator is true and correct;
2. Signatures were placed on the petition in the circulator's presence; and
3. Based on the circulator's best knowledge and belief, each signature on the page is genuine and each signer is a registered voter in Maryland.

The circulator must sign and date the affidavit, but should wait until *after* all petition signers have signed and dated the page. Any signature on the page that is dated after the circulator's affidavit is invalid.

A petition circulator must be at least 18 years old when any signature covered by the affidavit is placed on the petition. Maryland law does not require the petition circulator to be a registered voter or a Maryland resident.

Number of Signatures

For a referendum on an Act that is a statewide law, the petition must be signed by registered voters equal in number to 3% of the votes cast for Governor in the preceding Gubernatorial General Election. For statewide referendum petitions filed in 2011 through 2012, that number is **55,736**. Not more than half the required signatures may be from any one county or Baltimore City.

For a referendum on an Act that is a public local law, the petition must be signed by registered voters equal in number to 10% of the votes cast for Governor in the affected jurisdiction in the preceding Gubernatorial General Election. 2010 gubernatorial vote totals, by county, may be viewed on the State Board web site.

It is recommended that the petition be signed by at least 20 - 30% more voters than the number required, since past experience has indicated that a substantial number of signatures are likely to be invalid.

Note: In jurisdictions where residents move frequently, the invalidity rate may be higher.

Removal of Signatures

A signature may be removed from the petition by:

1. The signer, if the State Board of Elections receives written application from the signer before the page containing the signature is filed; or
2. The circulator or petition sponsor, if it is concluded that the signature does not satisfy the requirements of the law.

A signature removed by the circulator or sponsor may not be included in the number of signatures stated on the information page.

Information Page

An information page prescribed by the State Board must be used to identify the petition sponsor and, if the sponsor is an organization, the individual designated to receive notices. A summary of the number of petition pages and the number of signatures being filed for each county must also be provided on the information page.

Filing the Petition

At the time of filing, the signature pages of the petition must be sorted by county, as indicated at the top of the page. The petition sponsor is responsible for this sorting.

The information page and the signature pages must be filed with the Secretary of State at 16 Frances Street, Jeffrey Building, Annapolis (410-974-5521 or 1-888-874-0013). The sponsor must include a breakdown of the number of petition pages and number of signatures, by county or Baltimore City, on the information page.

The Secretary of State will issue a receipt for petition pages submitted and will transmit the entire petition to the State Board of Elections. The State Board will transmit the pages for each county/Baltimore City, as sorted by the petition sponsor, to the appropriate local board of elections for verification.

Petition Fund Report

At the time of filing a petition, or any part of a petition, a Petition Fund Report, on a form approved by the State Board of Elections, must also be filed. See page 10 – Compliance with Campaign Finance laws - for disclosure reporting after the question qualifies for the ballot. A new Petition Fund Report must be submitted each time petition signatures are filed with the Secretary of State, whether or not financial transactions have occurred. This report must show all contributions and

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expenditures made in connection with the petition- gathering effort. The report should not include contributions and expenditures made in connection with the promotion or defeat of the referendum question *after* the question qualifies for the ballot.

If the Petition Fund Report is not filed, the entire petition may be invalidated if timely challenged.

Deadline to File Petition

Petition pages containing more than one-third of the required signatures must be filed with the Secretary of State by ***12:00 midnight on May 31.***

Petition pages containing the balance of the required signatures must be filed with the Secretary of State by ***12:00 midnight on June 30.***

Verification of Petition

Unless the State Board of Elections authorizes use of random sampling procedures, the election board staff must review each name on every signature page sent to them and indicate which names are valid (that is, names of duly registered Maryland voters) and which are invalid. The election board staff is also responsible for examining the format of each signature page to verify that legal requirements have been met.

If the election board staff determines that a signer is not a registered Maryland voter, that signature will be disallowed, but the disallowance will not affect or impair any other portion of the signature page.

