

SENATE BILL 118

Unofficial Copy
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1998 Regular Session
(8lr1182)

ENROLLED BILL

-- *Economic and Environmental Affairs/Commerce and Government Matters* --

Introduced by **The President and Senators Blount, Collins, and Craig**
(Commission to Revise the Election Code)

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Election Code - General Revision**

3 FOR the purpose of making substantive, technical, and stylistic changes to the
4 Maryland Election Code; altering, repealing, or adding provisions relating to the
5 operation of the electoral process in the State; altering certain powers and
6 duties of election officials; altering the name, appointment, and terms of office of
7 the State Administrative Board of Election Laws; altering the title,
8 appointment, and term of the State Administrator of Election Laws; repealing
9 certain obsolete provisions; requiring the State Board of Elections to adopt
10 certain regulations; making it a felony to tamper with an electronic voting
11 system; providing certain penalties; providing for a delayed effective date; and
12 generally relating to the general revision of the Maryland Election Code.

13 BY repealing

14 Article 33 - Election Code

15 Section 1-1 through 22-2, 23-1 through 25-4, 27-1 through 27-14, and 32-1

1 through 32-6, and the various headings
2 Annotated Code of Maryland
3 (1997 Replacement Volume and 1997 Supplement)

4 BY adding to
5 Article 33 - Election Code
6 Section 1-101 through 8-701, 8-710 through 12-204, and 16-101 through
7 16-1001, and the various headings
8 Annotated Code of Maryland
9 (1997 Replacement Volume and 1997 Supplement)

10 BY repealing and reenacting, with amendments,
11 Article 33 - Election Code
12 Section 22-3 through 22-10, 26-1 through 26-21, 30-1 through 30-4, and 31-1
13 through 31-10, and the various headings
14 Annotated Code of Maryland
15 (1997 Replacement Volume and 1997 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That Section(s) 1-1 through 22-2, 23-1 through 25-4, 27-1 through
18 27-14, and 32-1 through 32-6, and the various headings of Article 33 - Election Code
19 of the Annotated Code of Maryland be repealed.

20 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
21 read as follows:

22 **Article 33 - Election Code**

23 TITLE 1. DEFINITIONS AND GENERAL PROVISIONS.

24 SUBTITLE 1. DEFINITIONS.

25 1-101. DEFINITIONS.

26 (A) GENERALLY.

27 IN THIS ARTICLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED
28 UNLESS A DIFFERENT MEANING IS CLEARLY INTENDED FROM THE CONTEXT.

29 (B) ABSENTEE BALLOT.

30 "ABSENTEE BALLOT" MEANS A BALLOT NOT USED IN A POLLING PLACE.

31 (C) AUTHORIZED CANDIDATE CAMPAIGN COMMITTEE.

32 "AUTHORIZED CANDIDATE CAMPAIGN COMMITTEE" MEANS A POLITICAL
33 COMMITTEE ESTABLISHED UNDER § 13-202 OF THIS ARTICLE AND AUTHORIZED BY A
34 CANDIDATE TO PROMOTE THAT INDIVIDUAL'S CANDIDACY.

1 (D) BALLOT OR OFFICIAL BALLOT.

2 (1) "BALLOT" OR "OFFICIAL BALLOT" INCLUDES:

3 (I) AN ABSENTEE BALLOT;

4 (II) A DOCUMENT BALLOT; OR

5 (III) A VOTING MACHINE BALLOT.

6 (2) "BALLOT" OR "OFFICIAL BALLOT" DOES NOT INCLUDE:

7 (I) A SAMPLE BALLOT; OR

8 (II) A SPECIMEN BALLOT.

9 (E) BALLOT FACE.

10 "BALLOT FACE" MEANS A SINGLE SIDE OF A SHEET ON WHICH ARE PRINTED
11 SOME OR ALL OF THE CONTESTS TO BE VOTED BY A VOTER.

12 (F) BALLOT ISSUE COMMITTEE.

13 "BALLOT ISSUE COMMITTEE" MEANS A POLITICAL COMMITTEE THAT IS
14 FORMED TO PROMOTE THE SUCCESS OR DEFEAT OF A QUESTION TO BE SUBMITTED
15 TO A VOTE AT AN ELECTION.

16 (G) BALLOT STYLE.

17 "BALLOT STYLE" MEANS A UNIQUE AGGREGATION OF CONTESTS THAT MAKE
18 UP THE BALLOT FOR A PARTICULAR GROUP OF VOTERS IDENTIFIED BY COMMON
19 CHARACTERISTICS OF RESIDENCE LOCATION, PARTY AFFILIATION, OR BOTH.

20 (H) CAMPAIGN MANAGER.

21 "CAMPAIGN MANAGER" MEANS A PERSON DESIGNATED BY A CANDIDATE, OR
22 THE CANDIDATE'S REPRESENTATIVE, TO EXERCISE GENERAL OVERALL
23 RESPONSIBILITY FOR THE CONDUCT OF THE CANDIDATE'S POLITICAL CAMPAIGN.

24 (I) CANDIDATE.

25 (1) "CANDIDATE" MEANS AN INDIVIDUAL WHO FILES A CERTIFICATE OF
26 CANDIDACY FOR A PUBLIC OR PARTY OFFICE.

27 (2) "CANDIDATE" INCLUDES:

28 (I) AN INCUMBENT JUDGE OF THE COURT OF APPEALS OR COURT
29 OF SPECIAL APPEALS AT AN ELECTION FOR CONTINUANCE IN OFFICE; AND

1 (II) AN INDIVIDUAL, PRIOR TO THAT INDIVIDUAL FILING A
2 CERTIFICATE OF CANDIDACY, IF A FILING UNDER § 13-201 OR § 13-202 OF THIS
3 ARTICLE HAS BEEN MADE ON BEHALF OF THAT INDIVIDUAL.

4 (J) CONTEST.

5 (1) "CONTEST" MEANS:

6 (I) THE AGGREGATE OF CANDIDATES WHO RUN AGAINST EACH
7 OTHER OR AMONG THEMSELVES FOR NOMINATION FOR, OR ELECTION TO, AN
8 OFFICE OR MULTIPLE OFFICES OF THE SAME CATEGORY; OR

9 (II) THE POSITIVE AND NEGATIVE VOTING OPTIONS FOR A
10 QUESTION SUBMITTED TO THE VOTERS.

11 (2) "CONTEST" INCLUDES, IN A GENERAL ELECTION FOR AN OFFICE,
12 THE WRITE-IN OPTION.

13 (K) CONTRIBUTION.

14 (1) "CONTRIBUTION" MEANS THE GIFT OR TRANSFER, OR PROMISE OF
15 GIFT OR TRANSFER, OF MONEY OR OTHER THING OF VALUE TO A CANDIDATE, THE
16 CANDIDATE'S REPRESENTATIVE, OR A REPRESENTATIVE OF ANY POLITICAL PARTY
17 OR PARTISAN ORGANIZATION TO PROMOTE OR ASSIST IN THE PROMOTION OF THE
18 SUCCESS OR DEFEAT OF A CANDIDATE, POLITICAL PARTY, OR QUESTION.

19 (2) "CONTRIBUTION" INCLUDES PROCEEDS FROM THE SALE OF TICKETS
20 TO A CAMPAIGN FUND-RAISING EVENT.

21 (L) COUNTY.

22 "COUNTY" MEANS A COUNTY OF THE STATE OR BALTIMORE CITY.

23 (M) DOCUMENT BALLOT.

24 (1) "DOCUMENT BALLOT" MEANS A BALLOT USED WITH A VOTING
25 SYSTEM IN WHICH THE VOTER INDIVIDUALLY IS ISSUED A BALLOT ON WHICH TO
26 INDICATE ONE OR MORE VOTES.

27 (2) "DOCUMENT BALLOT" INCLUDES:

28 (I) A MACHINE-READ BALLOT, SUCH AS AN OPTICALLY SCANNED
29 BALLOT OR PUNCHCARD BALLOT; AND

30 (II) A HAND-COUNTED PAPER BALLOT.

31 (N) DRIVER'S LICENSE.

32 "DRIVER'S LICENSE" INCLUDES AN IDENTIFICATION CARD ISSUED BY THE
33 MOTOR VEHICLE ADMINISTRATION.

1 (O) ELDERLY.

2 "ELDERLY" MEANS 65 YEARS OF AGE OR OLDER.

3 (P) ELECTION.

4 (1) "ELECTION" MEANS THE PROCESS BY WHICH VOTERS CAST VOTES
5 ON ONE OR MORE CONTESTS UNDER THE LAWS OF THIS STATE OR THE UNITED
6 STATES.

7 (2) "ELECTION" INCLUDES, UNLESS OTHERWISE SPECIFICALLY
8 PROVIDED IN THIS ARTICLE, ALL GENERAL ELECTIONS, PRIMARY ELECTIONS, AND
9 SPECIAL ELECTIONS.

10 (3) "ELECTION" DOES NOT INCLUDE, UNLESS OTHERWISE
11 SPECIFICALLY PROVIDED IN THIS ARTICLE, A MUNICIPAL ELECTION OTHER THAN IN
12 BALTIMORE CITY.

13 (Q) ELECTRONIC STORAGE FORMAT.

14 "ELECTRONIC STORAGE FORMAT" MEANS A COMPUTER DISK OR OTHER
15 INFORMATION STORAGE AND RETRIEVAL MEDIUM APPROVED BY THE STATE BOARD.

16 ~~(R) EXECUTIVE DIRECTOR.~~

17 ~~"EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE STATE~~
18 ~~BOARD.~~

19 ~~(S)~~ (R) EXPENDITURE.

20 "EXPENDITURE" MEANS A GIFT, TRANSFER, DISBURSEMENT, OR PROMISE OF
21 MONEY OR A THING OF VALUE BY A CANDIDATE, TREASURER, OR OTHER AGENT OF
22 THE CANDIDATE, POLITICAL PARTY, OR PARTISAN ORGANIZATION TO:

23 (1) PROMOTE OR ASSIST IN THE PROMOTION OF THE SUCCESS OR
24 DEFEAT OF A CANDIDATE, POLITICAL PARTY, OR QUESTION AT AN ELECTION; OR

25 (2) PAY FOR THE PUBLICATION EXPENSE OF A LEGISLATIVE
26 NEWSLETTER UNDER § 13-503 OF THIS ARTICLE.

27 ~~(T)~~ (S) HANDICAPPED.

28 "HANDICAPPED" MEANS HAVING A TEMPORARY OR PERMANENT PHYSICAL
29 DISABILITY.

30 ~~(U)~~ (T) INDEPENDENT EXPENDITURE.

31 "INDEPENDENT EXPENDITURE" MEANS AN EXPENDITURE BY A PERSON OR
32 POLITICAL COMMITTEE TO AID OR PROMOTE THE SUCCESS OR DEFEAT OF A
33 CANDIDATE THAT IS NOT MADE IN COORDINATION WITH, OR AT THE REQUEST OR

1 SUGGESTION OF, A CANDIDATE OR AUTHORIZED COMMITTEE OR AGENT OF THE
2 CANDIDATE.

3 ~~(V)~~ (U) INFAMOUS CRIME.

4 "INFAMOUS CRIME" MEANS ANY FELONY, TREASON, PERJURY, OR ANY CRIME
5 INVOLVING AN ELEMENT OF DECEIT, FRAUD, OR CORRUPTION.

6 ~~(W)~~ (V) LOCAL BOARD.

7 "LOCAL BOARD" MEANS A COUNTY BOARD OF ELECTIONS.

8 ~~(X)~~ (W) MAJORITY PARTY.

9 "MAJORITY PARTY" MEANS THE POLITICAL PARTY TO WHICH THE INCUMBENT
10 GOVERNOR BELONGS, IF THE INCUMBENT GOVERNOR IS A MEMBER OF A PRINCIPAL
11 POLITICAL PARTY. IF THE INCUMBENT GOVERNOR IS NOT A MEMBER OF ONE OF THE
12 TWO PRINCIPAL POLITICAL PARTIES, "MAJORITY PARTY" MEANS THE PRINCIPAL
13 POLITICAL PARTY WHOSE CANDIDATE FOR GOVERNOR RECEIVED THE HIGHEST
14 NUMBER OF VOTES OF ANY PARTY CANDIDATE AT THE LAST PRECEDING GENERAL
15 ELECTION.

16 ~~(Y)~~ (X) PARTISAN ORGANIZATION.

17 "PARTISAN ORGANIZATION" MEANS A COMBINATION OF TWO OR MORE
18 INDIVIDUALS FORMED FOR THE PURPOSE OF ORGANIZING A NEW POLITICAL PARTY.

19 ~~(Z)~~ (Y) POLITICAL COMMITTEE.

20 "POLITICAL COMMITTEE" MEANS A COMBINATION OF TWO OR MORE
21 INDIVIDUALS THAT ASSISTS OR ATTEMPTS TO ASSIST IN PROMOTING THE SUCCESS
22 OR DEFEAT OF A CANDIDATE, POLITICAL PARTY, OR QUESTION SUBMITTED TO A
23 VOTE AT ANY ELECTION.

24 ~~(AA)~~ (Z) POLITICAL PARTY.

25 "POLITICAL PARTY" MEANS AN ORGANIZED GROUP THAT IS QUALIFIED AS A
26 POLITICAL PARTY IN ACCORDANCE WITH TITLE 4 OF THIS ARTICLE.

27 ~~(BB)~~ (AA) PRECINCT.

28 "PRECINCT" INCLUDES:

29 (1) AN ELECTION DISTRICT IN A COUNTY THAT IS NOT DIVIDED INTO
30 PRECINCTS;

31 (2) AN ELECTION PRECINCT IN AN ELECTION DISTRICT THAT IS DIVIDED
32 INTO PRECINCTS; OR

33 (3) A PRECINCT IN A WARD OF THE CITY OF BALTIMORE.

1 ~~(CC)~~ (BB) PRECINCT REGISTER.

2 "PRECINCT REGISTER" MEANS THE LIST OF VOTERS FOR A SINGLE PRECINCT.

3 ~~(DD)~~ (CC) PRINCIPAL MINORITY PARTY.

4 "PRINCIPAL MINORITY PARTY" MEANS THE PRINCIPAL POLITICAL PARTY
5 WHOSE CANDIDATE FOR GOVERNOR RECEIVED THE SECOND HIGHEST NUMBER OF
6 VOTES OF ANY PARTY CANDIDATE AT THE LAST PRECEDING GENERAL ELECTION.

7 ~~(EE)~~ (DD) PRINCIPAL POLITICAL PARTIES.

8 "PRINCIPAL POLITICAL PARTIES" MEANS THE MAJORITY PARTY AND THE
9 PRINCIPAL MINORITY PARTY.

10 ~~(FF)~~ (EE) REGISTERED VOTER.

11 "REGISTERED VOTER" DOES NOT INCLUDE AN INDIVIDUAL WHOSE NAME IS ON
12 A LIST OF INACTIVE VOTERS.

13 ~~(GG)~~ (FF) SAMPLE BALLOT.

14 "SAMPLE BALLOT" MEANS A FACSIMILE OF A BALLOT USED FOR
15 INFORMATIONAL PURPOSES BY A PERSON OR ENTITY OTHER THAN A LOCAL BOARD.

16 ~~(HH)~~ (GG) SLATE.

17 "SLATE" MEANS A POLITICAL COMMITTEE OF TWO OR MORE CANDIDATES WHO
18 JOIN TOGETHER TO CONDUCT AND PAY FOR JOINT CAMPAIGN ACTIVITIES.

19 ~~(II)~~ (HH) SPECIMEN BALLOT.

20 "SPECIMEN BALLOT" MEANS A FACSIMILE OF A BALLOT USED BY A LOCAL
21 BOARD TO PROVIDE NOTICE TO REGISTERED VOTERS OF THE CONTENTS OF THE
22 BALLOT.

23 (II) STATE ADMINISTRATOR.

24 "STATE ADMINISTRATOR" MEANS THE STATE ADMINISTRATOR OF ELECTIONS.

25 (JJ) STATE BOARD.

26 "STATE BOARD" MEANS THE STATE BOARD OF ELECTIONS.

27 (KK) TREASURER.

28 "TREASURER" MEANS AN INDIVIDUAL APPOINTED BY A CANDIDATE, POLITICAL
29 AGENT, POLITICAL COMMITTEE, POLITICAL PARTY, OR PARTISAN ORGANIZATION TO
30 RECEIVE OR DISBURSE MONEY OR OTHER THINGS OF VALUE TO PROMOTE OR ASSIST
31 IN THE PROMOTION OF THE SUCCESS OR DEFEAT OF A CANDIDATE, POLITICAL
32 PARTY, OR QUESTION SUBMITTED TO A VOTE AT AN ELECTION.

1 (LL) VOTING MACHINE.

2 "VOTING MACHINE" INCLUDES:

3 (1) A MECHANICAL LEVER MACHINE; AND

4 (2) A DIRECT RECORDING ELECTRONIC VOTING DEVICE.

5 (MM) VOTING MACHINE BALLOT.

6 "VOTING MACHINE BALLOT" MEANS A BALLOT POSTED ON OR IN THE VOTING
7 MACHINE AND REFERRED TO BY THE VOTER TO INDICATE THE VOTING LOCATIONS
8 FOR EACH CONTEST.

9 (NN) VOTING SYSTEM.

10 "VOTING SYSTEM" MEANS A METHOD OF CASTING AND TABULATING BALLOTS
11 OR VOTES.

12 (OO) WRITE-IN CANDIDATE.

13 "WRITE-IN CANDIDATE" MEANS AN INDIVIDUAL WHOSE NAME WILL NOT
14 APPEAR ON THE BALLOT BUT WHO FILES A CERTIFICATE OF CANDIDACY IN
15 ACCORDANCE WITH § 5-303 OF THIS ARTICLE.

16 (PP) WRITE-IN VOTE.

17 "WRITE-IN VOTE" MEANS A VOTE CAST, IN A CONTEST AT A GENERAL
18 ELECTION, FOR AN INDIVIDUAL WHOSE NAME IS NOT ON THE BALLOT FOR THAT
19 CONTEST.

20 SUBTITLE 2. STATEMENT OF PURPOSE.

21 1-201. STATEMENT OF PURPOSE.

22 THE INTENTION OF THIS ARTICLE IS THAT THE CONDUCT OF ELECTIONS
23 SHOULD INSPIRE PUBLIC CONFIDENCE AND TRUST BY ASSURING THAT:

24 (1) ALL PERSONS SERVED BY THE ELECTION SYSTEM ARE TREATED
25 FAIRLY AND EQUITABLY;

26 (2) ALL QUALIFIED PERSONS MAY REGISTER AND VOTE AND THAT
27 THOSE WHO ARE NOT QUALIFIED DO NOT VOTE;

28 (3) THOSE WHO ADMINISTER ELECTIONS ARE WELL-TRAINED, THAT
29 THEY SERVE BOTH THOSE WHO VOTE AND THOSE WHO SEEK VOTES, AND THAT THEY
30 PUT THE PUBLIC INTEREST AHEAD OF PARTISAN INTERESTS;

31 (4) FULL INFORMATION ON ELECTIONS IS PROVIDED TO THE PUBLIC,
32 INCLUDING DISCLOSURE OF CAMPAIGN RECEIPTS AND EXPENDITURES;

1 (5) CITIZEN CONVENIENCE IS EMPHASIZED IN ALL ASPECTS OF THE
2 ELECTION PROCESS;

3 (6) SECURITY AND INTEGRITY ARE MAINTAINED IN THE CASTING OF
4 BALLOTS, CANVASS OF VOTES, AND REPORTING OF ELECTION RESULTS; AND

5 (7) THE PREVENTION OF FRAUD AND CORRUPTION IS DILIGENTLY
6 PURSUED, AND ANY OFFENSES THAT OCCUR ARE PROSECUTED.

7 SUBTITLE 3. GENERAL PROVISIONS.

8 1-301. COMPUTATION OF TIME.

9 (A) GENERALLY.

10 (1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, IN
11 COMPUTING THE TIME UNDER THIS ARTICLE FOR PERFORMING AN ACT, SATURDAYS,
12 SUNDAYS, AND LEGAL HOLIDAYS SHALL BE INCLUDED.

13 (2) IN A COMPUTATION OF TIME UNDER THIS ARTICLE, THE DAY OF
14 PERFORMING AN ACT AND THE DAY OF REGISTRATION OR ELECTION SHALL BE
15 EXCLUDED.

16 (B) EXCEPTION.

17 IF A COMPUTATION OF TIME WOULD REQUIRE AN ACT TO BE PERFORMED ON A
18 SATURDAY, SUNDAY, OR LEGAL HOLIDAY, THE ACT SHALL BE PERFORMED ON THE
19 NEXT REGULAR BUSINESS DAY FOLLOWING THAT SATURDAY, SUNDAY, OR LEGAL
20 HOLIDAY.

21 1-302. TRANSMITTAL OF DOCUMENT BY FACSIMILE.

22 (A) GENERALLY.

23 EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE FILING OF
24 ANY DOCUMENT SPECIFIED IN THIS ARTICLE MAY BE MADE BY ELECTRONIC
25 FACSIMILE TRANSMITTAL.

26 (B) EXCEPTION.

27 A DOCUMENT MAY NOT BE FILED BY ELECTRONIC FACSIMILE TRANSMITTAL IF
28 THE DOCUMENT IS REQUIRED TO CONTAIN A SIGNED AFFIDAVIT.

29 TITLE 2. POWERS AND DUTIES OF THE STATE AND LOCAL BOARDS.

30 SUBTITLE 1. STATE BOARD.

31 2-101. IN GENERAL.

32 (A) MEMBERSHIP.

1 THERE IS A STATE BOARD OF ELECTIONS CONSISTING OF FIVE MEMBERS.

2 (B) OFFICE; STAFF.

3 THE STATE BOARD SHALL MAINTAIN ITS PRINCIPAL OFFICE IN ANNAPOLIS AND
4 HAVE STAFF, SUBJECT TO THE STATE PERSONNEL AND PENSIONS ARTICLE, AS
5 PROVIDED IN THE STATE BUDGET.

6 (C) APPOINTMENT.

7 EACH MEMBER OF THE STATE BOARD SHALL:

8 (1) SUBJECT TO SUBSECTION (G)(2) OF THIS SECTION, BE APPOINTED BY
9 THE GOVERNOR, WITH THE ADVICE AND CONSENT OF THE SENATE OF MARYLAND;

10 (2) BE A REGISTERED VOTER IN THE STATE FOR THE 5 YEARS
11 IMMEDIATELY PRECEDING THE APPOINTMENT;

12 (3) SUBJECT TO SUBSECTION (F)(3) OF THIS SECTION, BE ELIGIBLE FOR
13 REAPPOINTMENT;

14 (4) CONFORM TO THE RESTRICTIONS SPECIFIED UNDER § 2-301 OF THIS
15 TITLE; AND

16 (5) BE SUBJECT TO REMOVAL BY THE GOVERNOR FOR INCOMPETENCE,
17 MISCONDUCT, OR OTHER GOOD CAUSE, UPON WRITTEN CHARGES FILED BY THE
18 GOVERNOR WITH THE STATE BOARD AND AFTER HAVING BEEN AFFORDED NOTICE
19 AND AMPLE OPPORTUNITY TO BE HEARD.

20 (D) OATH.

21 BEFORE TAKING OFFICE, EACH APPOINTEE TO THE STATE BOARD SHALL TAKE
22 THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.

23 (E) POLITICAL PARTY AFFILIATION.

24 (1) EACH MEMBER OF THE STATE BOARD SHALL BE A MEMBER OF ONE
25 OF THE PRINCIPAL POLITICAL PARTIES.

26 (2) A PERSON MAY NOT BE APPOINTED TO THE STATE BOARD IF THE
27 APPOINTMENT WILL RESULT IN THE STATE BOARD HAVING MORE THAN THREE OR
28 FEWER THAN TWO MEMBERS OF THE SAME PRINCIPAL POLITICAL PARTY.

29 (F) TERM.

30 (1) THE TERM OF A MEMBER IS 4 YEARS AND BEGINS ON JULY 1.

31 (2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY
32 THE TERMS PROVIDED FOR MEMBERS OF THE STATE BOARD ON JULY 1, 1999.

1 (3) A MEMBER MAY NOT SERVE MORE THAN THREE CONSECUTIVE
2 TERMS.

3 (4) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A
4 SUCCESSOR IS APPOINTED AND QUALIFIES.

5 DRAFTER'S NOTE: An uncodified section at the end of this Act implements
6 the schedule of staggered terms.

7 (G) VACANCY.

8 (1) IF A VACANCY OCCURS ON THE STATE BOARD, IT SHALL BE FILLED
9 FOR THE REMAINDER OF THE UNEXPIRED TERM AND UNTIL A SUCCESSOR IS
10 APPOINTED AND QUALIFIES.

11 (2) AN APPOINTMENT MADE WHILE THE SENATE OF MARYLAND IS NOT
12 IN SESSION SHALL BE CONSIDERED TEMPORARY UNTIL THE APPOINTEE IS
13 CONFIRMED BY THE SENATE.

14 (H) CHAIRMAN.

15 NOT LATER THAN AUGUST 1 EACH YEAR, THE STATE BOARD SHALL ELECT ONE
16 OF ITS MEMBERS AS CHAIRMAN.

17 (I) COMPENSATION.

18 EACH MEMBER SHALL RECEIVE:

19 (1) PER DIEM COMPENSATION AS PROVIDED IN THE STATE BUDGET FOR
20 EACH DAY THAT THE MEMBER IS ACTUALLY ENGAGED IN THE DISCHARGE OF
21 OFFICIAL DUTIES, AS AUTHORIZED BY THE STATE BOARD AND IN ACCORDANCE
22 WITH THE STATE BUDGET; AND

23 (2) REIMBURSEMENT FOR ALL NECESSARY AND PROPER EXPENSES, AS
24 PROVIDED IN THE STATE BUDGET.

25 DRAFTER'S NOTE: The State Administrative Board of Election Laws has
26 been renamed the State Board of Elections.

27 Subsection (c)(5) of this section, providing for the removal of a member of
28 the State Board by the Governor, is new. The standards for removal are
29 made consistent with the standards for removal of local board members
30 and the local board elections director.

31 Subsection (f)(3) of this section, limiting a member of the State Board to 3
32 consecutive terms, is new.

33 2-102. POWERS AND DUTIES.

34 (A) GENERALLY.

1 THE STATE BOARD SHALL MANAGE AND SUPERVISE ELECTIONS IN THE STATE
2 AND ENSURE COMPLIANCE WITH THE REQUIREMENTS OF THIS ARTICLE AND ANY
3 APPLICABLE FEDERAL LAW BY ALL PERSONS INVOLVED IN THE ELECTIONS
4 PROCESS.

5 (B) SPECIFIC POWERS AND DUTIES.

6 IN EXERCISING ITS AUTHORITY UNDER THIS ARTICLE AND IN ORDER TO
7 ENSURE COMPLIANCE WITH THIS ARTICLE AND WITH ANY REQUIREMENTS OF
8 FEDERAL LAW, THE STATE BOARD SHALL:

9 (1) SUPERVISE THE CONDUCT OF ELECTIONS IN THE STATE;

10 (2) DIRECT, SUPPORT, MONITOR, AND EVALUATE THE ACTIVITIES OF
11 EACH LOCAL BOARD;

12 (3) HAVE A STAFF SUFFICIENT TO PERFORM ITS FUNCTIONS;

13 (4) ADOPT REGULATIONS TO IMPLEMENT ITS POWERS AND DUTIES;

14 (5) RECEIVE, AND IN ITS DISCRETION AUDIT, THE CAMPAIGN FINANCE
15 REPORTS AND STATEMENTS REQUIRED UNDER TITLE 13 OF THIS ARTICLE;

16 (6) APPOINT ~~AN EXECUTIVE DIRECTOR~~ A STATE ADMINISTRATOR IN
17 ACCORDANCE WITH § 2-103 OF THIS SUBTITLE;

18 (7) MAXIMIZE THE USE OF TECHNOLOGY IN ELECTION
19 ADMINISTRATION, INCLUDING THE DEVELOPMENT OF A PLAN FOR A
20 COMPREHENSIVE COMPUTERIZED ELECTIONS MANAGEMENT SYSTEM;

21 (8) CANVASS AND CERTIFY THE RESULTS OF ELECTIONS AS
22 PRESCRIBED BY LAW;

23 (9) MAKE AVAILABLE TO THE GENERAL PUBLIC, IN A TIMELY AND
24 EFFICIENT MANNER, INFORMATION ON THE ELECTORAL PROCESS, INCLUDING A
25 PUBLICATION THAT INCLUDES THE TEXT OF THIS ARTICLE, RELEVANT PORTIONS OF
26 THE MARYLAND CONSTITUTION, AND INFORMATION GATHERED AND MAINTAINED
27 REGARDING ELECTIONS;

28 (10) RECEIVE, MAINTAIN, AND SERVE AS A DEPOSITORY FOR ELECTIONS
29 DOCUMENTS, MATERIALS, RECORDS, STATISTICS, REPORTS, CERTIFICATES,
30 PROCLAMATIONS, AND OTHER INFORMATION PRESCRIBED BY LAW OR REGULATION;
31 AND

32 (11) PRESCRIBE ALL FORMS REQUIRED UNDER THIS ARTICLE.

