

# State of Maryland

## What You Need to Know About the Early Voting Petitions

---

### **There are two bills that are being petitioned to referendum:**

HB 1368 - *Election Law – Voter Bill of Rights* (Chapter 61, 2006) – This bill does the following:

- Requires the State Board of Elections to exercise its powers and duties in accordance with an affirmative vote by a supermajority of its members;
- Requires local boards of elections to administer voter registration and absentee voting for nursing homes and assisted living facilities in accordance with procedures established by the State Board of Elections;
- Requires local boards of elections to establish polling places on college campuses if there is not already a polling place on the college campus and there are at least 500 students, staff, and faculty who are registered voters and will be served by the polling place;
- Requires early voting locations to be open for voting from 7 A.M. to 8 P.M.;
- Specifies the early voting locations in Anne Arundel, Baltimore City, Baltimore County, Harford, Howard, Montgomery, and Prince George's counties;
- Allows the specified site locations to be changed by the State Administrator if she or a local election director determines that the site is unworkable;
- Requires State and local election officials to notify the public about early voting;
- Requires the use of computerized precinct registers;
- Establishes certain requirements for the Baltimore City Board of Elections related to voter registration activities and polling place supplies and provides the State Administrator with certain oversight authority in the event that a violation of certain provisions occur.

SB 478 – *Election Law – Early Voting* (Chapter 5, 2006) – The bill was passed during the 2005 legislative session and then vetoed by the Governor shortly thereafter. The veto override occurred during the 2006 legislative session. The bill establishes the requirement for early voting. The bill specifies that early voting must begin one week prior to election day and must be held for 5 days ending on the Saturday before the election.

### **Signature Requirements**

Article XVI, Section 3 of the Maryland Constitution states that a petition against an Act or part of an Act passed by the General Assembly shall be sufficient if signed by 3% of the qualified voters of the State of Maryland, calculated upon the whole number of votes cast for Governor at the last preceding Gubernatorial election. The petition signature requirement, calculated based on the 2002 Gubernatorial election, is 51,185. The Constitution also specifies that one-third of the signatures (17,062) must be submitted before June 1<sup>st</sup> and the remaining two-thirds (34,123) by June 30<sup>th</sup>.

### **Status of the Two Petitions**

- HB 1368 – A sufficient number of valid signatures was submitted by May 31<sup>st</sup> in order to satisfy the first one-third requirement. The next step is for the petition circulators to submit the remaining signatures by June 30<sup>th</sup>.
- SB 478 – An insufficient number of valid signatures was submitted by May 31<sup>st</sup> in order to satisfy the first one-third requirements. The petition process for this bill cannot go any further due to the failure to meet this first requirement. It should also be noted that, according to the Office of the Attorney General, this bill may not be referred to referendum at this time because a referendum effort must occur immediately after the regular session at which the legislation is initially passed (in this case since the bill was passed during the 2005 session, the petition should have been submitted by June 1, 2005).

### **The Role of State Election Officials in Petition Verification**

State election officials do not verify petitions. Instead, the local boards of election verify the petition. The local boards of election report the verification results to the State office through the statewide voter registration system. Staff members at the State Board rely *solely* on the statewide voter registration system to report on the status of the petition effort. In other words, the only role that State election officials play in this process is to announce the results of the verification conducted by the local election boards.

### **How Petitions are Verified**

The local election board staff review each name on a petition to confirm that it is a Maryland registered voter. They also check to make sure that the petition circulator has met all of the legal requirements. The most common reason a name was rejected is because the signer is not registered to vote. Another common reason for the rejection of signatures was because the petition gatherer failed to properly fill out and sign the petition page.

### **Anne Arundel and Harford County Petitions**

A State Board of Elections staff member informed Thomas Roskelly, leader of Marylanders for Fair Elections, on June 19th that the petition for SB 478 was short 138 signatures. However, the staff person noted that Anne Arundel and Harford Counties had not yet indicated that their results were final. Mr. Roskelly apparently understood this to mean that those counties hadn't reported any petition verification results. This was not the case. In fact, as it turns out, those counties had completed their verification and had reported their verification results through the statewide voter registration database – they just hadn't informed staff that those results were, "final results".

### **Allegations of Fraud**

Allegations of fraud by Linda Lamone in this process are completely unfounded and false. As discussed above, neither Ms. Lamone nor any member of the State Board plays a direct role in petition verification. Instead, verification is done under the auspice of the local boards of election. It should be noted that those making the allegations of fraud do not provide an explanation or theory for how this fraud could have been committed. These baseless allegations not only defame Ms. Lamone but also question the professionalism and integrity of the local election officials.

### **Petition Recount**

There is no statutory process for a petition recount, and therefore no recount can or will be undertaken. However, the petitions are public documents and as such can be examined by the petitioners, the press, or any member of the public. We encourage people to review the petitions so that they can learn about the process and the high level of integrity that State and local election officials bring to that process.