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**By: Delegate C. Mitchell**

Introduced and read first time: February 6, 1996

Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Election Laws - Political Parties - Continued Ballot Access**

3 FOR the purpose of permitting a political party whose candidates receive a certain  
4 number of votes in a political subdivision at a general election to continue to have  
5 its candidates appear on the ballot; making stylistic changes; and generally relating  
6 to the placement of the names of the candidates of certain political parties on the  
7 ballot in certain jurisdictions of the State if, at the general election, the party's  
8 candidates receive a certain number of votes in the jurisdiction.

9 BY repealing and reenacting, with amendments,  
10 Article 33 - Election Code  
11 Section 4B-1(a) and 4C-1  
12 Annotated Code of Maryland  
13 (1993 Replacement Volume and 1995 Supplement)

14 BY repealing and reenacting, without amendments,  
15 Article 33 - Election Code  
16 Section 4B-1(a-1) and (h) and 7-1(a) and (b)  
17 Annotated Code of Maryland  
18 (1993 Replacement Volume and 1995 Supplement)

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

21 **Article 33 - Election Code**

22 4B-1.

23 (a) Any group of voters wishing to form a new political party shall do so by filing  
24 with the State Administrative Board of Election Laws a petition for formation of a  
25 political party which shall declare their intention of organizing a State political party, the  
26 name of which shall be stated in the petition together with the name, address, telephone  
27 number, and signature of the State chairman thereof and the names and addresses of at  
28 least [twenty-five] 25 persons who shall be designated as constituting the governing body  
29 of the party. A petition shall be accompanied by an affidavit signed by the State chairman  
30 which states that the listed names constitute those persons on the governing body.  
31 Appended to the petition in the manner hereinafter provided shall be papers bearing the

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1 signatures of at least [ten thousand] 10,000 registered voters of the State. If, after  
2 verification as required by this section, the total required number of signatures of  
3 registered voters is not properly appended to the petition, additional signatures may be  
4 filed. However, all of the signatures, including any added after the initial filing, must have  
5 been affixed to the appended papers not more than two years prior to the filing date of  
6 the last qualifying signature, and no voter's signature may be counted more than once.

7 (a-1) (1) Except as provided in paragraph (2) of this subsection, a petition for  
8 formation of a new political party, or any additional signatures to a petition, may be filed  
9 at any time.

10 (2) A petition for formation of a new political party, or any additional  
11 signatures to a petition, may not be filed:

12 (i) In the year of an election at which the President is elected:

13 1. After the 5th Monday preceding through the 10th day  
14 following the primary election; and

15 2. After the 1st Monday in August preceding through the 15th  
16 day following the general election;

17 (ii) In the year of an election at which the Governor is elected, after  
18 the 1st Monday in August preceding through the 15th day following the general election;  
19 or

20 (iii) In the year in which a special primary and a specialelection are  
21 proclaimed by the Governor pursuant to § 22-1(b) of this article:

22 1. After the 5th Monday preceding through the 10th day  
23 following the special primary; and

24 2. After the 5th Monday preceding through the 15th day  
25 following the special election.

26 (h) Unless the party is required to select its nominees for public office by primary  
27 election pursuant to § 5-1 of this article, the nominees for public office of the party shall  
28 be selected in the manner provided in the interim constitution and bylaws of the party,  
29 but no such nominee shall appear upon the ballot at any general election unless the  
30 nominee has complied with all the requirements of the provisions of the subtitle  
31 "Nomination by Petition" of this article, including the filing of petitions with the election  
32 board or the several boards of the State, which shall bear in addition to the name of the  
33 nominee, the name of the party, signed by not less than three percent (3%) of the  
34 registered voters who are eligible to vote for the office for which election at the general  
35 election is sought. If a nominee of a party has filed a valid petition for nomination in  
36 compliance with all the requirements of the subtitle "Nomination by Petition" of this  
37 article, but dies or declines the nomination before election day, the central committee of  
38 the political party with which said nominee is affiliated, may fill the vacancy in the  
39 nomination of the party in the manner provided in §§ 9-2 through 9-5, inclusive, of this  
40 article. The political party shall not nominate more than one candidate for each public or  
41 party office to be filled at the succeeding general election, except to fill a vacancy in a  
42 prior nomination.

