

SENATE BILL 27

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SB 293/97 - EEA

1998 Regular Session  
8lr0237

(PRE-FILED)

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By: **Senator Pinsky and Senators Collins and Craig (Commission to Revise  
the Election Code)**

Requested: August 15, 1997  
Introduced and read first time: January 14, 1998  
Assigned to: Economic and Environmental Affairs

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: February 25, 1998

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Elections - Nomination of Candidates - Petition Signature Requirements**

3 FOR the purpose of altering the ~~number of signatures of registered voters required to~~  
4 ~~nominate candidates by petition; and generally relating to the petition signature~~  
5 ~~requirements for nomination by petition of certain candidates in certain~~  
6 ~~elections and the placement of the names of candidates representing certain~~  
7 ~~political parties on the election ballot~~ requirements for a candidate to be  
8 nominated by petition; providing for a delayed effective date; and generally  
9 relating to the nomination of candidates.

10 BY repealing and reenacting, with amendments,  
11 Article 33 - Election Code  
12 ~~Section 4B-1(h) and 7-1(b)~~  
13 Section 5-703(e)  
14 Annotated Code of Maryland  
15 (1997 Replacement Volume and 1997 Supplement)  
16 (As enacted by Chapter \_\_\_\_\_ (S.B. 118/H.B. 127) of the Acts of the General  
17 Assembly of 1998)

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

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## Article 33 - Election Code

2 4B-1.

3 (h) (1) Unless the party is required to select its nominees for public office by  
4 primary election pursuant to § 5-1 of this article, the nominees for public office of the  
5 party shall be selected in the manner provided in the interim constitution and bylaws  
6 of the party, but no such nominee shall appear upon the ballot at any general election  
7 unless the nominee has complied with all the requirements of the provisions of the  
8 subtitle "Nomination by Petition" of this article, including the filing of petitions with  
9 the election board or the several boards of the State, which shall bear in addition to  
10 the name of the nominee, the name of the party, signed by not less than [three  
11 percent (3%)] 1% of the registered voters who are eligible to vote for the office for  
12 which election at the general election is sought.

13 (2) (I) If a nominee of a party has filed a valid petition for nomination  
14 in compliance with all the requirements of the subtitle "Nomination by Petition" of  
15 this article, but dies or declines the nomination before election day, the central  
16 committee of the political party with which said nominee is affiliated, may fill the  
17 vacancy in the nomination of the party in the manner provided in §§ 9-2 through 9-5,  
18 inclusive, of this article.

19 (II) The political party shall not nominate more than one candidate  
20 for each public or party office to be filled at the succeeding general election, except to  
21 fill a vacancy in a prior nomination.

22 7-1.

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

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

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

36 (2) In order to have the name of a proposed candidate placed on the  
37 ballot under this section, the candidate shall file with the appropriate board petitions  
38 signed by not less than [3 percent] 1% of OR 20,000 OF, WHICHEVER IS LESS, the  
39 registered voters who are eligible to vote for the office for which the nomination by  
40 petition is sought.

1           (3)     Petitions shall be filed as required by subsection (c) of this section.

2           ~~[(3)]~~ (4)     For purposes of this subsection, the number of registered voters  
3 shall be determined as of the commencement of the period, specified in § 3-8(b)(2) of  
4 this article, before the primary election for which the nomination is sought.

5     ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take~~  
6 ~~effect October 1, 1998.~~

7 5-703.

8     (e)     (1)     A candidate who seeks nomination by petition may not have the  
9 candidate's name placed on the general election ballot unless the candidate files with  
10 the appropriate board petitions signed by]:

11           (i)     In the case of an office voted on by the voters of the entire  
12 State,] not less than 1% of the total number of registered voters who are eligible to  
13 vote [in the State; and

14           (ii)    In the case of an office not voted on by the voters of the entire  
15 State, not less than 3% of the registered voters who are eligible to vote] for the office  
16 for which the nomination by petition is sought, EXCEPT THAT THE PETITIONS SHALL  
17 BE SIGNED BY AT LEAST 250 REGISTERED VOTERS WHO ARE ELIGIBLE TO VOTE FOR  
18 THE OFFICE.

19           (2)     The petitions shall be filed as required in Title 6 of this article.

20           (3)     The number of registered voters required to satisfy the requirements  
21 of paragraph (1) of this section shall be determined as of the deadline for changing  
22 party affiliation before the primary election for which the nomination is sought.

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