

**Department of Legislative Services**  
Maryland General Assembly  
2015 Session

**FISCAL AND POLICY NOTE**  
**Revised**

House Bill 396

(Delegate Turner)

Ways and Means

Education, Health, and Environmental Affairs

---

**Election Law - Primary Election Dates in the Presidential Election Year**

---

This bill modifies the date of the statewide primary and Baltimore City municipal primary elections that occur in a presidential election year so that the primary elections are held on the fourth Tuesday in April rather than the first Tuesday in April. The bill also makes changes to specified deadlines in the elections process, modifies a campaign finance reporting requirement, and deletes an obsolete provision.

---

**Fiscal Summary**

**State Effect:** The bill does not directly affect State finances.

**Local Effect:** None.

**Small Business Effect:** None.

---

**Analysis**

**Bill Summary:** In addition to modifying the primary election date in a presidential election year, the bill also:

- modifies a deadline for a write-in candidate to file a certificate of candidacy so that it occurs prior to early voting;
- modifies the deadline for a petition to challenge a candidate's residency to be filed with the applicable circuit court so that the deadline is nine days rather than six days after the deadline for filing a certificate of candidacy;

- modifies the deadline for a declaration of intent to be filed by a candidate who seeks nomination by petition or by a nonprincipal political party in a presidential election year to coincide with the deadline for filing a certificate of candidacy;
- modifies the deadline to decline a nomination in the year of a gubernatorial election to be the 70<sup>th</sup> day preceding the general election rather than two days after the primary election results are certified;
- modifies deadlines for vacancies in nomination to be filled, so that the deadlines occur on the 60<sup>th</sup> day before a general election rather than by the later of the 40<sup>th</sup> day before the general election or the fifth day following the vacancy;
- modifies a deadline for judicial review to be sought of a specified determination of the sufficiency of a petition to place an individual on the primary election ballot for nomination by a principal political party for the office of President of the United States;
- requires the Secretary of State to certify to the State Board of Elections (SBE) the names of candidates for nomination by a principal political party for the office of President of the United States by no later than 90 days before the primary election, rather than during the period between 80 and 90 days before the primary election;
- modifies the deadline for SBE to certify the content and arrangement of each ballot for a primary election so that the deadline is 55 days before the election, consistent with the deadline for a general election, rather than 11 days after the filing date for certificates of candidacy;
- makes a campaign finance reporting deadline on the third Tuesday in April (which is applicable only to a campaign finance entity that did not file the annual campaign finance report required in January) applicable only in a gubernatorial election year; and
- deletes an obsolete provision.

**Current Law/Background:** Chapter 169 of 2011 established the current date for the presidential primary election. The presidential primary had previously been held on the second Tuesday in February in 2008. Chapter 219 of 2007 moved Maryland’s presidential primary date from the first Tuesday in March to the second Tuesday in February.

The Baltimore City municipal primary and general elections will coincide with the presidential primary and general elections in 2016 pursuant to Chapters 548 and 549 of 2012 after having traditionally been held in the year after the gubernatorial election.

---

### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 204 (Senator Conway) - Education, Health, and Environmental Affairs.

**Information Source(s):** State Board of Elections; Charles, Frederick, and Montgomery counties; Baltimore City; Department of Legislative Services

**Fiscal Note History:** First Reader - February 16, 2015  
md/hlb Revised - House Third Reader - March 24, 2015  
Revised - Enrolled Bill - May 5, 2015

---

Analysis by: Scott D. Kennedy

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