

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 56

(Senator Kagan)

Education, Health, and Environmental Affairs

Ways and Means

Election Law - Petitions and Ballot Questions - Plain Language Requirement

This bill establishes a plain language requirement for (1) a specified summary included on each signature page of a petition that seeks to place a question on the ballot and (2) a condensed statement of purpose included on the ballot for a ballot question. **The bill takes effect January 1, 2021.**

Fiscal Summary

State Effect: General fund expenditures may increase relatively minimally in FY 2022 and/or 2023, leading up to the 2022 general election, and in future years leading up to general elections. Revenues are not affected.

Local Effect: Local government expenditures may increase relatively minimally in FY 2022 and/or 2023, leading up to the 2022 general election, and in future years leading up to general elections.

Small Business Effect: Minimal.

Analysis

Bill Summary:

Plain Language Requirement for Petition Signature Pages

The bill requires that, if a petition (other than a municipal petition) that seeks to place a question on the ballot contains on each signature page of the petition a fair and accurate summary of the substantive provisions of the proposal (in place of the full text of the

proposal), the summary must be written in plain language reasonably calculated to be understood by an individual who has attained no higher than a grade six level of reading comprehension. When preparing guidelines and instructions for compliance with the plain language requirement, the State Board of Elections (SBE) must consider any generally accepted guidelines regarding compliance with the federal Plain Writing Act of 2010.

Plain Language Requirement for Ballot Questions

The bill also requires – for a ballot question – that the condensed statement of the purpose of the question that is included on the ballot be written in plain language reasonably calculated to be understood by an individual who has attained no higher than a grade six level of reading comprehension. This provision applies to any ballot question voted on in an election conducted pursuant to State election law (which generally governs all elections with the exception of municipal elections other than in Baltimore City). The bill authorizes an entity that is required to prepare and certify a question to use any generally accepted guidelines regarding compliance with the federal Plain Writing Act of 2010 in determining whether the question is in compliance with the plain language requirement.

Current Law:

Petition Requirements

Under State law provisions that apply to any petition (other than a municipal petition) authorized by law to place the name of an individual or a question on the ballot, or to create a new political party, a petition must contain an information page (containing, among other things, a description of the subject and purpose of the petition and identification of the sponsor) and signature pages containing not less than the total number of signatures required by law to be filed.

Each signature page must contain, among other information, (1) a description of the subject and purpose of the petition; (2) if the petition seeks to place a question on the ballot, either a fair and accurate summary of the substantive provisions of the proposal or the full text of the proposal; and (3) a statement, to which each signer subscribes, that the signer supports the purpose of that petition process and, based on the signer's information and belief, the signer is a registered voter in the county specified on the page and is eligible to have his or her signature counted. If a summary of the proposal is included on each signature page in place of the full text of the proposal, the circulator must have the full text of the proposal present at the time and place that each signature is affixed to the page and the signature page must state that the full text is available from the circulator.

SBE is required to prepare guidelines and instructions relating to the petition process.

Ballot Question Requirements

Under provisions applicable to any ballot question voted on in an election conducted pursuant to State election law, each ballot question must appear on the ballot containing (1) a question number or letter; (2) a brief designation of the type or source of the question; (3) a brief descriptive title in boldface type; (4) a condensed statement of the purpose of the question; and (5) the voting choices that the voter has.

Background: The federal Plain Writing Act of 2010 was enacted with the purpose of “improv[ing] the effectiveness and accountability of federal agencies to the public by promoting clear government communications that the public can understand and use.” The act required the Director of the Office of Management and Budget to develop and issue guidance on implementing the requirements of the act and that guidance references [Federal Plain Language Guidelines](#) for agencies to follow.

State Fiscal Effect: General fund expenditures may increase relatively minimally in fiscal 2022 and/or 2023, leading up to the 2022 general election, for the Secretary of State and/or SBE to hire an expert to review the condensed statement of purpose for ballot questions prepared and certified by the Secretary of State or SBE, and summaries included on petition signature pages reviewed for sufficiency by SBE, to ensure that the statements of purpose and summaries meet the plain language requirement. It is unclear to what extent a statement of purpose or summary would need to be reviewed and edited by an expert, and/or undergo some manner of testing, but it appears the cost for expert review of a single statement of purpose or summary may be under \$1,000 per statement or summary. Similar general fund expenditures may be incurred in future years, leading up to general elections.

Local Fiscal Effect: Local government expenditures may similarly increase relatively minimally in fiscal 2022 and/or 2023, leading up to the 2022 general election, to ensure that the plain language requirement is met by condensed statements of purpose for local ballot questions prepared and certified by county or municipal attorneys and summaries included on petition signature pages reviewed for sufficiency by county election directors. Similar local government expenditures may be incurred in future years, leading up to general elections.

Additional Information

Prior Introductions: None.

Designated Cross File: HB 140 (Delegate Guyton, *et al.*) - Ways and Means.

Information Source(s): State Board of Elections; Baltimore City; Caroline, Carroll, Howard, and Prince George's counties; Plain Language Action and Information Network; Department of Legislative Services

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