33 DRAFTER'S NOTE: Subsection (a) of this section, granting the State Board
34 broad authority over the local boards, is new.

35 Subsection (b) of this section, transferring from the Governor to the State
36 Board the power to appoint the Executive Director, is new.

1 ~~2-103. EXECUTIVE DIRECTOR STATE ADMINISTRATOR.~~

2 (A) GENERALLY.

3 ~~THERE IS AN EXECUTIVE DIRECTOR OF THE STATE BOARD A STATE~~
4 ~~ADMINISTRATOR OF ELECTIONS.~~

5 (B) SPECIFIC POWERS AND DUTIES.

6 THE ~~EXECUTIVE DIRECTOR STATE ADMINISTRATOR~~ SHALL:

7 (1) BE APPOINTED BY AND SERVE AT THE PLEASURE OF THE STATE
8 BOARD;

9 (2) RECEIVE A SALARY AS PROVIDED IN THE STATE BUDGET;

10 (3) AS PROVIDED IN THE STATE BUDGET, EMPLOY AND SUPERVISE:

11 (I) A DEPUTY ~~DIRECTOR~~ ADMINISTRATOR; AND

12 (II) PURSUANT TO THE STATE PERSONNEL AND PENSIONS
13 ARTICLE, OTHER STAFF OF THE STATE BOARD;

14 (4) SUPERVISE THE OPERATIONS OF THE LOCAL BOARDS;

15 (5) PERFORM ALL DUTIES AND EXERCISE ALL POWERS THAT ARE
16 ASSIGNED BY LAW TO THE ~~EXECUTIVE DIRECTOR STATE ADMINISTRATOR~~ OR
17 DELEGATED BY THE STATE BOARD;

18 (6) BE SUBJECT TO REMOVAL BY THE AFFIRMATIVE VOTE OF FOUR
19 MEMBERS OF THE STATE BOARD FOR INCOMPETENCE, MISCONDUCT, OR OTHER
20 GOOD CAUSE; HOWEVER, PRIOR TO REMOVAL, THE STATE BOARD SHALL SET FORTH
21 WRITTEN CHARGES STATING THE GROUNDS FOR DISMISSAL AND AFFORD THE
22 ~~EXECUTIVE DIRECTOR STATE ADMINISTRATOR~~ NOTICE AND AN AMPLE
23 OPPORTUNITY TO BE HEARD; AND

24 (7) BE THE CHIEF STATE ELECTION OFFICIAL ~~FOR PURPOSES OF THE~~
25 ~~NATIONAL VOTER REGISTRATION ACT OF 1993 AND ANY OTHER FEDERAL LAW~~
26 ~~REQUIRING SUCH A DESIGNATION.~~

27 (C) OATH OF OFFICE REQUIRED.

28 BEFORE TAKING OFFICE, THE APPOINTEE TO THE OFFICE OF STATE
29 ADMINISTRATOR SHALL TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE
30 MARYLAND CONSTITUTION.

31 2-104. STATEWIDE BIENNIAL PREELECTION MEETING.

32 (A) GENERALLY.

1 IN THE YEAR PRECEDING EACH YEAR IN WHICH A PRIMARY AND GENERAL
2 ELECTION IS TO BE HELD THROUGHOUT THE STATE, THE STATE BOARD SHALL
3 CONDUCT A MEETING FOR THE MEMBERS OF THE LOCAL BOARDS.

4 (B) MANDATORY ATTENDANCE; EXCEPTIONS.

5 UNLESS EXCUSED BY THE ~~EXECUTIVE DIRECTOR~~ STATE ADMINISTRATOR IN
6 ACCORDANCE WITH REGULATIONS OF THE STATE BOARD, THE FOLLOWING
7 INDIVIDUALS ARE REQUIRED TO ATTEND THE MEETING:

8 (1) THE MEMBERS, SUBSTITUTE MEMBERS, COUNSEL, AND ELECTION
9 DIRECTOR OF EACH LOCAL BOARD; AND

10 (2) ANY OTHER INDIVIDUALS DESIGNATED BY THE STATE BOARD OR A
11 LOCAL BOARD TO ATTEND THE MEETING.

12 (C) TIME; PLACE; PURPOSE.

13 (1) THE MEETING SHALL BE HELD AT A TIME AND PLACE AND
14 CONTINUE FOR SUCH PERIOD OF TIME AS THE STATE BOARD CONSIDERS
15 NECESSARY.

16 (2) THE PURPOSE OF THE MEETING IS TO INSTRUCT THE MEMBERS OF
17 THE LOCAL BOARDS, THE ELECTION DIRECTORS, THE COUNSEL TO LOCAL BOARDS,
18 AND THE OTHER EMPLOYEES WHO ARE IN ATTENDANCE, CONCERNING THEIR
19 DUTIES IN THE CONDUCT OF ELECTIONS.

20 (D) REIMBURSEMENT OF EXPENSES.

21 EACH MEMBER, SUBSTITUTE MEMBER, ELECTION DIRECTOR, COUNSEL, OR
22 OTHER EMPLOYEE WHO IS REQUIRED OR AUTHORIZED TO ATTEND THE MEETING
23 SHALL BE REIMBURSED BY THE COUNTY GOVERNMENT:

24 (1) FOR ALL REASONABLE EXPENSES FOR EACH DAY THAT THE
25 INDIVIDUAL ATTENDS THE MEETING; AND

26 (2) FOR MILEAGE FROM THE INDIVIDUAL'S PLACE OF RESIDENCE TO
27 THE PLACE OF MEETING AND RETURN, IN ACCORDANCE WITH THE STANDARD STATE
28 TRAVEL REGULATIONS.

29 2-105. JUDICIAL PROCEEDINGS; INTERVENTION BY STATE BOARD.

30 IN ANY JUDICIAL PROCEEDING IN WHICH A LOCAL BOARD IS A PARTY, THE
31 STATE BOARD:

32 (1) SHALL BE PROVIDED A COPY OF THE PROCEEDINGS BY CERTIFIED
33 MAIL, IMMEDIATELY AFTER THE ACTION HAS BEEN FILED; AND

34 (2) MAY JOIN AS A PARTY TO THE PROCEEDING.

1 DRAFTER'S NOTE: The authority for the Attorney General to intervene in a
2 judicial proceeding in which a local board is a defendant is new and is
3 added at the suggestion of the Attorney General.

4 2-106. RECORDS MANAGEMENT.

5 (A) GENERALLY.

6 THE STATE BOARD AND EACH LOCAL BOARD SHALL MAINTAIN AND DISPOSE OF
7 ITS PUBLIC RECORDS IN ACCORDANCE WITH THE PROGRAM FOR RECORDS
8 MANAGEMENT ADOPTED BY THE STATE BOARD UNDER TITLE 10, SUBTITLE 6, PART IV
9 OF THE STATE GOVERNMENT ARTICLE.

10 (B) USE OF RECORD AS EVIDENCE IN COURT.

11 IF PRODUCED AND PROVED BY A REPRESENTATIVE OF THE APPLICABLE
12 BOARD, A COPY OF A PUBLIC RECORD THAT IS CERTIFIED BY AND KEPT UNDER THE
13 SEAL OF THE PRINCIPAL ADMINISTRATIVE OFFICER OF THAT BOARD SHALL BE
14 EVIDENCE IN ANY COURT TO THE SAME EXTENT AS THE ORIGINAL RECORD.

15 SUBTITLE 2. LOCAL BOARDS.

16 2-201. ORGANIZATION.

17 (A) GENERALLY.

18 (1) THERE IS A COUNTY BOARD OF ELECTIONS IN EACH COUNTY OF THE
19 STATE.

20 (2) EACH LOCAL BOARD AND ITS STAFF IS SUBJECT TO THE DIRECTION
21 AND AUTHORITY OF THE STATE BOARD AND IS ACCOUNTABLE TO THE STATE BOARD
22 FOR ITS ACTIONS IN ALL MATTERS REGARDING THE IMPLEMENTATION OF THE
23 REQUIREMENTS OF THIS ARTICLE AND ANY APPLICABLE FEDERAL LAW.

24 (B) MEMBERSHIP.

25 (1) EXCEPT AS PROVIDED IN SUBSECTION (J) OF THIS SECTION, EACH
26 LOCAL BOARD CONSISTS OF THREE REGULAR MEMBERS AND TWO SUBSTITUTE
27 MEMBERS.

28 (2) TWO REGULAR MEMBERS AND ONE SUBSTITUTE MEMBER SHALL BE
29 OF THE MAJORITY PARTY, AND ONE REGULAR MEMBER AND ONE SUBSTITUTE
30 MEMBER SHALL BE OF THE PRINCIPAL MINORITY PARTY.

31 (3) IN THE EVENT OF THE ABSENCE OF A REGULAR MEMBER OR A
32 VACANCY IN THE OFFICE OF A REGULAR MEMBER, THE SUBSTITUTE MEMBER OF
33 THE SAME POLITICAL PARTY SHALL EXERCISE THE POWERS AND DUTIES OF A
34 REGULAR MEMBER UNTIL THE REGULAR MEMBER RETURNS OR THE VACANCY IS
35 FILLED AS PRESCRIBED IN SUBSECTION (H) OF THIS SECTION.

1 (C) APPOINTMENT.

2 EACH REGULAR AND SUBSTITUTE MEMBER OF A LOCAL BOARD SHALL:

3 (1) BE APPOINTED IN ACCORDANCE WITH SUBSECTION (G) OF THIS
4 SECTION;

5 (2) BE A REGISTERED VOTER IN THE COUNTY FOR WHICH THE
6 INDIVIDUAL IS APPOINTED FOR THE 5 YEARS IMMEDIATELY PRECEDING THE
7 APPOINTMENT; AND

8 (3) BE ELIGIBLE FOR REAPPOINTMENT.

9 (D) TERM.

10 (1) THE TERM OF A MEMBER IS 4 YEARS AND BEGINS ON THE FIRST
11 MONDAY IN JUNE OF EACH YEAR FOLLOWING A GUBERNATORIAL ELECTION.

12 (2) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A
13 SUCCESSOR IS APPOINTED AND QUALIFIES.

14 (E) OATH.

15 BEFORE TAKING OFFICE, A MEMBER SHALL TAKE AND SUBSCRIBE TO THE
16 OATH PRESCRIBED IN ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.

17 (F) REMOVAL.

18 THE GOVERNOR MAY REMOVE A MEMBER FOR INCOMPETENCE, MISCONDUCT,
19 OR OTHER GOOD CAUSE, UPON WRITTEN CHARGES STATING THE GOVERNOR'S
20 GROUNDS FOR DISMISSAL AND AFTER AFFORDING THE MEMBER NOTICE AND AN
21 AMPLE OPPORTUNITY TO BE HEARD.

22 (G) APPOINTMENT PROCESS.

23 (1) THE GOVERNOR SHALL REQUEST THE COUNTY CENTRAL
24 COMMITTEE REPRESENTING THE MAJORITY PARTY OR THE PRINCIPAL MINORITY
25 PARTY, AS APPROPRIATE, TO SUBMIT A LIST OF AT LEAST FOUR ELIGIBLE
26 INDIVIDUALS FROM WHICH THE GOVERNOR MAY MAKE AN APPOINTMENT OF A
27 REGULAR MEMBER OR A SUBSTITUTE MEMBER OF THE LOCAL BOARD.

28 (2) THE GOVERNOR MAY REJECT ALL OF THE NOMINEES IF THE
29 GOVERNOR DETERMINES THEM TO BE UNFIT OR INCOMPETENT, IN WHICH CASE THE
30 GOVERNOR SHALL NOTIFY THE STATE BOARD IN WRITING AND REQUEST AN
31 ADDITIONAL LIST OF AT LEAST FOUR ELIGIBLE NOMINEES FROM THE COUNTY
32 CENTRAL COMMITTEE. A THIRD LIST MAY BE REQUESTED IN THE SAME MANNER.

33 (3) IF A LIST CONTAINING THE NAMES OF FOUR ELIGIBLE NOMINEES IS
34 NOT SUBMITTED WITHIN 20 DAYS OF A REQUEST OR IF ALL THE NOMINEES ON
35 THREE LISTS ARE REJECTED, THE GOVERNOR MAY APPOINT ANY ELIGIBLE PERSON
36 WHO IS A MEMBER OF THE APPROPRIATE POLITICAL PARTY.

1 (4) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
2 PARAGRAPH, EACH APPOINTMENT SHALL BE SUBJECT TO CONFIRMATION BY THE
3 SENATE OF MARYLAND.

4 (II) IN CAROLINE, DORCHESTER, AND KENT COUNTIES, IF THERE IS
5 NO RESIDENT SENATOR OF THE PARTICULAR COUNTY, THE CONFIRMATION
6 REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE BY THE HOUSE
7 OF DELEGATES OF MARYLAND.

8 (III) IF AN APPOINTEE IS REJECTED, THE GOVERNOR SHALL MAKE
9 ANOTHER APPOINTMENT FROM THE LIST OR LISTS SUBMITTED UNDER PARAGRAPHS
10 (1) AND (2) OF THIS SUBSECTION. IF A LIST IS NOT PROVIDED, OR THE NOMINEES ON
11 THREE LISTS ARE REJECTED, THE GOVERNOR MAY APPOINT AN ELIGIBLE
12 INDIVIDUAL AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION.

13 (H) FILLING OF VACANCIES.

14 (1) IF A MEMBER OF A LOCAL BOARD DIES, RESIGNS, IS REMOVED, OR
15 BECOMES INELIGIBLE:

16 (I) THE SUBSTITUTE MEMBER BELONGING TO THE SAME
17 POLITICAL PARTY SHALL BECOME A REGULAR MEMBER OF THE LOCAL BOARD; AND

18 (II) THE GOVERNOR SHALL APPOINT AN ELIGIBLE PERSON FROM
19 THE SAME POLITICAL PARTY TO BE THE NEW SUBSTITUTE MEMBER.

20 (2) IF A SUBSTITUTE MEMBER OF A LOCAL BOARD BECOMES A REGULAR
21 MEMBER AS PROVIDED IN PARAGRAPH (1)(II) OF THIS SUBSECTION, DIES, RESIGNS, IS
22 REMOVED, OR BECOMES INELIGIBLE WHEN THE CONFIRMING LEGISLATIVE BODY IS
23 NOT IN SESSION, THE GOVERNOR SHALL APPOINT AN ELIGIBLE PERSON FROM THE
24 SAME POLITICAL PARTY AS THE PREDECESSOR SUBSTITUTE MEMBER TO FILL THE
25 VACANCY. THAT INDIVIDUAL SHALL SERVE UNTIL THE EARLIER OF:

26 (I) THE ADJOURNMENT OF THE NEXT SESSION OF THE GENERAL
27 ASSEMBLY; OR

28 (II) THE APPOINTMENT OF ANOTHER INDIVIDUAL TO FILL THE
29 SAME VACANCY.

30 (I) PRESIDENT OF LOCAL BOARD.

31 A BOARD SHALL MEET WITHIN 20 DAYS AFTER THE BEGINNING OF THE TERM
32 TO ELECT ONE OF ITS REGULAR MEMBERS AS PRESIDENT.

33 (J) SPECIAL PROVISION -- PRINCE GEORGE'S COUNTY.

34 (1) IN PRINCE GEORGE'S COUNTY, THE LOCAL BOARD CONSISTS OF FIVE
35 REGULAR MEMBERS AND THREE SUBSTITUTE MEMBERS.

1 (2) FOUR REGULAR MEMBERS AND TWO SUBSTITUTE MEMBERS SHALL
2 BE OF THE MAJORITY PARTY, AND ONE REGULAR MEMBER AND ONE SUBSTITUTE
3 MEMBER SHALL BE OF THE PRINCIPAL MINORITY PARTY.

4 (3) IF A VACANCY OCCURS ON THE LOCAL BOARD AMONG THE MEMBERS
5 FROM THE MAJORITY PARTY, THE GOVERNOR SHALL DESIGNATE ONE OF THE
6 SUBSTITUTE MEMBERS FROM THAT PARTY TO FILL THE VACANCY.

7 DRAFTER'S NOTE: In subsection (d)(1) of this section, the term of a member
8 of a local board has been changed from 2 years to 4 years.

9 2-202. POWERS AND DUTIES.

10 (A) APPLICABILITY.

11 EXCEPT FOR THE CITY OF BALTIMORE, THE PROVISIONS OF THIS SECTION DO
12 NOT APPLY TO A MUNICIPAL CORPORATION IN THE STATE IN WHICH THE MUNICIPAL
13 OR CHARTER ELECTIONS ARE REGULATED BY THE PUBLIC LOCAL LAWS OF THE
14 STATE OR THE CHARTER OF THE MUNICIPAL CORPORATION.

15 (B) POWERS AND DUTIES.

16 EACH LOCAL BOARD, IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE
17 AND REGULATIONS ADOPTED BY THE STATE BOARD, SHALL:

18 (1) OVERSEE THE CONDUCT OF ALL ELECTIONS HELD IN ITS COUNTY
19 AND ENSURE THAT THE ELECTIONS PROCESS IS CONDUCTED IN AN OPEN,
20 CONVENIENT, AND IMPARTIAL MANNER;

21 (2) PURSUANT TO THE STATE PERSONNEL AND PENSIONS ARTICLE, OR
22 ITS COUNTY MERIT SYSTEM, WHICHEVER IS APPLICABLE, APPOINT AN ELECTION
23 DIRECTOR TO MANAGE THE OPERATIONS AND SUPERVISE THE STAFF OF THE LOCAL
24 BOARD;

25 (3) MAINTAIN AN OFFICE AND BE OPEN FOR BUSINESS AS PROVIDED IN
26 THIS ARTICLE, AND PROVIDE THE SUPPLIES AND EQUIPMENT NECESSARY FOR THE
27 PROPER AND EFFICIENT CONDUCT OF VOTER REGISTRATION AND ELECTION,
28 INCLUDING:

29 (I) SUPPLIES AND EQUIPMENT REQUIRED BY THE STATE BOARD;
30 AND

31 (II) OFFICE AND POLLING PLACE EQUIPMENT EXPENSES.

32 (4) ADOPT ANY REGULATION IT CONSIDERS NECESSARY TO PERFORM
33 ITS DUTIES UNDER THIS ARTICLE, WHICH REGULATION SHALL BECOME EFFECTIVE
34 WHEN IT IS FILED WITH AND APPROVED BY THE STATE BOARD;

35 (5) SERVE AS THE LOCAL BOARD OF CANVASSERS AND CERTIFY THE
36 RESULTS OF EACH ELECTION CONDUCTED BY THE LOCAL BOARD;

1 (6) ESTABLISH AND ALTER THE BOUNDARIES AND NUMBER OF
2 PRECINCTS IN ACCORDANCE WITH § 2-303 OF THIS TITLE, AND PROVIDE A SUITABLE
3 POLLING PLACE FOR EACH PRECINCT, AND ASSIGN VOTERS TO PRECINCTS;

4 (7) PROVIDE TO THE GENERAL PUBLIC TIMELY INFORMATION AND
5 NOTICE, BY PUBLICATION OR MAIL, CONCERNING VOTER REGISTRATION AND
6 ELECTIONS;

7 (8) MAKE DETERMINATIONS AND HEAR AND DECIDE CHALLENGES AND
8 APPEALS AS PROVIDED BY LAW;

9 (9) (I) AID IN THE PROSECUTION OF AN OFFENSE UNDER THIS
10 ARTICLE; AND

11 (II) WHEN THE BOARD FINDS THERE IS PROBABLE CAUSE TO
12 BELIEVE AN OFFENSE HAS BEEN COMMITTED, REFER THE MATTER TO THE
13 APPROPRIATE PROSECUTORIAL AUTHORITY; AND

14 (10) MAINTAIN AND DISPOSE OF ITS RECORDS IN ACCORDANCE WITH
15 THE PLAN ADOPTED BY THE STATE BOARD UNDER § 2-106 OF THIS TITLE.

16 (C) SPECIAL PROVISION -- GARRETT COUNTY.

17 IN GARRETT COUNTY, FOLLOWING EACH DECENNIAL CENSUS OF THE UNITED
18 STATES, THE LOCAL BOARD SHALL:

19 (1) EVALUATE THE POPULATION OF THE COUNTY COMMISSIONER
20 DISTRICTS TO DETERMINE WHETHER THE DISTRICTS ARE OF SUBSTANTIALLY
21 EQUAL POPULATION; AND

22 (2) RECOMMEND TO THE GARRETT COUNTY DELEGATION TO THE
23 GENERAL ASSEMBLY ANY ADJUSTMENTS OF THE BOUNDARIES OF THOSE DISTRICTS
24 THAT ARE NECESSARY TO MAINTAIN DISTRICTS OF SUBSTANTIALLY EQUAL
25 POPULATION.

26 2-203. LOCAL GOVERNMENT FUNDING.

27 EACH COUNTY SHALL APPROPRIATE THE FUNDS ESSENTIAL FOR THE
28 OPERATIONS OF ITS LOCAL BOARD TO ENABLE THE LOCAL BOARD TO PAY THE
29 NECESSARY AND REASONABLE EXPENSES INCURRED BY THE LOCAL BOARD TO
30 EXERCISE THE POWERS AND PERFORM THE DUTIES PRESCRIBED FOR IT BY LAW,
31 INCLUDING:

32 (1) PERSONNEL EXPENSES, SUCH AS COMPENSATION, WORKERS'
33 COMPENSATION, AND UNEMPLOYMENT INSURANCE;

34 (2) POLLING PLACE OPERATION EXPENSES; AND

35 (3) SUPPLIES AND EQUIPMENT REQUIRED UNDER SUBSECTION (B)(3) OF
36 THIS SECTION.

1 2-204. COMPENSATION OF LOCAL BOARD MEMBERS.

2 (A) REGULAR MEMBERS.

3 EACH REGULAR MEMBER OF A LOCAL BOARD SHALL RECEIVE THE SALARY AND
4 REIMBURSEMENT OF EXPENSES PROVIDED IN THE COUNTY BUDGET, BUT IN NO
5 EVENT MAY THE ANNUAL COMPENSATION BE LESS THAN THE FOLLOWING
6 AMOUNTS:

7 (1) IN ALLEGANY COUNTY, THE AMOUNT SET BY THE COUNTY
8 COMMISSIONERS UNDER ARTICLE 24, TITLE 12, SUBTITLE 1 OF THE CODE;

9 (2) IN ANNE ARUNDEL COUNTY, \$2,400;

10 (3) IN BALTIMORE CITY, \$8,000;

11 (4) IN BALTIMORE COUNTY, \$4,000 FOR THE PRESIDENT AND \$3,000 FOR
12 OTHER REGULAR MEMBERS;

13 (5) IN CALVERT COUNTY, \$3,000 AND REIMBURSEMENT FOR EXPENSES
14 IN THE PERFORMANCE OF THEIR DUTIES;

15 (6) IN CAROLINE COUNTY, \$2,750 FOR THE PRESIDENT, \$2,500 FOR OTHER
16 REGULAR MEMBERS, AND REIMBURSEMENT FOR EXPENSES INCURRED IN THE
17 PERFORMANCE OF ELECTION DUTIES IN ACCORDANCE WITH THE STANDARD STATE
18 TRAVEL REGULATIONS;

19 (7) IN CARROLL COUNTY, \$800;

20 (8) IN CECIL COUNTY, \$1,250 FOR THE PRESIDENT, \$1,000 FOR OTHER
21 REGULAR MEMBERS, AND REIMBURSEMENT FOR ACTUAL EXPENSES INCURRED IN
22 THE PERFORMANCE OF ELECTION ACTIVITIES WHICH OCCUR OUTSIDE THE COUNTY;

23 (9) IN CHARLES COUNTY, \$800;

24 (10) IN DORCHESTER COUNTY, \$2,500 AND EXPENSES AS AUTHORIZED BY
25 THE COUNTY COMMISSIONERS;

26 (11) IN FREDERICK COUNTY, \$2,100;

27 (12) IN GARRETT COUNTY, THE AMOUNT SET BY THE COUNTY
28 COMMISSIONERS UNDER CHAPTER 91 OF THE PUBLIC LOCAL LAWS OF GARRETT
29 COUNTY;

30 (13) IN HARFORD COUNTY, \$2,000 FOR THE PRESIDENT AND \$1,700 FOR
31 OTHER REGULAR MEMBERS;

32 (14) IN HOWARD COUNTY, \$2,800 FOR THE PRESIDENT AND \$2,000 FOR
33 OTHER REGULAR MEMBERS;

1 (15) IN KENT COUNTY, \$1,250 FOR THE PRESIDENT AND \$1,000 FOR OTHER
2 REGULAR MEMBERS;

3 (16) IN MONTGOMERY COUNTY, \$5,000 FOR THE PRESIDENT AND \$4,500
4 FOR OTHER REGULAR MEMBERS;

5 (17) IN PRINCE GEORGE'S COUNTY, \$5,000 FOR THE PRESIDENT AND \$4,500
6 FOR OTHER REGULAR MEMBERS;

7 (18) IN QUEEN ANNE'S COUNTY, \$1,500 FOR THE PRESIDENT AND \$1,200
8 FOR OTHER REGULAR MEMBERS;

9 (19) IN ST. MARY'S COUNTY, \$800;

10 (20) IN SOMERSET COUNTY, \$1,000;

11 (21) IN TALBOT COUNTY, \$600;

12 (22) IN WASHINGTON COUNTY, \$2,300 FOR THE PRESIDENT AND \$2,000
13 FOR OTHER REGULAR MEMBERS;

14 (23) IN WICOMICO COUNTY, \$2,400 FOR THE PRESIDENT AND \$1,800 FOR
15 OTHER REGULAR MEMBERS; AND

16 (24) IN WORCESTER COUNTY, \$1,500 FOR THE PRESIDENT AND \$1,200 FOR
17 OTHER REGULAR MEMBERS.

18 (B) SUBSTITUTE MEMBERS.

19 (1) CONSISTENT WITH PARAGRAPH (2) OF THIS SUBSECTION, EACH
20 SUBSTITUTE MEMBER SHALL BE COMPENSATED FOR EACH DAY OF SERVICE AS
21 PROVIDED IN THE COUNTY BUDGET.

22 (2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
23 PARAGRAPH, A SUBSTITUTE MEMBER SHALL BE COMPENSATED AT A RATE OF AT
24 LEAST \$25 FOR EACH MEETING OF THE BOARD THAT THE SUBSTITUTE MEMBER
25 ATTENDS.

26 (II) 1. IN CALVERT COUNTY, A SUBSTITUTE MEMBER SHALL BE
27 PAID AT LEAST \$50 FOR EACH MEETING THAT THE SUBSTITUTE MEMBER ATTENDS.

28 2. IN GARRETT COUNTY, A SUBSTITUTE MEMBER SHALL BE
29 PAID \$600 ANNUALLY.

30 3. IN WICOMICO COUNTY, A SUBSTITUTE MEMBER SHALL BE
31 PAID \$1,200 ANNUALLY.

32 2-205. COUNSEL TO LOCAL BOARD.

33 (A) GENERALLY.

1 EACH LOCAL BOARD MAY APPOINT OR RETAIN AS COUNSEL AN INDIVIDUAL
2 WHO IS:

3 (1) A REGISTERED VOTER OF ITS COUNTY; AND

4 (2) ADMITTED TO PRACTICE LAW IN THE STATE.

5 (B) COMPENSATION.

6 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE
7 SALARY OF COUNSEL SHALL BE SET BY THE LOCAL BOARD IN ACCORDANCE WITH
8 THE COUNTY BUDGET.

9 (2) (I) IN ANNE ARUNDEL COUNTY, THE COUNSEL MAY NOT BE
10 COMPENSATED LESS THAN THE SALARY OF A LOCAL BOARD MEMBER.

11 (II) IN BALTIMORE COUNTY, THE COUNSEL MAY NOT BE
12 COMPENSATED LESS THAN \$2,000.

13 (III) IN MONTGOMERY COUNTY, THE COUNSEL SHALL RECEIVE AN
14 ANNUAL SALARY OF \$2,000.

15 (IV) IN PRINCE GEORGE'S COUNTY, THE COUNSEL SHALL RECEIVE
16 AN ANNUAL SALARY OF \$4,500.

