

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council Of Howard County, Maryland

2010 Legislative Session

Legislative Day No. 7

Bill No. 34 -2010

Introduced by: Courtney Watson
Co-sponsored by: Greg Fox

AN ACT to resolve conflicts between County Laws and State Laws that govern referendum procedures by defining a certain term, specifying certain procedures, providing for the validity of signatures, and providing a duty for the County Attorney; correcting certain nomenclature; making technical corrections; and generally relating to elections.

Introduced and read first time _____, 2010. Ordered posted and hearing scheduled.

By order _____
Stephen LeGendre, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2010.

By order _____
Stephen LeGendre, Administrator

This Bill was read the third time on _____, 2010 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Stephen LeGendre, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ___ day of _____, 2010 at ___ a.m./p.m.

By order _____
Stephen LeGendre, Administrator

Approved by the County Executive _____, 2010

Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that
2 Sections 10.400 through 10.407 of Subtitle 4. “Referendum Procedures” of Title 10
3 “Elections and Election Districts” of the Howard County Code be amended to read as
4 follows:

5

6

7

Title 10. Elections And Election Districts.

8

Subtitle 4. Referendum Procedures.

9

10 **Sec. 10.400. Definitions.**

11 [(a) *Words and phrases defined.*] As used in this [[article]] SUBTITLE, the
12 following terms shall have the meaning indicated unless a contrary meaning is clearly
13 intended from the context in which the term appears:

14 (1) *Board* means the Board [[of Supervisors]] of Elections of Howard
15 County.

16 (2) *Contributions* means the gift, transfer or promise of a gift or transfer
17 of money or other thing of value to any person, persons, or association which files
18 the petition.

19 (3) *Expenditure* means any gift, transferred disbursement or promise of
20 money or valuable thing by any person, persons or associations which files the
21 petition.

22 (4) *Petition* means any paper or papers containing the signatures of any
23 number of registered voters requesting any local law or part of any local law to be
24 put on the ballot.

25 (5) *Fair summary* means a condensation of the law or part of the law
26 petitioned [[and should include the major aspects of the law without destroying
27 the substance and intent. Print size for summary shall be not less than eight-point
28 bold print. The title of the bill being petitioned shall be deemed to be a fair
29 summary]] **THAT SATISFIES THE REQUIREMENTS OF § 6-201(C)(2) OF THE**
30 **ELECTION LAW ARTICLE OF THE MARYLAND CODE.**

1 (6) *Person procuring* means individual who personally collected the
2 signature(s).

3
4 ***Section 10.401. Petition.***

5 [[In every petition, there shall be appended to the signature of each signer his
6 residence, election district and precinct wherein he is registered as a voter and
7 immediately below the signature of any such signer, there shall be either printed or typed,
8 the name of such signer.]]

9 (A) **A PERSON SIGNING A PETITION SHALL FULFILL THE REQUIREMENTS OF §
10 6-203 OF THE ELECTION LAW ARTICLE OF THE MARYLAND CODE.**

11 (B) **A SIGNATURE IS VALID AND SHALL BE COUNTED IF THE REQUIREMENTS
12 OF § 6-203 OF THE ELECTION LAW ARTICLE OF THE MARYLAND CODE ARE MET.**

13
14 ***Section 10.402. Form of petition.***

15 (a) A petition may consist of several papers but each paper shall contain a fair
16 summary of the act or the part of the act petitioned upon [[and a completed statement of
17 whether or not the person procuring signatures has been paid to do so]]; and there shall be
18 on each such paper an affidavit of the person procuring the signatures thereon that each
19 signature thereon was affixed in the presence of the affiant and that to the best of his
20 knowledge, information and belief, signers are registered voters of the State of Maryland
21 in Howard County as set forth with their names.

22 (b) [[Signatures may appear on both sides of a paper and this paper shall be
23 considered legally sufficient if on the side of the papers which does not bear a summary
24 of the law, there appears a notice, typed in no smaller than eight-point bold print,
25 informing the signer that a summary of the law petitioned does appear on the opposite
26 side of the page.

