

# State of Maryland

## Petition Signature Gathering FAQ

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**DISCLAIMER: The information provided in the “Frequently Asked Questions” is not legal advice and subject to change due to legislation, litigation or additional advice from the Attorney General’s Office and therefore, we suggest independent review of the petition process and applicable laws with your own legal counsel.**

*Material Revised February 28, 2012*

**Must a petition circulator be a registered voter of Maryland?**

No.

**Must a petition circulator be a resident of Maryland?**

No.

**Must a petition circulator be 18 years of age?**

Yes. Election Law, Section 6-204(c).

**Can a petition circulator act as a voter registration volunteer?**

Yes.

**Can an individual complete a voter registration application (VRA) and sign the petition at that time?**

No. The filling out of a VRA form does not itself register the individual and does not authorize the individual to sign the petition. An individual is not a registered voter and may not sign the petition until the individual receives the voter notification card in the mail.

**How should a registered voter who has moved within Maryland, but has not yet changed his/her registration address with the election office, sign a petition?**

A voter completing a petition should specify his/her current address. The election board staff will update the voter registration record and mail the voter a new voter notification card.

**Can a 17 year old voter sign a petition?**

Yes, if the individual will be 18 on or before the next general election date.

**Can a voter sign the same petition more than once?**

No - An individual may not sign the same petition more than once. Election Law, Section 6-203(b)(3)

**Can an individual complete a petition, including signature, in pencil?**

The signature would not be invalidated just because it was completed in pencil unless the information becomes smudged and illegible. It is not a recommended practice.

**Can the circulator be a petition signer of the petition that he/she is circulating?**

Yes – Provided he/she is otherwise eligible to sign the petition.

**Can an organization pay a consultant to administer and oversee the petition process?**

Yes.

**Can an organization pay people to collect petition signatures?**

Yes – per U.S. District Court decision – Ficker vs. Montgomery County, but no one may receive any money or other thing of value in return for signing the petition. Election Law, Section 16-401(a)(2).

NOTE: Howard County’s Code requires that on a local referendum petition, the circulator affirm, under penalty of perjury, whether they have been paid to procure the signatures.

**Is a petition circulator limited in the number of different petitions he circulates?**

No – Provided that person is qualified to circulate each.

**Must the oath of circulator be notarized?**

No – provided the oath is signed under penalty of perjury.

**Is there a time frame in which the signatures must be collected?**

New Party – must be affixed within 2 years before the date of the last signature. Election Law, Section 4-102(b)(2)(ii).

Nominating – no provisions in Election Law.

\*Statewide Referendum and Public Local Law Referendum – after the law is passed. Maryland Constitution, Article XVI, Section 3.

Local Referendum – refer to local law to identify local restrictions.

Charter Amendment – no provisions in Election Law – refer to local Charter to identify applicable restrictions.

Charter Board – within 6 months of filing the petition. Election Law, Section 7-104(a).

\*For Statewide Referendum and Public Local Law Referendum Only – Regardless of the possibility of a gubernatorial veto or legislative override, a referendum must occur immediately after the regular session at which the legislation is initially passed. In addition, even if the bill were vetoed, it would be necessary for the referendum signatures to be validated promptly. Finally, if legally sufficient signatures are submitted by the May 31/June 30 deadlines, the effectiveness of a legislative override of the veto would nevertheless be suspended as a result of the previously gathered signatures.

**Must signatures be collected under any geographical requirements?**

New Party – No.

Nominating (candidate) – must be signed by 1% of the total number of registered voters (including inactive status) who are eligible to vote for the office sought. Election Law, Section 5-703(e).

Statewide Referendum – not more than half of the signatures can come from residents of Baltimore City or of any one county. Maryland Constitution, Article XVI, Section 3.

Local Referendum – refer to local laws to identify applicable restrictions.

[Note: Each petition page should be for a single county or Baltimore City.]

**Can a spouse sign a petition for his/her spouse?**

No (See July 15, 1996, Attorney General Letter of Advice).

**Can a person who signs a petition vote in the primary election?**

Yes, provided they are eligible to do so.

**Must signers of New Party Petitions be registered with that New Party?**

No.

**Can copies of petitions be filed instead of originals?**

No.

**Can a petition be posted on a web site?**

Yes, and signatures on the downloaded signature page will be valid as long as the page is in the proper format and contains all required information.

**How does the petition sponsor ensure that the format of the signature page will be proper?**

The sponsor can assure proper format by posting a signature page on the web site in a locked Adobe Portable Document Format (PDF).