17 (V) IN WICOMICO COUNTY, THE COUNSEL SHALL RECEIVE AN
18 ANNUAL SALARY OF \$1,200, PAID IN EQUAL QUARTERLY INSTALLMENTS BY THE
19 COUNTY COUNCIL.

20 (VI) IN WORCESTER COUNTY, THE COUNSEL SHALL RECEIVE AN
21 ANNUAL SALARY OF \$800.

22 (C) ADDITIONAL COMPENSATION.

23 IN ACCORDANCE WITH THE COUNTY BUDGET AND IN ADDITION TO THE
24 COMPENSATION SPECIFIED IN SUBSECTION (B) OF THIS SECTION, EACH LOCAL
25 BOARD MAY PROVIDE COUNSEL WITH APPROPRIATE ADDITIONAL COMPENSATION
26 FOR SERVICES THAT THE LOCAL BOARD DETERMINES ARE NECESSARY.

27 DRAFTER'S NOTE: The requirement in subsection (a) of this section that the
28 local board counsel be a registered voter is new.

29 2-206. ELECTION DIRECTOR.

30 (A) POWERS AND DUTIES.

31 SUBJECT TO THE REQUIREMENTS OF THIS ARTICLE AND THE POLICIES AND
32 GUIDANCE OF THE LOCAL BOARD, THE ELECTION DIRECTOR MAY:

33 (1) APPOINT THE EMPLOYEES OF THE LOCAL BOARD;

- 1 (2) TRAIN JUDGES OF ELECTION;
- 2 (3) GIVE NOTICE OF ELECTIONS;
- 3 (4) SUBMIT VOTER REGISTRATION REPORTS TO THE STATE BOARD;
- 4 (5) SUBJECT TO SUBSECTION (B) OF THIS SECTION, ISSUE A TEMPORARY
5 CERTIFICATE OF REGISTRATION TO A VOTER ON ELECTION DAY;
- 6 (6) INITIATE AND CONDUCT ANY PROGRAM APPROVED BY THE STATE
7 BOARD TO IDENTIFY, NOTIFY, AND REMOVE FROM THE VOTER REGISTRATION ROLLS
8 ANY REGISTRANT WHO HAS BECOME INELIGIBLE DUE TO A CHANGE OF ADDRESS;
- 9 (7) UPON THE REQUEST OF AN ELDERLY OR HANDICAPPED VOTER
10 WHOSE POLLING PLACE IS NOT STRUCTURALLY BARRIER FREE, PROVIDE AN
11 ALTERNATE POLLING PLACE TO THE VOTER;
- 12 (8) ISSUE VOTER ACKNOWLEDGMENT NOTICES AND VOTER
13 NOTIFICATION CARDS;
- 14 (9) RECEIVE CERTIFICATES OF CANDIDACY;
- 15 (10) VERIFY NOMINATING PETITIONS;
- 16 (11) RECEIVE AND MAINTAIN CAMPAIGN FUND REPORTS;
- 17 (12) IN CONSULTATION WITH THE LOCAL BOARD, CONDUCT THE
18 CANVASS FOLLOWING AN ELECTION; AND
- 19 (13) SUBJECT TO SUBSECTION (B) OF THIS SECTION, PROCESS AND
20 REJECT ABSENTEE BALLOT APPLICATIONS.

21 (B) APPEAL TO LOCAL BOARD.

22 A VOTER MAY APPEAL A DECISION OF THE ELECTION DIRECTOR TO THE LOCAL
23 BOARD REGARDING:

- 24 (1) THE ISSUANCE OF A TEMPORARY CERTIFICATE OF REGISTRATION
25 ON ELECTION DAY UNDER SUBSECTION (A)(5) OF THIS SECTION; AND
- 26 (2) THE REJECTION OF AN ABSENTEE BALLOT APPLICATION UNDER
27 SUBSECTION (A)(13) OF THIS SECTION.

28 2-207. LOCAL BOARD EMPLOYEES.

29 (A) APPLICABILITY.

- 30 (1) THIS SECTION APPLIES TO EACH EMPLOYEE OF A LOCAL BOARD.
- 31 (2) THIS SECTION DOES NOT APPLY TO:

1 (I) LOCAL BOARD COUNSEL; OR

2 (II) AN ELECTION JUDGE.

3 (B) METHOD OF FUNDING NOT AFFECTED.

4 THIS SECTION DOES NOT ALTER IN ANY MANNER THE METHOD BY WHICH THE
5 SALARY OF AN EMPLOYEE OF A LOCAL BOARD IS FUNDED BY THE COUNTY IN WHICH
6 THE EMPLOYEE IS EMPLOYED.

7 (C) PERSONNEL SYSTEM REQUIREMENTS.

8 (1) IF THE EMPLOYEES OF A LOCAL BOARD ARE COVERED BY ITS
9 COUNTY MERIT SYSTEM:

10 (I) THE EMPLOYEES SHALL BE CLASSIFIED EMPLOYEES UNDER
11 THE COUNTY MERIT SYSTEM; AND

12 (II) THE EMPLOYEES MAY BE APPOINTED AND REMOVED SUBJECT
13 TO THE PERSONNEL REGULATIONS OF THE COUNTY IN WHICH THE LOCAL BOARD IS
14 LOCATED.

15 (2) IF THE EMPLOYEES OF A LOCAL BOARD ARE NOT COVERED BY ITS
16 COUNTY MERIT SYSTEM:

17 (I) THE EMPLOYEES SHALL BE IN THE SKILLED SERVICE OR
18 PROFESSIONAL SERVICE OF THE STATE PERSONNEL MANAGEMENT SYSTEM; AND

19 (II) APPOINTMENT AND REMOVAL OF THE EMPLOYEES SHALL BE
20 IN ACCORDANCE WITH THE PROVISIONS OF THE STATE PERSONNEL AND PENSIONS
21 ARTICLE THAT GOVERN SKILLED SERVICE OR PROFESSIONAL SERVICE EMPLOYEES.

22 (D) VOTER REGISTRATION REQUIRED.

23 EACH CLASSIFIED EMPLOYEE SHALL BE A REGISTERED VOTER OF THE STATE.

24 (E) RESTRICTIONS.

25 AN EMPLOYEE OF A LOCAL BOARD IS SUBJECT TO THE RESTRICTIONS AND
26 REQUIREMENTS OF § 2-301 OF THIS ARTICLE.

27 DRAFTER'S NOTE: Former Art. 33, § 2-6(d), relating to the residence of the
28 election director, and § 2-6(f), relating to the number of employees of the
29 Baltimore City Board, are both repealed.

30 SUBTITLE 3. PROVISIONS GENERALLY APPLICABLE.

31 2-301. BAR TO POLITICAL ACTIVITIES.

32 (A) APPLICABILITY.

1 THIS SECTION APPLIES TO:

2 (1) A MEMBER OF THE STATE BOARD;

3 (2) A REGULAR OR SUBSTITUTE MEMBER OF A LOCAL BOARD;

4 (3) THE STATE ADMINISTRATOR;

5 ~~(4)~~ (4) AN EMPLOYEE OF THE STATE BOARD OR OF A LOCAL BOARD;

6 ~~(5)~~ (5) COUNSEL APPOINTED UNDER § 2-205 OF THIS TITLE; AND

7 ~~(6)~~ (6) AN ELECTION JUDGE.

8 (B) GENERALLY.

9 (1) AN INDIVIDUAL SUBJECT TO THIS SECTION MAY NOT, WHILE
10 HOLDING THE POSITION:

11 (I) HOLD OR BE A CANDIDATE FOR ANY PUBLIC OR POLITICAL
12 PARTY OFFICE;

13 (II) USE THE INDIVIDUAL'S OFFICIAL AUTHORITY FOR THE
14 PURPOSE OF INFLUENCING OR AFFECTING THE RESULT OF AN ELECTION; OR

15 (III) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
16 TAKE AN ACTIVE PART IN POLITICAL MANAGEMENT OR A POLITICAL CAMPAIGN
17 RELATED TO ANY CANDIDATE OR ANY MATTER THAT IS SUBJECT TO AN ELECTION
18 UNDER THIS ARTICLE.

19 (2) NOTWITHSTANDING PARAGRAPH (1)(III) OF THIS SUBSECTION,
20 EXCEPT WHILE PERFORMING OFFICIAL DUTIES ON ELECTION DAY, AN ELECTION
21 JUDGE MAY ENGAGE IN THE ACTIVITIES OF A POLITICAL CAMPAIGN, OTHER THAN
22 SERVING AS A CAMPAIGN MANAGER FOR A CANDIDATE OR AS THE TREASURER FOR A
23 CANDIDATE OR COMMITTEE.

24 2-302. HOURS OF BUSINESS.

25 (A) STATE BOARD.

26 (1) THE STATE BOARD SHALL BE OPEN FOR BUSINESS DURING REGULAR
27 BUSINESS HOURS ON EACH STATE GOVERNMENT WORKDAY.

28 (2) THE STATE BOARD SHALL REMAIN OPEN UNTIL 9 P.M. ON THE LAST
29 DAY FOR:

30 (I) THE FILING OF A CERTIFICATE OF CANDIDACY FOR EACH
31 ELECTION CONDUCTED UNDER THIS ARTICLE; AND

32 (II) THE CLOSE OF VOTER REGISTRATION PRIOR TO EACH
33 ELECTION CONDUCTED UNDER THIS ARTICLE.

1 (B) LOCAL BOARDS.

2 (1) EACH LOCAL BOARD SHALL BE OPEN FOR BUSINESS:

3 (I) ON EACH DAY THAT IS A COUNTY GOVERNMENT WORKDAY IN
4 ITS COUNTY;

5 (II) ON EACH ELECTION DAY; AND

6 (III) UNTIL 9 P.M. ON THE LAST DAY FOR:

7 1. THE FILING OF A CERTIFICATE OF CANDIDACY FOR AN
8 ELECTION CONDUCTED IN THE COUNTY, IF A CERTIFICATE CAN BE FILED WITH THE
9 LOCAL BOARD;

10 2. THE CLOSE OF VOTER REGISTRATION PRIOR TO EACH
11 ELECTION HELD IN THE COUNTY; AND

12 3. THE FILING OF AN APPLICATION BY A VOTER FOR A
13 CHANGE IN PARTY AFFILIATION.

14 (2) THE MEMBERS OF EACH LOCAL BOARD SHALL BE AVAILABLE AS
15 NEEDED ON AN ELECTION DAY AND DURING THE CANVASS OF EACH ELECTION.

16 (3) THE HOURS THAT A LOCAL BOARD IS OPEN FOR BUSINESS:

17 (I) MAY BE THE SAME AS THE REGULAR BUSINESS HOURS OF ITS
18 COUNTY GOVERNMENT; OR

19 (II) FOR THE CONVENIENCE OF THE PUBLIC, MAY BE DIFFERENT
20 FROM THE REGULAR BUSINESS HOURS OF ITS COUNTY GOVERNMENT, EXCEPT THAT
21 THE NUMBER OF BUSINESS HOURS THE OFFICE IS OPEN EACH BUSINESS DAY MUST
22 BE AT LEAST EQUIVALENT TO THE NUMBER OF BUSINESS HOURS THAT THE COUNTY
23 GOVERNMENT IS OPEN.

24 DRAFTER'S NOTE: The requirement that each local board office operate
25 "full-time" is new.

26 2-303. PRECINCTS.

27 (A) GENERALLY.

28 AS IT DEEMS IT EXPEDIENT FOR THE CONVENIENCE OF VOTERS, A LOCAL
29 BOARD MAY:

30 (1) CREATE AND ALTER THE BOUNDARIES FOR PRECINCTS IN THE
31 COUNTY;

32 (2) DESIGNATE THE LOCATION FOR POLLING PLACES IN ANY ELECTION
33 DISTRICT, WARD, OR PRECINCT IN THE COUNTY; AND

1 (3) COMBINE OR ABOLISH PRECINCTS.

2 (B) PERIOD IN WHICH CHANGES MAY NOT BE MADE.

3 EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, A LOCAL BOARD
4 MAY NOT CREATE OR CHANGE A PRECINCT BOUNDARY OR POLLING PLACE DURING
5 THE PERIOD BEGINNING THE TUESDAY THAT IS 13 WEEKS PRIOR TO A PRIMARY
6 ELECTION, THROUGH THE DAY OF THE GENERAL ELECTION.

7 (C) BOUNDARIES.

8 ANY PRECINCT BOUNDARY ESTABLISHED BY A LOCAL BOARD SUBSEQUENT TO
9 JULY 1, 1987 SHALL FOLLOW VISIBLE FEATURES AS DEFINED BY THE BUREAU OF
10 THE CENSUS, UNITED STATES DEPARTMENT OF COMMERCE.

11 (D) NOTICE OF CHANGE.

12 WITHIN 5 DAYS OF CREATING A NEW PRECINCT OR CHANGING A PRECINCT
13 BOUNDARY, A LOCAL BOARD SHALL SEND TO THE ~~EXECUTIVE DIRECTOR STATE~~
14 ADMINISTRATOR A WRITTEN DESCRIPTION OF THE NEW BOUNDARY AND A MAP OF
15 THE AREA INVOLVED.

16 (E) CHANGES BEFORE AND AFTER DECENNIAL CENSUS.

17 (1) UNLESS THE ACTION IS APPROVED IN ADVANCE BY THE ~~EXECUTIVE~~
18 ~~DIRECTOR STATE ADMINISTRATOR~~, DURING THE PERIOD JANUARY 1, IN THE SECOND
19 YEAR PRECEDING THE DECENNIAL CENSUS, THROUGH DECEMBER 1, IN THE SECOND
20 YEAR FOLLOWING THE DECENNIAL CENSUS, A LOCAL BOARD MAY NOT CREATE A
21 NEW PRECINCT OR CHANGE A PRECINCT BOUNDARY.

22 (2) UPON RECEIPT OF THE WRITTEN DESCRIPTION AND MAP RELATING
23 TO A PRECINCT BOUNDARY ESTABLISHED DURING THE PERIOD DESCRIBED IN
24 PARAGRAPH (1) OF THIS SUBSECTION, THE ~~EXECUTIVE DIRECTOR STATE~~
25 ADMINISTRATOR SHALL IMMEDIATELY FORWARD THE DOCUMENTS TO THE
26 DIRECTOR OF THE OFFICE OF PLANNING AND THE EXECUTIVE DIRECTOR OF THE
27 DEPARTMENT OF LEGISLATIVE SERVICES.

28 (F) EMERGENCY CHANGES.

29 NOTWITHSTANDING ANY RESTRICTIONS IMPOSED BY THIS SECTION, SUBJECT
30 TO THE APPROVAL OF THE STATE BOARD, A LOCAL BOARD MAY CREATE A NEW
31 PRECINCT OR CHANGE A PRECINCT BOUNDARY IF THE LOCAL BOARD DETERMINES
32 THAT AN EMERGENCY EXISTS.

33 (G) REGULATIONS.

34 (1) THE REGULATIONS ADOPTED BY THE STATE BOARD SHALL INCLUDE
35 PROCEDURES FOR THE CREATION OF NEW PRECINCTS AND CHANGES TO PRECINCT
36 BOUNDARIES.

1 (2) A LOCAL BOARD MAY CREATE A NEW PRECINCT OR MAKE A CHANGE
2 IN A PRECINCT BOUNDARY ONLY IN ACCORDANCE WITH REGULATIONS ADOPTED BY
3 THE STATE BOARD.

4 TITLE 3. VOTER REGISTRATION.

5 SUBTITLE 1. REGISTRATION - GENERALLY.

6 3-101. AUTHORITY.

7 (A) LOCAL BOARD AUTHORITY.

8 (1) THE LOCAL BOARD IN EACH COUNTY SHALL REGISTER VOTERS OF
9 THAT COUNTY.

10 (2) A LOCAL BOARD SHALL REVIEW EACH VOTER REGISTRATION
11 APPLICATION IT RECEIVES AND DETERMINE WHETHER THE APPLICANT MEETS THE
12 QUALIFICATIONS FOR VOTER REGISTRATION.

13 (B) CONTINUOUS REGISTRATION.

14 REGISTRATION SHALL BE CONDUCTED CONTINUOUSLY UNDER THE
15 SUPERVISION OF THE STATE BOARD AND IN ACCORDANCE WITH THE PROVISIONS OF
16 THIS TITLE, APPLICABLE FEDERAL LAW, AND REGULATIONS ADOPTED BY THE STATE
17 BOARD.

18 (C) VOTER REGISTRY.

19 THE LOCAL BOARD FOR EACH COUNTY SHALL MAINTAIN THE VOTER REGISTRY
20 FOR THAT COUNTY AND SHALL BE RESPONSIBLE FOR ITS ACCURACY AND
21 CURRENCY.

22 (D) REGISTRATION TO BE PERMANENT.

23 A REGISTERED VOTER MAY NOT BE REQUIRED TO REGISTER AGAIN UNLESS
24 THE REGISTRATION IS CANCELED PURSUANT TO SUBTITLE 5 OF THIS TITLE.

25 3-102. QUALIFICATIONS FOR VOTER REGISTRATION.

26 (A) GENERALLY.

27 EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AN INDIVIDUAL
28 MAY BECOME REGISTERED TO VOTE IF THE INDIVIDUAL:

29 (1) IS A CITIZEN OF THE UNITED STATES;

30 (2) IS AT LEAST 18 YEARS OLD OR WILL BE 18 YEARS OLD ON OR BEFORE
31 THE DAY OF THE NEXT SUCCEEDING GENERAL OR SPECIAL ELECTION;

32 (3) IS A RESIDENT OF THE COUNTY AS OF THE DAY THE INDIVIDUAL
33 SEEKS TO REGISTER; AND

1 (4) REGISTERS PURSUANT TO THIS TITLE.

2 (B) EXCEPTIONS.

3 AN INDIVIDUAL IS NOT QUALIFIED TO BE A REGISTERED VOTER IF THE
4 INDIVIDUAL:

5 (1) HAS BEEN CONVICTED OF THEFT OR OTHER INFAMOUS CRIME,
6 UNLESS THE INDIVIDUAL:

7 (I) HAS BEEN PARDONED; OR

8 (II) IN CONNECTION WITH A FIRST CONVICTION, HAS COMPLETED
9 THE SENTENCE IMPOSED FOR THE CONVICTION, INCLUDING PROBATION;

10 (2) IS UNDER GUARDIANSHIP FOR MENTAL DISABILITY; OR

11 (3) HAS BEEN CONVICTED OF BUYING OR SELLING VOTES.

12 SUBTITLE 2. METHODS OF APPLICATION.

13 3-201. APPLYING TO REGISTER TO VOTE.

14 AN INDIVIDUAL MAY APPLY TO BECOME A REGISTERED VOTER:

15 (1) AT A LOCAL BOARD OFFICE OR THE STATE BOARD OFFICE;

16 (2) AT A REGISTRATION SITE ADMINISTERED BY A LOCAL BOARD;

17 (3) BY MAIL;

18 (4) WHEN APPLYING TO THE MOTOR VEHICLE ADMINISTRATION FOR
19 THE ISSUANCE, RENEWAL, OR MODIFICATION OF A DRIVER'S LICENSE OR
20 IDENTIFICATION CARD;

21 (5) WHEN APPLYING FOR SERVICES AT A VOTER REGISTRATION
22 AGENCY; OR

23 (6) WITH THE ASSISTANCE OF A VOLUNTEER AUTHORIZED BY THE
24 STATE OR LOCAL BOARD.

25 3-202. VOTER REGISTRATION APPLICATIONS.

26 (A) STATEWIDE VOTER REGISTRATION APPLICATION.

27 (1) THE STATEWIDE VOTER REGISTRATION APPLICATION SHALL:

28 (I) STATE THE QUALIFICATIONS TO BECOME A REGISTERED
29 VOTER;

1 (II) REQUIRE THE SIGNATURE OF THE APPLICANT, SUBJECT TO
2 THE PENALTIES OF PERJURY, BY WHICH THE APPLICANT SWEARS OR AFFIRMS THAT
3 THE INFORMATION CONTAINED IN THE REGISTRATION APPLICATION IS TRUE AND
4 THAT THE APPLICANT MEETS ALL OF THE QUALIFICATIONS TO BECOME A
5 REGISTERED VOTER;

6 (III) STATE THE PENALTIES FOR THE SUBMISSION OF A FALSE
7 APPLICATION;

8 (IV) STATE THAT IF AN INDIVIDUAL DECLINES TO REGISTER, THIS
9 FACT WILL REMAIN CONFIDENTIAL AND BE USED ONLY FOR VOTER REGISTRATION
10 PURPOSES;

11 (V) STATE THAT IF AN INDIVIDUAL REGISTERS TO VOTE, THE
12 OFFICE AT WHICH THE APPLICATION IS SUBMITTED WILL REMAIN CONFIDENTIAL
13 AND WILL BE USED ONLY FOR VOTER REGISTRATION PURPOSES;

14 (VI) NOTIFY THE APPLICANT THAT SUBMISSION OF THE FORM TO
15 AN INDIVIDUAL OTHER THAN AN OFFICIAL, EMPLOYEE, OR AGENT OF A LOCAL
16 BOARD DOES NOT ASSURE THAT THE FORM WILL BE FILED OR FILED IN A TIMELY
17 MANNER;

18 (VII) PROVIDE THE APPLICANT WITH THE OPPORTUNITY TO CANCEL
19 A CURRENT REGISTRATION; AND

20 (VIII) USE IDENTICALLY SIZED PRINT FOR THE INFORMATION THAT
21 IS REQUIRED TO BE STATED BY THIS PARAGRAPH.

22 (2) THE STATEWIDE VOTER REGISTRATION APPLICATION MAY NOT
23 REQUIRE:

24 (I) NOTARIZATION OR OTHER FORMAL AUTHENTICATION; OR

25 (II) ANY ADDITIONAL INFORMATION, OTHER THAN THE
26 INFORMATION NECESSARY TO ENABLE ELECTION OFFICIALS TO DETERMINE THE
27 ELIGIBILITY OF THE APPLICANT AND TO ADMINISTER VOTER REGISTRATION AND
28 OTHER PARTS OF THE ELECTION PROCESS.

29 (3) (I) A STATEWIDE VOTER REGISTRATION APPLICATION SHALL BE
30 PRODUCED EXCLUSIVELY BY THE STATE BOARD.

31 (II) NO OTHER REGISTRATION FORM MAY BE USED FOR
32 REGISTRATION PURPOSES EXCEPT:

33 1. A VOTER REGISTRATION APPLICATION PRODUCED BY A
34 LOCAL BOARD WITH THE APPROVAL OF THE STATE BOARD;

35 2. AS PROVIDED IN SUBSECTION (B) OF THIS SECTION;

36 3. AS PROVIDED IN § 3-203(B) OF THIS SUBTITLE; OR

1 4. ANY OTHER FORM PRESCRIBED BY FEDERAL LAW FOR
2 VOTER REGISTRATION.

3 (B) NATIONAL VOTER REGISTRATION APPLICATION.

4 THE VOTER REGISTRATION APPLICATION FORM PRESCRIBED BY THE FEDERAL
5 ELECTION COMMISSION PURSUANT TO THE NATIONAL VOTER REGISTRATION ACT OF
6 1993 SHALL BE ACCEPTED BY THE APPROPRIATE ELECTION OFFICIAL FOR PURPOSES
7 OF VOTER REGISTRATION.

8 (C) CHANGE OF NAME, ADDRESS, OR PARTY AFFILIATION USING VOTER
9 REGISTRATION APPLICATIONS.

10 THE APPLICATIONS DESCRIBED IN THIS SECTION MAY BE USED BY
11 REGISTERED VOTERS TO CHANGE THEIR NAME, ADDRESS, OR PARTY AFFILIATION.

12 3-203. APPLICATION FOR REGISTRATION AT MOTOR VEHICLE ADMINISTRATION.

13 (A) IN GENERAL.

14 IF AN APPLICANT FOR ISSUANCE OR RENEWAL OF A DRIVER'S LICENSE OR AN
15 IDENTIFICATION CARD SIGNS THE VOTER REGISTRATION PORTION OF THE
16 APPLICATION, THE APPLICATION SHALL SERVE AS AN APPLICATION TO REGISTER TO
17 VOTE OR AS AN UPDATE OF A PREVIOUS VOTER REGISTRATION.

18 (B) APPLICATION; CONTENT.

19 (1) (I) IN CONSULTATION WITH THE MOTOR VEHICLE
20 ADMINISTRATION, THE STATE BOARD SHALL PREPARE AN APPLICATION FOR THE
21 ISSUANCE OR RENEWAL OF A DRIVER'S LICENSE OR AN IDENTIFICATION CARD THAT
22 SHALL ALSO SERVE AS A VOTER REGISTRATION APPLICATION.

23 (II) EXCEPT AS PROVIDED IN THIS SECTION, THE VOTER
24 REGISTRATION PORTION OF THE APPLICATION MAY NOT REQUIRE INFORMATION
25 THAT DUPLICATES INFORMATION REQUIRED IN THE DRIVER'S LICENSE OR
26 IDENTIFICATION CARD PORTION OF THE APPLICATION.

27 (2) THE VOTER REGISTRATION PORTION OF THE APPLICATION SHALL:

28 (I) CONTAIN THE SAME INFORMATION AS THE STATEWIDE VOTER
29 REGISTRATION APPLICATION PRESCRIBED IN § 3-202(B) OF THIS SUBTITLE; AND

30 (II) REQUIRE ONLY THE MINIMUM AMOUNT OF INFORMATION
31 NECESSARY:

32 1. TO PREVENT DUPLICATE VOTER REGISTRATION; AND

33 2. TO ENABLE THE APPROPRIATE ELECTION OFFICIAL TO
34 ASSESS THE ELIGIBILITY OF AN APPLICANT AND TO ADMINISTER VOTER
35 REGISTRATION AND OTHER ASPECTS OF THE ELECTION PROCESS.

1 (3) THE APPLICATION SHALL CONTAIN A BOX FOR THE APPLICANT TO
2 CHECK, WITH THE STATEMENT, "I DO NOT WISH TO REGISTER TO VOTE AT THIS
3 TIME".

4 (C) CHANGE OF ADDRESS.

5 (1) UNLESS A REGISTRANT DECLARES OTHERWISE, A CHANGE OF
6 ADDRESS OR NAME FORM SUBMITTED TO THE MOTOR VEHICLE ADMINISTRATION
7 FOR DRIVER'S LICENSE OR IDENTIFICATION CARD PURPOSES SHALL ALSO SERVE AS
8 NOTICE OF A CHANGE OF ADDRESS OR NAME FOR VOTER REGISTRATION PURPOSES.

9 (2) THE CHANGE OF ADDRESS OR NAME FORM SHALL STATE CLEARLY
10 THAT:

11 (I) THE FORM MAY BE USED FOR VOTER REGISTRATION
12 PURPOSES; AND

13 (II) THE REGISTRANT HAS THE RIGHT TO DECLARE THAT THE
14 CHANGE OF ADDRESS OR NAME IS NOT FOR PURPOSES OF VOTER REGISTRATION.

15 (D) FORWARDING INFORMATION TO STATE ELECTION OFFICIALS.

16 WITHIN 5 DAYS OF THE RECEIPT OF THE APPLICATION, RENEWAL, OR CHANGE
17 OF ADDRESS OR NAME FORM, THE MOTOR VEHICLE ADMINISTRATION SHALL
18 FORWARD THE APPLICATION, RENEWAL, OR CHANGE OF ADDRESS OR NAME FORM
19 AS WELL AS A COPY OF THE RELEVANT PART OF THE LICENSE APPLICATION TO THE
20 APPROPRIATE ELECTION OFFICIAL.

21 (E) FAILURE TO REGISTER TO VOTE.

22 INFORMATION RELATING TO THE FAILURE OF AN APPLICANT FOR A DRIVER'S
23 LICENSE OR IDENTIFICATION CARD TO REGISTER TO VOTE MAY NOT BE USED FOR
24 ANY PURPOSE OTHER THAN THE MAINTENANCE OF REGISTRATION STATISTICS.

25 3-204. APPLICATION FOR REGISTRATION AT VOTER REGISTRATION AGENCY.

26 (A) DESIGNATION.

27 (1) THE STATE BOARD SHALL DESIGNATE PUBLIC AGENCIES AND
28 NONGOVERNMENTAL AGENCIES AS VOTER REGISTRATION AGENCIES WHERE
29 QUALIFIED INDIVIDUALS MAY APPLY TO REGISTER TO VOTE.

30 (2) THE STATE BOARD SHALL DESIGNATE THE FOLLOWING OFFICES AS
31 VOTER REGISTRATION AGENCIES:

32 (I) ALL OFFICES IN THE STATE THAT PROVIDE PUBLIC
33 ASSISTANCE; AND

34 (II) ALL OFFICES IN THE STATE THAT PROVIDE STATE-FUNDED
35 PROGRAMS PRIMARILY ENGAGED IN PROVIDING SERVICES TO INDIVIDUALS WITH
36 DISABILITIES.

