

SENATE BILL 91

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2lr0870
CF HB 27

By: **Senators Jacobs, Colburn, and Reilly**

Introduced and read first time: January 16, 2012

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Petitions – Confidentiality**

3 FOR the purpose of prohibiting public inspection of a petition after the petition is filed
4 with the State Board of Elections or a county board of elections, with a certain
5 exception; requiring a custodian to permit a person to inspect a petition if the
6 person requires access to the petition to facilitate judicial review of a
7 determination concerning the sufficiency of the petition; providing that a
8 custodian may not disclose personal information contained in a petition to the
9 general public; defining a certain term; and generally relating to the
10 confidentiality of petitions.

11 BY repealing and reenacting, without amendments,
12 Article – Election Law
13 Section 6–205(a)(1)
14 Annotated Code of Maryland
15 (2010 Replacement Volume and 2011 Supplement)

16 BY adding to
17 Article – Election Law
18 Section 6–205(e)
19 Annotated Code of Maryland
20 (2010 Replacement Volume and 2011 Supplement)

21 BY adding to
22 Article – State Government
23 Section 10–616(v)
24 Annotated Code of Maryland
25 (2009 Replacement Volume and 2011 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Election Law**

2 6–205.

3 (a) (1) Unless otherwise required by the Maryland Constitution, a
4 petition shall be filed, in person by or on behalf of the sponsor, in the office of the
5 appropriate election authority.

6 (E) **SUBSEQUENT TO THE FILING OF A PETITION WITH THE**
7 **APPROPRIATE ELECTION AUTHORITY, THE PETITION IS NOT SUBJECT TO**
8 **PUBLIC INSPECTION EXCEPT TO THE EXTENT PROVIDED IN § 10–616(V) OF THE**
9 **STATE GOVERNMENT ARTICLE.**

10 **Article – State Government**

11 10–616.

12 (V) (1) **IN THIS SUBSECTION, “PETITION” HAS THE MEANING STATED**
13 **IN § 6–101(I) OF THE ELECTION LAW ARTICLE.**

14 (2) **EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**
15 **SUBSECTION, A CUSTODIAN SHALL DENY INSPECTION OF A PETITION AFTER THE**
16 **PETITION IS FILED WITH THE STATE BOARD OF ELECTIONS OR A COUNTY**
17 **BOARD OF ELECTIONS.**

18 (3) (I) **A CUSTODIAN SHALL PERMIT A PERSON TO INSPECT A**
19 **PETITION IF THE PERSON REQUIRES ACCESS TO THE PETITION TO FACILITATE**
20 **JUDICIAL REVIEW OF A DETERMINATION CONCERNING THE SUFFICIENCY OF**
21 **THE PETITION UNDER § 6–209 OF THE ELECTION LAW ARTICLE.**

22 (II) **THIS PARAGRAPH DOES NOT AUTHORIZE A CUSTODIAN**
23 **TO DISCLOSE PERSONAL INFORMATION CONTAINED IN A PETITION TO THE**
24 **GENERAL PUBLIC.**

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 June 1, 2012.