Department of Legislative Services

Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 29 (Senator Kagan)
Education, Energy, and the Environment

Election Law - Petitions and Ballot Questions - Contents, Plain Language Requirement, and Procedures

This bill makes changes to State election law relating to (1) information included on each petition signature page (for a petition to place a question on the ballot) and on the ballot (for each ballot question); (2) deadlines and requirements for the preparation and certification of ballot questions; and (3) publication of ballot questions. **The bill takes effect June 1, 2026.**

Fiscal Summary

State Effect: The State Board of Elections (SBE) can handle the bill's requirements with existing resources. The bill is not otherwise expected to materially affect State finances.

Local Effect: The bill is not expected to materially affect local government finances.

Small Business Effect: None.

Analysis

Bill Summary:

Requirements for Petition Signature Pages, for a Petition That Seeks to Place a Question on the Ballot

The bill modifies an existing provision that requires, if a petition (other than a municipal petition) seeks to place a question on the ballot, that each signature page of the petition include either a fair and accurate summary of the substantive provisions of the proposal or

the full text of the proposal. The bill modifies the provision by instead requiring each signature page to include:

- a brief title that describes the topic, goal, or outcome of the ballot question;
- (1) a fair and accurate summary of the substantive provisions of the proposal written in plain, clear language that a voter can easily understand, does not explain the legal mechanism providing for the policy change, and does not contain legal jargon or use double negatives or the passive voice or (2) the full text of the proposal; and
- a brief statement explaining what the practical outcome of each voting choice would be.

The bill also requires SBE, when preparing guidelines and instructions for compliance with the bill's plain language requirement for a summary of a proposal on a petition to place a question on the ballot, to (1) consider any generally accepted guidelines regarding compliance with the federal Plain Writing Act of 2010 and (2) prohibit the use of the passive voice, legal jargon, and double negatives.

Ballot Questions

Information Included on the Ballot

The bill alters provisions governing the information that must be included on the ballot, for each ballot question, by:

- modifying a requirement that each question include a brief descriptive title in boldface type so that it instead requires a brief title in boldface type that describes the topic, goal, or outcome of the ballot question;
- modifying a requirement that each question include a condensed statement of the purpose of the question so that it instead requires a condensed statement describing the change in policy to be adopted in plain and clear language that a voter can easily understand, does not explain the legal mechanism providing for the policy change, and does not contain legal jargon or use double negatives or the passive voice; and
- adding a requirement that each question include a brief statement explaining what the practical outcome of each voting choice would be.

Preparation and Certification of Ballot Questions

The bill moves up the deadlines by which governmental entities (described in detail under current law) must prepare and certify ballot question information. The bill moves the deadlines to July 1 immediately preceding a general election. However, the bill does not alter the deadlines by which, if the ballot question information has not been timely certified

by a county or municipal attorney, a clerk of the circuit court must prepare and certify ballot question information to SBE (which under current law and under the bill is no later than the first Friday in August).

The bill requires SBE to make available to the public the submitted ballot question information for a 15-day comment period.

By the fourth day immediately following the end of the 15-day comment period, the person required to prepare a question must (1) review the comments received during the comment period and make any necessary changes to the question and (2) submit the certified plain text of the question to SBE for publication on its website.

The certification by SBE of the content and arrangement of a ballot that includes a question may not be construed to be a certification of the ballot *language* required by statute to be included on the ballot, including the plain language condensed statement required by the bill.

Publication of Ballot Questions

The bill requires – for specified types of ballot questions – that SBE and each applicable local board of elections post in a manner widely accessible to the public for at least 90 days before the general election (1) the complete text of the constitution, charter, amendment, or enactment that is being submitted to the voters and (2) for each question posted, a link to the General Assembly or county webpage for the applicable legislation.

Current Law:

Petition Requirements

Under State law provisions that apply to any petition (other than a municipal petition) authorized by law to place the name of an individual or a question on the ballot, or to create a new political party, a petition must contain an information page (containing, among other things, a description of the subject and purpose of the petition and identification of the sponsor) and signature pages containing not less than the total number of signatures required by law to be filed.

Each signature page must contain, among other information, (1) a description of the subject and purpose of the petition; (2) if the petition seeks to place a question on the ballot, either a fair and accurate summary of the substantive provisions of the proposal or the full text of the proposal; and (3) a statement, to which each signer subscribes, that the signer supports the purpose of that petition process and, based on the signer's information and belief, the signer is a registered voter in the county specified on the page and is eligible to have his or

her signature counted. If a summary of the proposal is included on each signature page in place of the full text of the proposal, the circulator must have the full text of the proposal present at the time and place that each signature is affixed to the page, and the signature page must state that the full text is available from the circulator.

SBE is required to prepare guidelines and instructions relating to the petition process.