1 (3) THE STATE BOARD AND THE SECRETARY OF DEFENSE SHALL
2 JOINTLY DEVELOP AND IMPLEMENT PROCEDURES FOR PERSONS TO APPLY TO
3 REGISTER TO VOTE AT RECRUITMENT OFFICES OF THE ARMED FORCES OF THE
4 UNITED STATES, WHICH SHALL BE DEEMED VOTER REGISTRATION AGENCIES.

5 (B) DUTIES OF AGENCIES; REGISTRATION DOCUMENTS.

6 EACH VOTER REGISTRATION AGENCY, AS PROVIDED IN SUBSECTION (A)(2) AND
7 (3) OF THIS SECTION, SHALL:

8 (1) DISTRIBUTE A VOTER REGISTRATION APPLICATION APPROVED BY
9 THE STATE BOARD OR THE FEDERAL ELECTION COMMISSION WITH EACH
10 APPLICATION FOR SERVICE OR ASSISTANCE IT RENDERS AND WITH EACH
11 RECERTIFICATION, RENEWAL, OR CHANGE OF ADDRESS FORM RELATING TO SUCH
12 SERVICE OR ASSISTANCE;

13 (2) PROVIDE A DOCUMENT TO PROSPECTIVE REGISTRANTS THAT
14 INCLUDES:

15 (I) THE QUESTION, "IF YOU ARE NOT REGISTERED TO VOTE
16 WHERE YOU LIVE NOW, WOULD YOU LIKE TO APPLY TO REGISTER TO VOTE HERE
17 TODAY?";

18 (II) IF THE AGENCY PROVIDES PUBLIC ASSISTANCE, THE
19 STATEMENT, "APPLYING TO REGISTER OR DECLINING TO REGISTER TO VOTE WILL
20 NOT AFFECT THE AMOUNT OF ASSISTANCE THAT YOU WILL BE PROVIDED BY THIS
21 AGENCY.";

22 (III) BOXES FOR THE APPLICANT TO CHECK TO INDICATE WHETHER
23 THE APPLICANT WOULD LIKE TO REGISTER OR DECLINES TO REGISTER TO VOTE
24 TOGETHER WITH THE STATEMENT (IN CLOSE PROXIMITY TO THE BOXES AND IN
25 PROMINENT TYPE), "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED
26 TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.";

27 (IV) THE STATEMENT, "IF YOU WOULD LIKE HELP IN FILLING OUT
28 THE VOTER REGISTRATION APPLICATION FORM, WE WILL HELP YOU. THE DECISION
29 WHETHER TO SEEK OR ACCEPT HELP IS YOURS. YOU MAY FILL OUT THE
30 APPLICATION FORM IN PRIVATE.";

31 (V) THE STATEMENT, "IF YOU BELIEVE THAT SOMEONE HAS
32 INTERFERED WITH YOUR RIGHT TO REGISTER OR TO DECLINE TO REGISTER TO
33 VOTE, YOUR RIGHT TO PRIVACY IN DECIDING WHETHER TO REGISTER OR IN
34 APPLYING TO REGISTER TO VOTE, OR YOUR RIGHT TO CHOOSE YOUR OWN POLITICAL
35 PARTY OR OTHER POLITICAL PREFERENCE, YOU MAY FILE A COMPLAINT WITH THE
36 STATE BOARD OF ELECTIONS."; AND

37 (VI) THE ADDRESS AND TOLL FREE TELEPHONE NUMBER OF THE
38 STATE BOARD;

1 (3) PROVIDE EACH APPLICANT WHO DOES NOT DECLINE TO REGISTER
2 TO VOTE AND WHO ACCEPTS ASSISTANCE THE SAME DEGREE OF ASSISTANCE WITH
3 REGARD TO COMPLETION OF THE REGISTRATION APPLICATION AS IS PROVIDED BY
4 THE OFFICE WITH REGARD TO THE COMPLETION OF ITS OWN APPLICATIONS,
5 UNLESS THE APPLICANT REFUSES SUCH ASSISTANCE; AND

6 (4) ACCEPT THE COMPLETED VOTER REGISTRATION APPLICATION FOR
7 TRANSMITTAL TO THE APPROPRIATE ELECTION BOARD.

8 (C) RETURN OF REGISTRATION APPLICATION BY APPLICANT.

9 AN APPLICANT MAY MAIL THE VOTER REGISTRATION APPLICATION TO THE
10 APPROPRIATE STATE ELECTION OFFICIAL OR RETURN IT TO THE VOTER
11 REGISTRATION AGENCY FOR TRANSMITTAL TO THE APPROPRIATE ELECTION
12 OFFICIAL.

13 (D) FORWARDING OF REGISTRATION APPLICATION TO ELECTION OFFICIALS.

14 WITHIN 5 DAYS FROM THE ACCEPTANCE OF A VOTER REGISTRATION
15 APPLICATION, THE VOTER REGISTRATION AGENCY SHALL FORWARD THE
16 APPLICATION TO THE APPROPRIATE STATE ELECTION OFFICIAL.

17 (E) INDIVIDUALS WITH DISABILITIES.

18 IF A VOTER REGISTRATION AGENCY IS AN OFFICE DESCRIBED IN
19 SUBPARAGRAPH (A)(2)(II) OF THIS SECTION, WHICH PROVIDES SERVICES TO AN
20 INDIVIDUAL WITH A DISABILITY AT THE INDIVIDUAL'S HOME, THE AGENCY SHALL
21 PROVIDE THE SERVICES DESCRIBED AT THE INDIVIDUAL'S HOME.

22 (F) CONDUCT OF SERVICE PROVIDERS.

23 (1) AN INDIVIDUAL WHO PROVIDES ANY SERVICE DESCRIBED IN
24 SUBSECTION (B) OF THIS SECTION MAY NOT:

25 (I) SEEK TO INFLUENCE AN APPLICANT'S POLITICAL PREFERENCE
26 OR PARTY REGISTRATION;

27 (II) DISPLAY ANY SUCH POLITICAL PREFERENCE OR PARTY
28 ALLEGIANCE; OR

29 (III) MAKE ANY STATEMENT TO AN APPLICANT OR TAKE ANY
30 ACTION THE PURPOSE OR EFFECT OF WHICH IS TO LEAD THE APPLICANT TO
31 BELIEVE THAT A DECISION TO REGISTER OR NOT TO REGISTER HAS ANY BEARING ON
32 THE AVAILABILITY OF SERVICES OR BENEFITS.

33 (2) NO INFORMATION RELATING TO A DECLINATION TO REGISTER TO
34 VOTE IN CONNECTION WITH AN APPLICATION MADE AT AN OFFICE DESIGNATED AS
35 A VOTER REGISTRATION AGENCY MAY BE USED FOR ANY PURPOSE OTHER THAN THE
36 MAINTENANCE OF VOTER REGISTRATION STATISTICS.

1 (3) NOTWITHSTANDING § 3-501 OF THIS TITLE AND § 10-611 OF THE
2 STATE GOVERNMENT ARTICLE, THE IDENTITY OF A VOTER REGISTRATION AGENCY
3 THROUGH WHICH A PARTICULAR VOTER HAS REGISTERED MAY NOT BE DISCLOSED
4 TO THE PUBLIC.

5 (G) REGULATIONS.

6 REGULATIONS NECESSARY TO CARRY OUT THE REQUIREMENTS OF THIS
7 SECTION AND § 3-203 OF THIS SUBTITLE, INCLUDING PROVISIONS FOR TRAINING THE
8 EMPLOYEES OF VOTER REGISTRATION AGENCIES AND THE MOTOR VEHICLE
9 ADMINISTRATION, SHALL BE ADOPTED BY THE STATE BOARD IN COOPERATION WITH
10 EACH AGENCY.

11 DRAFTER'S NOTE: Former Art. 33, § 3-7 is deleted as obsolete. This section
12 allowed certain disabled individuals and individuals who reside overseas
13 (such as military personnel) to register by submitting an absentee ballot.
14 This section was added to the Code prior to the introduction of mail
15 registration and the requirements of the National Voter Registration Act.
16 Accordingly, the provisions are no longer necessary given the opportunities
17 for disabled individuals and overseas individuals to register using mail
18 registration as required by both Maryland law and Federal law.

19 SUBTITLE 3. ADMINISTRATION OF REGISTRATION.

20 3-301. PROCESSING VOTER REGISTRATION APPLICATIONS.

21 (A) RECEIPT OF REGISTRATION APPLICATIONS BY LOCAL BOARDS.

22 WHEN A VOTER REGISTRATION APPLICATION IS RECEIVED BY A LOCAL BOARD,
23 THE LOCAL BOARD SHALL:

24 (1) DETERMINE WHETHER THE APPLICANT IS QUALIFIED TO BECOME A
25 REGISTERED VOTER; OR

26 (2) IF THE APPLICANT RESIDES IN A DIFFERENT COUNTY IN THE STATE,
27 IMMEDIATELY FORWARD THE APPLICATION TO THE PROPER COUNTY.

28 (B) QUALIFIED APPLICANTS.

29 QUALIFIED APPLICANTS SHALL BE ADDED TO THE REGISTRY UNLESS
30 REGISTRATION IS CLOSED PURSUANT TO § 3-302 OF THIS SUBTITLE.

31 (C) NOTIFICATION OF VOTERS.

32 (1) THE ELECTION DIRECTOR SHALL SEND A VOTER
33 ACKNOWLEDGMENT NOTICE, IN A FORMAT PRESCRIBED BY THE STATE BOARD, TO
34 EACH APPLICANT INFORMING THE APPLICANT WHETHER HE OR SHE IS QUALIFIED
35 TO BECOME REGISTERED, AND, IF NOT QUALIFIED, THE REASONS WHY.

1 (2) (I) A VOTER NOTIFICATION CARD SENT TO A QUALIFIED
2 APPLICANT MAY SERVE AS A VOTER ACKNOWLEDGMENT NOTICE.

3 (II) 1. THE VOTER NOTIFICATION CARD SHALL CONTAIN THE
4 NAME AND ADDRESS OF THE VOTER, THE DATE OF ISSUE, AND THE DISTRICT OR
5 WARD AND PRECINCT OF THE VOTER.

6 2. THE CARD IS EVIDENCE THAT THE INDIVIDUAL TO WHOM
7 IT IS ISSUED IS A REGISTERED VOTER ON THE DATE APPEARING ON THE CARD.

8 3. THE ELECTION DIRECTOR SHALL ISSUE A REPLACEMENT
9 CARD ON REQUEST OF THE VOTER AND A NEW CARD WHEN A RELEVANT CHANGE IS
10 MADE IN THE VOTER'S REGISTRATION RECORD.

11 3-302. REGISTRATION CLOSING.

12 (A) WHEN REGISTRATION IS CLOSED.

13 REGISTRATION IS CLOSED BETWEEN 9 P.M. ON THE FIFTH MONDAY PRECEDING
14 ANY PRIMARY ELECTION, SPECIAL PRIMARY ELECTION, GENERAL ELECTION, OR
15 SPECIAL ELECTION AND THE ELEVENTH DAY AFTER THAT ELECTION.

16 (B) RECEIPT OF APPLICATIONS AFTER REGISTRATION IS CLOSED -
17 GENERALLY.

18 A VOTER REGISTRATION APPLICATION RECEIVED WHEN REGISTRATION IS
19 CLOSED SHALL BE ACCEPTED AND RETAINED BY A LOCAL BOARD, BUT THE
20 REGISTRATION OF THE APPLICANT DOES NOT BECOME EFFECTIVE UNTIL
21 REGISTRATION REOPENS.

22 (C) SAME - EXCEPTIONS.

23 A VOTER REGISTRATION APPLICATION THAT IS RECEIVED BY THE LOCAL
24 BOARD AFTER THE CLOSE OF REGISTRATION SHALL BE CONSIDERED TIMELY
25 RECEIVED FOR THE NEXT ELECTION PROVIDED:

26 (1) THERE IS SUFFICIENT EVIDENCE, AS DETERMINED BY THE LOCAL
27 BOARD PURSUANT TO REGULATIONS ADOPTED BY THE STATE BOARD, THAT THE
28 APPLICATION WAS MAILED ON OR BEFORE:

29 (I) THE FIFTH MONDAY BEFORE A PRIMARY, SPECIAL PRIMARY, OR
30 GENERAL ELECTION; OR

31 (II) IF THE FIFTH MONDAY IS A LEGAL PUBLIC HOLIDAY AS SET
32 OUT IN 5 U.S.C. § 6103(A), THE FOURTH TUESDAY BEFORE A PRIMARY, SPECIAL
33 PRIMARY, OR GENERAL ELECTION; OR

34 (2) THE APPLICATION WAS SUBMITTED BY THE VOTER TO THE MOTOR
35 VEHICLE ADMINISTRATION, A VOTER REGISTRATION AGENCY, ANOTHER LOCAL
36 BOARD, OR THE STATE BOARD PRIOR TO THE CLOSE OF REGISTRATION.

1 3-303. CHANGE OF PARTY AFFILIATION.

2 (A) GENERALLY.

3 EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A LOCAL BOARD,
4 AT THE SIGNED REQUEST OF A REGISTERED VOTER, SHALL CHANGE THAT VOTER'S
5 PARTY AFFILIATION, OR CHANGE THE VOTER TO OR FROM A DECLINE, AT ANY TIME
6 THAT REGISTRATION IS OPEN UNLESS THE REQUEST IS RECEIVED DURING THE
7 FOLLOWING TIME PERIODS:

8 (1) FROM 9 P.M. ON THE MONDAY, OR THE NEXT REGULAR BUSINESS
9 DAY IF THE MONDAY IS A LEGAL HOLIDAY, THAT IS 12 WEEKS BEFORE THE DAY ON
10 WHICH A PRIMARY ELECTION IS TO BE HELD UNDER § 8-201 OF THIS ARTICLE, UNTIL
11 AND INCLUDING THE DAY ON WHICH THE REGISTRATION REOPENS AFTER THE
12 PRIMARY ELECTION IS HELD; AND

13 (2) FROM AND INCLUDING THE DAY OF ISSUANCE OF A
14 GUBERNATORIAL PROCLAMATION CALLING A SPECIAL ELECTION, PURSUANT TO §
15 8-709 OF THIS ARTICLE, OR FROM 5 P.M. ON THE NEXT REGULAR BUSINESS DAY IF
16 THE DAY OF ISSUANCE IS A LEGAL HOLIDAY, UNTIL AND INCLUDING THE DAY ON
17 WHICH THAT SPECIAL ELECTION IS HELD.

18 (B) CHANGE OF RESIDENCE TO DIFFERENT COUNTY.

19 IF A REGISTERED VOTER CHANGES RESIDENCE FROM ONE COUNTY TO
20 ANOTHER WITHIN THE STATE, THE VOTER MAY CHANGE PARTY AFFILIATION OR
21 CHANGE TO OR FROM A DECLINE AT ANY TIME WHEN REGISTERING WITH THE NEW
22 COUNTY OF RESIDENCE.

23 (C) REREGISTRATION AFTER CANCELLATION IN SAME COUNTY.

24 AN INDIVIDUAL WHOSE REGISTRATION HAS BEEN CANCELED AT THE
25 INDIVIDUAL'S REQUEST WITHIN A PERIOD CLOSED TO CHANGES IN PARTY
26 AFFILIATION MAY NOT REREGISTER IN THE SAME COUNTY DURING THE SAME
27 PERIOD WITH A PARTY AFFILIATION OR NONAFFILIATION DIFFERENT FROM THE
28 PREVIOUS REGISTRATION.

29 3-304. CHANGE OF NAME OR ADDRESS.

30 (A) NOTIFICATION OF CHANGE OF NAME OR ADDRESS.

31 (1) NOTIFICATION OF A CHANGE OF ADDRESS WITHIN THE COUNTY OR
32 OF A CHANGE OF NAME MAY BE MADE:

33 (I) BY INFORMATION PROVIDED ON A VOTER REGISTRATION
34 APPLICATION BY THE SAME METHODS PROVIDED FOR REGISTRATION PURSUANT TO
35 SUBTITLE 2 OF THIS TITLE;

36 (II) BY WRITTEN NOTICE, SIGNED BY THE VOTER AND SENT BY
37 MAIL OR OTHERWISE DELIVERED TO THE PROPER LOCAL BOARD;

1 (III) BY MAKING APPLICATION IN PERSON AT THE OFFICE OF THE
2 LOCAL BOARD;

3 (IV) BY INFORMATION ON A VOTER AUTHORITY CARD OR OTHER
4 APPROPRIATE FORM FILLED OUT IN A POLLING PLACE; OR

5 (V) BY CHANGING A NAME OR ADDRESS WITH THE MOTOR VEHICLE
6 ADMINISTRATION.

7 (2) EXCEPT AS PROVIDED BY REGULATIONS ADOPTED BY THE STATE
8 BOARD, NAME AND ADDRESS CHANGES MAY NOT BE EFFECTED BY THE LOCAL
9 BOARD WHEN REGISTRATION IS CLOSED.

10 (B) PROCESSING REQUESTS FOR NAME AND ADDRESS CHANGE.

11 (1) A LOCAL BOARD, PURSUANT TO REGULATIONS ADOPTED BY THE
12 STATE BOARD, SHALL DETERMINE WHETHER A REQUEST FOR A NAME OR ADDRESS
13 CHANGE IS FROM THE REGISTERED VOTER.

14 (2) IF THE LOCAL BOARD IS SATISFIED THAT THE REQUEST FOR A NAME
15 OR ADDRESS CHANGE IS FROM THE VOTER, THE LOCAL BOARD SHALL CHANGE THE
16 VOTER'S RECORD AND SEND THE VOTER A NEW VOTER NOTIFICATION CARD.

17 SUBTITLE 4. MUNICIPAL REGISTRATION.

18 3-401. DEFINITION.

19 IN THIS SUBTITLE, "UNIVERSAL REGISTRATION" MEANS AN ELECTION
20 ADMINISTRATION IN WHICH THE LIST OF INDIVIDUALS ELIGIBLE TO VOTE IN A
21 MUNICIPAL ELECTION INCLUDES THOSE RESIDENTS OF THE MUNICIPAL
22 CORPORATION WHO ARE REGISTERED TO VOTE WITH THE LOCAL BOARD FOR THE
23 COUNTY IN WHICH THE INDIVIDUAL'S RESIDENCE IS LOCATED.

24 3-402. APPLICABILITY.

25 THIS SUBTITLE DOES NOT APPLY TO A MUNICIPAL CORPORATION THAT:

26 (1) DOES NOT REQUIRE VOTER REGISTRATION FOR ITS ELECTIONS;

27 (2) PRIOR TO JANUARY 1, 1990, USED THE VOTER REGISTRY SUPPLIED BY
28 THE LOCAL BOARD AS QUALIFICATION FOR VOTING IN MUNICIPAL ELECTIONS; OR

29 (3) PROVIDES FOR THE LOCAL BOARD TO CONDUCT MUNICIPAL
30 ELECTIONS.

31 3-403. MUNICIPAL REGISTRATION PROCEDURE.

32 (A) GENERALLY.

33 A VOTER RESIDING IN A MUNICIPAL CORPORATION IS DEEMED TO BE
34 REGISTERED FOR ELECTIONS IN THAT MUNICIPAL CORPORATION IF THE VOTER IS

1 REGISTERED WITH THE LOCAL BOARD FOR THE COUNTY IN WHICH THE MUNICIPAL
2 CORPORATION IS LOCATED.

3 (B) REQUEST FOR DEVELOPMENT OF UNIVERSAL REGISTRATION PLAN.

4 (1) NOT LESS THAN 6 MONTHS PRIOR TO ITS MUNICIPAL ELECTION,
5 EACH MUNICIPAL CORPORATION SHALL SUBMIT A REQUEST TO THE APPROPRIATE
6 LOCAL BOARD FOR THE DEVELOPMENT OF A PLAN AND A SCHEDULE TO IMPLEMENT
7 UNIVERSAL REGISTRATION.

8 (2) THE APPLICATION SHALL INCLUDE THE NAME OF THE INDIVIDUAL
9 DESIGNATED AS THE MUNICIPAL CORPORATION LIAISON WHO IS RESPONSIBLE FOR
10 WORKING WITH THE LOCAL BOARD IN THE DEVELOPMENT OF THE PLAN AND THE
11 SCHEDULE FOR IMPLEMENTATION OF THE PLAN.

12 (C) DUTY OF LOCAL BOARD TO RESPOND.

13 WITHIN 10 DAYS AFTER RECEIPT OF THE APPLICATION, THE LOCAL BOARD
14 SHALL RESPOND TO THE MUNICIPAL CORPORATION LIAISON AND SHALL DESIGNATE
15 A LOCAL BOARD LIAISON.

16 (D) INITIAL MEETING.

17 AT A MUTUALLY AGREED UPON TIME, THE LOCAL BOARD LIAISON AND THE
18 MUNICIPAL CORPORATION LIAISON SHALL CONDUCT MEETINGS WITH OTHER
19 APPROPRIATE INDIVIDUALS, IF REQUIRED, FOR THE PURPOSE OF DEVELOPING A
20 SCHEDULE AND PLAN FOR IMPLEMENTING REGISTRATION UNDER THIS TITLE.

21 (E) THE PLAN.

22 THE PLAN SHALL INCLUDE:

23 (1) PROCEDURES FOR IDENTIFYING BY GEOGRAPHICAL REFERENCE
24 THE MUNICIPAL BOUNDARIES, PRECINCTS, WARDS, OR DISTRICTS AND THE
25 METHODS FOR INCLUDING THIS INFORMATION IN THE COUNTY'S VOTER
26 REGISTRATION SYSTEM;

27 (2) INFORMATION ON WHETHER THE MUNICIPAL CORPORATION WANTS
28 THE EXCLUSION OR INCLUSION OF POLITICAL PARTY AFFILIATION ON THE VOTER
29 REGISTRY, AND WHETHER THE LOCAL BOARD CAN PROVIDE THE EXCLUSION OR
30 INCLUSION;

31 (3) THE FORMAT OF THE CERTIFIED VOTER REGISTRY, AND WHETHER IT
32 IS TO BE DIVIDED ACCORDING TO A REGISTRANT'S MUNICIPAL POLLING PLACE;

33 (4) INFORMATION ON WHETHER:

34 (I) THE DATES OF BIRTH ARE TO BE PRINTED ON THE CERTIFIED
35 REGISTRY;

1 (II) THE NAMES OF REGISTRANTS UNDER THE AGE OF 18 YEARS
2 ARE TO BE INCLUDED ON THE LISTS; AND

3 (III) THE BOARD CAN PROVIDE THESE EXCLUSIONS OR INCLUSIONS;

4 (5) THE TIMING FOR FURNISHING THE CERTIFIED LIST OF REGISTERED
5 VOTERS FOR USE IN THE MUNICIPAL ELECTIONS, INCLUDING THE DEADLINE FOR
6 ACCEPTING VOTER REGISTRATION APPLICATIONS OF THOSE INDIVIDUALS RESIDING
7 IN THE MUNICIPAL CORPORATION PRIOR TO THE MUNICIPAL ELECTIONS;

8 (6) PROCEDURES FOR OBTAINING, UPDATING, AND MAINTAINING IN
9 THE COUNTY'S FILES THE VOTER HISTORY OF REGISTRANTS WHO VOTE IN
10 MUNICIPAL ELECTIONS; AND

11 (7) PROCEDURES FOR OBTAINING, UPDATING, AND MAINTAINING
12 CHANGES TO THE BOUNDARIES OF THE MUNICIPAL CORPORATION, THE PRECINCTS,
13 THE WARDS, OR THE DISTRICTS THAT RESULT FROM ANNEXATIONS, SUBDIVISION
14 DEVELOPMENT, STREET NAME CHANGES, OR STREET ABANDONMENTS.

15 (F) CERTIFIED LIST OF REGISTERED VOTERS.

16 (1) THE LOCAL BOARD SHALL PROVIDE TO A MUNICIPAL CORPORATION
17 AT NO COST A CERTIFIED LIST OF REGISTERED VOTERS RESIDING WITHIN THE
18 BOUNDARIES OF THE MUNICIPAL CORPORATION IN COMPLIANCE WITH THE PLAN
19 ESTABLISHED PURSUANT TO SUBSECTION (E) OF THIS SECTION.

20 (2) (I) ON REQUEST BY A MUNICIPAL CORPORATION, THE LOCAL
21 BOARD SHALL ALSO PROVIDE AT NO COST UPON A REQUEST OF A MUNICIPAL
22 CORPORATION A CERTIFIED LIST OF REGISTERED VOTERS WHO RESIDE WITHIN THE
23 BOUNDARIES OF THE MUNICIPAL CORPORATION 90 DAYS PRIOR TO THE MUNICIPAL
24 ELECTION. THE REQUEST FOR THIS PRELIMINARY LIST OF VOTERS SHALL BE MADE
25 TO THE BOARD BEFORE OR DURING THE NEGOTIATIONS AUTHORIZED IN
26 SUBSECTION (D) OF THIS SECTION.

27 (II) WITHIN 20 DAYS AFTER RECEIVING THE PRELIMINARY LIST OF
28 REGISTERED VOTERS, A MUNICIPAL CORPORATION SHALL NOTIFY THE LOCAL
29 BOARD OF ANY POTENTIAL ERRORS IN THE LIST OF REGISTERED VOTERS,
30 INCLUDING ERRORS IN THE RESIDENCY OF REGISTERED VOTERS.

31 (III) IF THE ACTUAL RESIDENCY OF ANY INDIVIDUAL LISTED ON
32 THE VOTER REGISTRY IS IN DOUBT, THE LOCAL BOARD SHALL NOTIFY THE
33 INDIVIDUAL IN ACCORDANCE WITH § 3-504 OF THIS TITLE WITHIN 10 DAYS AFTER
34 RECEIVING NOTIFICATION FROM THE MUNICIPAL CORPORATION.

35 (G) SUPPLEMENTAL LIST MAINTAINED BY MUNICIPAL CORPORATION.

36 THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT A MUNICIPAL
37 CORPORATION FROM ADMINISTERING AND MAINTAINING A SUPPLEMENTAL LIST OF
38 THOSE INDIVIDUALS WHO ARE NOT REGISTERED WITH THE COUNTY BOARD BUT

1 WHO MAY OTHERWISE BE QUALIFIED TO REGISTER TO VOTE WITH THE MUNICIPAL
2 CORPORATION.

3 (H) REMOVAL OF VOTER FROM SUPPLEMENTAL VOTER REGISTRY.

4 (1) WHENEVER THE REGISTRATION OF ANY VOTER IS REMOVED FOR
5 ANY REASON FROM THE SUPPLEMENTAL VOTER REGISTRY MAINTAINED BY THE
6 MUNICIPAL CORPORATION, THE MUNICIPAL CORPORATION SHALL SEND A NOTICE
7 OF THIS ACTION AND THE REASON FOR THE ACTION TO THE LAST KNOWN ADDRESS
8 OF THE VOTER.

9 (2) THE VOTER SHALL BE GIVEN AT LEAST 15 DAYS TO RESPOND TO
10 INDICATE WHETHER THE VOTER WISHES TO REMAIN ON THE MUNICIPAL
11 CORPORATION'S VOTER REGISTRY.

12 (3) IF THE VOTER WISHES TO REMAIN ON THE LIST AND CONTINUES TO
13 BE QUALIFIED UNDER THE MUNICIPAL CORPORATION'S VOTER REGISTRATION
14 REQUIREMENTS, THE VOTER'S NAME SHALL BE REINSTATED TO THE MUNICIPAL
15 CORPORATION'S SUPPLEMENTAL VOTER REGISTRY UPON WRITTEN REQUEST OF THE
16 VOTER.

17 (I) REIMBURSEMENT OF LOCAL BOARD.

18 (1) THE STATE SHALL REIMBURSE A LOCAL BOARD OR A COUNTY
19 GOVERNMENT FOR REASONABLE INITIAL SET-UP COSTS OF IMPLEMENTING THE
20 PLAN FOR UNIVERSAL REGISTRATION, INCLUDING THE COSTS ASSOCIATED WITH:

21 (I) THE IDENTIFICATION OF THE APPROPRIATE BOUNDARIES;

22 (II) THE IDENTIFICATION OF VOTERS WHO ARE TO BE INCLUDED
23 IN THE LOCAL BOARD FILES FOR MUNICIPAL OR COUNTY REGISTRATION; AND

24 (III) THE MODIFICATION OF THE LOCAL BOARD'S REGISTRATION
25 SYSTEM THAT IS NECESSARY TO IMPLEMENT THE UNIVERSAL REGISTRATION PLAN.