**How does the sponsor fulfill the legal mandates that the signature page “contain” the full text or an approved summary of the proposal, and that if it contains a summary, the full text be available from the circulator? (ballot question petitions)**

The sponsor can post on the website in locked PDF the text or summary to be contained as part of the signature page. (If this is a summary, the sponsor must ensure that the full text is immediately available to all signers, on the website itself or through any circulator who downloads and circulates the petition page). Additionally, there must be instructions on the web site to inform people that the text or summary must be printed on the back of the petition signature page. If the text or summary is not printed on the back of the signature page, but is instead printed on a separate piece of paper and then attached or stapled to the signature page, none of the signatures on that petition signature page will be validated or counted. (UPDATED 2/28/12).

### **Can a petition be printed in a newspaper or other publication?**

Yes. Provided the form for signature pages meets format standards and contains all necessary information, and as long as proper instructions for completing the form are included. For ballot question petitions it is particularly important that the requirements for the contents of the signature page be adhered to by printing the full text or approved summary of the proposal on the reverse of the signature page in the publication. Please note: If you are providing a summary of a bill instead of the full text, the full text of the bill must be available for the petition signer to review.(UPDATED 2/28/12)

### **Can signature page forms be included in a mass mailing solicitation for signatures?**

Yes, provided the form for signature pages meets format standards and contains all necessary information, and as long as proper instructions for completing the form are included.

### **Can petition instructions and information be stapled to the signature pages?**

It can but because the information and instruction may be detached from the signature sheet there is a risk that the validity of the petition could be challenged in court. However, the summary or full text of a referendum petition must be printed on the back of the signature page. (UPDATED 2/28/12)

### **What is the proper format for a petition?**

Election Law, Section 6-103, of the Annotated Code of Maryland states that the State Board of Elections prescribes the form and content of petitions, and the State Board makes available on its website standard forms for the various types of petitions. Election Law, Section 6-202, states that the format of the petition prepared by a sponsor may be submitted to the chief election official of the appropriate election authority, in advance of filing the petition, for a determination of its sufficiency, and Section 6-206(d) prohibits a later administrative determination regarding format that is inconsistent with the advance determination. The request for advance determination must be filed at least 30 days before the petition filing deadline. Election Law, Section 6-210(a).

Local referendum petitions may have additional requirements – refer to local law.

*Cautionary note:* An advance determination relates to format only, and approval of the format of a referendum petition does not constitute a binding determination that the bill is subject to referendum. If there is any doubt, sponsors should obtain legal advice on whether the bill is subject to referendum. An advance determination is not binding on a court if any issue regarding the format of the petition is raised in litigation.

**Can a petition sponsor use a “walking list” containing all registered voters’ names and addresses, so that if a voter agrees to sign the petition, the voter need only fill in his or her signature, date of birth, and date of signing?**

No.

**Can the signature page form be duplicated onto different color paper (e.g. coded by color for different counties)?**

Yes, but a sponsor should use light or pastel colors to ensure the ability to duplicate the pages.

**Where should candidate nomination petitions be filed?**

Where a certificate of candidacy for the same office would be filed – see Election Law, Section 5-302.

**What is necessary to satisfy the requirement that the signer include the date of signing?**

The signer must provide the full month, day and year of signing. Unless the signer has asked for help in entering the information, the circulator or sponsor should NOT fill in all or any part of the date signing. Ditto marks cannot be used. If the full date of signing has not been provided by the signer or at the signer’s specific request, the signature will be invalidated. Election officials will not consider the date of the circulator’s signature as evidence of the date of signers’ signatures, nor will it look beyond the face of the signature page to determine the date of signing.  
(UPDATED 2/28/12)

**How must the signer print his/her name before it will be counted?**

The name either has to match the registration list or include all parts of the name required in the statute. Section 6-203 of the Election Law Article states “To sign a petition, an individual shall: (1) sign the individual’s name as it appears on the statewide voter registration list or the

individual's surname of registration and at least one full given name and the initials of any other names.”

For example, if a voter is registered as Margaret Hall Smith, it is permissible for her to sign as Margaret H. Smith or M. Hall Smith. But M.H. Smith or Margaret Smith is not permissible and will be invalidated. Additionally, the use of her nickname, Peggy Smith or her married name Mrs. John Smith will be invalidated. If a voters' registered name has a suffix (i.e. Jr., Sr., III, etc.) the signature will not be invalidated if the signer fails to include it on the petition.

### **How do you find out how a voter's name is listed on the voter registration roll?**

The information can be found on the voter's Voter Notification Card (VNC); the voter could call the election office; or if the petition sponsor qualifies they may purchase a voter registration list from the election office. See [http://www.elections.state.md.us/voter\\_registration/purchase\\_lists.html](http://www.elections.state.md.us/voter_registration/purchase_lists.html)

### **How should an individual's name be signed on the signature line?**

The best practice is to sign one's complete name as directed by the statute (see above). However, a person's ordinary signature will be accepted if the petition entry as a whole contains all of the name and other information specified in the statute (and listed in the "Notice to Signers"). (UPDATED 2/28/12)

See [Petition Verification FAQ](#) and [Petition Acceptance and Verification Procedures](#) for additional information that may be helpful during the petition process.