

Department of Legislative Services  
Maryland General Assembly  
2017 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 1505 (Delegate Parrott, *et al.*)  
Rules and Executive Nominations

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Constitutional Amendment - Clarification of Referendum Process - Veto  
Override

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This proposed constitutional amendment allows a bill that is passed by the General Assembly over the veto of the Governor during a legislative session immediately following the legislative session in which the bill was passed, or during a special session, to be petitioned to statewide referendum in accordance with specified procedures.

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Fiscal Summary

**State Effect:** None. It is assumed that the potential for increased costs to include any constitutional amendments proposed by the General Assembly on the ballot at the next general election will have been anticipated in the State Board of Elections' budget irrespective of this bill.

**Local Effect:** It is assumed that the potential for increased costs to notify voters of any constitutional amendments proposed by the General Assembly, and to include any proposed constitutional amendments on the ballot at the next general election, will have been anticipated in local boards of elections' budgets irrespective of this bill. If the constitutional amendment is approved and additional referendum petitions are submitted as a result of the bill, local government expenditures may increase for personnel and other costs to verify petitions. For example, Montgomery County advises that historical spending to verify a petition has been at least \$30,000.

**Small Business Effect:** None.

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## Analysis

**Bill Summary:** If the General Assembly passes a law by overriding the Governor's veto during a regular session that occurs after the session in which the law was originally passed, more than one-third of the required signatures necessary to petition the law to referendum must be filed with the Secretary of State (SOS) by the next June 1 to delay the law's effective date and extend the time remaining for gathering the remaining signatures to June 30. If the veto is overridden during a subsequent special session or during a regular session within 45 days of June 1, the law may not become effective sooner than 31 days after its passage, and the requisite amount of signatures must be gathered within 30 days of its passage. If one-third of the total required signatures is gathered and filed with SOS within the specified time period, the law's effective date and the time for filing the remainder of signatures to complete the petition is extended for 30 days.

**Current Law:** Under the Maryland Constitution, a law other than an emergency law may not take effect until June 1 after the session at which it is passed. If a referendum petition is filed with SOS before June 1, the law is referred to a vote and does not take effect until 30 days after its approval by "a majority of electors voting thereon" at the next election held throughout the State for members of the U.S. House of Representatives. If more than one-third, but less than the full number of required signatures for a referendum petition is filed by June 1, the time for the law to take effect and for filing the remainder of signatures is extended to June 30.

Special provisions apply to laws passed less than 45 days prior to June 1. Such laws may not take effect sooner than 31 days after passage. A referendum petition must be submitted within 30 days of the law's passage, and submission of one-third of the required number of signatures allows for a 30-day extension of the effective date and the time for filing the remainder of the signatures.

A petition for a statewide referendum is sufficient if it is signed by a number of qualified voters equal to 3% of the number of votes cast for Governor at the last preceding gubernatorial election, provided not more than half are residents of Baltimore City or of any one county. For the 2016 and 2018 elections, that number equals 51,996 signatures. A petition for a referendum of a public local law for any one county or Baltimore City is sufficient if it is signed by a number of qualified voters in that jurisdiction equal to 10% of the number of votes cast in the jurisdiction for Governor at the last election.

Signatures on a petition for referendum on an act or any part of an act may be signed at any time after the act or portion thereof is passed. "Passed" means any final action upon any act or portion of an act by both houses of the General Assembly.

**Background:** The National Conference of State Legislatures (NCSL) distinguishes among three types of referenda. The procedure by which citizens can petition to overturn a law passed by the legislature, which this proposed constitutional amendment addresses, is called a popular referendum. NCSL reports that there were four popular referenda during the 2016 general election, but none in Maryland. There was one “legislative referendum” in Maryland in 2016, by which the General Assembly requests that an amendment to the State Constitution be approved by the voters. Finally, NCSL advises that there were 72 citizen initiatives nationwide in 2016, in which citizens seek to originate a law from a citizen petition; this is not allowed in Maryland.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** State Board of Elections; Montgomery County; Office of the Attorney General; Governor’s Office; National Conference of State Legislatures; Department of Legislative Services

**Fiscal Note History:** First Reader - March 9, 2017  
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