

HOUSE BILL 123

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1998 Regular Session  
8lr0637  
CF 8lr1224

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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

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Committee Report: Favorable

House action: Adopted

Read second time: February 10, 1998

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CHAPTER \_\_\_\_\_

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. \_\_\_\_\_)(8lr0487) 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.

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

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

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

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

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

14                  (i)     The State central committee shall file a certificate of  
15 designation for the successor nominee for Governor and the successor nominee for  
16 Lieutenant Governor with the State Board; and

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

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

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

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

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

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

37                  [(7)]   (8)     If a Governor and Lieutenant Governor unit comprised of a  
38 nominee for Governor who has died, declined the nomination, or become disqualified

1 remains on the ballot as provided under paragraph (6) of this subsection and is  
2 elected, the vacancy resulting from the death, declination, or disqualification shall be  
3 filled as if it had occurred after the general election in accordance with applicable law.

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