27 (c)] Every page upon which signatures appear [(both sides)] shall contain the
28 following statement in no less than 18-point bold print: "The purpose of this petition is to
29 submit the law summarized herein to the voters in the next general election and to
30 prevent said law from taking effect."

1 If such law being petitioned is an emergency bill, then any page upon which
2 signatures appear ~~[[both sides]]~~ shall contain the following statement in not less than
3 18-point bold print: "The purpose of this petition is to submit the law summarized hereto
4 to the voters in the next general election." Said emergency measure to remain in force
5 until denied by a majority of the voters.

6
7 ***Section 10.403. Verification by Board of Supervisors of Elections for Howard County.***

8 The Board ~~[[of Supervisors of Elections for Howard County]]~~ shall verify ~~[[the~~
9 registration of said petitioners and shall verify their]] signatures ~~[[by comparing them~~
10 with the voter registration cards, and shall verify the form of petition (section 10.402) and
11 the statements of contribution and expenditures (section 10.408)]] **AND COUNT THE**
12 **VALIDATED SIGNATURES IN ACCORDANCE WITH § 6-207 OF THE ELECTION LAW**
13 **ARTICLE OF THE MARYLAND CODE.** The Board shall forward to the County Council
14 **AND THE COUNTY ATTORNEY** the results of its verification process and advise ~~[[the~~
15 Council]] **THEM** if the question is to be certified.

16
17 ***Section 10.404. Certification by County Attorney.***

18 Upon receipt of the report from the Board ~~[[of Supervisors of Elections]]~~ as to the
19 matters hereinabove set forth, the County ~~[[Council]]~~ **ATTORNEY** shall certify the
20 question and specify the wording **IN ACCORDANCE WITH § 7-103 OF THE ELECTION LAW**
21 **ARTICLE OF THE MARYLAND CODE.** ~~[[which]]~~ **THE WORDING** shall be placed on the
22 ballot at the next general election in accordance with State law.

23
24 ***Section 10.405. Place and time of filing.***

25 Any and all referendum petitions shall be filed with the Board ~~[[of Supervisors of~~
26 Elections of Howard County]] during its normal office hours and within 60 days after the
27 law is enacted. If more than one-half but less than the full number of signatures required
28 by Charter to complete any referendum petition against such law is filed within 60 days
29 from the date it is enacted, the time for the law to take effect and the time for filing the
30 remainder of signatures to complete the petition shall be extended for another 30 days.

31

1 **Section 10.406. Effect of question concerning or invalidity of signature on petition.**

2 On any petition (including an associated or related set of petitions) submitted to
3 the Board [[of Supervisors of Elections of Howard County]], any question concerning, or
4 the validity of, the signature of any person on the petition affects that signature only and
5 does not affect or impair any other portion of the petition or petitions.

6
7 **Section 10.407. Other unlawful acts.**

8 As to any petition (including an associated or related set of petitions) under this
9 [[article]] SUBTITLE, it is unlawful for any person:

10 (1) To knowingly or willfully circulate, publish or exhibit any false statement or
11 representation concerning the contents, purport or effect, thereof, for the purpose of
12 obtaining any signature to the petition or of persuading any person to sign it.

13 (2) To refer to the Board [[of Supervisors of Elections of Howard County]] a
14 petition to which is attached, appended or subscribed any signature which the person
15 knows to be false or fraudulent or not the genuine signature of the person purporting to
16 sign the petition or the person whose name is attached, appended or subscribed in the
17 petition.

18 (3) To make any false affidavit.

19 (4) To give, pay or receive any money or other valuable consideration or
20 inducement for signing the petition.

21 (5) To circulate or cause to circulate a petition, knowing it contains false, forged
22 or fictitious names.

23 (6) Knowingly as a petitioner, to sign [[his name]] more than once.

24 (7) To sign a petition, knowing at the time [[he]] **THE PERSON** is not qualified to
25 sign it.

26
27 **Section 2. And Be It Further Enacted by the County Council of Howard County,**
28 **Maryland, that this Act shall become effective 61 days after its enactment.**