Ballot Question Requirements

Under provisions applicable to any ballot question voted on in an election conducted pursuant to State election law, each ballot question must appear on the ballot containing (1) a question number or letter; (2) a brief designation of the type or source of the question; (3) a brief descriptive title in boldface type; (4) a condensed statement of the purpose of the question; and (5) the voting choices that the voter has.

Notice/Publication of Ballot Questions

A local board of elections must provide notice of each question to be submitted statewide and each question to be submitted to the voters of the county by (1) specimen ballot mailed at least one week before any early voting period before the general election or (2) publication or dissemination by mass communication during the three weeks immediately preceding the general election at which a question will appear on the ballot. For a ballot question regarding an amendment to the Maryland Constitution or regarding an enactment of the General Assembly that has been petitioned to referendum, the notice must include both the ballot question and a brief statement, prepared in clear and concise language, devoid of technical and legal terms to the extent practicable, summarizing the question.

The complete text of a ballot question must be posted or available for public inspection in the office of SBE and each applicable local board of elections for 65 days prior to the general election. An individual may receive without charge a copy of the complete text of all constitutional amendments and questions from a local board, either in person, by mail, or electronically.

Deadline for the Preparation and Certification of Ballot Questions

The Secretary of State must prepare and certify to SBE, not later than the ninety-fifth day before the general election, ballot question information for all statewide ballot questions and all questions relating to an enactment of the General Assembly, which is petitioned to referendum.

SBE must prepare and certify to the appropriate local board of elections, not later than the one-hundred fifth day before the general election, ballot question information for all questions referred to the voters of one county or part of one county pursuant to an enactment of the General Assembly.

The county attorney of the appropriate county must prepare and certify to SBE, not later than the ninety-fifth day before the general election, ballot question information for each question to be voted on in a single county or part of a county other than those prepared and certified by the Secretary of State and SBE. If the ballot question is not timely certified, the clerk of the circuit court of a jurisdiction must, not later than the first Friday in August, prepare and certify the ballot question information required to be prepared and certified by the county attorney.

The municipal attorney of the appropriate municipality must, not later than the ninety-fifth day before the general election, prepare and certify to SBE ballot question information for any other question to be voted on in the municipality. If the ballot question is not timely certified, the clerk of the circuit court, for the county in which a municipality is located, must, not later than the first Friday in August, prepare and certify the ballot question information required to be prepared and certified by the municipal attorney.

Certification of Ballots

SBE must certify and publicly display the content and arrangement of each ballot:

- for a primary election, at least 64 days before the election;
- for a general election, at least 64 days before the election;
- for a special primary election, at least 55 days before the election; and
- for a special general election, not later than a date specified in the Governor's proclamation.

The Supreme Court of Maryland, on petition of SBE, may establish a later date in extraordinary circumstances.

SBE must publicly display the content and arrangement of each certified ballot on its website. Except pursuant to a court order, or as provided by law, the content and arrangement of the ballot may not be modified after the second day of the public display. Unless a delay is required by court order, SBE may begin to print the ballots after certification and three days of public display and correct any noted errors.

Executive Order – Maryland Plain Language Initiative

Executive Order 01.01.2024.25 establishes a Maryland Plain Language Initiative within the Department of Information Technology's Maryland Digital Service. The initiative includes the creation of a Maryland Plain Language Plan that among other things must identify plain language standards. The executive order requires State agencies subject to the direction and supervision of the Governor to implement the recommendations of the plan, in phases.

Federal Plain Writing Act of 2010

The federal Plain Writing Act of 2010 was enacted with the purpose of "improv[ing] the effectiveness and accountability of federal agencies to the public by promoting clear government communications that the public can understand and use." The act required the Director of the Office of Management and Budget to develop and issue guidance on implementing the requirements of the act and that guidance references Federal Plain Language Guidelines for agencies to follow.

Additional Comments: The Department of Legislative Services notes that the bill's June 1, 2026 effective date may result in the requirements applicable to the content of a petition signature page changing part-way through a given petition effort. For a referendum petition (referring a law passed by the General Assembly to the voters), for example, if more than one-third but less than the full number of required signatures are filed before June 1 (after the session in which the law was passed), the remainder of the signatures may be filed by June 30 (Art. XVI, §3(b) of the Maryland Constitution).

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See SB 615 and HB 816 of 2025.

Designated Cross File: HB 44 (Delegate Feldmark) - Government, Labor, and Elections.

Information Source(s): Baltimore City; Allegany and Harford counties; Secretary of State; Maryland State Board of Elections; Department of Legislative Services

Fiscal Note History: First Reader - January 20, 2026
sj/sdk

Analysis by: Arnold H. Adja

Direct Inquiries to:
(410) 946-5510
(301) 970-5510