



SBE Policy 2020-02: Extension of Certain Petition-Filing Deadlines

Adopted: June 18, 2020
Annapolis, Maryland

WHEREAS, on March 5, 2020, the Governor issued a proclamation declaring a State of Emergency in an effort to control and prevent the spread of COVID-19 within the State;

WHEREAS, on March 12, 2020, the Governor issued an Order authorizing “the head of each unit of State or local government may, upon a finding that the suspension will not endanger the public health, welfare, or safety, and after notification to the Governor, suspend the effect of any legal or procedural deadline, due date, time of default, time expiration, period of time, or other time of an act or event described within any State or local statute, rule, or regulation that it administers”;

WHEREAS, on March 17, 2020, the Governor issued a proclamation renewing the declaration of a State of Emergency and declaring the existence of catastrophic health emergency that interferes with the electoral process and stated that steps should be taken to prevent or reduce harmful consequences to the electoral process;

WHEREAS, on March 30, 2020, the Governor issued a Stay-at-Home-Order except to conduct essential activities and prohibiting any gathering of more than 10 people;

WHEREAS, since that time, the Governor has begun to lift certain restrictions imposed on the citizens of Maryland as a result of COVID-19, some local jurisdictions have retained those restrictions, and many gatherings, events or festivals otherwise scheduled to take place remain prohibited;

WHEREAS, the State Board of Elections recognizes that the current, extreme conditions inhibit the collection of signatures required for a petition to gain access to or place a question on the ballot;

WHEREAS, on April 22, 2020, the State Board of Elections, pursuant to its authority under Md. Code, Comm. Law § 21-117(a), authorized the use of electronic signatures to facilitate signature-gathering during this state of emergency;

WHEREAS, the State Board of Elections has not, to date, extended the statutory deadlines associated with the submission of a petition for the placement of a charter amendment on the ballot pursuant to Article XI-A of the Maryland Constitution, which deadlines are found in Md. Code, Elec. Law § 7-104(b), under the authority granted by the Governor’s March 12 Proclamation;

WHEREAS, the timetable for ballot preparation and the election calendar limit the extent of any extension the State Board of Elections is able to provide as to the deadlines found in Md. Code, Elec. Law § 7-104(b), which call for the filing of the petition no later than the 99th day before the election, or July 27, 2020 in the current election cycle;

WHEREAS, petitions for the formation of new political parties and for the nomination of unaffiliated candidates are required to be filed no later than the first Monday in August under Md. Code, Elec. Law §§ 4-102(c) and 5-702(f), or August 3, 2020 in the current election cycle;

WHEREAS, in light of the restraints imposed by the timetable for ballot preparation and the election calendar, the State Board of Elections believes that an extension of the deadline for filing a petition relating to a question arising under Article XI-A of the Maryland Constitution by one week is appropriate, so that the deadline aligns with the deadlines for new party and candidacy petitions; and

WHEREAS, extending the deadline for filing a petition relating to a question arising under Article XI-A of the Maryland Constitution by one week will also require corresponding extensions to the deadlines for county attorneys to prepare and certify to the State Board the information required by Md. Code, Elec. Law § 7-103(b), associated with any such petition, or for the clerk of the appropriate circuit court to prepare and certify that information to the State Board, both deadlines found in Md. Code, Elec. Law § 7-103(c)(3);

THEREFORE, the State Board of Elections states as follows:

1. Findings

- a. The State Board of Elections finds that one-week extensions of the deadlines set forth in Md. Code, Elec. Law § 7-104(b) and Md. Code, Elec. Law § 7-104(c)(1)-(2) will not endanger the public health, welfare, or safety.
- b. To the contrary, a one-week extension of these deadlines promotes the public health, welfare, or safety by providing additional time to sponsors of petitions relating to questions arising under Article XI-A of the Maryland Constitution to safely collect signatures in support of their efforts.

2. Policy.

- a. Pursuant to the authority granted the State Board of Elections under the Governor's March 12, 2020 Order, the State Board of Elections hereby suspends the effect of the deadlines set forth in Md. Code, Elec. Law § 7-104(b) and Md. Code, Elec. Law § 7-103(c)(i)-(ii) by one week.
- b. The State Administrator is directed to prepare a public notice of this suspension, and to transmit the public notice of this suspension along with this promulgated policy to the Office of the Governor.
- c. This suspension shall take effect 24 hours following the transmittal of the public notice by the State Administrator to the Office of the Governor, and shall remain in effect until the earlier of the November 3, 2020 Presidential General Election or the 30th day after the date by which the state of emergency is terminated and the catastrophic health emergency is lifted.