

Next up in Dream Act battle: a lawsuit

Casa, Progressive Maryland maintain half of signatures, collected online, were illegal

by Sarah Breitenbach, Staff Writer

ANNAPOLIS — Proponents of a law to grant in-state tuition to students who are in the country illegally are suing the state Board of Elections over what they say are invalid signatures used to bring the measure to referendum.

The lawsuit, filed in Anne Arundel County Circuit Court, has been expected since a petition drive to overturn the law was announced in the spring. It alleges that more than half of the signatures collected were done so illegally.

Joseph E. Sandler, a Washington, D.C.-based attorney working for Casa of Maryland, an immigrants' rights organization, and other groups, said his firm reviewed the first batch of 47,000 validated signatures turned in by petitioners in May.

He believes 29,000 of those were not obtained legally and projects that more than half of the nearly 109,000 signatures validated by the state Board of Elections also should be dismissed.

The process of collecting signatures was ripe for fraud because signers were able to use a website, mdpetitions.com, to download the information legally required to sign the petition from voter rolls linked to the site, Sandler said.

By knowing a birth date and a name, anyone could import voter information to the petition form and then forge a signature, he said.

“If I know your birth date and where you live, your ZIP code, assuming you live in Maryland, I can put in your name, the computer program will print out a form with everybody's name who lives in that household who is registered to vote,” Sandler said. “I can sign your name and have other people sign those other names, and no one would know the difference because the signatures aren't checked against anything. So if the voter doesn't put in their own information, there's no safeguard against rampant fraud.”

Sandler also argued that the tuition law, known as the Dream Act, cannot be subject to referendum under Maryland law because the state constitution prohibits bringing laws to referendum that maintain or aid a public institution.

Put on hold by the successful petition drive, the Dream Act, which was supposed to take effect July 1, would grant in-state rates to students who graduate from Maryland high schools and whose families have filed three years of state income taxes.

Students who qualify would be required to earn 60 credits -- equivalent to two years of study -- at a community college, before transferring to a public college or university at the reduced rate.

Del. Neil C. Parrot, chairman of the petition group, called Sandler's claims "silly" and said the potential for fraud always has been an issue in Maryland because of access to voter information through the Maryland Board of Elections.

"This fraud that they're saying could exist has always existed in every petition drive," Parrott (R-Dist. 2B) of Hagerstown said. "What they're saying is there are not petitions that could exist in Maryland."

State elections board officials offered no comment on the lawsuit, but did verify that each name and signature on the petition was reviewed by board staff and checked against the state voter rolls.

Amy Exelby, executive director of the Ballot Initiative Strategy Center, a progressive referendum research organization based in Washington, D.C., said her organization is not aware of any other states that allow computer-generated petitions to qualify for the ballot.

Other states are taking a slow approach to examining the technology, she said.

"The legal action today will give everyone more time to reflect on whether or not this process is legal," Exelby said.

"Frequently, boards of elections don't have the staff to adequately review every signature on a petition. Today's action is good for democracy because it will determine if this referendum has legally qualified for the ballot."