

HOUSE BILL 119

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1998 Regular Session
8r0635
CF 8r1226

By: **Delegates Arnick and Getty (Commission to Revise the Election Code)**

Introduced and read first time: January 16, 1998

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Election Laws - Repeal of Filing Fees**

3 FOR the purpose of repealing provisions of the Election Code relating to the payment
4 of a filing fee in connection with the filing of a certificate of candidacy for public
5 or party office; and providing for a delayed effective date.

6 BY repealing and reenacting, with amendments,

7 Article 33 - Election Code

8 Section 5-304(d), 5-401, 5-504(a), 5-801(c), and 5-1202

9 Annotated Code of Maryland

10 (1997 Replacement Volume and 1997 Supplement)

11 (As enacted by Chapter _____ (S.B. _____/H.B. _____)(8r0487) of the Acts of the

12 General Assembly of 1998)

13 BY repealing

14 Article 33 - Election Code

15 Section 5-402 and 5-403

16 Annotated Code of Maryland

17 (1997 Replacement Volume and 1997 Supplement)

18 (As enacted by Chapter _____ (S.B. _____/H.B. _____)(8r0487) of the Acts of the

19 General Assembly of 1998)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article 33 - Election Code**

23 5-304.

24 (d) The certificate of candidacy shall be accompanied by:

25 (1) [A filing fee satisfying the requirements of § 5-401 of this title;

1 (2)] A separate form, unless such a form has previously been filed,
 2 designating a personal campaign treasurer or, in the case of a political committee or
 3 slate, a chairman and treasurer, as required under Title 13 of this article;

4 [(3)] (2) Evidence that the individual has filed:

5 (i) A financial disclosure statement with the State Ethics
 6 Commission in accordance with the requirements of Title 15, Subtitle 6 of the State
 7 Government Article; or

8 (ii) Any other financial disclosure report required by law; and

9 [(4)] (3) Any additional information required by the State Board.

10 5-401.

11 [(a) (1) This section does not apply to a write-in candidate.

12 (2) Unless exempted under subsection (c) of this section, an individual
 13 who files a certificate of candidacy shall pay a filing fee at the time the certificate of
 14 candidacy is filed.

15 (b) The filing fee shall be as follows:

| | | | |
|----|-------|---|------------|
| 16 | (1) | President and Vice President of the United States | No fee |
| 17 | (2) | Governor or Lieutenant Governor | \$290 each |
| 18 | (3) | Comptroller of the Treasury | \$290 |
| 19 | (4) | Attorney General | \$290 |
| 20 | (5) | United States Senator | \$290 |
| 21 | (6) | Representative in Congress | \$100 |
| 22 | (7) | Member of the General Assembly | \$50 |
| 23 | (8) | Mayor of the City of Baltimore | \$150 |
| 24 | (9) | Comptroller of the City of Baltimore | \$150 |
| 25 | (10) | City Council of Baltimore: | |
| 26 | (i) | President | \$150 |
| 27 | (ii) | Member at-large voted on by the voters of the | |
| 28 | | entire City of Baltimore | \$150 |
| 29 | (iii) | Member voted on by less than the entire city of | |
| 30 | | Baltimore | \$50 |

| | | | |
|---|---------------------|---|-------|
| 1 | (11) | Offices of the City of Baltimore, not specified in paragraphs | |
| 2 | (8), (9), and (10), | that are voted on by the voters of the entire City of Baltimore | \$150 |
| 3 | (12) | Any other public office | \$25 |
| 4 | (13) | Member of the central committee | \$10 |

5 (c) (1) A candidate may petition for a waiver of the filing fee in accordance
6 with this subsection.

7 (2) The filing fee required by this section shall be waived if the candidate
8 establishes inability to pay the fee. A candidate may demonstrate inability to pay the
9 filing fee by attaching to the certificate of candidacy when it is filed a sworn
10 statement of inability to pay which sets forth:

11 (i) The nature, extent, and liquidity of the candidate's assets; and

12 (ii) The candidate's disposable net income.

13 (3) At its discretion and in order to conduct any investigation of the
14 petition for waiver, the appropriate board may request that the candidate provide
15 additional information concerning the candidate's financial status.

16 (4) If the appropriate board determines that the candidate is unable to
17 pay the required filing fee, the certificate of candidacy shall be issued without
18 payment of the fee.] A FILING FEE IS NOT REQUIRED TO FILE A CERTIFICATE OF
19 CANDIDACY FOR A PUBLIC OR PARTY OFFICE UNDER THIS TITLE.

20 [5-402.

21 (a) Upon request, a candidate who pays a filing fee is entitled to a return of
22 the filing fee upon the filing of the certificate of withdrawal under § 5-501 of this title
23 if the candidate enters into active duty with the armed services of the United States
24 during the period between the last date allowed for the withdrawal of candidacy and
25 the printing of the ballots.

26 (b) Subject to the approval of the State Board, the filing fee paid by a
27 candidate may be returned to the candidate for good cause.]

28 [5-403.

29 (a) Filing fees paid by candidates under § 5-401 of this subtitle shall be
30 distributed as specified in this section.

31 (b) Filing fees received by a local board shall be transferred to the governing
32 body of the county.

33 (c) Filing fees received by the State Board shall be divided and distributed:

34 (1) With respect to candidates for statewide office:

1 (i) \$60 to the Baltimore City Board of Supervisors of Elections; and

2 (ii) \$10 each to each other local board;

3 (2) With respect to candidates for any other public or party office in a
4 multi-county district, in equal amounts to the local board of each county that
5 contains part of the district to which the candidacy relates; and

6 (3) With respect to a candidate for a public or party office in a district
7 wholly contained within one county, to the local board of that county.]

8 5-504.

9 (a) If a certificate of withdrawal is filed under this subtitle:

10 (1) The certificate of candidacy to which the certificate of withdrawal
11 relates is void; AND

12 (2) The name of the candidate may not be submitted to the voters for
13 election to the office to which the certificate relates unless the individual files a new
14 certificate of candidacy within the time limit prescribed for filing; and

15 (3) Except as provided in § 5-402 of this article, the filing fee for the
16 certificate of candidacy may not be refunded].

17 5-801.

18 (c) If a certificate of declination is filed under this section:

19 (1) The certificate of nomination to which the certificate of declination
20 relates is void;

21 (2) A vacancy in nomination is created to be filled in accordance with the
22 provisions of Subtitle 10 of this title; AND

23 (3) The name of the individual who declined the nomination may not
24 appear on the ballot unless the individual is selected to fill that vacancy; and

25 (4) The filing fee for the certificate of candidacy of that individual may
26 not be refunded].

27 5-1202.

28 An individual selected or designated to fill a vacancy in candidacy or nomination
29 under this title shall[:

30 (1) File] FILE a certificate of candidacy with the appropriate board in
31 accordance with Subtitle 3 of this title; and

32 (2) Unless exempted under this title, pay the filing fee specified under §
33 5-401 of this title].

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
2 effect January 1, 1999.