

SENATE BILL 820

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11r0144
CF 11r0145

By: **The President (By Request – Administration) and Senators Garagiola and Jacobs**

Introduced and read first time: February 9, 2011

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Federal Military and Overseas Voter Empowerment (MOVE) Act Compliance**

3 FOR the purpose of making certain changes to the State election law to comply with
4 the federal Military and Overseas Voter Empowerment (MOVE) Act; requiring
5 certain local boards of elections to provide certain information relating to
6 certain candidates to the State Board of Elections in accordance with
7 regulations adopted by the State Board; altering certain deadlines for the filing
8 of certain certificates of candidacy, petitions, certificates of withdrawal, and
9 certificates of designation of candidacy; altering certain primary dates; altering
10 the dates by which the State Board is required to certify the content and
11 arrangement of certain ballots and deliver a copy to each local board; and
12 generally relating to primary and general elections.

13 BY repealing and reenacting, with amendments,

14 Article – Election Law

15 Section 5–302(c), 5–303, 5–305, 5–502, 5–901, 8–201, 9–207, and 9–209

16 Annotated Code of Maryland

17 (2010 Replacement Volume)

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

20 **Article – Election Law**

21 5–302.

22 (c) **(1)** If the candidacy is for an office other than an office described in
23 subsection (b) of this section, the certificate of candidacy shall be filed with the local
24 board of the applicable county.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE**
2 **STATE BOARD, EACH LOCAL BOARD SHALL PROVIDE THE NAME AND OTHER**
3 **REQUIRED INFORMATION FOR EACH CANDIDATE TO THE STATE BOARD.**

4 5–303.

5 (a) Except as provided in subsections (b) and (c) of this section:

6 **(1) IN THE YEAR IN WHICH THE GOVERNOR IS ELECTED, a**
7 certificate of candidacy shall be filed not later than 9 p.m. on the [Monday that is 10
8 weeks or 70 days before the day on] **WEDNESDAY FOLLOWING THE SECOND**
9 **TUESDAY IN APRIL IN THE YEAR IN** which the primary election will be held; **AND**

10 **(2) FOR ANY OTHER REGULARLY SCHEDULED ELECTION, A**
11 **CERTIFICATE OF CANDIDACY SHALL BE FILED NOT LATER THAN 9 P.M. ON THE**
12 **MONDAY THAT IS 85 DAYS BEFORE THE DAY ON WHICH THE PRIMARY ELECTION**
13 **WILL BE HELD.**

14 (b) A certificate of candidacy for an office to be filled by a special election
15 under this article shall be received and filed in the office of the appropriate board not
16 later than 5 p.m. on the Monday that is 3 weeks or 21 days prior to the date for the
17 special primary election specified by the Governor in the proclamation for the special
18 primary election.

19 (c) The certificate of candidacy for the election of a write-in candidate shall
20 be filed by the earlier of:

21 (1) 7 days after a total expenditure of at least \$51 is made to promote
22 the candidacy by a campaign finance entity of the candidate; or

23 (2) 5 p.m. on the Wednesday preceding the day of the election for
24 which the certificate is filed.

25 5–305.

26 (a) This section applies only to a petition that will affect the right of a
27 candidate to have the candidate's name appear on the ballot in a primary or general
28 election.

29 (b) A registered voter who is a resident of the district or other geographic
30 area in which a candidate is seeking office may file a petition with the circuit court for
31 that district or geographic area to challenge the candidate's residency as provided in §
32 5–202 of this title.

33 (c) (1) The petition must be filed[:

1 (i) if the petition involves a challenge to a candidate for an
2 office that is to be contested at an election in the year that there is not a presidential
3 election, no later than 9 weeks before that election; or

4 (ii) if the petition involves a challenge to a candidate for an
5 office that is to be contested at an election in the year of a presidential election, no
6 later than 11 weeks before that election] **6 DAYS AFTER THE FILING DATE**
7 **PROVIDED IN § 5-303 OF THIS TITLE.**

8 (2) Judicial review of any petition that is filed under subsection (b) of
9 this section shall be expedited by the circuit court that hears the cause to the extent
10 necessary in consideration of the deadlines established by law, and in no case, longer
11 than 7 days from the date the petition is filed.

12 5-502.

13 (a) Subject to § 5-402 of this title, an individual who has filed a certificate of
14 candidacy may withdraw the candidacy by filing a certificate of withdrawal on the
15 form prescribed by the State Board within [10] 2 days after the filing date established
16 under § 5-303 of this title.

17 (b) An individual who has filed a certificate of candidacy for the special
18 election to fill a vacancy for Representative in Congress may withdraw the certificate
19 on the prescribed form within 2 days after the filing date established in the
20 proclamation issued by the Governor.

21 5-901.

22 (a) This section does not apply to vacancy in nomination in the office of a
23 Governor and Lieutenant Governor unit.

24 (b) This section applies to a vacancy in candidacy for a primary election that
25 occurs because no candidate for the political party files a certificate of candidacy for
26 the election.

27 (c) (1) Except for a vacancy in candidacy for the election of a member of
28 the Senate of Maryland or the House of Delegates as provided in paragraph (2) of this
29 subsection, the vacancy in candidacy for a political party that is entitled to have a
30 candidate on the ballot for an office elected by the voters of more than one county shall
31 be filled by the State central committee or governing body of that political party.