26 (2) THE LOCAL BOARD SHALL REQUEST AND, SUBJECT TO THE
27 APPROVAL OF THE STATE BOARD, RECEIVE A REIMBURSEMENT FOR THESE COSTS
28 FROM A FUND ADMINISTERED BY THE STATE BOARD. THE INITIAL SET-UP COSTS
29 INCURRED DIRECTLY BY A MUNICIPAL CORPORATION MAY BE REIMBURSED FOR
30 CIRCUMSTANCES AUTHORIZED BY THE STATE BOARD.

31 (J) VOTER REGISTRATION FORMS.

32 UPON REQUEST BY THE MUNICIPAL CORPORATION, THE LOCAL BOARD SHALL
33 PROVIDE VOTER REGISTRATION FORMS TO THE MUNICIPAL CORPORATION.

34 (K) DUTY OF STATE BOARD TO COOPERATE.

1 THE STATE BOARD SHALL COOPERATE WITH THE LOCAL BOARDS AND
2 MUNICIPAL ELECTION OFFICIALS TO EFFECTUATE THE PROVISIONS OF THIS
3 SECTION.

4 SUBTITLE 5. VOTER REGISTRY.

5 3-501. CUSTODY OF VOTER REGISTRY.

6 EACH LOCAL BOARD, PURSUANT TO REGULATIONS ADOPTED BY THE STATE
7 BOARD, SHALL:

8 (1) MAINTAIN THE REGISTRY OF VOTERS IN THE COUNTY;

9 (2) ENSURE THE CURRENCY AND ACCURACY OF EACH INDIVIDUAL
10 VOTER'S REGISTRATION RECORD;

11 (3) PRODUCE PRECINCT REGISTERS FOR USE IN POLLING PLACES ON
12 ELECTION DAY; AND

13 (4) MAINTAIN VOTING HISTORY INFORMATION ON A CURRENT BASIS
14 FOR A PERIOD COVERING AT LEAST THE 5 PRECEDING YEARS.

15 3-502. REMOVAL OF VOTERS FROM REGISTRY.

16 AN ELECTION DIRECTOR MAY REMOVE A VOTER FROM THE REGISTRY ONLY:

17 (1) AT THE REQUEST OF THE VOTER, PROVIDED THE REQUEST IS:

18 (I) SIGNED BY THE VOTER;

19 (II) AUTHENTICATED BY THE ELECTION DIRECTOR; AND

20 (III) IN A FORMAT ACCEPTABLE TO THE LOCAL BOARD OR ON A
21 CANCELLATION NOTICE PROVIDED BY THE VOTER ON A VOTER REGISTRATION
22 APPLICATION;

23 (2) UPON DETERMINING, BASED ON INFORMATION PROVIDED
24 PURSUANT TO § 3-505 OF THIS SUBTITLE, THAT THE VOTER IS NO LONGER ELIGIBLE
25 BECAUSE:

26 (I) THE VOTER IS NOT QUALIFIED TO BE A REGISTERED VOTER AS
27 PROVIDED IN § 3-102(B) OF THIS TITLE; OR

28 (II) THE VOTER IS DECEASED; OR

29 (3) IF THE VOTER HAS MOVED OUTSIDE THE LOCAL BOARD'S
30 JURISDICTION, AS DETERMINED BY CONDUCTING THE PROCEDURES ESTABLISHED
31 IN § 3-504 OF THIS SUBTITLE.

1 3-503. PROGRAMS TO IDENTIFY CHANGES OF ADDRESS.

2 IN ORDER TO IDENTIFY VOTERS WHO HAVE CHANGED THEIR ADDRESSES, EACH
3 LOCAL BOARD SHALL ESTABLISH AND CONDUCT A PROGRAM THAT:

4 (1) IS APPROVED BY THE STATE BOARD;

5 (2) COMPLIES WITH THIS SECTION, REGULATIONS ADOPTED BY THE
6 STATE BOARD, AND ANY RELEVANT FEDERAL LAW; AND

7 (3) IS COMPLETED AT LEAST 90 DAYS BEFORE AN ELECTION.

8 3-504. CHANGE OF ADDRESS INFORMATION; PROCEDURES.

9 (A) DEFINITIONS.

10 (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
11 INDICATED.

12 (2) "CONFIRMATION NOTICE" MEANS A NOTICE, APPROVED BY THE
13 STATE BOARD, THAT IS SENT BY FORWARDABLE MAIL WITH A RETURN CARD.

14 (3) "RETURN CARD" MEANS A POSTAGE PREPAID AND PREAMDRESSED
15 CARD ON WHICH THE VOTER MAY REPORT THE VOTER'S CURRENT ADDRESS.

16 (B) CHANGE OF ADDRESS; SAME JURISDICTION.

17 UPON IDENTIFYING A VOTER WHO HAS REPORTEDLY CHANGED ADDRESS
18 WITHIN THE LOCAL BOARD'S JURISDICTION, THE ELECTION DIRECTOR SHALL
19 CHANGE THE VOTER'S ADDRESS AND SEND THE VOTER A CONFIRMATION NOTICE.

20 (C) CHANGE OF ADDRESS OUTSIDE THE COUNTY.

21 IF IT APPEARS FROM INFORMATION PROVIDED BY THE POSTAL SERVICE OR AN
22 AGENCY SPECIFIED IN § 3-505(B) OF THIS SUBTITLE THAT A VOTER HAS MOVED TO A
23 DIFFERENT RESIDENCE NOT WITHIN THE LOCAL BOARD'S JURISDICTION, THE
24 ELECTION DIRECTOR SHALL SEND THE VOTER A CONFIRMATION NOTICE
25 INFORMING THE VOTER OF HIS OR HER POTENTIAL INACTIVE STATUS AS DESCRIBED
26 IN SUBSECTION (F) OF THIS SECTION.

27 (D) DUTY TO CORRECT.

28 UPON RECEIPT OF A RETURN CARD, THE ELECTION DIRECTOR SHALL MAKE
29 ANY NEEDED CORRECTIONS IN THE BOARD'S RECORDS TO REFLECT THE VOTER'S
30 CURRENT RESIDENCE.

31 (E) REMOVAL FROM REGISTRY.

32 THE ELECTION DIRECTOR MAY NOT REMOVE A VOTER FROM THE REGISTRY ON
33 THE GROUNDS OF A CHANGE OF ADDRESS UNLESS:

1 (1) THE VOTER CONFIRMS IN WRITING THAT THE VOTER HAS CHANGED
2 RESIDENCE TO A LOCATION OUTSIDE THE COUNTY IN WHICH THE VOTER IS
3 REGISTERED; OR

4 (2) (I) THE VOTER HAS FAILED TO RESPOND TO THE CONFIRMATION
5 NOTICE; AND

6 (II) THE VOTER HAS NOT VOTED OR APPEARED TO VOTE (AND, IF
7 NECESSARY, CORRECTED THE RECORD OF THE VOTER'S ADDRESS) IN AN ELECTION
8 DURING THE PERIOD BEGINNING WITH THE DATE OF THE NOTICE THROUGH THE
9 NEXT TWO GENERAL ELECTIONS.

10 (F) INACTIVE LIST.

11 (1) IF A VOTER FAILS TO RESPOND TO A CONFIRMATION NOTICE SENT
12 BASED ON INFORMATION THAT THE VOTER MOVED TO A DIFFERENT RESIDENCE
13 OUTSIDE THE LOCAL BOARD'S JURISDICTION, THE VOTER'S NAME SHALL BE PLACED
14 ON A LIST OF INACTIVE VOTERS.

15 (2) UPON WRITTEN AFFIRMATION THAT AN INACTIVE VOTER REMAINS A
16 RESIDENT OF THE SAME COUNTY, THE VOTER MAY BE ALLOWED TO VOTE EITHER AT
17 THE ELECTION DISTRICT OR PRECINCT FOR THE VOTER'S CURRENT RESIDENCE OR
18 THE VOTER'S PREVIOUS RESIDENCE, AS DETERMINED BY THE STATE BOARD, AND
19 SHALL BE RESTORED TO THE REGISTRY.

20 (3) AN INACTIVE VOTER WHO FAILS TO VOTE IN AN ELECTION IN THE
21 PERIOD ENDING WITH THE SECOND GENERAL ELECTION SHALL BE REMOVED FROM
22 THE REGISTRY.

23 (4) INDIVIDUALS WHOSE NAMES HAVE BEEN PLACED ON THE INACTIVE
24 LIST MAY NOT BE COUNTED AS PART OF THE REGISTRY.

25 (5) REGISTRANTS PLACED ON THE INACTIVE LIST SHALL BE COUNTED
26 ONLY FOR PURPOSES OF VOTING AND NOT FOR SUCH OFFICIAL ADMINISTRATIVE
27 PURPOSES AS PETITION SIGNATURE VERIFICATION, ESTABLISHING PRECINCTS, AND
28 REPORTING OFFICIAL STATISTICS.

29 3-505. INFORMATION FROM OTHER AGENCIES.

30 (A) INFORMATION REPORTED TO STATE BOARD.

31 (1) (I) INFORMATION FROM THE AGENCIES SPECIFIED IN THIS
32 PARAGRAPH SHALL BE REPORTED TO THE STATE BOARD IN A FORMAT AND AT TIMES
33 PRESCRIBED BY THE STATE BOARD.

34 (II) THE COMMISSIONER OF HEALTH OF BALTIMORE CITY AND THE
35 HEALTH OFFICER OF EACH COUNTY SHALL REPORT THE NAMES AND RESIDENCE
36 ADDRESSES (IF KNOWN) OF ALL INDIVIDUALS AT LEAST 16 YEARS OF AGE REPORTED
37 DECEASED WITHIN THE CITY OR COUNTY SINCE THE DATE OF THE LAST SUCH
38 REPORT.

1 (III) THE CLERK OF THE CIRCUIT COURT FOR EACH COUNTY AND
2 THE ADMINISTRATIVE CLERK FOR EACH DISTRICT COURT SHALL REPORT THE
3 NAMES AND ADDRESSES OF ALL INDIVIDUALS CONVICTED, IN THE RESPECTIVE
4 COURT, OF THEFT OR INFAMOUS CRIMES SINCE THE DATE OF THE LAST SUCH
5 REPORT.

6 (IV) THE CLERK OF THE CIRCUIT COURT FOR EACH COUNTY SHALL
7 REPORT THE FORMER AND PRESENT NAMES AND RESIDENCE ADDRESSES (IF
8 KNOWN) OF ALL INDIVIDUALS WHOSE NAMES HAVE BEEN CHANGED BY DECREE OR
9 ORDER OF THE COURT SINCE THE DATE OF THE LAST REPORT.

10 (2) THE STATE BOARD SHALL MAKE ARRANGEMENTS WITH THE CLERK
11 OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND TO
12 RECEIVE REPORTS OF NAMES AND ADDRESSES, IF AVAILABLE, OF INDIVIDUALS
13 CONVICTED OF INFAMOUS CRIMES IN THAT COURT.

14 (B) INFORMATION REPORTED TO LOCAL BOARDS.

15 (1) THE STATE BOARD SHALL TRANSMIT TO THE APPROPRIATE LOCAL
16 BOARD INFORMATION GATHERED PURSUANT TO SUBSECTION (A) OF THIS SECTION.

17 (2) EVERY AGENCY OR INSTRUMENTALITY OF ANY COUNTY WHICH
18 ACQUIRES OR CONDEMNS OR RAZES OR CAUSES TO BE CONDEMNED OR RAZED ANY
19 BUILDING USED AS A RESIDENCE WITHIN THE COUNTY SHALL PROMPTLY REPORT
20 SUCH FACT AND THE LOCATION OF THE BUILDING TO THE LOCAL BOARD IN THE
21 COUNTY OR CITY.

22 (3) REGISTRATION CANCELLATION INFORMATION PROVIDED BY AN
23 APPLICANT ON ANY VOTER REGISTRATION APPLICATION SHALL BE PROVIDED TO
24 THE APPROPRIATE LOCAL BOARD BY THE STATE BOARD OR ANOTHER LOCAL BOARD.

25 (4) A LOCAL BOARD MAY:

26 (I) MAKE ARRANGEMENTS TO RECEIVE CHANGE OF ADDRESS
27 INFORMATION FROM AN ENTITY APPROVED BY THE STATE BOARD; AND

28 (II) PAY A REASONABLE FEE TO THE ENTITY FOR THE
29 INFORMATION.

30 3-506. INSPECTION OF REGISTRATION RECORDS.

31 (A) GENERALLY.

32 FOR THE PURPOSE OF PUBLIC INSPECTION, ORIGINAL VOTER REGISTRATION
33 RECORDS:

34 (1) EXCEPT UPON THE SPECIAL ORDER OF THE LOCAL BOARD, SHALL BE
35 AVAILABLE AT ALL TIMES WHEN A LOCAL BOARD IS OPEN; AND

1 (2) MAY NOT BE REMOVED FROM THE OFFICE OF THE LOCAL BOARD
2 EXCEPT:

3 (I) ON ORDER OF A COURT; OR

4 (II) FOR TEMPORARY REMOVAL SOLELY FOR PURPOSES OF DATA
5 PROCESSING.

6 (B) REGULATIONS.

7 THE STATE BOARD SHALL ADOPT REGULATIONS RELATING TO REASONABLE
8 ACCESS BY THE PUBLIC TO ORIGINAL VOTER REGISTRATION APPLICATION FORMS.

9 3-507. COPIES OF REGISTRATION LISTS.

10 (A) GENERALLY.

11 A COPY OF A VOTER REGISTRATION LIST SHALL BE PROVIDED TO A MARYLAND
12 REGISTERED VOTER UPON RECEIPT OF:

13 (1) A WRITTEN APPLICATION; AND

14 (2) A STATEMENT, SIGNED UNDER OATH, THAT THE LIST IS NOT
15 INTENDED TO BE USED FOR PURPOSES OF:

16 (I) COMMERCIAL SOLICITATION; OR

17 (II) ANY OTHER PURPOSE NOT RELATED TO THE ELECTORAL
18 PROCESS.

19 (B) ADOPTION OF REGULATIONS.

20 THE STATE BOARD SHALL ADOPT REGULATIONS, IN CONSULTATION WITH THE
21 LOCAL BOARDS, SPECIFYING:

22 (1) WHEN REGISTRATION LISTS SHALL BE PROVIDED;

23 (2) ANY AUTHORIZATION TO BE REQUIRED FOR PROVIDING
24 REGISTRATION LISTS;

25 (3) THE FEE FOR PROVIDING REGISTRATION LISTS;

26 (4) THE INFORMATION TO BE INCLUDED;

27 (5) THE FORMAT OF THE INFORMATION; AND

28 (6) THE MEDIUM OR MEDIA ON WHICH THE INFORMATION SHALL BE
29 SUPPLIED.

30 (C) PROHIBITED ACTS.

1 ANY INDIVIDUAL WHO KNOWINGLY ALLOWS A REGISTRATION LIST UNDER HIS
2 OR HER CONTROL TO BE USED FOR COMMERCIAL SOLICITATION OR ANY OTHER
3 PURPOSE NOT RELATED TO THE ELECTORAL PROCESS IS GUILTY OF A
4 MISDEMEANOR AND SHALL BE PUNISHED UNDER THE PROVISIONS OF TITLE 16 OF
5 THIS ARTICLE.

6 3-508. MAINTENANCE AND STORAGE OF VOTER REGISTRATION RECORDS.

7 (A) REGISTRATION RECORDS.

8 (1) THE STATE BOARD SHALL ADOPT REGULATIONS FOR THE
9 RETENTION AND STORAGE OF ORIGINAL VOTER REGISTRATION APPLICATIONS AND
10 OTHER RECORDS THE STATE BOARD CONSIDERS APPROPRIATE.

11 (2) RECORDS STORED AND RETAINED IN A LOCAL BOARD OFFICE SHALL
12 BE OPEN TO PUBLIC INSPECTION.

13 (B) RETENTION AND STORAGE OF RECORDS CONCERNING PROGRAMS FOR
14 REGISTRY ACCURACY AND CURRENCY.

15 (1) CONSISTENT WITH REGULATIONS ADOPTED BY THE STATE BOARD,
16 LOCAL BOARDS SHALL MAINTAIN FOR AT LEAST 2 YEARS ALL RECORDS CONCERNING
17 PROGRAMS TO ENSURE THE ACCURACY AND CURRENCY OF THE VOTER REGISTRY.

18 (2) EXCEPT FOR RECORDS CONCERNING A DECLINATION TO REGISTER
19 OR THE IDENTITY OF A VOTER REGISTRATION AGENCY THROUGH WHICH A
20 PARTICULAR VOTER APPLIES FOR REGISTRATION, THE RECORDS DESCRIBED IN
21 PARAGRAPH (1) OF THIS SUBSECTION ARE ACCESSIBLE UNDER TITLE 10, SUBTITLE 6,
22 PART III OF THE STATE GOVERNMENT ARTICLE (ACCESS TO PUBLIC RECORDS).

23 3-509. REPORTS OF REGISTRATION BY LOCAL BOARDS; STATEMENT OF
24 REGISTRATION BY STATE BOARD.

25 (A) REPORTS OF REGISTRATION.

26 WITHIN 15 DAYS AFTER THE COMMENCEMENT OF THE PERIOD UNDER §
27 3-303(A) OF THIS TITLE IN WHICH REGISTERED VOTERS ARE NOT ALLOWED TO
28 CHANGE PARTY AFFILIATION OR CHANGE TO OR FROM A DECLINE, AND AT OTHER
29 TIMES AS DIRECTED BY THE STATE BOARD, EACH LOCAL BOARD SHALL SUBMIT TO
30 THE STATE BOARD A REPORT OF REGISTRATION SETTING FORTH THE FOLLOWING
31 INFORMATION, AS SHOWN ON THE REGISTRY OF THE RESPECTIVE LOCAL BOARD AS
32 OF THE DATE OF THE COMMENCEMENT OF THE PERIOD:

33 (1) THE NAME OF EACH POLITICAL PARTY WITH WHICH ONE OR MORE
34 REGISTERED VOTERS IN THEIR RESPECTIVE JURISDICTION ARE THEN AFFILIATED;
35 AND

36 (2) THE TOTAL NUMBER OF REGISTERED VOTERS AFFILIATED WITH
37 EACH SUCH POLITICAL PARTY.

1 (B) STATEMENT OF REGISTRATION.

2 WITHIN 5 DAYS AFTER THE RECEIPT OF ALL REPORTS OF REGISTRATION FROM
3 LOCAL BOARDS, THE STATE BOARD SHALL DETERMINE AND ISSUE A STATEMENT OF
4 REGISTRATION SETTING FORTH, ON THE BASIS OF THE REPORTS OF REGISTRATION
5 RECEIVED FROM THE LOCAL BOARDS, THE FOLLOWING:

6 (1) THE NAME OF EACH POLITICAL PARTY WITH WHICH ONE OR MORE
7 REGISTERED VOTERS IN THE STATE ARE AFFILIATED;

8 (2) THE TOTAL NUMBER OF REGISTERED VOTERS AFFILIATED WITH
9 EACH SUCH POLITICAL PARTY;

10 (3) THE TOTAL NUMBER OF REGISTERED VOTERS IN THE STATE; AND

11 (4) THE PERCENTAGE OF THE TOTAL NUMBER OF REGISTERED VOTERS
12 IN THE STATE THAT ARE AFFILIATED WITH EACH SUCH POLITICAL PARTY, SUCH
13 PERCENTAGE TO BE CARRIED OUT TO TWO OR MORE DECIMAL PLACES.

14 (C) DUTY TO PROVIDE REPORTS AND OTHER REGISTRATION DATA.

15 EACH BOARD SHALL PROVIDE REPORTS OF REGISTRATION AND OTHER
16 REGISTRATION RELATED ACTIVITY AS MAY BE REQUIRED BY THE STATE.

17 (D) RETENTION OF STATEMENTS IN OFFICE OF STATE BOARD.

18 THE STATEMENTS OF REGISTRATION SHALL BE RETAINED IN THE OFFICE OF
19 THE STATE ADMINISTRATIVE BOARD OF ELECTION LAWS FOR A PERIOD OF AT LEAST
20 6 YEARS AND SHALL BE AVAILABLE FOR INSPECTION DURING NORMAL WORKING
21 HOURS BY ANY INTERESTED PERSON.

22 SUBTITLE 6. RESOLUTION OF REGISTRATION DISPUTES AND CHALLENGES.

23 3-601. TEMPORARY CERTIFICATE OF REGISTRATION.

24 (A) GENERALLY.

25 A REGISTERED VOTER WHOSE VOTER REGISTRATION INFORMATION IS NOT
26 INCLUDED IN THE PRECINCT REGISTER SHALL BE ALLOWED TO VOTE UPON
27 RECEIVING A TEMPORARY CERTIFICATE OF REGISTRATION.

28 (B) ISSUANCE OF TEMPORARY CERTIFICATE.

29 A TEMPORARY CERTIFICATE OF REGISTRATION SHALL BE ISSUED IF:

30 (1) THE LOCAL BOARD IS ABLE TO ESTABLISH THAT THE VOTER IS
31 REGISTERED; OR

32 (2) THE LOCAL BOARD IS SATISFIED THAT THE REGISTRATION
33 INFORMATION IS NOT MISSING DUE TO FRAUD OR MALFEASANCE BY THE VOTER.

1 (C) PROCEDURES TO BE ADOPTED.

2 THE STATE BOARD SHALL ADOPT THE PROCEDURES THAT MUST BE FOLLOWED
3 BY THE LOCAL BOARD PRIOR TO AUTHORIZING A TEMPORARY CERTIFICATE OF
4 REGISTRATION, INCLUDING:

5 (1) THE PROOF OF IDENTITY THAT MUST BE SHOWN BY THE VOTER; AND

6 (2) GUIDELINES FOR THE DETERMINATION BY THE LOCAL BOARD THAT
7 THE ABSENCE OF VOTER REGISTRATION INFORMATION IS NOT DUE TO FRAUD OR
8 MALFEASANCE ON THE PART OF THE VOTER.

9 3-602. CHALLENGES.

10 (A) WHO MAY CHALLENGE.

11 (1) AN INDIVIDUAL WHO FEELS AGGRIEVED BY ANY ACTION OF A LOCAL
12 BOARD REGARDING VOTER REGISTRATION MAY FILE A CHALLENGE WITH THAT
13 LOCAL BOARD.

14 (2) A REGISTERED VOTER MAY FILE A CHALLENGE WITH THE
15 APPROPRIATE LOCAL BOARD OBJECTING TO THE ADDITION OR OMISSION OF AN
16 INDIVIDUAL FROM THE REGISTRY.

17 (3) A MUNICIPAL CORPORATION MAY FILE A CHALLENGE WITH THE
18 APPROPRIATE LOCAL BOARD IF THE MUNICIPAL CORPORATION HAS REASON TO
19 BELIEVE THAT AN INDIVIDUAL HAS BEEN ERRONEOUSLY ADDED TO OR OMITTED
20 FROM THE MUNICIPAL CORPORATION REGISTRY.

21 (4) (I) A LOCAL BOARD MAY INITIATE THE CHALLENGE PROCEDURES
22 IF THE LOCAL BOARD HAS REASON TO BELIEVE THAT A REGISTRATION HAS BEEN
23 ERRONEOUSLY ADDED TO OR OMITTED FROM THE REGISTRY OTHER THAN BY
24 CLERICAL ERROR.

25 (II) IF A LOCAL BOARD CORRECTS A CLERICAL ERROR ON THE
26 REGISTRY, THE LOCAL BOARD SHALL INFORM THE VOTER WHOSE REGISTRATION
27 INFORMATION WAS CHANGED.

28 (B) CHALLENGE PROCEDURES.

29 (1) AN AGGRIEVED INDIVIDUAL OR A MUNICIPAL CORPORATION SHALL
30 FILE A CHALLENGE ON A FORM, APPROVED BY THE STATE BOARD, STATING UNDER
31 OATH THE BASIS FOR THE CHALLENGE.

32 (2) A CHALLENGE FILED DURING THE 45 DAYS PRIOR TO AN ELECTION
33 MAY NOT BE HEARD UNTIL AFTER THAT ELECTION.

34 (C) CHALLENGE HEARINGS; NOTICE.

35 (1) WITHIN 5 DAYS OF A CHALLENGE BEING FILED PURSUANT TO
36 SUBSECTION (A)(1) OR (2) OF THIS SECTION, OR WITHIN 5 DAYS OF A DETERMINATION

1 BY A LOCAL BOARD THAT A REGISTRATION HAS BEEN ERRONEOUSLY ADDED OR
2 OMITTED, THE LOCAL BOARD SHALL:

3 (I) SCHEDULE A HEARING THAT SHALL BE HELD NO SOONER
4 THAN 10 DAYS AND NO LATER THAN 15 DAYS AFTER THE DETERMINATION OR
5 RECEIPT OF A CHALLENGE;

6 (II) IF APPLICABLE, SEND A NOTICE OF THE HEARING BY
7 CERTIFIED MAIL TO THE CHALLENGER AND ADVISE THE CHALLENGER OF THE
8 REQUIREMENT TO APPEAR AT THE HEARING TO SUBSTANTIATE THE APPLICATION
9 OR OBJECTION BY AFFIRMATIVE PROOF; AND

10 (III) SEND A NOTICE OF THE HEARING, AND A STATEMENT OF THE
11 REASON FOR THE HEARING, TO THE INDIVIDUAL WHO IS THE SUBJECT OF THE
12 CHALLENGE.

13 (2) A NOTICE UNDER THIS SUBSECTION SHALL BE SENT BY CERTIFIED
14 MAIL.

15 (3) A NOTICE UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION SHALL BE
16 ADDRESSED TO THE INDIVIDUAL'S MOST RECENT ADDRESS AS REFLECTED BY THE
17 REGISTRATION RECORDS.

18 (4) AN INDIVIDUAL SPECIFIED IN PARAGRAPH (1)(III) OF THIS
19 SUBSECTION MAY APPEAR IN PERSON OR BY COUNSEL.

20 (D) HEARING PROCEDURES.

21 (1) THE LOCAL BOARD SHALL CONDUCT THE HEARING ON EACH
22 CHALLENGE.

23 (2) THE WILLFUL FAILURE OF THE CHALLENGER TO APPEAR AT A
24 HEARING UNDER THIS SECTION SHALL BE PUNISHABLE BY THE PENALTIES
25 PROVIDED IN § 16-1001 OF THIS ARTICLE.

26 (3) AT THE REQUEST OF A PARTY, OR ON ITS OWN MOTION, THE LOCAL
27 BOARD SHALL ISSUE SUBPOENAS TO WITNESSES TO APPEAR AND TESTIFY AT THE
28 HEARINGS.

29 (4) WITNESSES AT THE HEARINGS SHALL BE SWORN.

30 (E) HEARING DECISION.

31 (1) ALL CHALLENGES SHALL BE DECIDED PROMPTLY AFTER THE
32 HEARING.

33 (2) AN INDIVIDUAL MAY NOT BE REMOVED FROM THE REGISTRY
34 UNLESS THE INDIVIDUAL'S INELIGIBILITY IS SUBSTANTIATED BY AFFIRMATIVE
35 PROOF. IN THE ABSENCE OF SUCH PROOF, THE PRESUMPTION SHALL BE THAT THE
36 INDIVIDUAL IS PROPERLY REGISTERED.

1 (3) IF THE LOCAL BOARD DETERMINES THAT AN INDIVIDUAL SHOULD
2 BE ADDED TO OR REMOVED FROM THE REGISTRY, THE LOCAL BOARD IMMEDIATELY
3 SHALL ADD OR REMOVE THE INDIVIDUAL AND NOTIFY THE INDIVIDUAL, BY FIRST
4 CLASS MAIL, OF THE BOARD'S ACTION.

5 3-603. APPEAL OF REGISTRATION DENIAL.

6 (A) JUDICIAL REVIEW.

7 (1) A PARTY WHO IS AGGRIEVED BY THE FINAL DECISION IN A HEARING
8 BY A LOCAL BOARD IS ENTITLED TO JUDICIAL REVIEW OF THE DECISION AS
9 PROVIDED IN THIS SECTION.

10 (2) (I) A PETITION FOR JUDICIAL REVIEW SHALL BE FILED WITH THE
11 CIRCUIT COURT OF THE COUNTY IN WHICH THE LOCAL BOARD IS LOCATED.

12 (II) THE PETITION MAY BE BROUGHT AT ANY TIME, EXCEPT THAT
13 IT MAY NOT BE LATER THAN THE THIRD TUESDAY PRECEDING THE NEXT
14 SUCCEEDING ELECTION.

15 (B) ROLE OF THE COURT.

16 (1) THE COURT, UPON THE PRESENTATION OF EVIDENCE
17 SATISFACTORY TO IT, IN ITS DISCRETION MAY DISPOSE OF THE MATTER SUMMARILY
18 OR IN ITS DISCRETION OTHERWISE SET THE MATTER FOR HEARING.

