

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 390

(Senator Peters, *et al.*)

Education, Health, and Environmental Affairs

Ways and Means

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

This bill prohibits 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. **The bill takes effect January 1, 2021.**

Fiscal Summary

State Effect: The bill does not materially affect State finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: With the exception of a candidate selected by a political party to fill a vacancy in nomination or a candidate defeated in a presidential preference primary, 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. In the case of candidates for the office of judge of the circuit court, the name of a candidate 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. (Candidates for circuit court judge are typically nominated for the general election by the Democratic and Republican parties in the primary election and will “cross-file,” appearing on both the Democratic and Republican primary election ballots, needing to win on only one.)

“Write-in candidate” is defined as an individual whose name will not appear on the ballot but who timely files a certificate of candidacy. “Write-in vote” means a vote cast, in a contest at a general election, for an individual whose name is not on the ballot for that contest. A voter may not cast a write-in vote in a primary election but may write in a name for any office in any general election or special general election. An individual who seeks election as a write-in candidate must generally file a certificate of candidacy by the earlier of 5 p.m. on the seventh day before the start of in-person voting for the election for which the certificate is filed or seven days after a total expenditure of at least \$51 is made to promote the candidacy by a campaign finance entity of the candidate.

Additional Information

Prior Introductions: None.

Designated Cross File: HB 1158 (Delegate J. Lewis) - Ways and Means.

Information Source(s): State Board of Elections; Department of Legislative Services

Fiscal Note History: First Reader - February 17, 2020
mr/hlb Third Reader - March 12, 2020

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