

HOUSE BILL 1444

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8lr3320

By: **Delegate Flanagan**

Introduced and read first time: February 9, 2018

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Primary Elections – Voters Not Affiliated With a Political Party**

3 FOR the purpose of requiring certain political parties to allow voters not affiliated with the
4 party to vote in the party’s primary; providing that an individual may vote only in
5 the primary election of a single political party; making conforming changes;
6 providing for a delayed effective date; and generally relating to voters not affiliated
7 with a political party voting in primary elections.

8 BY repealing

9 Article – Election Law

10 Section 3–202(a)(4)

11 Annotated Code of Maryland

12 (2017 Replacement Volume and 2017 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – Election Law

15 Section 3–202(a)(5), 3–203(c), 3–204(b)(4), and 8–202

16 Annotated Code of Maryland

17 (2017 Replacement Volume and 2017 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

20 **Article – Election Law**

21 3–202.

22 (a) [(4) In the section of the statewide voter registration application that asks
23 the voter whether the voter wants to affiliate with a political party, the application shall
24 list the recognized political parties in the State and include the following statement: “You

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 must register with a political party if you want to take part in that political party's primary
2 election, caucus, or convention. Check one box only.".]

3 ~~[(5)]~~ (4) (i) A statewide voter registration application shall be
4 produced exclusively by the State Board.

5 (ii) No other registration form may be used for registration purposes
6 except:

7 1. a voter registration application produced by a local board
8 with the approval of the State Board;

9 2. as provided in subsection (b) of this section;

10 3. as provided in § 3-203(b) of this subtitle;

11 4. any other form prescribed by federal law for voter
12 registration; or

13 5. a federal write-in absentee ballot if used by a voter
14 authorized to vote a federal write-in absentee ballot under federal law.

15 3-203.

16 (c) An electronic voter registration system:

17 (1) may not require any information that duplicates the information
18 required to complete an applicable transaction; AND

19 (2) shall require only the minimum amount of information necessary for
20 both an applicable transaction and a voter registration to:

21 (i) prevent duplicate voter registration; and

22 (ii) enable election officials to review the eligibility of an applicant
23 and to administer voter registration and other aspects of the election process[; and

24 (3) shall inform an applicant that if the applicant does not select a political
25 party affiliation, the individual will be designated as not affiliated with a political party
26 and will be unable to vote in a party primary election].

27 3-204.

28 (b) Except for a public institution of higher education in the State, which
29 institution shall comply with the requirements of subsection (c) of this section, each voter
30 registration agency, as provided in subsection (a)(2) and (3) of this section, shall:

1 (4) ensure that each application for service or assistance from the agency
2 and each recertification, renewal, or change of address form relating to the service or
3 assistance may not be completed until the applicant has indicated whether the applicant
4 wishes to register to vote [and is informed that if the applicant does not select a political
5 party affiliation, the individual will be designated as not affiliated with a political party
6 and will be unable to vote in a party primary election]; and

7 8–202.

8 (a) A principal political party, as determined by the statement of registration
9 issued by the State Board:

10 (1) shall use the primary election to:

11 (i) nominate its candidates for public office; and

12 (ii) elect all members of the local central committees of the political
13 party; and

14 (2) may use the primary election in the year of a presidential election to
15 elect delegates to a national presidential nominating convention.

16 (b) Except for a nominee for President or Vice President, the name of a nominee
17 of a principal political party may not appear on the ballot in a general election if the
18 individual has not:

19 (1) been nominated in the primary election; or

20 (2) been designated to fill a vacancy in nomination in accordance with Title
21 5 of this article.

22 [(c) If a political party chooses to permit voters not affiliated with the party to vote
23 in the party's primary election, the chairman of the party's State central committee shall
24 so notify the State Board at least 6 months before the date of the primary election.]

25 **(c) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A POLITICAL**
26 **PARTY THAT USES PRIMARY ELECTIONS TO NOMINATE CANDIDATES FOR OFFICE**
27 **SHALL ALLOW VOTERS NOT AFFILIATED WITH THE PARTY TO VOTE IN THE PARTY'S**
28 **PRIMARY ELECTIONS.**

29 **(2) AN INDIVIDUAL MAY VOTE ONLY IN THE PRIMARY ELECTION OF A**
30 **SINGLE POLITICAL PARTY.**

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 January 1, 2019.