

# SENATE BILL 37

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(PRE-FILED)

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CF HB 355

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By: **Senator Carter**

Requested: September 28, 2020

Introduced and read first time: January 13, 2021

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Registered Voter List Security and Electronic Signature**  
3 **Requirements for Petitions**

4 FOR the purpose of requiring the State Board of Elections to adopt regulations specifying  
5 requirements for the secure storage and use of voter data for copies of the registered  
6 voter list; requiring the State Board to adopt regulations specifying procedures for  
7 the collection of electronic signatures on petitions; authorizing certain petitions to  
8 contain the electronic signature of certain individuals; requiring electronic  
9 signatures to be electronically signed, typed, or affixed onto a certain form; requiring  
10 an electronic signature to reflect the affirmative act of the signer to sign a petition;  
11 requiring a circulator to personally observe the signer of a petition under certain  
12 circumstances; prohibiting a circulator from attesting to the personal observation of  
13 an electronic signature under certain circumstances; and generally relating to the  
14 security of the registered voter list and electronic signatures on petitions.

15 BY repealing and reenacting, without amendments,  
16 Article – Election Law  
17 Section 1–101(a) and (y) and 6–101(a), (d), and (i)  
18 Annotated Code of Maryland  
19 (2017 Replacement Volume and 2020 Supplement)

20 BY repealing and reenacting, with amendments,  
21 Article – Election Law  
22 Section 3–506(a), 6–103(a), and 6–203  
23 Annotated Code of Maryland  
24 (2017 Replacement Volume and 2020 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Election Law**

2 1–101.

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

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

8 3–506.

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

11 (i) a written application; and

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

14 1. commercial solicitation; or

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

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

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

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

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

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

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

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

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

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

28 **AND**

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

3 6–101.

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

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

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

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

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

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

15 6–103.

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

18                   (2)   The regulations shall:

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

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

22                           (iii)   specify procedures for the verification and counting of signatures;  
23 and

24                           (iv)   provide any other procedural or technical requirements that the  
25 State Board considers appropriate.

26 6–203.

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

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

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

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

4 (ii) the signer's address;

5 (iii) the date of signing; and

6 (iv) other information required by regulations adopted by the State  
7 Board.

8 (b) The signature of an individual shall be validated and counted if:

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

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

12 (3) the individual has not previously signed the same petition;

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

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

17 (6) if applicable, the signature was affixed within the requisite period of  
18 time, as specified by law.

19 (c) **(1) A PETITION MAY CONTAIN THE ELECTRONIC SIGNATURES OF:**

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

21 **(II) CIRCULATORS CIRCULATING ANY OF THE SIGNATURE**  
22 **PAGES FILED WITH THE PETITION.**

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

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

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

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

7           **(D) (1) A signature may be removed:**

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

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

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

17           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2021.