

SENATE BILL 390

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CF HB 1158

By: **Senators Peters, Augustine, Feldman, Guzzone, King, Lee, and Zucker**

Introduced and read first time: January 27, 2020

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: March 4, 2020

CHAPTER _____

1 AN ACT concerning

2 **Election Law – Candidate Defeated in Primary Election – Write-In Candidacy in**
3 **General Election Prohibited**

4 FOR the purpose of prohibiting a candidate who is defeated for the nomination for a public
5 office from filing a certificate of candidacy as a write-in candidate at the next
6 succeeding general election as a candidate for any office; providing for a delayed
7 effective date; and generally relating to candidates defeated in primary elections.

8 BY repealing and reenacting, without amendments,
9 Article – Election Law
10 Section 5–303(c) and 10–313
11 Annotated Code of Maryland
12 (2017 Replacement Volume and 2019 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Election Law
15 Section 5–706
16 Annotated Code of Maryland
17 (2017 Replacement Volume and 2019 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**

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 5-303.

2 (c) The certificate of candidacy for the election of a write-in candidate shall be
3 filed by the earlier of:

4 (1) 7 days after a total expenditure of at least \$51 is made to promote the
5 candidacy by a campaign finance entity of the candidate; or

6 (2) 5 p.m. on the 7th day preceding the start of early voting for which the
7 certificate is filed.

8 5-706.

9 (a) This section does not apply to:

10 (1) a candidate selected by a political party to fill a vacancy in nomination
11 under Subtitle 9 or Subtitle 10 of this title; or

12 (2) a candidate defeated in a presidential preference primary.

13 (b) (1) Except as provided in subsection (c) of this section, the name of a
14 candidate who is defeated for the nomination for a public office may not appear on the ballot
15 at the next succeeding general election as a candidate for any office.

16 (2) **A CANDIDATE WHO IS DEFEATED FOR THE NOMINATION FOR A
17 PUBLIC OFFICE MAY NOT FILE A CERTIFICATE OF CANDIDACY AS A WRITE-IN
18 CANDIDATE AT THE NEXT SUCCEEDING GENERAL ELECTION AS A CANDIDATE FOR
19 ANY OFFICE.**

20 (c) The name of a candidate for the office of judge of the circuit court who is
21 defeated in the primary election in each contest for the office of circuit court judge in which
22 the candidate appears on the ballot may not appear on the ballot at the succeeding general
23 election as a candidate for any office.

24 10-313.

25 (a) In any general election or special general election, a voter may write in a name
26 for any office.

27 (b) (1) When requested by a voter, an election judge shall provide information
28 on write-in voting.

29 (2) (i) If a voter requests information on write-in voting, an election
30 judge shall assure that the voter is fully informed of the procedure before voting.

31 (ii) If a voter is unable to write, the voter may have assistance as
32 provided in § 10-310(c) of this subtitle.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 January 1, 2021.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.