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HB 231/95 - CGM

1996 Regular Session
6lr2027

By: Senator Craig

Introduced and read first time: February 1, 1996

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **General Assembly - Vacancies - Special Elections - Certificate of Candidacy**

3 FOR the purpose of specifying a deadline for the filing of a certificate of candidacy for a
4 special election to fill a vacancy in the House of Delegates or Senate of Maryland;
5 making certain stylistic changes; deleting a superfluous reference to the applicability
6 of certain provisions to municipal elections in Baltimore City; and making this Act
7 contingent upon the passage of a certain Constitutional amendment and its
8 ratification by the voters.

9 BY repealing and reenacting, with amendments,
10 Article 33 - Election Code
11 Section 4A-3 and 9-1
12 Annotated Code of Maryland
13 (1993 Replacement Volume and 1995 Supplement)

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

16 **Article 33 - Election Code**

17 4A-3.

18 (a) (1) Except for certificates of candidacy filed by petition or write-in
19 candidates and as otherwise provided herein, certificates of candidacy shall be received
20 and filed in the office of the appropriate board:

21 (i) For candidates for offices other than delegate to the Democratic
22 national convention, not later than 9 p.m. on the Monday which is [ten]10 weeks or
23 [seventy] 70 days before the day on which the primary election should be held under the
24 primary election law.

25 (ii) For candidates for delegate to the Democratic national
26 convention, between 9 a.m. on the first regular business day of the year in which the
27 President of the United States is elected and 9 p.m. on the day which is [one] 1 week
28 later than that first regular business day.

1 (2) If the filing date should occur on a legal holiday, the certificates must be
2 received and filed not later than 9 p.m. on the next regular business day which is not a
3 legal holiday.

4 (b) (1) Certificates of candidacy for [an] A CONGRESSIONAL office to be filled
5 by a special election pursuant to § 22-1(b) of this article shall be received and filed in the
6 office of the appropriate board not later than [five] 5 p.m. on the Monday which is
7 [three] 3 weeks or [twenty-one] 21 days prior to the special primary election which is to
8 be held under the Governor's proclamation setting the date for the special primary
9 election.

10 (2) If the filing date should occur on a legal holiday, the certificates must be
11 received and filed not later than [five] 5 p.m. on the next regular business day which is
12 not a legal holiday.

13 (C) CERTIFICATES OF CANDIDACY TO FILL A VACANCY IN THE HOUSE OF
14 DELEGATES OR SENATE OF MARYLAND PURSUANT TO ARTICLE III, SECTION 13 OF
15 THE MARYLAND CONSTITUTION SHALL BE RECEIVED AT THE STATE
16 ADMINISTRATIVE BOARD OF ELECTION LAWS AND FILED AT THE TIME SPECIFIED IN
17 SUBSECTION (A)(1)(I) OF THIS SECTION. IF THE FILING DATE OCCURS ON A LEGAL
18 HOLIDAY, THE CERTIFICATES MUST BE RECEIVED AND FILED NOT LATER THAN 5
19 P.M. ON THE NEXT REGULAR BUSINESS DAY THAT IS NOT A LEGAL HOLIDAY.

20 9-1.

21 (a) [The times designated in subsections (b) and (c) of this section for declining
22 nominations and for withdrawal of certificates of candidacy and for board offices to be
23 open are mandatory and the provisions of these subsections shall also be applicable to
24 municipal elections in Baltimore City.] The provisions of [these subsections shall not
25 be] THIS SUBSECTION ARE NOT applicable to elections pursuant to § 22-1(b) of this
26 article, and any right of withdrawal in such elections shall be limited to whatever is set
27 forth in the Governor's proclamation, provided, however, that said proclamation by the
28 Governor must contain a provision which allows any person who has filed a certificate of
29 candidacy pursuant to § 22-1(b) of this article to withdraw such certificate within [two]
30 2 days after the final filing date as established in § 4A-3 of this article.

31 (b) (1) Whenever any person who has filed a certificate of candidacy for
32 nomination in any primary election shall, in a writing signed by him, and acknowledged
33 before a notary public, notify the officer or board with whom the certificate of candidacy
34 is required to be filed by this article, within 10 days after the final filing date established
35 in § 4A-3 of this article that he desires to withdraw as a candidate for such nomination,
36 the certificate of candidacy shall thereupon be and become void; and the name of any
37 person so withdrawing shall not be printed upon the ballots to be used at the primary
38 election. The filing of a valid certificate of withdrawal of candidacy is a final act of
39 withdrawal; and a person who files such a certificate of withdrawal may not reinstate his
40 candidacy, unless the time limit for the filing of candidacies has not expired. No filing fees
41 shall be refunded to persons who withdraw in accordance with this section, subject,
42 however, to § 4A-7 of this article.

43 (2) Board offices shall be open and certificates of withdrawal of candidacy
44 shall be accepted until 5 p.m. on the last day for withdrawing.

1 (3) The name of any person who files a certificate of candidacy, is opposed,
2 and does not withdraw shall appear on the ballot unless he dies or is disqualified and his
3 death or disqualification is known to the board with which the certificate of candidacy was
4 filed on or before the [seventh] 7TH day prior to the filing deadline. These provisions do
5 not apply to the offices of Governor or Lieutenant Governor.

6 (4) THE PROVISIONS OF THIS SUBSECTION APPLY TO A WITHDRAWAL
7 OF CANDIDACY IN A SPECIAL ELECTION TO FILL A VACANCY IN THE HOUSE OF
8 DELEGATES OR SENATE OF MARYLAND PURSUANT TO ARTICLE III, SECTION 13 OF
9 THE MARYLAND CONSTITUTION.

10 (c) (1) Any person nominated for public office as in this article provided may
11 decline such nomination by notifying the officer with whom the certificate nominating
12 him is required to be filed that he declines such nomination. The statement of declination
13 shall be in writing, signed by the person nominated and acknowledged before a notary
14 public or any person empowered to take oaths, and must reach the aforementioned
15 officer by the following deadline: for a nomination to candidacy in an election in the year
16 in which the Governor is elected, within [ten] 10 days after the date of the primary
17 election; for nomination to candidacy in an election in the year in which the Mayor of the
18 City of Baltimore is elected, within 10 days after the primary election; for a nomination to
19 candidacy in an election in the year in which electors for President of the United States
20 are elected, at least 70 days before the general election. If the person nominated shall
21 comply with the provisions of this paragraph for declining nomination, such nomination
22 shall be void; and the name of any person so withdrawing shall not be printed upon the
23 ballots.

24 (2) Board offices shall be open, and certificates of declination of candidacy
25 shall be accepted until 5 p.m., on the last day for declining.

26 (3) The name of any person nominated for public office shall appear on the
27 ballot unless he declines the nomination, dies, or is disqualified, and a certificate of
28 nomination to fill the vacancy so created is timely filed. These provisions do not apply to
29 the offices of Governor or Lieutenant Governor.

30 SECTION 2. AND BE IT FURTHER ENACTED, That the passage of this Act is
31 contingent on the passage of Chapter ____ (S.B. ____/H.B. ____)(6lr2093) of the
32 Acts of the General Assembly of 1996, a Constitutional Amendment, and its ratification
33 by the voters of the State.

34 SECTION 3. AND BE IT FURTHER ENACTED, That, subject to the provisions
35 of Section 2 above, this Act shall take effect June 1, 1996.