



SBE Policy 2020-01: Temporary Electronic Petition Signature Acceptance

Adopted: April 22, 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 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, on April 10, 2020, the Governor issued a proclamation renewing the declaration of a State of Emergency and catastrophic health emergency, and specified that the Stay-at-Home-Order did not prohibit persons from traveling between their homes and polling places or ballot return locations for certain purposes relating to the April 28, 2020 special general election to fill the vacancy in the Seventh Congressional District and the June 2, 2020 presidential primary election;

WHEREAS, the Governor's April 10, 2020 proclamation, did not specify that persons living in Maryland may travel outside their homes for the purpose of circulating or signing petitions to place a candidate or question on the ballot at the November 3, 2020 presidential general election, or for a political party to gain recognition by the State;

WHEREAS, the collection of signatures for a petition is often conducted during gatherings, events, or festivals that are prohibited under the order of the Governor;

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, Maryland law allows a government agency "to determine whether, and to the extent to which, it will send and accept electronic records and electronic signatures to and from other persons and otherwise . . . rely upon electronic records and electronic signatures," Md. Code, Comm. Law § 21-117(a);

WHEREAS, the State Board of Elections has not, to date, permitted the submission of petitions bearing electronic signatures; and

WHEREAS, the State Board of Elections believes that allowing the submission of petitions bearing electronic signatures during the period in which Maryland citizens may seek to file petitions to place a candidate or question on the ballot at the November 3, 2020 presidential general election, or for a political party to gain recognition by the State in time to qualify to nominate candidates to appear on the ballot at the November 3, 2020 presidential general election, will further the State's goals of minimizing the threat posed by COVID-19 while preserving the Constitutional rights of Marylanders to petition for access to or to place a question on the ballot;

THEREFORE, the State Board of Elections states as follows:

1. Definitions.

- a. "Circulator" shall have the meaning set forth in Md. Code, Elec. Law § 6-101(d)
- b. "Electronic signature" shall have the meaning set forth in Md. Code, Elec. Law § 1-101(y)
- c. "Petition" shall have the meaning set forth in Md. Code, Elec. Law § 6-101(i)

2. Policy.

- a. Any petition authorized by law to place the name of an individual or question on the ballot or to create a new political party pursuant to Title 6 of the Election Law Article of the Annotated Code of Maryland may contain the electronic signatures of individuals signing the petition, and/or circulators circulating any of the signature pages filed with the petition.
- b. For an electronic signature to be valid under this policy, in addition to meeting the requirements of Elec. Law § 1-101(y), the signature must reflect an affirmative action by the signer to type or electronically sign or affix the signer's name on to the signature page.
- c. The signature must be typed, signed or affixed onto a form prescribed by the State Board of Elections.
- d. All current statutory and regulatory requirements applicable to petition signatures (including the signatures of circulators in the circulator's affidavit) remain in effect.
- e. This policy does not change the requirement that a circulator must personally observe each signer as the page for which that circulator will swear an affidavit is being signed. Remote observations (such as via Skype or FaceTime) do not meet this requirement.

3. Applicability.

- a. This policy shall be in effect from April 22, 2020 until the deadline for submitting any petition to place the name of an individual or question on the November 3, 2020 presidential general election ballot, or to create a new political party in time for that party to qualify to nominate candidates to appear on the ballot at the November 3, 2020 presidential general election.