

SENATE BILL 385

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9lr0435

By: **Senator Zirkin**

Introduced and read first time: January 31, 2019

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Primary Elections – Voting by Unaffiliated Voters**

3 FOR the purpose of altering the content requirements of the statewide voter registration
4 application; altering the information that an electronic voter registration system is
5 required to provide to a certain applicant; providing that a voter affiliated with a
6 political party may vote only for the candidates of that political party in a primary
7 election; authorizing a voter unaffiliated with a political party to vote in a primary
8 election for certain candidates; prohibiting a voter from voting for the candidates of
9 more than one political party during a primary election; providing that voters
10 unaffiliated with a political party are not eligible to vote for members of certain
11 political party committees or delegates to certain political party conventions;
12 repealing a provision of law requiring a political party to provide certain notice to
13 the State Board of Elections regarding a certain choice; altering the content of
14 information that a voter requesting an absentee ballot by a certain method is
15 required to submit to the State Board; and generally relating to voting in primary
16 elections.

17 BY repealing and reenacting, with amendments,
18 Article – Election Law
19 Section 3–202(a)(4), 3–203(c), 8–202, and 9–305(a)
20 Annotated Code of Maryland
21 (2017 Replacement Volume and 2018 Supplement)

22 BY adding to
23 Article – Election Law
24 Section 8–201.1
25 Annotated Code of Maryland
26 (2017 Replacement Volume and 2018 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Election Law

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2 3–202.

3 (a) (4) In the section of the statewide voter registration application that asks
4 the voter whether the voter wants to affiliate with a political party, the application shall
5 list the recognized political parties in the State and include the following statement: “You
6 must register with a political party if you want to take part in that political party’s [primary
7 election,] caucus[,] or convention. Check one box only.”.

8 3–203.

9 (c) An electronic voter registration system:

10 (1) may not require any information that duplicates the information
11 required to complete an applicable transaction;

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

14 (i) prevent duplicate voter registration; and

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

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

20 **8–201.1.**

21 **(A) A VOTER AFFILIATED WITH A POLITICAL PARTY MAY VOTE ONLY FOR**
22 **THE CANDIDATES OF THAT POLITICAL PARTY IN A PRIMARY ELECTION.**

23 **(B) A VOTER WHO IS NOT AFFILIATED WITH A POLITICAL PARTY MAY VOTE**
24 **IN A PRIMARY ELECTION FOR THE CANDIDATES OF A POLITICAL PARTY OF THE**
25 **VOTER’S CHOICE.**

26 **(C) A VOTER MAY NOT VOTE FOR THE CANDIDATES OF MORE THAN ONE**
27 **POLITICAL PARTY IN A PRIMARY ELECTION.**

28 **(D) A VOTER WHO IS NOT AFFILIATED WITH A POLITICAL PARTY IS NOT**
29 **ELIGIBLE TO VOTE FOR:**

1 **(1) A MEMBER OF THE LOCAL CENTRAL COMMITTEE OF THE**
2 **POLITICAL PARTY; OR**

3 **(2) IN THE YEAR OF A PRESIDENTIAL ELECTION, DELEGATES TO A**
4 **NATIONAL PRESIDENTIAL NOMINATING CONVENTION OF THE POLITICAL PARTY.**

5 8–202.

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

8 (1) shall use the primary election to:

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

10 (ii) elect all members of the local central committees of the political
11 party; and

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

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

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

18 (2) been designated to fill a vacancy in nomination in accordance with Title
19 5 of this article.

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

23 9–305.

24 (a) A voter may request an absentee ballot by completing and submitting:

25 (1) the State Board approved absentee ballot application;

26 (2) a form provided under federal law;

27 (3) subject to subsection (b) of this section, a written request that includes:

28 (i) the voter's name, residence address, and signature; [and]

1 **(II) IF THE VOTER IS REQUESTING A BALLOT FOR A PRIMARY**
2 **ELECTION AND THE VOTER IS UNAFFILIATED WITH A POLITICAL PARTY, THE**
3 **VOTER'S CHOICE OF POLITICAL PARTY TO VOTE IN THE PARTY'S PRIMARY**
4 **ELECTION; AND**

5 **[(ii)] (III)** the address to which the ballot is to be mailed, if different
6 from the residence address; or

7 (4) the accessible online absentee ballot application provided by the State
8 Board.

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