

HOUSE BILL 444

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6lr2525
CF SB 260

By: **Delegate C. Howard**

Introduced and read first time: January 29, 2016

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – General Assembly Candidate Residency Form – Requirement**

3 FOR the purpose of requiring an individual seeking to become a candidate for the General
4 Assembly of Maryland to file a candidate residency form with the individual's
5 certificate of candidacy; requiring the individual to state certain information on the
6 form and explain certain discrepancies; altering the circumstances under which an
7 individual may become a candidate for public or party office; making a conforming
8 change; and generally relating to the General Assembly candidate residency form.

9 BY repealing and reenacting, with amendments,
10 Article – Election Law
11 Section 5–202, 5–301(a), and 5–304
12 Annotated Code of Maryland
13 (2010 Replacement Volume and 2015 Supplement)

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

16 **Article – Election Law**

17 5–202.

18 **(A)** A candidate for public or party office must be a registered voter at an address
19 that satisfies any residence requirement for the office that is imposed by law and, in the
20 case of a party office, by party rules.

21 **(B) (1) AN INDIVIDUAL SEEKING TO BECOME A CANDIDATE FOR THE**
22 **GENERAL ASSEMBLY OF MARYLAND SHALL FILE A CANDIDATE RESIDENCY FORM**
23 **WITH THE INDIVIDUAL'S CERTIFICATE OF CANDIDACY.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) THE INDIVIDUAL SHALL STATE ON THE CANDIDATE RESIDENCY**
2 **FORM REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION:**

3 **(I) THE ADDRESS OF THE INDIVIDUAL'S LEGAL RESIDENCE;**
4 **AND**

5 **(II) WHETHER THE ADDRESS STATED UNDER ITEM (I) OF THIS**
6 **PARAGRAPH MATCHES EACH OF THE FOLLOWING:**

7 **1. THE ADDRESS ON THE INDIVIDUAL'S VOTER**
8 **REGISTRATION CARD;**

9 **2. THE ADDRESS ON THE INDIVIDUAL'S DRIVER'S**
10 **LICENSE;**

11 **3. THE ADDRESS FOR WHICH ANY STATE OR LOCAL**
12 **HOMESTEAD TAX CREDIT IS RECEIVED;**

13 **4. THE SERVICE ADDRESS FOR THE INDIVIDUAL'S**
14 **RESIDENTIAL UTILITY BILLS;**

15 **5. THE ADDRESS FOR ANY PERSONAL BANK ACCOUNTS**
16 **HELD BY THE INDIVIDUAL;**

17 **6. THE ADDRESS ON THE MOST RECENT STATE AND**
18 **FEDERAL INCOME TAX RETURNS FILED BY THE INDIVIDUAL;**

19 **7. IF APPLICABLE, THE ADDRESS WHERE THE**
20 **INDIVIDUAL'S SPOUSE RESIDES; AND**

21 **8. IF THE INDIVIDUAL HAS MINOR CHILDREN THAT**
22 **ATTEND SCHOOL, THE ADDRESS ON THE SCHOOL RECORDS.**

23 **(3) IF THE INDIVIDUAL INDICATES UNDER PARAGRAPH (2)(II) OF**
24 **THIS SUBSECTION THAT ANY OF THE ADDRESSES DO NOT MATCH THE ADDRESS**
25 **STATED UNDER PARAGRAPH (2)(I) OF THIS SUBSECTION, THE INDIVIDUAL SHALL**
26 **EXPLAIN ANY DISCREPANCIES.**

27 5-301.

28 (a) An individual may become a candidate for a public or party office only if:

29 (1) the individual files a certificate of candidacy in accordance with this
30 subtitle; [and]

1 **(2) THE INDIVIDUAL FILES A CANDIDATE RESIDENCY FORM, IF**
2 **REQUIRED UNDER § 5-202(B) OF THIS TITLE; AND**

3 **[(2)] (3)** the individual does not file a certificate of withdrawal under
4 Subtitle 5 of this title.

5 5-304.

6 (a) (1) A certificate of candidacy may be filed:

7 (i) in person; or

8 (ii) if authorized by subsection (b) of this section, by certified mail,
9 personal messenger, or other delivery service designated by the filer.

10 (2) A certificate of candidacy may not be filed by facsimile service or other
11 electronic transmission.

12 (b) A certificate of candidacy may be filed as permitted under subsection (a)(1)(ii)
13 of this section, if:

14 (1) the individual filing the certificate is unable to do so in person because
15 of illness, military service, or temporary absence from the State; and

16 (2) the certificate is accompanied by an affidavit signed by the individual
17 filing the certificate setting forth fully the facts that prevent that individual from filing the
18 certificate in person.

19 (c) On the certificate of candidacy form prescribed by the State Board, the
20 candidate shall specify:

21 (1) the office, including, if applicable, the party, district, and circuit to
22 which the candidacy relates;

23 (2) the year of the election;

24 (3) the name of the individual filing the certificate;

25 (4) the address on the statewide voter registration list or the current
26 address of that individual;

27 (5) a statement that the individual satisfies the requirements of law for
28 candidacy for the office for which the certificate is being filed; and

29 (6) any information requested by the State Board to verify the accuracy of
30 the information provided by the individual under this subsection.

- 1 (d) The certificate of candidacy shall be accompanied by:
- 2 (1) a filing fee satisfying the requirements of § 5-401 of this title;
- 3 (2) a separate form, unless such a form has previously been filed,
4 establishing a campaign finance entity under Title 13 of this article;
- 5 (3) evidence that the individual has filed:
- 6 (i) a financial disclosure statement with the State Ethics
7 Commission in accordance with the requirements of Title 5, Subtitle 6 of the General
8 Provisions Article; or
- 9 (ii) any other financial disclosure report required by law; [and]
- 10 **(4) A CANDIDATE RESIDENCY VERIFICATION FORM, IF REQUIRED**
11 **UNDER § 5-202(B) OF THIS TITLE; AND**
- 12 **[(4)] (5)** any additional information required by the State Board.
- 13 (e) The appropriate board shall accept the certificate of candidacy if it determines
14 that all requirements are satisfied.
- 15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2016.