32 (2) (i) In a State legislative district or a State delegate district
33 comprising more than one county, a vacancy in candidacy for a political party that is
34 entitled to have a candidate on the ballot shall be filled by a vote of the central
35 committee in the counties in the district.

1 (ii) In filling the vacancy in candidacy under subparagraph (i) of
2 this paragraph, the central committee of each county where the vacancy occurs shall
3 cast a vote proportionate to its share of the population of the district as reported in the
4 most recent decennial census of the United States.

5 (iii) If no person receives a majority of the votes cast under
6 subparagraph (ii) of this paragraph, or if there is a tie vote by the central committees,
7 the vacancy in candidacy shall be filled by the State central committee of the political
8 party.

9 (d) For any public or party office not described in subsection (c) of this
10 section, a vacancy in candidacy under this section shall be filled by the central
11 committee of the political party in the county in which the office is located.

12 (e) A central committee authorized to fill a vacancy in candidacy for an office
13 under this section shall file a certificate of designation of candidacy with the
14 appropriate board designated to receive the certificate of candidacy for that office [by
15 the fifth day after the date on which a candidate may withdraw a certificate of
16 candidacy before the primary election] **5 DAYS AFTER THE FILING DATE PROVIDED**
17 **IN § 5-303 OF THIS TITLE.**

18 (f) The individual designated by a central committee under subsection (e) of
19 this section to fill a vacancy shall file a certificate of candidacy in accordance with
20 Subtitle 3 of this title with the appropriate board by the date specified for the
21 applicable central committee to file a certificate of designation under subsection (e) of
22 this section.

23 8-201.

24 (a) (1) There shall be a statewide primary election in every
25 even-numbered year.

26 (2) A primary election shall be held:

27 (i) in the year in which the Governor is elected, on the [second]
28 **LAST** Tuesday [after the first Monday in September] **IN JUNE**; and

29 (ii) in the year in which the President of the United States is
30 elected, on the [second] **FIRST** Tuesday in [February] **APRIL**.

31 (b) In Baltimore City, there shall be a primary election for municipal offices
32 on the second Tuesday following the first Monday in September in the year following
33 the election of the Governor.

34 9-207.

35 (a) The State Board shall certify the content and arrangement of each ballot:

1 (1) for a primary election[:

2 (i) in the year that the President of the United States is elected,
3 at least 42 days before the election; and

4 (ii) in any other year, at least 50 days before the election], **NO**
5 **MORE THAN 11 DAYS AFTER THE FILING DATE PROVIDED IN §**
6 **5-303 OF THIS TITLE;**

7 (2) for a general election:

8 (i) in the year that the President of the United States is elected,
9 at least 55 days before the election; and

10 (ii) in any other year, not more than 18 days after the primary
11 election;

12 (3) for a special primary election, at least 18 days before the election;
13 and

14 (4) for a special general election, not later than a date specified in the
15 Governor's proclamation.

16 (b) The Court of Appeals, on petition of the State Board, may establish a
17 later date in extraordinary circumstances.

18 (c) [Within 48 hours after certification] **NO MORE THAN 12 DAYS AFTER**
19 **THE FILING DATE PROVIDED IN § 5-303 OF THIS TITLE**, the State Board shall
20 [deliver to each local board a copy of the certified ballot content and arrangement for
21 that county.

22 (d) (1) Within 5 days after the certification, or a later date that the Court
23 of Appeals establishes in extraordinary circumstances on petition of the State Board, a
24 local board shall:

25 (i) prepare the arrangement for all ballots to be used in the
26 county, using the arrangement prescribed by the State Board; and

27 (ii) display the content and arrangement, in a manner that is
28 accessible to the public, on all days that the office is open through the day of the
29 election] **PUBLICLY DISPLAY THE CONTENT AND ARRANGEMENT OF EACH**
30 **CERTIFIED BALLOT ON ITS WEB SITE.**

31 [(2)] **(D)** Except pursuant to a court order under § 9-209 of this
32 subtitle, or as provided in § 9-208 of this subtitle, the content and arrangement of the
33 ballot may not be modified after the [third] **SECOND** day of the public display.

1 (e) Unless a delay is required by court order, [a local board] **THE STATE**
2 **BOARD** may begin to print the ballots after [3] **2** days of public display and[, with the
3 approval of the State Board, correction of] **CORRECT** any noted errors.

4 9–209.

5 (a) Within [3 days after the content and arrangement of the ballot are placed
6 on public display under § 9–207 of this subtitle] **13 DAYS AFTER THE FILING DATE**
7 **PROVIDED IN § 5–303 OF THIS TITLE**, a registered voter may seek judicial review of
8 the content and arrangement, or to correct any other error, by filing a sworn petition
9 with the circuit court for the county.

10 (b) The circuit court may require the local board to:

11 (1) correct an error;

12 (2) show cause why an error should not be corrected; or

13 (3) take any other action required to provide appropriate relief.

14 (c) If an error is discovered after the ballots have been printed, and the local
15 board fails to correct the error, a registered voter may seek judicial review not later
16 than the second Monday preceding the election.

17 **SECTION 2. AND BE IT FURTHER ENACTED**, That this Act shall take effect
18 October 1, 2011.