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1 4C-1.

2 (a) (1) [If] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,  
3 IF in any general election at which the voters of the State vote for candidates for  
4 President of the United States or Governor of the State, any political party polls less than  
5 three [per centum] PERCENT (3%) of the entire vote cast in the State, as determined in  
6 subsection (b) of this section, such party shall cease to be a political party for purposes of  
7 this Article, and shall be so advised by the State Administrative Board of Election Laws.

8 (2) NOTWITHSTANDING THE REQUIREMENTS OF PARAGRAPH (1) OF  
9 THIS SUBSECTION, IF IN ANY GENERAL ELECTION AT WHICH THE VOTERS OF THE  
10 STATE VOTE FOR CANDIDATES FOR PRESIDENT OF THE UNITED STATES OR  
11 GOVERNOR OF THE STATE, A POLITICAL PARTY POLLS MORE THAN 7,500 OF THE  
12 ENTIRE VOTE CAST IN A POLITICAL SUBDIVISION OF THE STATE, THE PARTY MAY  
13 CONTINUE TO HAVE ITS CANDIDATES PLACED ON THE BALLOT IN THE SUBSEQUENT  
14 GENERAL ELECTION IN THAT SUBDIVISION.

15 (b) The determination of whether a political party polled three [per centum]  
16 PERCENT (3%) or less of the entire vote cast in the State in any general election for  
17 purposes of subsection (a) of this section, shall be made as follows:

18 [(i)] (1) In any general election at which the voters of the State vote for  
19 candidates for President of the United States, the total number of votes cast for the  
20 party's nominees for the offices of President of the United States, and United States  
21 Senator (if a United States Senator from this State was elected at such general election),  
22 must equal or exceed three [per centum] PERCENT (3%) of the total number of votes  
23 cast at such general election for all candidates for all such offices; or

24 [(ii)] (2) In any general election at which the voters of the State vote for  
25 candidates for Governor of this State, the total number of votes cast for the party's  
26 nominees for the offices of United States Senator (if a United States Senator from this  
27 State was elected at such general election), Governor of this State, Comptroller of this  
28 State, and Attorney General of this State, must equal or exceed three [per centum]  
29 PERCENT (3%) of the total number of votes cast at the general election for all candidates  
30 for all such offices.

31 (c) If a party loses its status as a political party for purposes of this article  
32 pursuant to subsection (a) of this section, such party may at any time regain its status as  
33 a political party for purposes of this article by filing a valid petition for formation of a  
34 political party pursuant to the provisions of § 4B-1 of this article.

35 7-1.

36 (a) Except as otherwise provided for a candidate for a county board of education,  
37 a candidate for any public office who is registered as an independent or who is a member  
38 of or affiliated with a partisan organization which is not a political party as defined in this  
39 article or who is not a member of a political party whose nominees must be nominated by  
40 means of primary elections may be nominated by petition, as in this section provided.

41 (b) (1) A candidate for public office seeking nomination by petition shall file:

1 (i) A declaration of his intent to seek nomination by petition, in a  
2 form prescribed by the State Administrative Board of Election Laws, at the time and  
3 place provided in Subtitle 4A of this article for filing, by other candidates, of certificates  
4 of candidacy. A candidate seeking nomination by petition may not be charged a fee for  
5 filing a declaration of intent. A declaration of intent is not required of any candidate for  
6 public office in a year in which the President of the United States is elected.

7 (ii) A certificate of candidacy not later than 5 p.m. on the first Monday  
8 in August in the year in which the general election is to be held at the place and in the  
9 manner provided in Subtitle 4A of this article and shall comply with all other applicable  
10 provisions of the subtitle, in the same manner as candidates for nomination at a primary  
11 election.

12 (2) In order to have the name of a proposed candidate placed on the ballot  
13 under this section, the candidate shall file with the appropriate board petitions signed by  
14 not less than 3 percent of the registered voters who are eligible to vote for the office for  
15 which the nomination by petition is sought. Petitions shall be filed as required by  
16 subsection (c) of this section.

17 (3) For purposes of this subsection, the number of registered voters shall be  
18 determined as of the commencement of the period, specified in § 3-8(b)(2) of this article,  
19 before the primary election for which the nomination is sought.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 1996.