19 (2) UPON APPROPRIATE ORDER OF THE COURT THE LOCAL BOARD
20 SHALL MAKE THE REQUIRED CORRECTIONS.

21 (C) DETERMINATION OF RESIDENCY.

22 IN DETERMINING WHETHER AN INDIVIDUAL IS OR IS NOT A RESIDENT OF AN
23 ELECTION DISTRICT OR PRECINCT, THE PRESUMPTION SHALL BE THAT AN
24 INDIVIDUAL SHOWN TO HAVE ACQUIRED A RESIDENCE IN ONE LOCALITY RETAINS
25 THAT RESIDENCE UNTIL IT IS AFFIRMATIVELY SHOWN THAT THE INDIVIDUAL HAS
26 ACQUIRED A RESIDENCE ELSEWHERE.

27 (D) APPEAL TO COURT OF SPECIAL APPEALS.

28 (1) AN APPEAL MAY BE TAKEN FROM ANY RULING OF THE CIRCUIT
29 COURT TO THE COURT OF SPECIAL APPEALS.

30 (2) THE APPEAL SHALL BE TAKEN WITHIN 5 DAYS FROM THE DATE OF
31 THE DECISION BY THE CIRCUIT COURT AND THE APPEAL SHALL BE HEARD AND
32 DECIDED BY THE COURT OF SPECIAL APPEALS AS SOON AFTER THE TRANSMISSION
33 OF THE RECORD AS PRACTICABLE.

1 TITLE 4. POLITICAL PARTIES.

2 SUBTITLE 1. FORMATION OF POLITICAL PARTIES.

3 4-101. APPLICABILITY.

4 EXCEPT AS TO A MATTER OF COMPELLING STATE INTEREST, IF ANY PROVISION
5 OF THIS TITLE RELATING TO PARTY GOVERNANCE CONFLICTS WITH THE
6 CONSTITUTION AND BYLAWS OF A POLITICAL PARTY, THE CONSTITUTION AND
7 BYLAWS SHALL APPLY TO THE EXTENT OF THE CONFLICT.

8 DRAFTER'S NOTE: This section is new language added in recognition of the
9 decision of the Supreme Court in *Eu v. San Francisco County Democratic*
10 *Central Committee*.

11 4-102. NEW POLITICAL PARTIES.

12 (A) FORMATION.

13 ANY GROUP OF REGISTERED VOTERS MAY FORM A NEW POLITICAL PARTY BY:

14 (1) FILING WITH THE STATE BOARD ON THE PRESCRIBED FORM A
15 PETITION MEETING THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION AND
16 OF TITLE 6 OF THIS ARTICLE; AND

17 (2) ADOPTING AND FILING AN INTERIM CONSTITUTION AND BYLAWS IN
18 ACCORDANCE WITH SUBSECTION (E) OF THIS SECTION.

19 (B) REQUIREMENTS OF PETITION.

20 (1) THE PETITION SHALL STATE:

21 (I) THE PARTISAN ORGANIZATION'S INTENT TO ORGANIZE A STATE
22 POLITICAL PARTY;

23 (II) THE NAME OF THE PARTISAN ORGANIZATION;

24 (III) THE NAME AND SIGNATURE OF THE STATE CHAIRMAN OF THE
25 PARTISAN ORGANIZATION; AND

26 (IV) THE NAMES AND ADDRESSES OF 25 REGISTERED VOTERS,
27 INCLUDING THE STATE CHAIRMAN, WHO SHALL BE DESIGNATED AS CONSTITUTING
28 THE INITIAL GOVERNING BODY OF THE PARTISAN ORGANIZATION.

29 (2) (I) APPENDED TO THE PETITION SHALL BE PAPERS BEARING THE
30 SIGNATURES OF AT LEAST 10,000 REGISTERED VOTERS.

31 (II) SIGNATURES ON THE PETITION MUST HAVE BEEN AFFIXED TO
32 THE PETITION NOT MORE THAN 2 YEARS BEFORE THE FILING DATE OF THE LAST
33 QUALIFYING SIGNATURE.

1 (C) FILING OF PETITION.

2 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A
3 PETITION FOR THE FORMATION OF A NEW POLITICAL PARTY, OR ANY ADDITIONAL
4 SIGNATURES TO A PETITION, MAY BE FILED AT ANY TIME.

5 (2) A PETITION FOR THE FORMATION OF A NEW POLITICAL PARTY, OR
6 ANY ADDITIONAL SIGNATURES TO A PETITION, MAY BE FILED:

7 (I) IN THE YEAR OF AN ELECTION AT WHICH THE PRESIDENT IS
8 ELECTED EXCEPT:

9 1. DURING THE PERIOD OF TIME THAT REGISTRATION IS
10 CLOSED BEFORE AND AFTER A PRIMARY ELECTION IN ACCORDANCE WITH § 3-302 (A)
11 OF THIS ARTICLE; AND

12 2. AFTER THE FIRST MONDAY IN AUGUST UNTIL
13 REGISTRATION REOPENS AFTER THE GENERAL ELECTION IN ACCORDANCE WITH §
14 3-302 (A) OF THIS ARTICLE;

15 (II) IN THE YEAR OF AN ELECTION AT WHICH THE GOVERNOR IS
16 ELECTED, EXCEPT AFTER THE FIRST MONDAY IN AUGUST UNTIL REGISTRATION
17 REOPENS AFTER THE GENERAL ELECTION IN ACCORDANCE WITH § 3-302(A) OF THIS
18 ARTICLE; OR

19 (III) WHEN A SPECIAL PRIMARY ELECTION AND A SPECIAL
20 ELECTION ARE PROCLAIMED BY THE GOVERNOR IN ACCORDANCE WITH § 8-710 OF
21 THIS ARTICLE EXCEPT:

22 1. AFTER THE FIFTH MONDAY BEFORE THE SPECIAL
23 PRIMARY ELECTION THROUGH THE TENTH DAY FOLLOWING THE SPECIAL PRIMARY
24 ELECTION; AND

25 2. AFTER THE FIFTH MONDAY BEFORE THE SPECIAL
26 ELECTION THROUGH THE FIFTEENTH DAY FOLLOWING THE SPECIAL ELECTION.

27 (D) ROLE AND RESPONSIBILITIES OF STATE BOARD.

28 (1) (I) IF THE PETITION IS CERTIFIED UNDER TITLE 6 OF THIS
29 ARTICLE, THE STATE BOARD SHALL PROMPTLY NOTIFY THE STATE CHAIRMAN OF
30 THE PARTISAN ORGANIZATION.

31 (II) UPON THE FILING OF A CONSTITUTION AND BYLAWS WITH THE
32 STATE BOARD BY A PARTISAN ORGANIZATION IN ACCORDANCE WITH SUBSECTION
33 (E) OF THIS SECTION, THE STATE BOARD SHALL:

34 1. REVIEW THE CONSTITUTION AND BYLAWS TO DETERMINE
35 WHETHER THE CONSTITUTION AND BYLAWS MEET THE REQUIREMENTS OF
36 SUBSECTION (E) OF THIS SECTION; AND

1 2. IF THE CONSTITUTION AND BYLAWS MEET THE
2 REQUIREMENTS OF SUBSECTION (E) OF THIS SECTION, PROMPTLY NOTIFY THE
3 PARTISAN ORGANIZATION DESIGNATED IN THE PETITION THAT IT IS CONSIDERED A
4 STATE POLITICAL PARTY FOR THE PURPOSES OF THIS ARTICLE.

5 (2) IF THE PETITION DOES NOT MEET THE REQUIREMENTS OF THIS
6 SECTION AND OF TITLE 6 OF THIS ARTICLE:

7 (I) THE STATE BOARD SHALL DECLARE THE PETITION
8 INSUFFICIENT;

9 (II) THE PARTISAN ORGANIZATION IS NOT A STATE POLITICAL
10 PARTY FOR THE PURPOSES OF THIS ARTICLE; AND

11 (III) THE STATE BOARD SHALL PROMPTLY NOTIFY THE STATE
12 CHAIRMAN OF THE PARTISAN ORGANIZATION.

13 (E) CONSTITUTION AND BYLAWS.

14 (1) THE CONSTITUTION AND BYLAWS OF A NEW POLITICAL PARTY
15 SHALL:

16 (I) COMPLY WITH THE REQUIREMENTS OF § 4-204 OF THIS
17 SUBTITLE; AND

18 (II) BE ADOPTED BY THE INDIVIDUALS DESIGNATED IN THE
19 PETITION AS THE INITIAL GOVERNING BODY AT AN ORGANIZATIONAL MEETING
20 HELD WITHIN 90 DAYS AFTER THE DATE OF THE FILING OF THE LAST QUALIFYING
21 SIGNATURE ON ITS PETITION.

22 (2) THE INDIVIDUAL DESIGNATED IN THE PETITION AS THE STATE
23 CHAIRMAN OF THE POLITICAL PARTY SHALL CONVENE THE ORGANIZATIONAL
24 MEETING UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION AND SHALL PRESIDE AS
25 PRESIDENT PRO TEM OF THE MEETING UNTIL PARTY OFFICERS ARE ELECTED.

26 (F) NOMINATION OF CANDIDATES.

27 UNLESS A NEW POLITICAL PARTY IS REQUIRED TO HOLD A PRIMARY ELECTION
28 TO NOMINATE ITS CANDIDATES UNDER TITLE 8 OF THIS ARTICLE, THE NEW
29 POLITICAL PARTY SHALL NOMINATE ITS CANDIDATES BY PETITION IN ACCORDANCE
30 WITH TITLE 5 OF THIS ARTICLE.

31 4-103. LOSS OF STATUS AS A POLITICAL PARTY.

32 (A) RETENTION OF STATUS.

33 IN ORDER FOR A PARTISAN ORGANIZATION TO RETAIN ITS STATUS AS A
34 POLITICAL PARTY UNDER THIS ARTICLE, AT THE GENERAL ELECTION THAT
35 FOLLOWS THE FIRST ONE IN WHICH THE PARTISAN ORGANIZATION QUALIFIES AS A
36 POLITICAL PARTY AND IN EACH ELECTION THEREAFTER:

1 (1) THE POLITICAL PARTY MUST CHOOSE A NOMINEE WHOSE NAME
2 APPEARS ON THE BALLOT AS THE NOMINEE FOR THAT POLITICAL PARTY FOR THE
3 HIGHEST OFFICE ON THE BALLOT; AND

4 (2) THE NOMINEE MUST RECEIVE AT LEAST 3% OF THE TOTAL VOTE
5 CAST FOR THAT OFFICE.

6 (B) NOTIFICATION BY STATE BOARD.

7 THE STATE BOARD SHALL PROMPTLY NOTIFY THE STATE CHAIRMAN OF A
8 GROUP THAT LOSES ITS STATUS AS A POLITICAL PARTY.

9 (C) EFFECT OF LOSS OF STATUS.

10 A GROUP THAT LOSES ITS STATUS AS A POLITICAL PARTY MAY REGAIN THAT
11 STATUS ONLY BY COMPLYING WITH ALL OF THE REQUIREMENTS FOR QUALIFYING
12 AS A NEW PARTY UNDER § 4-101 OF THIS SUBTITLE.

13 SUBTITLE 2. POLITICAL PARTY GOVERNING BODIES.

14 4-201. POLITICAL PARTY STATE CENTRAL COMMITTEES.

15 (A) GENERALLY.

16 EACH POLITICAL PARTY SHALL HAVE A STATE CENTRAL COMMITTEE THAT:

17 (1) IS THE GOVERNING BODY OF THE POLITICAL PARTY; AND

18 (2) MAY BE COMPOSED OF THE MEMBERS OF THE CENTRAL
19 COMMITTEES OF THE COUNTIES DURING THEIR TERMS IN OFFICE.

20 (B) SELECTION OF CHAIRMAN.

21 (1) A PARTY'S STATE CENTRAL COMMITTEE SHALL SELECT THE
22 CHAIRMAN OR CO-CHAIRMEN OF THE PARTY STATE CENTRAL COMMITTEE.

23 (2) THE CHAIRMAN OR CO-CHAIRMEN SHALL BE RESIDENTS OF THE
24 STATE DURING THEIR TENURE IN OFFICE.

25 (C) RULES OF PROCEDURE.

26 A PARTY'S STATE CENTRAL COMMITTEE SHALL DETERMINE ITS OWN RULES OF
27 PROCEDURE, NOT INCONSISTENT WITH THE PROVISIONS OF THIS ARTICLE.

28 4-202. COMPOSITION OF LOCAL CENTRAL COMMITTEES OF PRINCIPAL POLITICAL
29 PARTIES - GENERALLY.

30 (A) ELECTION OF MEMBERS OF COUNTY CENTRAL COMMITTEE.

31 (1) A PRINCIPAL POLITICAL PARTY SHALL ELECT THE MEMBERS OF THE
32 COUNTY CENTRAL COMMITTEE AT A PRIMARY ELECTION.

1 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION OR § 4-203 OF
2 THIS SUBTITLE, THE CENTRAL COMMITTEE FOR A COUNTY SHALL CONSIST OF THE
3 NUMBER OF MEMBERS DETERMINED BY THE PARTY'S CONSTITUTION.

4 (B) SELECTION OF CHAIRMAN.

5 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE
6 PARTY CENTRAL COMMITTEE FOR EACH COUNTY SHALL SELECT THE CHAIRMAN OF
7 THAT COUNTY'S PARTY CENTRAL COMMITTEE.

8 (2) IN BALTIMORE COUNTY, THE CHAIRMAN OF THE REPUBLICAN PARTY
9 CENTRAL COMMITTEE SHALL BE ELECTED AT LARGE.

10 (C) RESIDENCY OF MEMBERS.

11 (1) AN INDIVIDUAL ELECTED TO SERVE AS A MEMBER OF A PARTY
12 CENTRAL COMMITTEE SHALL BE A RESIDENT OF THE COUNTY IN WHICH THAT
13 CENTRAL COMMITTEE IS LOCATED.

14 (2) (I) AN INDIVIDUAL ELECTED FROM A COUNTY WHO CEASES TO
15 RESIDE IN THAT COUNTY SHALL BE CONSIDERED TO HAVE RESIGNED AND MAY NOT
16 CONTINUE TO SERVE ON THE CENTRAL COMMITTEE.

17 (II) AN INDIVIDUAL ELECTED FROM A SPECIFIC LEGISLATIVE
18 DISTRICT WHO CEASES TO RESIDE IN THAT DISTRICT SHALL BE CONSIDERED TO
19 HAVE RESIGNED AND MAY NOT CONTINUE TO SERVE ON THE CENTRAL COMMITTEE.

20 (D) RESIDENCY OF MEMBER SELECTED TO FILL VACANCY.

21 (1) (I) AN INDIVIDUAL SELECTED TO FILL A VACANCY IN A PARTY
22 CENTRAL COMMITTEE SHALL BE A RESIDENT OF THE COUNTY IN WHICH THAT
23 CENTRAL COMMITTEE IS LOCATED.

24 (II) AN INDIVIDUAL SELECTED TO FILL A VACANCY OF A MEMBER
25 ELECTED FROM A SPECIFIC LEGISLATIVE DISTRICT IN A PARTY CENTRAL
26 COMMITTEE SHALL BE A RESIDENT OF THAT LEGISLATIVE DISTRICT.

27 (2) UPON RELINQUISHING RESIDENCY IN THE COUNTY OR LEGISLATIVE
28 DISTRICT IN WHICH A MEMBER OF A PARTY CENTRAL COMMITTEE WAS SELECTED
29 TO FILL A VACANCY, THE MEMBER SHALL BE CONSIDERED TO HAVE RESIGNED.

30 (E) FILLING OF VACANCIES.

31 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A
32 VACANCY IN THE PARTY CENTRAL COMMITTEE FOR A COUNTY, OR FOR A
33 LEGISLATIVE DISTRICT OF BALTIMORE CITY, ANNE ARUNDEL COUNTY, OR
34 BALTIMORE COUNTY, SHALL BE FILLED BY THE REMAINING MEMBERS OF THE
35 COMMITTEE ELECTED FROM THAT COUNTY OR LEGISLATIVE DISTRICT.

1 (2) IF A POLITICAL PARTY DOES NOT HAVE COUNTY CENTRAL
2 COMMITTEES OR CENTRAL COMMITTEES FOR LEGISLATIVE DISTRICTS, VACANCIES
3 SHALL BE FILLED IN ACCORDANCE WITH PARTY RULES.

4 (F) TENURE OF MEMBERS.

5 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE
6 TENURE IN OFFICE OF A MEMBER OF THE CENTRAL COMMITTEE OF ANY POLITICAL
7 PARTY SHALL:

8 (I) BEGIN AT THE TIME THE RESULTS OF THAT ELECTION ARE
9 CERTIFIED; AND

10 (II) CONTINUE TO THE EXTENT OF ANY EXTENSION IN TIME
11 BETWEEN PRIMARY ELECTIONS BY REASON OF ANY CHANGE IN THE DATE OF
12 HOLDING PRIMARY ELECTIONS BY A POLITICAL PARTY IN THE STATE.

13 (2) THE TENURE IN OFFICE OF A MEMBER OF THE REPUBLICAN PARTY
14 CENTRAL COMMITTEE SHALL BEGIN ON THE FOURTEENTH DAY FOLLOWING THE
15 GUBERNATORIAL GENERAL ELECTION.

16 (3) FOR PURPOSES OF THIS SUBSECTION, UPON RELINQUISHING
17 RESIDENCY IN THE COUNTY, A MEMBER OF A PARTY CENTRAL COMMITTEE SHALL BE
18 CONSIDERED TO HAVE RESIGNED.

19 4-203. COMPOSITION OF CENTRAL COMMITTEES - LOCAL PROVISIONS.

20 (A) ANNE ARUNDEL COUNTY.

21 IN ANNE ARUNDEL COUNTY, THE MEMBERS OF THE DEMOCRATIC AND
22 REPUBLICAN PARTY CENTRAL COMMITTEES FOR THE COUNTY SHALL BE ELECTED
23 AS FOLLOWS:

24 (1) THREE MEMBERS SHALL BE ELECTED FROM EACH LEGISLATIVE
25 DISTRICT WHOLLY CONTAINED WITHIN ANNE ARUNDEL COUNTY; AND

26 (2) ONE MEMBER SHALL BE ELECTED FROM THAT PORTION WITHIN
27 ANNE ARUNDEL COUNTY OF ANY LEGISLATIVE DISTRICT THAT IS PARTIALLY
28 CONTAINED WITHIN ANNE ARUNDEL COUNTY.

29 (B) BALTIMORE CITY.

30 (1) IN BALTIMORE CITY, THE MEMBERS OF THE DEMOCRATIC PARTY
31 CENTRAL COMMITTEE SHALL BE ELECTED FROM THE LEGISLATIVE DISTRICTS OF
32 BALTIMORE CITY AS FOLLOWS:

33 (I) FIVE MEMBERS SHALL BE ELECTED FROM THE BALTIMORE
34 CITY PART OF EACH OF THE EIGHT LEGISLATIVE DISTRICTS IN WHICH ALL OR A
35 MAJORITY OF THE POPULATION RESIDES IN BALTIMORE CITY; AND

1 (II) ONE MEMBER SHALL BE ELECTED FROM THE BALTIMORE CITY
2 PART OF EACH OF THE TWO LEGISLATIVE DISTRICTS IN WHICH A MINORITY OF THE
3 POPULATION RESIDES IN BALTIMORE CITY.

4 (2) (I) THE MEMBERS OF THE REPUBLICAN PARTY CENTRAL
5 COMMITTEE SHALL BE ELECTED FROM EACH CITY COUNCIL DISTRICT OF
6 BALTIMORE CITY.

7 (II) FOUR MEMBERS SHALL BE ELECTED FROM EACH CITY
8 COUNCIL DISTRICT.

9 (C) BALTIMORE COUNTY.

10 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2)(I) OF THIS SUBSECTION, IN
11 BALTIMORE COUNTY, MEMBERS OF THE PARTY CENTRAL COMMITTEES MAY NOT
12 RUN AT LARGE.

13 (2) (I) EXCEPT FOR THE CHAIRMAN, THE MEMBERS OF THE
14 REPUBLICAN PARTY CENTRAL COMMITTEE SHALL BE ELECTED FROM THE
15 LEGISLATIVE DISTRICTS OF BALTIMORE COUNTY AS FOLLOWS:

16 1. THREE MEMBERS SHALL BE ELECTED FROM ANY
17 LEGISLATIVE DISTRICT THAT COMPRISES 66% OR MORE OF ITS POPULATION WITHIN
18 BALTIMORE COUNTY;

19 2. TWO MEMBERS SHALL BE ELECTED FROM ANY DISTRICT
20 WHICH COMPRISES MORE THAN 33% BUT LESS THAN 66% OF ITS POPULATION
21 WITHIN BALTIMORE COUNTY;

22 3. ONE MEMBER SHALL BE ELECTED FROM ANY
23 LEGISLATIVE DISTRICT WHICH COMPRISES 33% OR LESS OF ITS POPULATION WITHIN
24 BALTIMORE COUNTY; AND

25 4. IN ANY LEGISLATIVE DISTRICT THAT IS DIVIDED INTO
26 DELEGATE DISTRICTS AND THE DELEGATE DISTRICTS ARE LOCATED ENTIRELY
27 WITHIN BALTIMORE COUNTY:

28 A. ONE MEMBER SHALL BE ELECTED FROM A SINGLE
29 MEMBER DELEGATE DISTRICT; AND

30 B. TWO MEMBERS SHALL BE ELECTED FROM A TWO MEMBER
31 DELEGATE DISTRICT.

32 (II) THE CHAIRMAN SHALL BE ELECTED AT LARGE.

33 (III) 1. THE NUMBER OF REPUBLICAN PARTY CENTRAL
34 COMMITTEE MEMBERS TO BE ELECTED FROM EACH LEGISLATIVE DISTRICT AND
35 EACH DELEGATE DISTRICT SHALL BE DETERMINED UPON COMPLETION OF EACH
36 LEGISLATIVE DISTRICTING.

1 2. THE PERCENTAGE OF BALTIMORE COUNTY'S POPULATION
2 OF A LEGISLATIVE DISTRICT SHALL BE DETERMINED BY THE MOST RECENT UNITED
3 STATES CENSUS.

4 (3) FOR THE DEMOCRATIC PARTY CENTRAL COMMITTEE:

5 (I) FIFTEEN MEMBERS, FIVE FROM EACH DISTRICT, SHALL BE
6 ELECTED FROM LEGISLATIVE DISTRICTS 7, 9, AND 11, EACH DISTRICT BEING
7 LOCATED WHOLLY WITHIN BALTIMORE COUNTY;

8 (II) FIVE MEMBERS SHALL BE ELECTED FROM THAT PART OF
9 LEGISLATIVE DISTRICT 6 THAT IS LOCATED IN BALTIMORE COUNTY;

10 (III) FIVE MEMBERS SHALL BE ELECTED FROM THAT PART OF
11 LEGISLATIVE DISTRICT 8 THAT IS LOCATED IN BALTIMORE COUNTY;

12 (IV) FOUR MEMBERS SHALL BE ELECTED FROM THAT PART OF
13 LEGISLATIVE DISTRICT 10 THAT IS LOCATED IN BALTIMORE COUNTY;

14 (V) THREE MEMBERS SHALL BE ELECTED FROM THAT PART OF
15 LEGISLATIVE DISTRICT 12 THAT IS LOCATED IN BALTIMORE COUNTY;

16 (VI) TWO MEMBERS SHALL BE ELECTED FROM THAT PART OF
17 LEGISLATIVE DISTRICT 42 THAT IS LOCATED IN BALTIMORE COUNTY;

18 (VII) ONE MEMBER SHALL BE ELECTED FROM THAT PART OF
19 LEGISLATIVE DISTRICT 46 THAT IS LOCATED IN BALTIMORE COUNTY; AND

20 (VIII) TWO MEMBERS SHALL BE ELECTED FROM THAT PART OF
21 LEGISLATIVE DISTRICT 47 THAT IS LOCATED IN BALTIMORE COUNTY.

22 (4) ONLY INDIVIDUALS AFFILIATED WITH THE DEMOCRATIC PARTY AND
23 WHO ARE REGISTERED TO VOTE IN BALTIMORE COUNTY MAY VOTE FOR THE
24 ELECTION OF MEMBERS TO THE BALTIMORE COUNTY DEMOCRATIC PARTY CENTRAL
25 COMMITTEE UNDER THIS SECTION.

26 (5) THE NUMBER OF DEMOCRATIC PARTY CENTRAL COMMITTEE
27 MEMBERS TO BE ELECTED FROM EACH LEGISLATIVE DISTRICT, OR PORTION OF
28 LEGISLATIVE DISTRICT, IN BALTIMORE COUNTY SHALL BE DETERMINED UPON
29 COMPLETION OF EACH LEGISLATIVE DISTRICTING.

30 (D) CALVERT COUNTY.

31 IN CALVERT COUNTY, THE DEMOCRATIC PARTY CENTRAL COMMITTEE
32 CONSISTS OF NINE MEMBERS ELECTED BY THE VOTERS OF THE COUNTY AT LARGE
33 AS FOLLOWS:

34 (1) TWO MEMBERS WHO RESIDE IN THE FIRST ELECTION DISTRICT AND
35 RECEIVE THE LARGEST NUMBER OF VOTES CAST FOR CANDIDATES FROM THAT
36 DISTRICT;

1 (2) TWO MEMBERS WHO RESIDE IN THE SECOND ELECTION DISTRICT
2 AND RECEIVE THE LARGEST NUMBER OF VOTES CAST FOR CANDIDATES FROM THAT
3 DISTRICT;

4 (3) TWO MEMBERS WHO RESIDE IN THE THIRD ELECTION DISTRICT AND
5 RECEIVE THE LARGEST NUMBER OF VOTES CAST FOR CANDIDATES FROM THAT
6 DISTRICT; AND

7 (4) THREE MEMBERS WHO RESIDE IN CALVERT COUNTY AND WHO
8 RECEIVE THE HIGHEST NUMBER OF VOTES CAST IN CALVERT COUNTY FOR THE
9 REMAINING CANDIDATES.

10 (E) CARROLL COUNTY.

11 IN CARROLL COUNTY, THE REPUBLICAN PARTY CENTRAL COMMITTEE SHALL
12 CONSIST OF SEVEN MEMBERS ELECTED AT LARGE.

13 (F) MONTGOMERY COUNTY.

14 (1) IN MONTGOMERY COUNTY:

15 (I) THE REPUBLICAN PARTY CENTRAL COMMITTEE CONSISTS OF
16 19 MEMBERS; AND

17 (II) THE DEMOCRATIC PARTY CENTRAL COMMITTEE CONSISTS OF
18 23 MEMBERS.

19 (2) FOR EACH OF THOSE TWO PARTY CENTRAL COMMITTEES:

20 (I) TWO MEMBERS ARE ELECTED FROM EACH OF THE
21 LEGISLATIVE DISTRICTS THAT LIE WHOLLY WITHIN MONTGOMERY COUNTY;

22 (II) ONE MEMBER IS ELECTED FROM THE MONTGOMERY COUNTY
23 PART OF EACH LEGISLATIVE DISTRICT WHICH IS PARTIALLY WITHIN MONTGOMERY
24 COUNTY; AND

25 (III) THE REMAINDER SHALL BE ELECTED AT LARGE.

26 (3) ANY VACANCY IN A SEAT ON A PARTY CENTRAL COMMITTEE HELD
27 INITIALLY BY A MEMBER ELECTED FROM A LEGISLATIVE DISTRICT SHALL BE FILLED
28 BY A PERSON RESIDING IN THAT DISTRICT.

29 (4) ANY REFERENCE TO THE DEMOCRATIC PARTY CENTRAL COMMITTEE
30 FOR MONTGOMERY COUNTY OR ANY PORTION OF IT MEANS THE ENTIRE
31 MEMBERSHIP OF THE MONTGOMERY COUNTY DEMOCRATIC PARTY CENTRAL
32 COMMITTEE, AND IN NO EVENT DO THE MEMBERS OF THE CENTRAL COMMITTEE
33 ELECTED FROM A DISTRICT COMPRISE A SEPARATE CENTRAL COMMITTEE.

34 (G) PRINCE GEORGE'S COUNTY.

1 (1) (I) IN PRINCE GEORGE'S COUNTY, MEMBERS OF THE REPUBLICAN
2 PARTY CENTRAL COMMITTEE:

3 1. MAY NOT RUN AT LARGE; AND

4 2. SHALL BE ELECTED FROM WITHIN LEGISLATIVE
5 DISTRICTS OF PRINCE GEORGE'S COUNTY OR WITHIN THAT PORTION OF ANY
6 LEGISLATIVE DISTRICT LYING WITHIN PRINCE GEORGE'S COUNTY.

