

HOUSE BILL 383

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2004 Regular Session  
(4lr0235)

**ENROLLED BILL**

-- Ways and Means/Education, Health, and Environmental Affairs --

Introduced by **Delegates Menes and Patterson**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER 338

1 AN ACT concerning

2 **Candidates' Residencies - Challenges - Expedited Judicial Review**

3 FOR the purpose of authorizing certain registered voters to file a petition with ~~the a~~  
4 certain circuit court ~~that challenges~~ to challenge the residency of certain  
5 candidates; requiring the petition to be filed within a certain period of time;  
6 providing for the application of this Act; requiring the circuit court to expedite  
7 the judicial review of the petition within a certain period of time; and generally  
8 relating to challenging the residency of a candidate and expediting the judicial  
9 review of that challenge.

10 BY adding to  
11 Article - Election Law  
12 Section 5-305  
13 Annotated Code of Maryland  
14 (2003 Volume and 2003 Supplement)

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

3 **Article - Election Law**

4 5-305.

5 (A) THIS SECTION APPLIES ONLY TO A PETITION THAT WILL AFFECT THE  
6 RIGHT OF A CANDIDATE TO HAVE THE CANDIDATE'S NAME APPEAR ON THE BALLOT  
7 IN A PRIMARY OR GENERAL ELECTION.

8 ~~(A)~~ (B) ~~ANY A~~ REGISTERED VOTER WHO IS A RESIDENT OF THE DISTRICT OR  
9 OTHER GEOGRAPHIC AREA IN WHICH A CANDIDATE IS SEEKING OFFICE MAY FILE A  
10 PETITION WITH THE CIRCUIT COURT ~~THAT CHALLENGES FOR THAT DISTRICT OR~~  
11 GEOGRAPHIC AREA TO CHALLENGE THE CANDIDATE'S RESIDENCY AS PROVIDED IN §  
12 5-202 OF THIS TITLE.

13 ~~(B)~~ ~~(1)~~ ~~THE PETITION SHALL BE FILED WITHIN 7 DAYS FROM THE DATE THE~~  
14 ~~CANDIDATE'S CERTIFICATE OF CANDIDACY IS FILED UNDER § 5-302 OF THIS~~  
15 ~~SUBTITLE AFTER THE DEADLINE SPECIFIED UNDER § 5-303 OF THIS SUBTITLE FOR~~  
16 ~~THE FILING OF A CERTIFICATE OF CANDIDACY FOR THE OFFICE THAT THE~~  
17 ~~CANDIDATE IS SEEKING.~~

18 (C) (1) THE PETITION MUST BE FILED:

19 (I) IF THE PETITION INVOLVES A CHALLENGE TO A CANDIDATE  
20 FOR AN OFFICE THAT IS TO BE CONTESTED AT AN ELECTION IN THE YEAR THAT  
21 THERE IS NOT A PRESIDENTIAL ELECTION, NO LATER THAN 9 WEEKS BEFORE THAT  
22 ELECTION; OR

23 (II) IF THE PETITION INVOLVES A CHALLENGE TO A CANDIDATE  
24 FOR AN OFFICE THAT IS TO BE CONTESTED AT AN ELECTION IN THE YEAR OF A  
25 PRESIDENTIAL ELECTION, NO LATER THAN 11 WEEKS BEFORE THAT ELECTION.

26 (2) JUDICIAL REVIEW OF ANY PETITION THAT IS FILED UNDER  
27 SUBSECTION ~~(A)~~ (B) OF THIS SECTION SHALL BE EXPEDITED BY THE CIRCUIT COURT  
28 THAT HEARS THE CAUSE TO THE EXTENT NECESSARY IN CONSIDERATION OF THE  
29 DEADLINES ESTABLISHED BY LAW, AND IN NO CASE, LONGER THAN 7 DAYS FROM  
30 THE DATE THE PETITION IS FILED.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
32 July 1, 2004.

