

HOUSE BILL 123

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1998 Regular Session
8r0637
CF 8r1224

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 Law - Late Vacancy for Governor - Assumption of Nomination by**
3 **Lieutenant Governor Nominee**

4 FOR the purpose of providing that if a gubernatorial nominee dies, declines the
5 nomination, or is disqualified after a certain date and a successor gubernatorial
6 nominee is not designated and certified, the Lieutenant Governor nominee may
7 assume the status of the gubernatorial nominee and campaign as the
8 gubernatorial nominee; and providing for a delayed effective date.

9 BY repealing and reenacting, with amendments,
10 Article 33 - Election Code
11 Section 5-1004(c)
12 Annotated Code of Maryland
13 (1997 Replacement Volume and 1997 Supplement)
14 (As enacted by Chapter _____(S.B. _____/H.B. _____)(8r0487) of the Acts of the
15 General Assembly of 1998)

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

18 **Article 33 - Election Code**

19 5-1004.

20 (c) (1) If a nominee for Governor dies, declines the nomination, or becomes
21 disqualified after the primary election, the remaining nominee for Lieutenant
22 Governor is disqualified, except as otherwise provided in this section.

23 (2) (i) The State central committee of the political party of the
24 nominee for Lieutenant Governor disqualified under paragraph (1) of this subsection
25 shall select a successor nominee for Governor.

26 (ii) The disqualified nominee for Lieutenant Governor is eligible to
27 be chosen as the nominee for Governor.

1 (3) (i) The successor nominee for Governor promptly shall select a
2 successor nominee for Lieutenant Governor and notify the State central committee of
3 the applicable political party of the selection.

4 (ii) The disqualified nominee for Lieutenant Governor is eligible to
5 be selected again as the nominee for Lieutenant Governor.

6 (4) Except as provided under paragraph (5) of this subsection, by the 5th
7 day following the death, declination, or disqualification of the former nominee for
8 Governor:

9 (i) The State central committee shall file a certificate of
10 designation for the successor nominee for Governor and the successor nominee for
11 Lieutenant Governor with the State Board; and

12 (ii) Each of the successor nominees shall file a certificate of
13 candidacy with the State Board.

14 (5) A State central committee may not file a certificate of designation for
15 a successor nominee for Governor under this subsection within 10 days of the day of
16 the general election.

17 (6) A Governor and Lieutenant Governor unit shall remain on the ballot
18 for the general election if:

19 (i) A nominee for Governor dies, declines the nomination, or is
20 disqualified less than 15 days before the general election; and

21 (ii) A certificate of designation and certificates of candidacy for
22 successor nominees for Governor and Lieutenant Governor are not filed in accordance
23 with this section.

24 (7) IF A GOVERNOR AND LIEUTENANT GOVERNOR UNIT COMPRISED OF
25 A NOMINEE FOR GOVERNOR WHO HAS DIED, DECLINED THE NOMINATION, OR
26 BECOME DISQUALIFIED REMAINS ON THE BALLOT AS PROVIDED UNDER PARAGRAPH
27 (6) OF THIS SUBSECTION, DURING THE CAMPAIGN PERIOD FOLLOWING THE DEATH,
28 DECLINATION, OR DISQUALIFICATION OF THE GUBERNATORIAL NOMINEE UNTIL
29 THE GENERAL ELECTION, THE LIEUTENANT GOVERNOR NOMINEE OFFICIALLY
30 BECOMES THE GUBERNATORIAL NOMINEE AND MAY ASSERT THAT STATUS IN THE
31 CAMPAIGN.

32 [(7)] (8) If a Governor and Lieutenant Governor unit comprised of a
33 nominee for Governor who has died, declined the nomination, or become disqualified
34 remains on the ballot as provided under paragraph (6) of this subsection and is
35 elected, the vacancy resulting from the death, declination, or disqualification shall be
36 filled as if it had occurred after the general election in accordance with applicable law.

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