7 (II) THE NUMBER OF MEMBERS OF THE REPUBLICAN PARTY
8 CENTRAL COMMITTEE SHALL CONSIST OF:

9 1. TWO MEMBERS FROM EACH LEGISLATIVE DISTRICT THAT
10 IS WHOLLY WITHIN PRINCE GEORGE'S COUNTY; AND

11 2. ONE MEMBER FROM THAT PORTION OF EACH
12 LEGISLATIVE DISTRICT THAT IS PARTIALLY WITHIN PRINCE GEORGE'S COUNTY.

13 (2) (I) IN PRINCE GEORGE'S COUNTY, THE DEMOCRATIC PARTY
14 CENTRAL COMMITTEE CONSISTS OF 21 MEMBERS.

15 (II) TWO MEMBERS SHALL RESIDE IN AND BE ELECTED BY THE
16 ELIGIBLE VOTERS OF EACH OF THE SEVEN LEGISLATIVE DISTRICTS IN WHICH A
17 MAJORITY OF THE VOTERS RESIDE WITHIN PRINCE GEORGE'S COUNTY.

18 (III) ONE MEMBER SHALL RESIDE IN AND BE ELECTED BY THE
19 ELIGIBLE VOTERS OF THE PRINCE GEORGE'S COUNTY PORTION OF THE LEGISLATIVE
20 DISTRICT IN WHICH A MINORITY OF THE VOTERS RESIDE WITHIN PRINCE GEORGE'S
21 COUNTY.

22 (IV) IN ADDITION TO THE MEMBERS OF THE COMMITTEE ELECTED
23 FROM LEGISLATIVE DISTRICTS, SIX MEMBERS OF THE COMMITTEE SHALL BE
24 ELECTED BY ALL THE ELIGIBLE VOTERS IN THE COUNTY. AT THE TIME OF ELECTION,
25 EACH SUCH MEMBER SHALL RESIDE IN A DIFFERENT ONE OF THE SIX LEGISLATIVE
26 DISTRICTS THAT LIES WHOLLY WITHIN PRINCE GEORGE'S COUNTY.

27 (V) A CANDIDATE FOR ELECTION TO THE DEMOCRATIC PARTY
28 CENTRAL COMMITTEE SHALL DECLARE AT THE TIME OF FILING FOR CANDIDACY
29 WHICH SEAT ON THE CENTRAL COMMITTEE THE CANDIDATE IS SEEKING.

30 (VI) IF A MEMBER WHO WAS ELECTED FROM A SPECIFIC
31 LEGISLATIVE DISTRICT CEASES TO RESIDE IN THAT DISTRICT, THE MEMBER MAY
32 NOT CONTINUE TO SERVE ON THE CENTRAL COMMITTEE.

33 4-204. CONSTITUTION AND BYLAWS.

34 (A) ADOPTION.

1 EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, EACH POLITICAL PARTY
2 SHALL ADOPT AND BE GOVERNED BY A CONSTITUTION AND ALL BYLAWS AND RULES
3 ADOPTED IN ACCORDANCE WITH THE CONSTITUTION.

4 (B) REQUIRED PROVISIONS.

5 (1) THE CONSTITUTION AND BYLAWS OF EACH POLITICAL PARTY SHALL
6 PROVIDE:

7 (I) FOR SUCH MATTERS AS IN ITS OPINION ARE NECESSARY FOR
8 THE PROPER CONDUCT OF PARTY AFFAIRS;

9 (II) FOR THE SELECTION OF A STATE GOVERNING BODY;

10 (III) FOR THE CALLING OF REGULAR MEETINGS, ADVANCE
11 NOTIFICATION OF MEETINGS, AND SPECIAL NOTICE FOR SPECIAL MEETINGS;

12 (IV) FOR THE ESTABLISHMENT OF A QUORUM;

13 (V) A METHOD OF AMENDING THE POLITICAL PARTY'S
14 CONSTITUTION AND BYLAWS;

15 (VI) PROCEDURES FOR FILLING A VACANCY IN A NOMINATION FOR
16 PUBLIC OFFICE;

17 (VII) FOR A PRINCIPAL POLITICAL PARTY, FOR THE CONVENING OF A
18 MEETING OF THE CENTRAL COMMITTEE WITHIN 45 DAYS AFTER THE PRIMARY
19 ELECTION IN EACH GUBERNATORIAL ELECTION YEAR;

20 (VIII) IF THE POLITICAL PARTY IS REQUIRED TO NOMINATE ITS
21 CANDIDATES BY PETITION, PROCEDURES FOR DETERMINING WHICH OF TWO OR
22 MORE PARTY MEMBERS WHO QUALIFY FOR NOMINATION IN THE SAME CONTEST
23 SHALL BE DESIGNATED ON THE BALLOT AS NOMINEES OF THE POLITICAL PARTY;
24 AND

25 (IX) FOR THE ADOPTION OF RULES GOVERNING THE POLITICAL
26 PARTY.

27 (2) THE REPUBLICAN PARTY STATE CENTRAL COMMITTEE MAY ADOPT
28 PROVISIONS IN ITS CONSTITUTION AND BYLAWS PROVIDING FOR THE REMOVAL OF
29 MEMBERS OF THE REPUBLICAN STATE CENTRAL COMMITTEE WHO FAIL TO
30 DISCHARGE THE MINIMUM RESPONSIBILITIES OF A STATE CENTRAL COMMITTEE
31 MEMBER.

32 (C) ADOPTION OF CONSTITUTION AND BYLAWS BY COUNTY CENTRAL
33 COMMITTEE OF A PRINCIPAL POLITICAL PARTY.

34 (1) IN ACCORDANCE WITH THE CONSTITUTION AND BYLAWS OF A
35 PRINCIPAL POLITICAL PARTY, THE CENTRAL COMMITTEE OF THAT PARTY FOR EACH
36 COUNTY SHALL ADOPT A CONSTITUTION, BYLAWS, AND RULES.

1 (2) UNTIL A CENTRAL COMMITTEE ADOPTS A CONSTITUTION, BYLAWS,
2 AND RULES, THE CENTRAL COMMITTEE SHALL BE GOVERNED BY THE STATE
3 CENTRAL COMMITTEE.

4 (D) FILING.

5 (1) WITHIN 30 DAYS AFTER THE ADOPTION OR AMENDMENT BY A
6 POLITICAL PARTY OF A CONSTITUTION, BYLAW, OR RULE, THE POLITICAL PARTY
7 SHALL FILE A COPY OF THE CONSTITUTION, BYLAW, OR RULE WITH THE STATE
8 BOARD.

9 (2) WITHIN 30 DAYS AFTER THE ADOPTION OR AMENDMENT BY A
10 CENTRAL COMMITTEE OF ANY COUNTY OF A CONSTITUTION, BYLAW, OR RULE, THE
11 LOCAL CENTRAL COMMITTEE SHALL FILE A COPY OF THE CONSTITUTION, BYLAW, OR
12 RULE WITH THE STATE CENTRAL COMMITTEE AND THE STATE BOARD.

13 (E) NEW POLITICAL PARTIES.

14 (1) THE CONSTITUTION AND BYLAWS ADOPTED BY A NEW POLITICAL
15 PARTY SHALL CONFORM TO THE REQUIREMENTS OF SUBSECTIONS (A), (B), AND (D)(1)
16 OF THIS SECTION.

17 (2) IF A NEW POLITICAL PARTY DECIDES TO FORM LOCAL CENTRAL
18 COMMITTEES, THE POLITICAL PARTY SHALL NOTIFY THE STATE BOARD OF THE
19 NUMBER AND SIZE OF THE LOCAL CENTRAL COMMITTEES WITHIN 6 MONTHS AFTER
20 THE DATE THE STATE BOARD NOTIFIED THE POLITICAL PARTY THAT IT IS
21 CONSIDERED A STATE POLITICAL PARTY.

22 DRAFTER'S NOTE: As revised, § 4-203 would apply to all parties except
23 where otherwise specified. The change was made in conjunction with the
24 changes in Title 4, Subtitle 1 regarding new parties and the adoption of a
25 constitution and bylaws.

26 4-205. PROHIBITED PRACTICES.

27 (A) PROHIBITION ON INCORPORATION.

28 A POLITICAL PARTY IN THE STATE MAY NOT INCORPORATE UNDER THE
29 GENERAL LAWS OF THE STATE PROVIDING FOR THE FORMATION OF A
30 CORPORATION.

31 (B) EXCLUSIVE AUTHORITY OF PARTY CENTRAL COMMITTEE.

32 UNLESS IT IS THE PARTY STATE CENTRAL COMMITTEE, AN ORGANIZATION MAY
33 NOT REPRESENT THAT IT IS THE OFFICIAL ORGANIZATION OR GOVERNING BODY OF
34 ANY POLITICAL PARTY.

35 (C) PENALTY.

1 A PERSON WHO VIOLATES THIS SECTION SHALL BE GUILTY OF A MISDEMEANOR
2 AND SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN TITLE 16 OF THIS ARTICLE.

3 TITLE 5. CANDIDATES.

4 SUBTITLE 1. GENERAL PROVISIONS.

5 5-101. IN GENERAL.

6 (A) APPLICABILITY.

7 THIS SUBTITLE GOVERNS THE PROCESS BY WHICH AN INDIVIDUAL BECOMES A
8 CANDIDATE FOR A PUBLIC OR PARTY OFFICE IN AN ELECTION GOVERNED BY THIS
9 ARTICLE.

10 (B) COMPLIANCE REQUIRED.

11 AN INDIVIDUAL'S NAME MAY NOT BE PLACED ON THE BALLOT AND SUBMITTED
12 TO THE VOTERS AT AN ELECTION UNLESS THE INDIVIDUAL COMPLIES WITH THE
13 REQUIREMENTS OF THIS TITLE.

14 SUBTITLE 2. QUALIFICATIONS.

15 5-201. IN GENERAL.

16 AN INDIVIDUAL MAY BECOME A CANDIDATE FOR A PUBLIC OR PARTY OFFICE
17 ONLY IF THE INDIVIDUAL SATISFIES THE QUALIFICATIONS FOR THAT OFFICE
18 ESTABLISHED BY LAW AND, IN THE CASE OF A PARTY OFFICE, BY PARTY
19 CONSTITUTION OR BYLAWS.

20 5-202. RESIDENCY REQUIREMENT.

21 A CANDIDATE FOR PUBLIC OR PARTY OFFICE MUST BE A REGISTERED VOTER AT
22 AN ADDRESS THAT SATISFIES ANY RESIDENCE REQUIREMENT FOR THE OFFICE
23 THAT IS IMPOSED BY LAW AND, IN THE CASE OF A PARTY OFFICE, BY PARTY RULES.
24 5-203. VOTER REGISTRATION AND PARTY AFFILIATION.

25 (A) VOTER REGISTRATION REQUIRED.

26 (1) THIS SUBSECTION DOES NOT APPLY TO A CANDIDATE FOR:

27 (I) PRESIDENT OR VICE PRESIDENT OF THE UNITED STATES;

28 (II) REPRESENTATIVE IN CONGRESS OF THE UNITED STATES; OR

29 (III) ANY FEDERAL OFFICE WHO SEEKS NOMINATION BY PETITION.

30 (2) UNLESS THE INDIVIDUAL IS A REGISTERED VOTER AFFILIATED
31 WITH THE POLITICAL PARTY, AN INDIVIDUAL MAY NOT BE A CANDIDATE FOR:

1 (I) AN OFFICE OF THAT POLITICAL PARTY; OR

2 (II) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,
3 NOMINATION BY THAT POLITICAL PARTY.

4 (B) PARTY AFFILIATION - EXCEPTION FOR JUDICIAL AND COUNTY BOARD OF
5 EDUCATION CANDIDATES.

6 THE REQUIREMENTS FOR PARTY AFFILIATION SPECIFIED UNDER SUBSECTION
7 (A) OF THIS SECTION DO NOT APPLY TO A CANDIDATE FOR:

8 (1) A JUDICIAL OFFICE; OR

9 (2) A COUNTY BOARD OF EDUCATION.

10 5-204. CANDIDACY FOR MORE THAN ONE OFFICE.

11 (A) PUBLIC OFFICE.

12 AN INDIVIDUAL SIMULTANEOUSLY MAY NOT BE A CANDIDATE FOR MORE THAN
13 ONE PUBLIC OFFICE.

14 (B) PARTY OFFICE.

15 AN INDIVIDUAL SIMULTANEOUSLY MAY NOT BE A CANDIDATE FOR MORE THAN
16 ONE OFFICE OF A POLITICAL PARTY.

17 (C) CANDIDACY FOR BOTH PARTY OFFICE AND PUBLIC OFFICE.

18 UNLESS OTHERWISE PROHIBITED BY RULE OF THE APPLICABLE POLITICAL
19 PARTY, AN INDIVIDUAL SIMULTANEOUSLY MAY BE A CANDIDATE FOR A PARTY
20 OFFICE AND A PUBLIC OFFICE.

21 5-205. GOVERNOR AND LIEUTENANT GOVERNOR UNIT.

22 (A) DESIGNATION.

23 IN ACCORDANCE WITH ARTICLE II OF THE MARYLAND CONSTITUTION, WHEN A
24 CANDIDATE FOR NOMINATION FOR GOVERNOR FILES FOR THAT OFFICE, THE
25 CANDIDATE SHALL DESIGNATE A CANDIDATE FOR LIEUTENANT GOVERNOR.

26 (B) FILING AS A UNIT.

27 THE CANDIDATES FOR NOMINATION FOR GOVERNOR AND LIEUTENANT
28 GOVERNOR EACH SHALL FILE FOR NOMINATION AND BE CONSIDERED A UNIT FOR
29 NOMINATION TO THE OFFICES OF GOVERNOR AND LIEUTENANT GOVERNOR.

30 (C) LISTING ON THE BALLOT.

31 (1) THE NAMES OF THE CANDIDATES OF A UNIT FOR GOVERNOR AND
32 LIEUTENANT GOVERNOR SHALL BE LISTED JOINTLY ON THE BALLOT.

1 (2) A VOTE CAST FOR A CANDIDATE FOR GOVERNOR ALSO SHALL BE A
2 VOTE CAST FOR THE CANDIDATE FOR LIEUTENANT GOVERNOR.

3 SUBTITLE 3. CERTIFICATE OF CANDIDACY.

4 5-301. IN GENERAL.

5 (A) IN GENERAL.

6 AN INDIVIDUAL MAY BECOME A CANDIDATE FOR A PUBLIC OR PARTY OFFICE
7 ONLY IF:

8 (1) THE INDIVIDUAL FILES A CERTIFICATE OF CANDIDACY IN
9 ACCORDANCE WITH THIS SUBTITLE; AND

10 (2) THE INDIVIDUAL DOES NOT FILE A CERTIFICATE OF WITHDRAWAL
11 UNDER SUBTITLE 5 OF THIS TITLE.

12 (B) DETERMINATION BY STATE BOARD OR LOCAL BOARD.

13 THE APPROPRIATE BOARD SHALL DETERMINE THAT AN INDIVIDUAL FILING A
14 CERTIFICATE OF CANDIDACY MEETS THE REQUIREMENTS OF THIS ARTICLE,
15 INCLUDING:

16 (1) THE VOTER REGISTRATION AND PARTY AFFILIATION
17 REQUIREMENTS UNDER SUBTITLE 2 OF THIS TITLE; AND

18 (2) THE CAMPAIGN FINANCE REPORTING REQUIREMENTS UNDER TITLE
19 13 OF THIS ARTICLE.

20 (C) LISTING OF NAME ON BALLOT.

21 (1) ON THE CERTIFICATE OF CANDIDACY, A CANDIDATE SHALL
22 DESIGNATE HOW THE CANDIDATE'S NAME IS TO APPEAR ON THE BALLOT.

23 (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A
24 CANDIDATE SHALL FILE A CERTIFICATE OF CANDIDACY IN WHICH THE CANDIDATE
25 LISTS ANY GIVEN NAME, AN INITIAL LETTER OF ANY OTHER GIVEN NAME, AND
26 SURNAME.

27 (3) A CANDIDATE MAY FILE A CERTIFICATE OF CANDIDACY IN A NAME
28 DIFFERENT THAN THAT SPECIFIED UNDER PARAGRAPH (2) OF THIS SUBSECTION IF
29 THE CANDIDATE FILES AN AFFIDAVIT, UNDER PENALTIES OF PERJURY, ATTESTING
30 THAT THE CANDIDATE IS GENERALLY KNOWN BY THAT OTHER NAME IN:

31 (I) PRESS ACCOUNTS CONCERNING THE CANDIDATE, IF ANY; OR

32 (II) IF PRESS ACCOUNTS DO NOT EXIST, THE CANDIDATE'S
33 EVERYDAY ENCOUNTERS WITH MEMBERS OF THE COMMUNITY.

1 (4) EXCEPT FOR THE USE OF QUOTATION MARKS TO ENCLOSE A
2 PORTION OF A NAME, THE USE OF SYMBOLS, TITLES, DEGREES, OR OTHER
3 PROFESSIONAL DESIGNATIONS ON A CERTIFICATE OF CANDIDACY IS PROHIBITED.

4 (D) PETITION CANDIDATES.

5 A CANDIDATE WHO SEEKS NOMINATION BY PETITION SHALL FILE A
6 CERTIFICATE OF CANDIDACY AS PROVIDED IN § 5-703 OF THIS TITLE.

7 (E) WRITE-IN CANDIDATES.

8 A WRITE-IN CANDIDATE SHALL FILE A CERTIFICATE OF CANDIDACY AS
9 PROVIDED UNDER SUBTITLE 3 OF THIS TITLE.

10 (F) EXCEPTION FOR APPELLATE JUDGES.

11 (1) (I) ON OR BEFORE AUGUST 31 IN THE YEAR IN WHICH A JUDGE OF
12 THE COURT OF APPEALS MUST STAND FOR CONTINUANCE IN OFFICE, THE CLERK OF
13 THE COURT OF APPEALS SHALL PROVIDE WRITTEN NOTICE TO THE STATE BOARD OF
14 THE NAME OF THE JUDGE THAT IS TO BE PLACED ON THE BALLOT AT THE NEXT
15 SUCCEEDING GENERAL ELECTION TOGETHER WITH THE IDENTIFICATION OF THE
16 JUDICIAL CIRCUIT FROM WHICH THE QUALIFIED VOTERS OF THAT CIRCUIT MAY
17 CAST A VOTE FOR THE JUDGE'S CONTINUANCE IN OFFICE.

18 (II) ON OR BEFORE AUGUST 31 IN THE YEAR IN WHICH A JUDGE OF
19 THE COURT OF SPECIAL APPEALS MUST STAND FOR CONTINUANCE IN OFFICE, THE
20 CLERK OF THE COURT OF SPECIAL APPEALS SHALL PROVIDE WRITTEN NOTICE TO
21 THE STATE BOARD OF THE NAME OF THE JUDGE THAT IS TO BE PLACED ON THE
22 BALLOT AT THE NEXT SUCCEEDING GENERAL ELECTION TOGETHER WITH:

23 1. THE IDENTIFICATION OF THE JUDICIAL CIRCUIT FROM
24 WHICH THE QUALIFIED VOTERS OF THAT CIRCUIT MAY CAST A VOTE FOR THE
25 JUDGE'S CONTINUANCE IN OFFICE; OR

26 2. A STATEMENT THAT THE VOTERS OF THE ENTIRE STATE
27 MAY CAST A VOTE FOR THE JUDGE'S CONTINUANCE IN OFFICE.

28 (2) AN INCUMBENT JUDGE OF THE COURT OF APPEALS OR COURT OF
29 SPECIAL APPEALS IS NOT REQUIRED TO FILE A CERTIFICATE OF CANDIDACY FOR AN
30 ELECTION FOR CONTINUANCE IN OFFICE.

31 (G) EXCEPTION FOR CANDIDATES NOMINATED BY NATIONAL PARTY
32 PRESIDENTIAL NOMINATING CONVENTION.

33 A CANDIDATE FOR PRESIDENT OR VICE PRESIDENT OF THE UNITED STATES
34 NOMINATED BY A NATIONAL PARTY CONVENTION IS NOT REQUIRED TO FILE A
35 CERTIFICATE OF CANDIDACY UNDER THIS SECTION.

1 5-302. FILING.

2 (A) ON FORM.

3 A CERTIFICATE OF CANDIDACY SHALL BE FILED UNDER OATH ON THE
4 PRESCRIBED FORM.

5 (B) FILING WITH STATE BOARD.

6 THE CERTIFICATE OF CANDIDACY SHALL BE FILED WITH THE STATE BOARD IF
7 THE CANDIDACY IS FOR:

8 (1) AN OFFICE TO BE VOTED UPON BY THE VOTERS OF THE ENTIRE
9 STATE;

10 (2) THE GENERAL ASSEMBLY OF MARYLAND;

11 (3) REPRESENTATIVE IN CONGRESS;

12 (4) THE OFFICE OF JUDGE OF THE CIRCUIT COURT FOR A COUNTY; OR

13 (5) AN OFFICE OF ELECTED DELEGATES TO A PRESIDENTIAL NATIONAL
14 CONVENTION PROVIDED FOR UNDER TITLE 8, SUBTITLE 5 OF THIS ARTICLE.

15 (C) FILING WITH LOCAL BOARD.

16 IF THE CANDIDACY IS FOR AN OFFICE OTHER THAN AN OFFICE DESCRIBED IN
17 SUBSECTION (B) OF THIS SECTION, THE CERTIFICATE OF CANDIDACY SHALL BE
18 FILED WITH THE LOCAL BOARD OF THE APPLICABLE COUNTY.

19 5-303. WHEN FILED.

20 (A) GENERALLY.

21 EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS SECTION, A
22 CERTIFICATE OF CANDIDACY SHALL BE FILED AS FOLLOWS:

23 (1) FOR CANDIDATES FOR OFFICES OTHER THAN DELEGATE TO THE
24 DEMOCRATIC NATIONAL CONVENTION, NOT LATER THAN 9 P.M. ON THE MONDAY
25 THAT IS 10 WEEKS OR 70 DAYS BEFORE THE DAY ON WHICH THE PRIMARY ELECTION
26 WILL BE HELD; AND

27 (2) FOR CANDIDATES FOR DELEGATE TO THE DEMOCRATIC NATIONAL
28 CONVENTION, BETWEEN 9 A.M. ON THE FIRST REGULAR BUSINESS DAY OF THE YEAR
29 IN WHICH THE PRESIDENT OF THE UNITED STATES IS ELECTED AND 5 P.M. ON THE
30 DAY THAT IS 1 WEEK LATER THAN THAT DAY.

31 (B) SPECIAL ELECTION.

32 A CERTIFICATE OF CANDIDACY FOR AN OFFICE TO BE FILLED BY A SPECIAL
33 ELECTION UNDER THIS ARTICLE SHALL BE RECEIVED AND FILED IN THE OFFICE OF

1 THE APPROPRIATE BOARD NOT LATER THAN 5 P.M. ON THE MONDAY THAT IS 3
2 WEEKS OR 21 DAYS PRIOR TO THE DATE FOR THE SPECIAL PRIMARY ELECTION
3 SPECIFIED BY THE GOVERNOR IN THE PROCLAMATION FOR THE SPECIAL PRIMARY
4 ELECTION.

5 (C) WRITE-IN CANDIDATE.

6 THE CERTIFICATE OF CANDIDACY FOR THE ELECTION OF A WRITE-IN
7 CANDIDATE SHALL BE FILED BY THE EARLIER OF:

8 (1) 7 DAYS AFTER A TOTAL EXPENDITURE OF AT LEAST \$51 IS MADE TO
9 PROMOTE THE CANDIDACY BY THE CANDIDATE OR A POLITICAL COMMITTEE
10 AUTHORIZED BY THE CANDIDATE; OR

11 (2) 5 P.M. ON THE WEDNESDAY PRECEDING THE DAY OF THE ELECTION
12 FOR WHICH THE CERTIFICATE IS FILED.

13 5-304. MANNER OF FILING.

14 (A) MANNER OF FILING.

15 (1) THE CERTIFICATE OF CANDIDACY MAY BE FILED:

16 (I) IN PERSON; OR

17 (II) IF AUTHORIZED BY SUBSECTION (B) OF THIS SECTION, BY
18 CERTIFIED MAIL, PERSONAL MESSENGER, OR OTHER DELIVERY SERVICE
19 DESIGNATED BY THE FILER.

20 (2) THE CERTIFICATE OF CANDIDACY MAY NOT BE FILED BY FACSIMILE
21 SERVICE OR OTHER ELECTRONIC TRANSMISSION.

22 (B) FILING OTHER THAN IN PERSON.

23 THE CERTIFICATE OF CANDIDACY MAY BE FILED AS PERMITTED UNDER
24 SUBSECTION (A)(1)(II) OF THIS SECTION, IF:

25 (1) THE INDIVIDUAL FILING THE CERTIFICATE IS UNABLE TO DO SO IN
26 PERSON BECAUSE OF ILLNESS, MILITARY SERVICE, OR TEMPORARY ABSENCE FROM
27 THE STATE; AND

28 (2) THE CERTIFICATE IS ACCOMPANIED BY AN AFFIDAVIT SIGNED BY
29 THE INDIVIDUAL FILING THE CERTIFICATE SETTING FORTH FULLY THE FACTS
30 WHICH PREVENT THAT INDIVIDUAL FROM FILING THE CERTIFICATE IN PERSON.

31 (C) CONTENT.

32 ON THE CERTIFICATE OF CANDIDACY FORM PRESCRIBED BY THE STATE
33 BOARD, THE CANDIDATE SHALL SPECIFY:

1 (1) THE OFFICE, INCLUDING, IF APPLICABLE, THE PARTY, DISTRICT, AND
2 CIRCUIT TO WHICH THE CANDIDACY RELATES;

3 (2) THE YEAR OF THE ELECTION;

4 (3) THE NAME OF THE INDIVIDUAL FILING THE CERTIFICATE;

5 (4) THE ADDRESS ON THE VOTER REGISTRY OR THE CURRENT ADDRESS
6 OF THAT INDIVIDUAL;

7 (5) A STATEMENT THAT THE INDIVIDUAL SATISFIES THE
8 REQUIREMENTS OF LAW FOR CANDIDACY FOR THE OFFICE FOR WHICH THE
9 CERTIFICATE IS BEING FILED; AND

10 (6) ANY INFORMATION REQUESTED BY THE STATE BOARD TO VERIFY
11 THE ACCURACY OF THE INFORMATION PROVIDED BY THE INDIVIDUAL UNDER THIS
12 SUBSECTION.

13 (D) ADDITIONAL REQUIREMENTS.

14 THE CERTIFICATE OF CANDIDACY SHALL BE ACCOMPANIED BY:

15 (1) A FILING FEE SATISFYING THE REQUIREMENTS OF § 5-401 OF THIS
16 TITLE;

17 (2) A SEPARATE FORM, UNLESS SUCH A FORM HAS PREVIOUSLY BEEN
18 FILED, DESIGNATING A TREASURER OR A POLITICAL COMMITTEE, AS REQUIRED
19 UNDER TITLE 13 OF THIS ARTICLE;

20 (3) EVIDENCE THAT THE INDIVIDUAL HAS FILED:

21 (I) A FINANCIAL DISCLOSURE STATEMENT WITH THE STATE
22 ETHICS COMMISSION IN ACCORDANCE WITH THE REQUIREMENTS OF TITLE 15,
23 SUBTITLE 6 OF THE STATE GOVERNMENT ARTICLE; OR

24 (II) ANY OTHER FINANCIAL DISCLOSURE REPORT REQUIRED BY
25 LAW; AND

26 (4) ANY ADDITIONAL INFORMATION REQUIRED BY THE STATE BOARD.

27 (E) ACCEPTANCE BY APPROPRIATE BOARD.

28 THE APPROPRIATE BOARD SHALL ACCEPT THE CERTIFICATE OF CANDIDACY IF
29 IT DETERMINES THAT ALL REQUIREMENTS ARE SATISFIED.

30 SUBTITLE 4. FILING FEES.

31 5-401. AMOUNT.

32 (A) IN GENERAL.

1 (1) THIS SECTION DOES NOT APPLY TO A WRITE-IN CANDIDATE.

2 (2) UNLESS EXEMPTED UNDER SUBSECTION (C) OF THIS SECTION, AN
3 INDIVIDUAL WHO FILES A CERTIFICATE OF CANDIDACY SHALL PAY A FILING FEE AT
4 THE TIME THE CERTIFICATE OF CANDIDACY IS FILED.

5 (B) SPECIFIC AMOUNT.