However, if the signature page is not in proper form or if required information for the circulator is not provided on the signature page, the entire page will be invalidated.

Within 20 calendar days after the petition is filed, the election board staff will complete the verification and summarize the results.

The State Administrator of Elections will determine the sufficiency of the number of valid signatures on the entire petition, based on the verification reports submitted by the local boards of elections.

Within 2 business days after completion of the verification process, the State Administrator of Elections will notify the petition sponsor, in writing, of the results - that is, whether the number of valid signatures is sufficient or insufficient to meet the requirement for placing the referendum question on the ballot.

If the petition includes the required number of valid signatures and otherwise meets legal requirements, the question will appear on the next statewide general election ballot.

Prohibitions - Election Law Article, §16-401

A person may not willfully and knowingly:

1. give, transfer, promise, or offer anything of value for the purpose of inducing another person to sign or not sign any petition;
2. request, receive, or agree to receive, anything of value as an inducement to sign or not to sign any petition;
3. misrepresent any fact for the purpose of inducing another person to sign or not to sign any petition;
4. sign the name of any other person to a petition [except when assisting someone with a disability];
5. falsify any signature or purported signature to a petition;
6. obtain, or attempt to obtain, any signature to a petition by fraud, duress, or force;
7. circulate, cause to be circulated, or file with an election authority a petition that contains any false, forged, or fictitious signatures;
8. sign a petition that the person is not legally qualified to sign;
9. sign a petition more than once; or
10. alter any petition after it is filed with the election authority.

Compliance with Maryland Campaign Finance Laws

The petition sponsor must establish a Ballot Issue Committee as soon as the sponsor knows or anticipates that the referendum question will be placed on the ballot, and before any contributions are accepted or any expenditures are made in connection with the passage or defeat of the question. The committee must be established with the State Board of Elections. The Ballot Issue Committee requires a Chairman and Treasurer who are registered voters in Maryland and in good standing with the State Board of Elections. A candidate for office may not be a treasurer of the Ballot Issue Committee.

Ballot Issue Committees are required to electronically file Campaign Finance Reports (which are different from Petition Fund Reports) with the State Board of Elections. Campaign Finance Reports are due on the second Friday preceding the General Election and on the third Tuesday following the General Election (see §13-309 of the Election Law Article.)

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Campaign Finance Reports reflect monies collected and spent in connection with the promotion or defeat of the referendum question; they should not include financial activity in connection with the petition-gathering process.

To establish a Ballot Issue Committee (campaign finance entity), complete and file a Statement of Organization. The Statement of Organization is available on the state website, as well as Campaign Finance Report forms, a schedule of report due dates, and information about reporting and procedures.

Miscellaneous Information

If a petition with the required number of valid signatures is filed with the Secretary of State before June 1, the Act will not take effect until 30 days after the general election. If the electorate rejects the Act, it will not take effect at all.

If one-third of the required signatures are timely filed, but the total number required are not timely filed, the Act will not take effect until June 30.

An Act passed as emergency legislation will become law on the date it is signed by the Governor and will remain in force, notwithstanding a Referendum Petition, pending the results of the referendum. If rejected by the electorate, the law is repealed 30 days after the election.

An Act passed less than 45 days before June 1 will not take effect until 31 days after its passage. If more than one-third of the required signatures are submitted within 30 days after the Act was passed, the remaining signatures may be filed within the next 30 days, and the effective date of the Act will be postponed during this additional 30-day period.

Acts concerning liquor and most appropriations are exempt from referendum.

Questions about referenda on local ordinances (legislation passed locally and not by the General Assembly) should be referred to the appropriate local government.

Associated Documents

Petition Form
Information Page
Petition Fund Report
Statement of Organization for Maryland Committees and Slates
2010 General Election vote totals for Governor, by county (located on the website)
Election Calendar
Petition "Frequently Asked Questions"

Forms and additional information can be obtained from the State Board of Elections web site:
www.elections.state.md.us.

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