

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 37 (Senator Carter)
Education, Health, and Environmental Affairs

**Election Law - Registered Voter List Security and Electronic Signature
Requirements for Petitions**

This bill requires that specified State Board of Elections (SBE) regulations, which govern the process for providing copies of the voter registration list to Maryland registered voters upon request, specify requirements for secure storage and use of voter data. The bill also establishes that a petition may contain electronic signatures and establishes related requirements.

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances.

Local Effect: The bill is not expected to materially affect local government finances.

Small Business Effect: None.

Analysis

Bill Summary:

Secure Storage and Use of Voter Data

Under provisions that allow for a Maryland registered voter to request a copy of a list of registered voters, if not intended to be used for commercial solicitation or any other purpose not related to the electoral process, the bill requires SBE to include requirements for secure storage and use of voter data in the regulations that govern that process.

Use of Electronic Signatures for Petitions

The bill establishes that a petition may contain the electronic signatures of (1) individuals signing the petition or (2) circulators circulating any of the signature pages filed with the petition. The bill applies to any petition (other than a municipal petition) authorized by law to place the name of an individual or a question on the ballot, to create a new political party, or to appoint a charter board.

An electronic signature must (1) be electronically signed, typed, or affixed onto a form prescribed by SBE and (2) reflect the affirmative action of the signer to electronically sign, type, or affix the signer's name onto the signature page of a petition. The circulator who attests to an electronic signature on a petition must (1) personally observe the signer of the electronic signature while the signer is providing the signature and (2) may not attest to the personal observation of an electronic signature if the circulator witnessed the signing remotely. The bill also requires that procedures in SBE regulations for the circulation of petitions for signatures include procedures for the collection of electronic signatures.

Current Law:

Availability of Voter Registration Data to Registered Voters

A copy of a list of registered voters must be provided to a Maryland registered voter who submits a written application and a statement, signed under oath, that the list is not intended to be used for commercial solicitation or any other purpose not related to the electoral process. SBE must adopt regulations, in consultation with the local boards of elections, which establish specified procedures and requirements to govern the process of providing a copy of a list of registered voters to a Maryland registered voter.

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, to create a new political party, or to appoint a charter board, 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; (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; and (4) a space for the required affidavit made and executed by the circulator. "Circulator" is defined as an individual who attests to one or more signatures affixed to a petition. Each signature page must contain an affidavit made and executed by the individual in whose presence all of the signatures on that page were affixed and who observed each of those signatures being affixed.

SBE must adopt regulations that, among other things, specify procedures for the circulation of petitions for signatures.

Electronic Signatures

Under State election law, "electronic signature" is defined as an electronic sound, symbol, or process attached to, or logically associated with, a record and executed or adopted by a person with the intent to sign the record. Campaign finance provisions of State election law authorize SBE to accept an electronic signature for any form, document, report, or affidavit required by the board under those provisions, and electronic signatures are required for certain campaign finance and voter registration submissions.

The Maryland Uniform Electronic Transactions Act gives governmental agencies of the State discretion to determine whether, and the extent to which, they will send and accept electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures. The act does not require a government agency to use or permit the use of electronic records or electronic signatures.

Additional Information

Prior Introductions: None.

Designated Cross File: HB 355 (Delegate Ruth) - Ways and Means.

Information Source(s): State Board of Elections; Department of Legislative Services

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