

HOUSE BILL 176

G1

9lr0118

By: **Chair, Ways and Means Committee (By Request – Departmental – State Board of Elections)**

Introduced and read first time: January 23, 2019

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 20, 2019

CHAPTER _____

1 AN ACT concerning

2 **Election Law – ~~Certificates of Candidacy and Nomination~~ Candidates –**
3 **Revisions**

4 FOR the purpose of requiring candidates nominated by a new political party to file a
5 certificate of candidacy by a certain date and time, comply with certain requirements
6 for a certificate of candidacy, and file a certificate of nomination with the appropriate
7 board and on a certain form; requiring the presiding officers of a national party
8 convention to file a certificate of nomination with the State Board of Elections within
9 a certain time period after the conclusion of the national party convention; repealing
10 the requirement for the Anne Arundel County Board of Education to provide certain
11 notice to the State Board by a certain date; authorizing the State Administrator of
12 Elections to designate temporary satellite locations to receive a certificate of
13 candidacy; providing that a candidate nominated by a new political party under a
14 certain provision of law is not required to file a declaration of intent; and generally
15 relating to certificates of candidacy and nomination.

16 BY repealing and reenacting, with amendments,
17 Article – Election Law
18 Section 4–102(f), 5–301(g), ~~and 5–302~~ 5–302, and 5–703.1
19 Annotated Code of Maryland
20 (2017 Replacement Volume and 2018 Supplement)

21 BY repealing
22 Article – Election Law

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 5–301(h)
2 Annotated Code of Maryland
3 (2017 Replacement Volume and 2018 Supplement)

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

6 **Article – Election Law**

7 4–102.

8 (f) (1) Unless a new political party is required to hold a primary election to
9 nominate its candidates under Title 8 of this article, the new political party may nominate
10 its candidates in accordance with the constitution and bylaws adopted by the political party
11 and submitted to the State Board.

12 (2) **THE CANDIDATES NOMINATED BY THE NEW POLITICAL PARTY**
13 **SHALL:**

14 (I) **FILE A CERTIFICATE OF CANDIDACY NO LATER THAN 5 P.M.**
15 **ON THE FIRST MONDAY IN AUGUST IN THE YEAR OF THE GENERAL ELECTION FOR**
16 **THE OFFICE;**

17 (II) **COMPLY WITH THE REQUIREMENTS FOR A CERTIFICATE OF**
18 **CANDIDACY UNDER TITLE 5, SUBTITLE 3 OF THIS ARTICLE; AND**

19 (III) **FILE WITH THE APPROPRIATE BOARD, ON A FORM THE**
20 **STATE BOARD PRESCRIBES, A CERTIFICATE OF NOMINATION SIGNED BY THE**
21 **OFFICERS OF THE NEW POLITICAL PARTY.**

22 5–301.

23 (g) (1) A candidate for President or Vice President of the United States
24 nominated by a national party convention is not required to file a certificate of candidacy
25 under this section.

26 (2) If more than one written notice naming different presidential and vice
27 presidential nominees is provided to the State Board by persons purporting to be the
28 presiding officer of the same party convention, the State Board shall require the chairman
29 of the State party to provide written reaffirmation of the party's nominees within 5 days
30 after the State Board's demand.

31 (3) **THE PRESIDING OFFICERS OF THE NATIONAL PARTY CONVENTION**
32 **SHALL FILE A CERTIFICATE OF NOMINATION WITH THE STATE BOARD WITHIN 5**
33 **DAYS AFTER THE CONCLUSION OF THE NATIONAL PARTY CONVENTION.**

1 [(h) (1) On or before August 31 in the year in which a member of the Anne
2 Arundel County Board of Education must stand for continuance in office, the Anne Arundel
3 County Board of Education shall provide written notice to the State Board of the name of
4 the member that is to be placed on the ballot at the next succeeding general election.

5 (2) An incumbent member of the Anne Arundel County Board of Education
6 is not required to file a certificate of candidacy for an election for continuance in office.]

7 ~~5-302.~~

8 (a) A certificate of candidacy shall be filed under oath on the prescribed form.

9 (b) The certificate of candidacy shall be filed with the State Board if the candidacy
10 is for:

11 (1) an office to be voted upon by the voters of the entire State;

12 (2) the General Assembly of Maryland;

13 (3) Representative in Congress;

14 (4) the office of judge of the circuit court for a county; or

15 (5) an office of elected delegate to a presidential national convention
16 provided for under Title 8, Subtitle 5 of this article.

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

20 (2) In accordance with regulations adopted by the State Board, each local
21 board shall provide the name and other required information for each candidate to the State
22 Board.

23 **(D) THE STATE ADMINISTRATOR MAY DESIGNATE SATELLITE LOCATIONS**
24 **FOR A TEMPORARY PERIOD TO RECEIVE A CERTIFICATE OF CANDIDACY.**

25 ~~5-703.1.~~

26 (a) Except for a candidate for a nonpartisan county board of education, this
27 section applies to any candidate for public office subject to this title.

28 (b) A candidate for a public office may be nominated by a political party under
29 this subtitle if the political party is not required to nominate its candidates by party
30 primary.

1 (c) (1) THIS SUBSECTION DOES NOT APPLY TO A CANDIDATE NOMINATED
2 BY A NEW POLITICAL PARTY UNDER § 4-102(F) OF THIS ARTICLE.

3 (2) A candidate for public office who seeks political party nomination under
4 this section shall file a declaration of intent to seek political party nomination.

5 [(2)] (3) The declaration of intent shall be filed with the board at which
6 the candidate files a certificate of candidacy under Subtitle 3 of this title.

7 [(3)] (4) The declaration of intent shall be filed as follows:

8 (i) not later than the first Monday in July; and

9 (ii) for a special election to fill a vacancy:

10 1. for Representative in Congress, by the date and time
11 specified in the Governor's proclamation; or

12 2. for a local public office, by the date and time specified in
13 the county proclamation.

14 [(4)] (5) A candidate who seeks nomination by political party may not be
15 charged a fee for filing the declaration of intent.

16 (d) (1) A candidate for public office who seeks nomination by political party
17 shall file a certificate of candidacy not later than 5 p.m. on the first Monday in August in
18 the year of the general election for the office.

19 (2) Except for the time of filing, the certificate of candidacy for a candidate
20 who seeks nomination by political party shall comply with the requirements for a certificate
21 of candidacy under Subtitle 3 of this title.

22 (e) A candidate for nomination by political party may not have the candidate's
23 name placed on the general election ballot unless the candidate files with the appropriate
24 board, on a form the State Board prescribes, a certificate of nomination signed by the
25 officers of the political party.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2019.