

Chapter 552

(Senate Bill 390)

AN ACT concerning

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

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

BY repealing and reenacting, without amendments,

Article – Election Law

Section 5–303(c) and 10–313

Annotated Code of Maryland

(2017 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Election Law

Section 5–706

Annotated Code of Maryland

(2017 Replacement Volume and 2019 Supplement)

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

Article – Election Law

5–303.

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

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

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

5–706.

(a) This section does not apply to:

(1) a candidate selected by a political party to fill a vacancy in nomination

under Subtitle 9 or Subtitle 10 of this title; or

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

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

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

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

10–313.

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

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

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

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

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

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.