

SENATE BILL 56

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(PRE-FILED)

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CF HB 140

By: **Senator Kagan**

Requested: September 29, 2019

Introduced and read first time: January 8, 2020

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 11, 2020

CHAPTER _____

1 AN ACT concerning

2 **Election Law – Petitions and Ballot Questions – Plain Language Requirement**

3 FOR the purpose of requiring the State Board of Elections to consider certain guidelines
4 regarding the use of plain language in government communications when preparing
5 certain guidelines and instructions; requiring that a certain statement included on
6 the signature page of a petition seeking to place a question on the ballot be written
7 in plain language reasonably calculated to be understood by an individual who has
8 attained no higher than a certain level of reading comprehension; requiring that a
9 certain statement about the purpose of a question on the ballot be written in plain
10 language reasonably calculated to be understood by an individual who has attained
11 no higher than a certain level of reading comprehension; authorizing certain entities
12 required to prepare and certify a question on a ballot to use certain guidelines
13 regarding the use of plain language in government communications in making a
14 certain determination; providing for a delayed effective date; and generally relating
15 to petitions and ballot questions.

16 BY repealing and reenacting, with amendments,

17 Article – Election Law

18 Section 6–103(b), 6–201(c), and 7–103(b) and (c)

19 Annotated Code of Maryland

20 (2017 Replacement Volume and 2019 Supplement)

21 BY repealing and reenacting, without amendments,

22 Article – Election Law

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 6–201(a) and (d)
 2 Annotated Code of Maryland
 3 (2017 Replacement Volume and 2019 Supplement)

4 ~~BY repealing and reenacting, with amendments,~~
 5 ~~Article – Election Law~~
 6 ~~Section 6–201(e) and 7–103(b)~~
 7 ~~Annotated Code of Maryland~~
 8 ~~(2017 Replacement Volume and 2019 Supplement)~~

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

11 **Article – Election Law**

12 6–103.

13 (b) (1) The State Board shall:

14 (i) prepare guidelines and instructions relating to the petition
 15 process; and

16 (ii) design and arrange to have sample forms available to the public
 17 conforming to this title for each purpose for which a petition is authorized by law.

18 (2) **WHEN PREPARING GUIDELINES AND INSTRUCTIONS FOR**
 19 **COMPLIANCE WITH THE PLAIN LANGUAGE REQUIREMENT OF § 6–201(C)(2)(I) OF**
 20 **THIS TITLE, THE STATE BOARD SHALL CONSIDER ANY GENERALLY ACCEPTED**
 21 **GUIDELINES REGARDING COMPLIANCE WITH THE FEDERAL PLAIN WRITING ACT OF**
 22 **2010.**

23 (3) The guidelines, instructions, and forms shall be provided to the public,
 24 on request, without charge.

25 6–201.

26 (a) A petition shall contain:

27 (1) an information page; and

28 (2) signature pages containing not less than the total number of signatures
 29 required by law to be filed.

30 (c) Each signature page shall contain:

- 1 (1) a description of the subject and purpose of the petition, conforming to
2 the requirements of regulations;
- 3 (2) if the petition seeks to place a question on the ballot, either:
- 4 (i) a fair and accurate summary of the substantive provisions of the
5 proposal **WRITTEN IN PLAIN LANGUAGE REASONABLY CALCULATED TO BE**
6 **UNDERSTOOD BY AN INDIVIDUAL WHO HAS ATTAINED NO HIGHER THAN A GRADE 6**
7 **LEVEL OF READING COMPREHENSION**; or
- 8 (ii) the full text of the proposal;
- 9 (3) a statement, to which each signer subscribes, that:
- 10 (i) the signer supports the purpose of that petition process; and
- 11 (ii) based on the signer's information and belief, the signer is a
12 registered voter in the county specified on the page and is eligible to have his or her
13 signature counted;
- 14 (4) spaces for signatures and the required information relating to the
15 signers;
- 16 (5) a space for the name of the county in which each of the signers of that
17 page is a registered voter;
- 18 (6) a space for the required affidavit made and executed by the circulator;
19 and
- 20 (7) any other information required by regulation.
- 21 (d) If the petition seeks to place a question on the ballot and the sponsor elects to
22 print a summary of the proposal on each signature page as provided in subsection (c)(2)(i)
23 of this section:
- 24 (1) the circulator shall have the full text of the proposal present at the time
25 and place that each signature is affixed to the page; and
- 26 (2) the signature page shall state that the full text is available from the
27 circulator.
- 28 7-103.
- 29 (b) Each question shall appear on the ballot containing the following information:
- 30 (1) a question number or letter as determined under subsection (d) of this
31 section;

1 (2) a brief designation of the type or source of the question;

2 (3) a brief descriptive title in boldface type;

3 (4) a condensed statement of the purpose of the question **WRITTEN IN**
4 **PLAIN LANGUAGE REASONABLY CALCULATED TO BE UNDERSTOOD BY AN**
5 **INDIVIDUAL WHO HAS ATTAINED NO HIGHER THAN A GRADE 6 LEVEL OF READING**
6 **COMPREHENSION**; and

7 (5) the voting choices that the voter has.

8 (c) (1) The Secretary of State shall prepare and certify to the State Board, not
9 later than the 95th day before the general election, the information required under
10 subsection (b) of this section, for all statewide ballot questions and all questions relating to
11 an enactment of the General Assembly which is petitioned to referendum.

12 (2) The State Board shall prepare and certify to the appropriate local
13 board, not later than the 105th day before the general election, the information required
14 under subsection (b) of this section for all questions that have been referred to the voters of
15 one county or part of one county pursuant to an enactment of the General Assembly.

16 (3) (i) The county attorney of the appropriate county shall prepare and
17 certify to the State Board, not later than the 95th day before the general election, the
18 information required under subsection (b) of this section for each question to be voted on in
19 a single county or part of a county, except a question covered by paragraph (1) or paragraph
20 (2) of this subsection.

21 (ii) If the information required under subsection (b) of this section
22 has not been timely certified under subparagraph (i) of this paragraph, the clerk of the
23 circuit court for the jurisdiction shall prepare and certify that information to the State
24 Board not later than the first Friday in August.

25 (4) (i) The municipal attorney of the appropriate municipal corporation
26 shall prepare and certify to the State Board, not later than the 95th day before the general
27 election, the information required under subsection (b) of this section for each question to
28 be voted on in the municipal corporation, except a question covered by paragraphs (1)
29 through (3) of this subsection.

30 (ii) If the information required under subsection (b) of this section
31 has not been timely certified under subparagraph (i) of this paragraph, the clerk of the
32 circuit court for the county in which the municipal corporation is located shall prepare and
33 certify that information to the State Board not later than the first Friday in August.

34 (5) AN ENTITY THAT IS REQUIRED TO PREPARE AND CERTIFY A
35 QUESTION MAY USE ANY GENERALLY ACCEPTED GUIDELINES REGARDING

1 COMPLIANCE WITH THE FEDERAL PLAIN WRITING ACT OF 2010 IN DETERMINING
2 WHETHER THE QUESTION IS IN COMPLIANCE WITH THE PLAIN LANGUAGE
3 REQUIREMENTS OF SUBSECTION (B)(4) OF THIS SECTION.

4 (6) The information required under subsection (b) of this section for a
5 question that is being placed on the ballot by petition may be prepared before the petition
6 is certified under § 6-208 of this article.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 January 1, 2021.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.