

SENATE BILL 89

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(PRE-FILED)

3lr0735
CF 3lr1282

By: **Senator Carter**

Requested: November 11, 2022

Introduced and read first time: January 11, 2023

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Elections – Ballot Questions – Publication of Proposed Laws**

3 FOR the purpose of requiring the State Board of Elections and each applicable local board
4 of elections to post the complete text of certain proposed language or enactments
5 relating to certain ballot questions for at least a certain period of time before the
6 general election; prohibiting the questions from appearing on the ballot unless the
7 proposed language or the enactment has been written; and generally relating to
8 ballot questions.

9 BY repealing and reenacting, with amendments,
10 Article – Election Law
11 Section 7–102 and 7–105
12 Annotated Code of Maryland
13 (2022 Replacement Volume and 2022 Supplement)

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

16 **Article – Election Law**

17 7–102.

18 (a) (1) A question relating to the holding of a constitutional convention
19 qualifies for the ballot automatically every 20 years pursuant to Article XIV, § 2 of the
20 Maryland Constitution.

21 (2) A question relating to the adoption of a new or altered Constitution
22 qualifies upon its adoption by a duly constituted convention pursuant to Article XIV, § 2 of
23 the Maryland Constitution.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) An amendment to the Constitution qualifies upon its passage by the
2 General Assembly pursuant to Article XIV, § 1 of the Maryland Constitution.

3 (b) A question on an act of the General Assembly pursuant to Article XVI of the
4 Maryland Constitution qualifies upon the certification under Title 6 of this article, that the
5 petition has satisfied all the requirements established by Article XVI.

6 (c) (1) A question relating to the creation of a home rule county government
7 qualifies upon either:

8 (i) a determination by the appropriate local authority that the
9 applicable petition has satisfied all the requirements established by law relating to the
10 creation of a charter board; or

11 (ii) the adoption by the governing body of a county of an enactment
12 proposing that the county become a code county.

13 (2) A question relating to the approval of a county charter qualifies upon
14 the adoption of a proposed charter by a charter board pursuant to the requirements
15 prescribed by Article XI–A of the Maryland Constitution.

16 (3) A question relating to the amendment of a county charter shall qualify
17 either upon:

18 (i) the passage by the governing body of the county of a resolution
19 proposing the amendment; or

20 (ii) a determination by the governing body of the county that a
21 petition submitted has satisfied all the requirements established by law relating to
22 petitions initiating charter amendments.

23 (d) A question relating to the creation of a new county or the alteration of county
24 boundaries qualifies upon the enactment of the implementing public general law.

25 (e) A question referred to the voters as provided in an enactment of the General
26 Assembly qualifies upon the enactment of the law calling for the question.

27 (f) (1) A question on an enactment by a charter county qualifies pursuant to
28 local law and § 9–205 of the Local Government Article.

29 (2) A question on an enactment by a code county qualifies pursuant to local
30 law and §§ 9–310 through 9–313 of the Local Government Article.

31 (g) A question relating to the incorporation of a new municipal corporation
32 qualifies upon the determination by the county governing body that the applicable petition
33 has satisfied all the requirements established by law for that petition.

1 (h) A referendum on a question of issuance of a bond pursuant to § 9–934 of the
2 Environment Article qualifies upon submission of the question to the appropriate local
3 board.

4 **(I) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF § 7–105(E) OF**
5 **THIS TITLE REQUIRES THAT PROPOSED LANGUAGE OR AN ENACTMENT RELATED TO**
6 **A QUESTION BE POSTED, THE QUESTION MAY NOT APPEAR ON THE BALLOT UNLESS**
7 **THE PROPOSED LANGUAGE OR THE ENACTMENT HAS BEEN WRITTEN.**

8 7–105.

9 (a) A local board shall provide notice of each question to be submitted statewide
10 and each question to be submitted to the voters of the county, by:

11 (1) specimen ballot mailed at least 1 week before any early voting period
12 before the general election; or

13 (2) publication or dissemination by mass communication during the 3
14 weeks immediately preceding the general election at which a question will appear on the
15 ballot.

16 (b) (1) For any question submitted under Article XIV or Article XVI of the
17 Maryland Constitution, the notice required by subsection (a) of this section shall contain
18 the information specified in § 7–103(b) of this title and a brief statement, prepared in clear
19 and concise language, devoid of technical and legal terms to the extent practicable,
20 summarizing the question.

21 (2) The statement required under paragraph (1) of this subsection shall be:

22 (i) prepared by the Department of Legislative Services;

23 (ii) approved by the Attorney General; and

24 (iii) submitted to the State Board by the first Monday in August.

25 (3) The statement required under paragraph (1) of this subsection is
26 sufficient if it is:

27 (i) contained in an enactment by the General Assembly, and the
28 enactment clearly specifies that the statement is to be used on the ballot; or

29 (ii) consistent with some other process mandated by the Maryland
30 Constitution.

31 (c) The State Board shall adopt regulations governing notice of questions to
32 appear on the ballot, including the use and content of specimen ballots and the publication
33 or dissemination of notice by mass communication.

1 (d) (1) The complete text of a question shall be posted or available for public
2 inspection in the office of the State Board and each applicable local board for 65 days prior
3 to the general election.

4 (2) Copies of the complete text of all statewide questions shall be furnished
5 by the State Board to the local boards in quantities as determined by the State Board,
6 including quantities sufficient to provide one copy of each for posting in each polling place
7 and in each local board office.

8 (3) An individual may receive without charge a copy of the complete text of
9 all constitutional amendments and questions from a local board, either in person, by mail,
10 or electronically.

11 **(E) THE STATE BOARD AND EACH APPLICABLE LOCAL BOARD SHALL POST**
12 **IN A MANNER WIDELY ACCESSIBLE TO THE PUBLIC FOR AT LEAST 65 DAYS BEFORE**
13 **THE GENERAL ELECTION THE COMPLETE TEXT OF:**

14 **(1) FOR A QUESTION RELATING TO THE CREATION OR ADOPTION OF A**
15 **NEW CONSTITUTION, THE PROPOSED CONSTITUTION;**

16 **(2) FOR AN AMENDMENT PURSUANT TO ARTICLE XIV OF THE**
17 **MARYLAND CONSTITUTION, THE PROPOSED AMENDMENT TO THE MARYLAND**
18 **CONSTITUTION;**

19 **(3) FOR AN ENACTMENT OF THE GENERAL ASSEMBLY REFERRED**
20 **PURSUANT TO ARTICLE XVI OF THE MARYLAND CONSTITUTION, THE ENACTMENT;**

21 **(4) FOR A PROPOSED COUNTY CHARTER OR AMENDMENT TO A**
22 **COUNTY CHARTER PURSUANT TO ARTICLE XI-A OF THE MARYLAND**
23 **CONSTITUTION:**

24 **(I) THE PROPOSED CHARTER; OR**

25 **(II) THE PROPOSED AMENDMENT TO A COUNTY CHARTER;**

26 **(5) FOR AN ENACTMENT OF THE GENERAL ASSEMBLY REFERRING A**
27 **QUESTION TO THE VOTERS, THE ENACTMENT; AND**

28 **(6) FOR A CHARTER COUNTY ENACTMENT PURSUANT TO § 9-205 OF**
29 **THE LOCAL GOVERNMENT ARTICLE OR A CODE COUNTY ENACTMENT PURSUANT TO**
30 **§§ 9-310 THROUGH 9-313 OF THE LOCAL GOVERNMENT ARTICLE, THE PROPOSED**
31 **ENACTMENT.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2023.