6 THE FILING FEE SHALL BE AS FOLLOWS:

| | | | |
|----|-------|--|------------|
| 7 | (1) | PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES | NO FEE |
| 8 | (2) | GOVERNOR OR LIEUTENANT GOVERNOR | \$290 EACH |
| 9 | (3) | COMPTROLLER OF THE TREASURY | \$290 |
| 10 | (4) | ATTORNEY GENERAL | \$290 |
| 11 | (5) | UNITED STATES SENATOR | \$290 |
| 12 | (6) | REPRESENTATIVE IN CONGRESS | \$100 |
| 13 | (7) | MEMBER OF THE GENERAL ASSEMBLY | \$50 |
| 14 | (8) | MAYOR OF THE CITY OF BALTIMORE | \$150 |
| 15 | (9) | COMPTROLLER OF THE CITY OF BALTIMORE | \$150 |
| 16 | (10) | CITY COUNCIL OF BALTIMORE: | |
| 17 | (I) | PRESIDENT | \$150 |
| 18 | (II) | MEMBER AT LARGE VOTED ON BY THE VOTERS OF THE | |
| 19 | | ENTIRE CITY OF BALTIMORE | \$150 |
| 20 | (III) | MEMBER VOTED ON BY LESS THAN THE ENTIRE | |
| 21 | | CITY OF BALTIMORE | \$50 |
| 22 | (11) | OFFICES OF THE CITY OF BALTIMORE, NOT SPECIFIED IN | |
| 23 | | PARAGRAPHS (8), (9), AND (10), THAT ARE VOTED ON BY THE VOTERS OF THE ENTIRE | |
| 24 | | CITY OF BALTIMORE | \$150 |
| 25 | (12) | ANY OTHER PUBLIC OFFICE | \$25 |
| 26 | (13) | MEMBER OF A PARTY CENTRAL COMMITTEE | \$10 |

27 DRAFTER'S NOTE: The filing fee for all presidential and vice presidential
28 candidates is eliminated since currently only petition presidential
29 candidates pay the fee. The presidential primary candidates for the
30 principal parties are now designated by the Secretary of State.

1 The obsolete filing fee of \$290 for "other offices for which the voters of the
2 entire State may vote" is eliminated as is the obsolete filing fee of \$10 for
3 county offices that pay a salary of \$300 or less.

4 (C) WAIVER OF FILING FEE.

5 (1) A CANDIDATE MAY PETITION FOR A WAIVER OF THE FILING FEE IN
6 ACCORDANCE WITH THIS SUBSECTION.

7 (2) THE FILING FEE REQUIRED BY THIS SECTION SHALL BE WAIVED IF
8 THE CANDIDATE ESTABLISHES INABILITY TO PAY THE FEE.

9 (3) A CANDIDATE MAY DEMONSTRATE INABILITY TO PAY THE FILING
10 FEE BY ATTACHING TO THE CERTIFICATE OF CANDIDACY WHEN IT IS FILED A
11 SWORN STATEMENT ON THE FORM PRESCRIBED BY THE STATE BOARD OF INABILITY
12 TO PAY WHICH SETS FORTH:

13 (I) THE NATURE, EXTENT, AND LIQUIDITY OF THE CANDIDATE'S
14 ASSETS; AND

15 (II) THE CANDIDATE'S DISPOSABLE NET INCOME.

16 (4) AT ITS DISCRETION AND IN ORDER TO CONDUCT ANY
17 INVESTIGATION OF THE PETITION FOR WAIVER, THE APPROPRIATE BOARD MAY
18 REQUEST THAT THE CANDIDATE PROVIDE ADDITIONAL INFORMATION CONCERNING
19 THE CANDIDATE'S FINANCIAL STATUS.

20 (5) IF THE APPROPRIATE BOARD DETERMINES THAT THE CANDIDATE IS
21 UNABLE TO PAY THE REQUIRED FILING FEE, THE CERTIFICATE OF CANDIDACY
22 SHALL BE ISSUED WITHOUT PAYMENT OF THE FEE.

23 5-402. RETURN OF FILING FEES.

24 (A) CANDIDATE ENTERING MILITARY SERVICE.

25 UPON REQUEST, A CANDIDATE WHO PAYS A FILING FEE IS ENTITLED TO A
26 RETURN OF THE FILING FEE UPON THE FILING OF THE CERTIFICATE OF
27 WITHDRAWAL ON THE FORM PRESCRIBED BY THE STATE BOARD IF THE CANDIDATE
28 ENTERS INTO ACTIVE DUTY WITH THE ARMED SERVICES OF THE UNITED STATES
29 DURING THE PERIOD BETWEEN THE LAST DATE ALLOWED FOR THE WITHDRAWAL OF
30 CANDIDACY AND THE PRINTING OF THE BALLOTS.

31 (B) RETURN FOR GOOD CAUSE.

32 SUBJECT TO THE APPROVAL OF THE STATE BOARD, THE FILING FEE PAID BY A
33 CANDIDATE MAY BE RETURNED TO THE CANDIDATE FOR GOOD CAUSE.

34 5-403. DISPOSITION OF FILING FEES.

35 (A) GENERALLY.

1 FILING FEES PAID BY CANDIDATES UNDER § 5-401 OF THIS SUBTITLE SHALL BE
2 DISTRIBUTED AS SPECIFIED IN THIS SECTION.

3 (B) FEES RECEIVED BY LOCAL BOARD.

4 FILING FEES RECEIVED BY A LOCAL BOARD SHALL BE TRANSFERRED TO THE
5 GOVERNING BODY OF THE COUNTY.

6 (C) FEES RECEIVED BY STATE BOARD.

7 FILING FEES RECEIVED BY THE STATE BOARD SHALL BE DIVIDED AND
8 DISTRIBUTED:

9 (1) WITH RESPECT TO CANDIDATES FOR STATEWIDE OFFICE:

10 (I) \$60 TO THE BALTIMORE CITY BOARD OF SUPERVISORS OF
11 ELECTIONS; AND

12 (II) \$10 EACH TO EACH OTHER LOCAL BOARD;

13 (2) WITH RESPECT TO CANDIDATES FOR ANY OTHER PUBLIC OR PARTY
14 OFFICE IN A MULTICOUNTY DISTRICT, IN EQUAL AMOUNTS TO THE LOCAL BOARD OF
15 EACH COUNTY THAT CONTAINS PART OF THE DISTRICT TO WHICH THE CANDIDACY
16 RELATES; AND

17 (3) WITH RESPECT TO A CANDIDATE FOR A PUBLIC OR PARTY OFFICE IN
18 A DISTRICT WHOLLY CONTAINED WITHIN ONE COUNTY, TO THE LOCAL BOARD OF
19 THAT COUNTY.

20 SUBTITLE 5. WITHDRAWAL OF CANDIDACY AFTER FILING BUT BEFORE PRIMARY
21 ELECTION.

22 5-501. SCOPE.

23 AN INDIVIDUAL WHO HAS FILED A CERTIFICATE OF CANDIDACY MAY
24 WITHDRAW THE CANDIDACY BY FILING A CERTIFICATE OF WITHDRAWAL AS
25 PROVIDED IN THIS SUBTITLE.

26 5-502. TIME FOR WITHDRAWAL.

27 (A) GENERALLY.

28 SUBJECT TO § 5-402 OF THIS TITLE, AN INDIVIDUAL WHO HAS FILED A
29 CERTIFICATE OF CANDIDACY MAY WITHDRAW THE CANDIDACY BY FILING A
30 CERTIFICATE OF WITHDRAWAL ON THE FORM PRESCRIBED BY THE STATE BOARD
31 WITHIN 10 DAYS AFTER THE FILING DATE ESTABLISHED UNDER § 5-303 OF THIS
32 TITLE.

33 (B) SPECIAL ELECTIONS.

1 AN INDIVIDUAL WHO HAS FILED A CERTIFICATE OF CANDIDACY FOR THE
2 SPECIAL ELECTION TO FILL A VACANCY FOR REPRESENTATIVE IN CONGRESS MAY
3 WITHDRAW THE CERTIFICATE ON THE PRESCRIBED FORM WITHIN 2 DAYS AFTER
4 THE FILING DATE ESTABLISHED IN THE PROCLAMATION ISSUED BY THE GOVERNOR.
5 5-503. PLACE AND MANNER OF WITHDRAWAL.

6 (A) GENERALLY.

7 EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE CERTIFICATE
8 OF WITHDRAWAL SHALL BE FILED WITH THE APPROPRIATE BOARD WITH WHICH THE
9 INDIVIDUAL FILED THE CERTIFICATE OF CANDIDACY.

10 (B) SPECIAL ELECTIONS.

11 THE PROCLAMATION ISSUED BY THE GOVERNOR UNDER § 8-710 OF THIS
12 ARTICLE FOR A SPECIAL ELECTION TO FILL A VACANCY FOR REPRESENTATIVE IN
13 CONGRESS SHALL ALLOW ANY INDIVIDUAL WHO HAS FILED A CERTIFICATE OF
14 CANDIDACY TO WITHDRAW THE CANDIDACY AS PROVIDED UNDER THE TERMS OF
15 THE PROCLAMATION.

16 5-504. EFFECT OF WITHDRAWAL OF CANDIDACY.

17 (A) GENERALLY.

18 IF A CERTIFICATE OF WITHDRAWAL IS FILED UNDER THIS SUBTITLE:

19 (1) THE CERTIFICATE OF CANDIDACY TO WHICH THE CERTIFICATE OF
20 WITHDRAWAL RELATES IS VOID;

21 (2) THE NAME OF THE CANDIDATE MAY NOT BE SUBMITTED TO THE
22 VOTERS FOR NOMINATION AND ELECTION TO THE OFFICE TO WHICH THE
23 CERTIFICATE RELATES UNLESS THE INDIVIDUAL FILES A NEW CERTIFICATE OF
24 CANDIDACY WITHIN THE TIME LIMIT PRESCRIBED FOR FILING; AND

25 (3) EXCEPT AS PROVIDED IN § 5-402 OF THIS ARTICLE, THE FILING FEE
26 FOR THE CERTIFICATE OF CANDIDACY MAY NOT BE REFUNDED.

27 (B) NAME TO APPEAR ON BALLOT; EXCEPTION.

28 EXCEPT FOR THE OFFICES OF GOVERNOR AND LIEUTENANT GOVERNOR, THE
29 NAME OF ANY INDIVIDUAL WHO FILES A CERTIFICATE OF CANDIDACY AND DOES
30 NOT WITHDRAW SHALL APPEAR ON THE PRIMARY ELECTION BALLOT UNLESS, BY
31 THE 10TH DAY PRIOR TO THE FILING DEADLINE SPECIFIED UNDER § 5-303 OF THIS
32 ARTICLE, THE INDIVIDUAL'S DEATH OR DISQUALIFICATION IS KNOWN TO THE
33 APPLICABLE BOARD WITH WHICH THE CERTIFICATE OF CANDIDACY WAS FILED.

SUBTITLE 6. QUALIFICATION FOR PRIMARY ELECTION BALLOT.

5-601. CANDIDATES QUALIFYING.

THE NAME OF A CANDIDATE SHALL REMAIN ON THE BALLOT AND BE SUBMITTED TO THE VOTERS AT A PRIMARY ELECTION IF:

(1) THE CANDIDATE HAS FILED A CERTIFICATE OF CANDIDACY IN ACCORDANCE WITH THE REQUIREMENTS OF § 5-301 OF THIS TITLE AND HAS SATISFIED ANY OTHER REQUIREMENTS OF THIS ARTICLE RELATING TO THE OFFICE FOR WHICH THE INDIVIDUAL IS A CANDIDATE, PROVIDED THE CANDIDATE:

(I) HAS NOT WITHDRAWN THE CANDIDACY IN ACCORDANCE WITH SUBTITLE 5 OF THIS TITLE;

(II) HAS NOT DIED OR BECOME DISQUALIFIED, AND THAT FACT IS KNOWN TO THE APPLICABLE BOARD BY THE DEADLINE PRESCRIBED IN § 5-504(B) OF THIS TITLE;

(III) DOES NOT SEEK NOMINATION BY PETITION PURSUANT TO THE PROVISIONS OF § 5-703 OF THIS TITLE; OR

(IV) IS NOT A WRITE-IN CANDIDATE; OR

(2) THE CANDIDATE HAS QUALIFIED TO HAVE THE CANDIDATE'S NAME SUBMITTED TO THE VOTERS IN A PRESIDENTIAL PRIMARY ELECTION UNDER TITLE 8, SUBTITLE 5 OF THIS ARTICLE.

SUBTITLE 7. NOMINATION.

5-701. IN GENERAL.

NOMINATIONS FOR PUBLIC OFFICES THAT ARE FILLED BY ELECTIONS GOVERNED BY THIS ARTICLE SHALL BE MADE:

(1) BY PARTY PRIMARY, FOR CANDIDATES OF A PRINCIPAL POLITICAL PARTY; OR

(2) BY PETITION FOR:

(I) CANDIDATES OF A POLITICAL PARTY THAT DOES NOT NOMINATE BY PRIMARY; OR

(II) CANDIDATES NOT AFFILIATED WITH ANY POLITICAL PARTY.

5-702. NOMINATION BY PRIMARY ELECTION.

A CANDIDATE FOR PUBLIC OFFICE OF A POLITICAL PARTY SHALL BE NOMINATED IN ACCORDANCE WITH THE REQUIREMENTS OF SUBTITLES 2 THROUGH 4 OF THIS TITLE UNLESS THE CANDIDATE IS:

1 (1) NOMINATED BY PETITION UNDER § 5-703 OF THIS SUBTITLE; OR

2 (2) A WRITE-IN CANDIDATE UNDER § 5-704 OF THIS SUBTITLE.

3 5-703. NOMINATION BY PETITION.

4 (A) SCOPE.

5 EXCEPT FOR A CANDIDATE FOR A COUNTY BOARD OF EDUCATION, THIS
6 SECTION APPLIES TO ANY CANDIDATE FOR PUBLIC OFFICE SUBJECT TO THIS TITLE.

7 (B) IN GENERAL.

8 A CANDIDATE FOR A PUBLIC OFFICE MAY BE NOMINATED BY PETITION UNDER
9 THIS SUBTITLE IF THE CANDIDATE DOES NOT SEEK NOMINATION THROUGH A PARTY
10 PRIMARY.

11 (C) DECLARATION OF INTENT.

12 (1) A CANDIDATE FOR PUBLIC OFFICE WHO SEEKS NOMINATION BY
13 PETITION SHALL FILE A DECLARATION OF INTENT TO SEEK NOMINATION BY
14 PETITION.

15 (2) THE DECLARATION OF INTENT SHALL BE FILED WITH THE BOARD AT
16 WHICH THE CANDIDATE FILES A CERTIFICATE OF CANDIDACY UNDER SUBTITLE 3 OF
17 THIS TITLE.

18 (3) THE DECLARATION OF INTENT SHALL BE FILED AS FOLLOWS:

19 (I) IN A YEAR IN WHICH THE GOVERNOR IS ELECTED, BY THE DATE
20 AND TIME SPECIFIED FOR A CANDIDATE TO FILE A CERTIFICATE OF CANDIDACY;

21 (II) IN A YEAR IN WHICH THE PRESIDENT IS ELECTED, BY JULY 1;
22 AND

23 (III) FOR A SPECIAL ELECTION TO FILL A VACANCY FOR
24 REPRESENTATIVE IN CONGRESS, BY THE DATE AND TIME SPECIFIED FOR A
25 CANDIDATE TO FILE A CERTIFICATE OF CANDIDACY IN THE GOVERNOR'S
26 PROCLAMATION.

27 (4) A CANDIDATE WHO SEEKS NOMINATION BY PETITION MAY NOT BE
28 CHARGED A FEE FOR FILING THE DECLARATION OF INTENT.

29 (D) CERTIFICATE OF CANDIDACY.

30 (1) A CANDIDATE FOR PUBLIC OFFICE WHO SEEKS NOMINATION BY
31 PETITION SHALL FILE A CERTIFICATE OF CANDIDACY NOT LATER THAN 5 P.M. ON
32 THE FIRST MONDAY IN AUGUST IN THE YEAR OF THE GENERAL ELECTION FOR THE
33 OFFICE.

1 (2) EXCEPT FOR THE TIME OF FILING, THE CERTIFICATE OF CANDIDACY
2 FOR A CANDIDATE WHO SEEKS NOMINATION BY PETITION SHALL COMPLY WITH THE
3 REQUIREMENTS FOR A CERTIFICATE OF CANDIDACY UNDER SUBTITLE 3 OF THIS
4 TITLE.

5 (E) PETITION SIGNATURES REQUIREMENTS.

6 (1) A CANDIDATE WHO SEEKS NOMINATION BY PETITION MAY NOT
7 HAVE THE CANDIDATE'S NAME PLACED ON THE GENERAL ELECTION BALLOT
8 UNLESS THE CANDIDATE FILES WITH THE APPROPRIATE BOARD PETITIONS SIGNED
9 BY:

10 (I) IN THE CASE OF AN OFFICE VOTED ON BY THE VOTERS OF THE
11 ENTIRE STATE, NOT LESS THAN 1% OF THE TOTAL NUMBER OF REGISTERED VOTERS
12 WHO ARE ELIGIBLE TO VOTE IN THE STATE; AND

13 (II) IN THE CASE OF AN OFFICE NOT VOTED ON BY THE VOTERS OF
14 THE ENTIRE STATE, NOT LESS THAN 3% OF THE REGISTERED VOTERS WHO ARE
15 ELIGIBLE TO VOTE FOR THE OFFICE FOR WHICH THE NOMINATION BY PETITION IS
16 SOUGHT.

17 (2) THE PETITIONS SHALL BE FILED AS REQUIRED IN TITLE 6 OF THIS
18 ARTICLE.

19 (3) THE NUMBER OF REGISTERED VOTERS REQUIRED TO SATISFY THE
20 REQUIREMENTS OF PARAGRAPH (1) OF THIS SECTION SHALL BE DETERMINED AS OF
21 THE DEADLINE FOR CHANGING PARTY AFFILIATION BEFORE THE PRIMARY
22 ELECTION FOR WHICH THE NOMINATION IS SOUGHT.

23 (F) TIME AND PLACE FOR FILING PETITION SIGNATURES.

24 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A
25 PETITION THAT CONTAINS THE REQUIRED NUMBER OF SIGNATURES SPECIFIED
26 UNDER SUBSECTION (E)(1) OF THIS SECTION SHALL BE FILED WITH THE
27 APPROPRIATE BOARD BY 5 P.M. ON THE FIRST MONDAY IN AUGUST IN THE YEAR IN
28 WHICH THE GENERAL ELECTION IS HELD.

29 (2) IN A SPECIAL ELECTION TO FILL A VACANCY IN THE OFFICE OF
30 REPRESENTATIVE IN CONGRESS, A PETITION THAT CONTAINS THE REQUIRED
31 NUMBER OF SIGNATURES SHALL BE FILED WITH THE STATE BOARD BY 5 P.M. ON THE
32 DAY OF THE SPECIAL PRIMARY ELECTION.

33 5-704. WRITE-IN CANDIDATES.

34 AN INDIVIDUAL WHO SEEKS ELECTION AS A WRITE-IN CANDIDATE SHALL FILE
35 A CERTIFICATE OF CANDIDACY AS REQUIRED UNDER § 5-303 OF THIS TITLE.

36 5-705. CERTIFICATE OF NOMINATION OR ELECTION AFTER PRIMARY ELECTION.

37 (A) IN GENERAL.

1 A CERTIFICATE OF NOMINATION THAT ENTITLES A CANDIDATE FOR PUBLIC
2 OFFICE TO HAVE THE CANDIDATE'S NAME LISTED ON THE GENERAL ELECTION
3 BALLOT AND SUBMITTED TO THE VOTERS AT THE GENERAL ELECTION SHALL BE
4 ISSUED IN ACCORDANCE WITH THIS SECTION.

5 (B) ISSUANCE OF CERTIFICATES OF NOMINATION.

6 (1) THE STATE BOARD SHALL ISSUE A CERTIFICATE OF NOMINATION TO
7 EACH CANDIDATE WHO FILES A CERTIFICATE OF CANDIDACY WITH THE STATE
8 BOARD AND WHO QUALIFIES FOR THE NOMINATION.

9 (2) THE LOCAL BOARD WITH WHICH A CANDIDATE FILES A CERTIFICATE
10 OF CANDIDACY SHALL ISSUE A CERTIFICATE OF NOMINATION TO EACH CANDIDATE
11 WHO QUALIFIES FOR THE NOMINATION.

12 (3) A POLITICAL PARTY MAY HAVE ONLY ONE CANDIDATE AS ITS
13 NOMINEE FOR ANY POSITION TO BE FILLED IN A GENERAL ELECTION.

14 (4) A CERTIFICATE OF NOMINATION MAY NOT CONTAIN THE NAME OF
15 MORE THAN ONE NOMINEE FOR EACH OFFICE TO BE FILLED AT THE ELECTION.

16 (C) ISSUANCE OF CERTIFICATE OF ELECTION.

17 FOLLOWING THE CERTIFICATION OF THE PRIMARY ELECTIONS RETURNS BY
18 THE BOARD RESPONSIBLE FOR THE CERTIFICATION OF THE RESULTS OF THAT
19 ELECTION, THAT BOARD SHALL ISSUE A CERTIFICATE OF ELECTION TO:

20 (1) EACH CANDIDATE FOR DELEGATE TO A NATIONAL PARTY
21 CONVENTION WHO IS CERTIFIED BY THE STATE BOARD TO HAVE BEEN ELECTED IN
22 ACCORDANCE WITH THE PARTY'S RULES; AND

23 (2) EACH CANDIDATE TO A PARTY CENTRAL COMMITTEE WHO IS
24 CERTIFIED BY THE LOCAL BOARD TO HAVE BEEN ELECTED TO THAT POSITION.

25 5-706. CANDIDATE DEFEATED IN PRIMARY ELECTION.

26 (A) SCOPE.

27 THIS SECTION DOES NOT APPLY TO:

28 (1) A CANDIDATE FOR THE OFFICE OF JUDGE OF THE CIRCUIT COURT;

29 (2) A CANDIDATE SELECTED BY A POLITICAL PARTY TO FILL A VACANCY
30 IN NOMINATION UNDER SUBTITLE 9 OR SUBTITLE 10 OF THIS TITLE; OR

31 (3) A CANDIDATE DEFEATED IN A PRESIDENTIAL PREFERENCE
32 PRIMARY.

33 (B) CANDIDACY NOT ALLOWED.

1 THE NAME OF A CANDIDATE WHO IS DEFEATED FOR THE NOMINATION FOR A
2 PUBLIC OFFICE MAY NOT APPEAR ON THE BALLOT AT THE NEXT SUCCEEDING
3 GENERAL ELECTION AS A CANDIDATE FOR ANY OFFICE.

4 SUBTITLE 8. DECLINATION OF NOMINATION.

5 5-801. DECLINATION OF NOMINATION.

6 (A) IN GENERAL.

7 A NOMINEE MAY DECLINE THE NOMINATION BY FILING A CERTIFICATE OF
8 DECLINATION ON THE PRESCRIBED FORM.

9 (B) WHEN AND WHERE FILED.

10 THE CERTIFICATE OF DECLINATION SHALL BE UNDER OATH AND FILED:

11 (1) WITH THE BOARD AT WHICH THE CERTIFICATE OF CANDIDACY WAS
12 FILED; AND

13 (2) (I) IN THE YEAR OF A GUBERNATORIAL ELECTION OR THE YEAR
14 OF AN ELECTION FOR THE MAYOR OF THE CITY OF BALTIMORE, WITHIN 2 DAYS
15 AFTER THE ELECTION RESULTS ARE CERTIFIED; OR

16 (II) IN THE YEAR OF A PRESIDENTIAL ELECTION, BY THE 70TH DAY
17 PRECEDING THE GENERAL ELECTION.

18 (C) EFFECT OF DECLINATION.

19 IF A CERTIFICATE OF DECLINATION IS FILED UNDER THIS SECTION:

20 (1) THE CERTIFICATE OF NOMINATION TO WHICH THE CERTIFICATE OF
21 DECLINATION RELATES IS VOID;

22 (2) A VACANCY IN NOMINATION IS CREATED TO BE FILLED IN
23 ACCORDANCE WITH THE PROVISIONS OF SUBTITLE 10 OF THIS TITLE;

24 (3) THE NAME OF THE INDIVIDUAL WHO DECLINED THE NOMINATION
25 MAY NOT APPEAR ON THE BALLOT UNLESS THE INDIVIDUAL IS SELECTED TO FILL
26 THAT VACANCY; AND

27 (4) THE FILING FEE FOR THE CERTIFICATE OF CANDIDACY OF THAT
28 INDIVIDUAL MAY NOT BE REFUNDED.

29 SUBTITLE 9. VACANCIES IN CANDIDACY OCCURRING BEFORE A PRIMARY
30 ELECTION.

31 5-901. OFFICES OTHER THAN GOVERNOR AND LIEUTENANT GOVERNOR - NO FILED
32 CANDIDATE.

33 (A) IN GENERAL.

1 THIS SECTION DOES NOT APPLY TO VACANCY IN NOMINATION IN THE OFFICE
2 OF A GOVERNOR AND LIEUTENANT GOVERNOR UNIT.

3 (B) SCOPE.

4 THIS SECTION APPLIES TO A VACANCY IN CANDIDACY FOR A PRIMARY
5 ELECTION THAT OCCURS BECAUSE NO CANDIDATE FOR THE POLITICAL PARTY FILES
6 A CERTIFICATE OF CANDIDACY FOR THE ELECTION.

7 (C) HOW FILLED - OFFICES COVERING MORE THAN ONE COUNTY.

8 (1) EXCEPT FOR A VACANCY IN CANDIDACY FOR THE ELECTION OF A
9 MEMBER OF THE SENATE OF MARYLAND OR THE HOUSE OF DELEGATES AS
10 PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE VACANCY IN CANDIDACY
11 FOR A POLITICAL PARTY THAT IS ENTITLED TO HAVE A CANDIDATE ON THE BALLOT
12 FOR AN OFFICE ELECTED BY THE VOTERS OF MORE THAN ONE COUNTY SHALL BE
13 FILLED BY THE STATE CENTRAL COMMITTEE OR GOVERNING BODY OF THAT
14 POLITICAL PARTY.

15 (2) (I) IN A STATE LEGISLATIVE DISTRICT OR A STATE DELEGATE
16 DISTRICT COMPRISING MORE THAN ONE COUNTY, A VACANCY IN CANDIDACY FOR A
17 POLITICAL PARTY THAT IS ENTITLED TO HAVE A CANDIDATE ON THE BALLOT SHALL
18 BE FILLED BY A VOTE OF THE CENTRAL COMMITTEE IN THE COUNTIES IN THE
19 DISTRICT.

20 (II) IN FILLING THE VACANCY IN CANDIDACY UNDER
21 SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE CENTRAL COMMITTEE OF EACH
22 COUNTY WHERE THE VACANCY OCCURS SHALL CAST A VOTE PROPORTIONATE TO ITS
23 SHARE OF THE POPULATION OF THE DISTRICT AS REPORTED IN THE MOST RECENT
24 DECENNIAL CENSUS OF THE UNITED STATES.

25 (III) IF NO PERSON RECEIVES A MAJORITY OF THE VOTES CAST
26 UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, OR IF THERE IS A TIE VOTE BY THE
27 CENTRAL COMMITTEES, THE VACANCY IN CANDIDACY SHALL BE FILLED BY THE
28 STATE CENTRAL COMMITTEE OF THE POLITICAL PARTY.

29 (D) OTHER OFFICES.

30 FOR ANY PUBLIC OR PARTY OFFICE NOT DESCRIBED IN SUBSECTION (C) OF
31 THIS SECTION, A VACANCY IN CANDIDACY UNDER THIS SECTION SHALL BE FILLED
32 BY THE CENTRAL COMMITTEE OF THE POLITICAL PARTY IN THAT COUNTY.

33 (E) CERTIFICATE OF DESIGNATION REQUIRED FROM CENTRAL COMMITTEE.

34 A CENTRAL COMMITTEE AUTHORIZED TO FILL A VACANCY IN CANDIDACY FOR
35 AN OFFICE UNDER THIS SECTION SHALL FILE A CERTIFICATE OF DESIGNATION OF
36 CANDIDACY WITH THE APPROPRIATE BOARD DESIGNATED TO RECEIVE THE
37 CERTIFICATE OF CANDIDACY FOR THAT OFFICE BY THE FIFTH DAY AFTER THE DATE
38 ON WHICH A CANDIDATE MAY WITHDRAW A CERTIFICATE OF CANDIDACY BEFORE
39 THE PRIMARY ELECTION.

1 (F) CERTIFICATES OF CANDIDACY REQUIRED OF NOMINEE TO FILL VACANCY.

2 THE INDIVIDUAL DESIGNATED BY A CENTRAL COMMITTEE UNDER SUBSECTION
3 (E) OF THIS SECTION TO FILL A VACANCY SHALL FILE A CERTIFICATE OF CANDIDACY
4 IN ACCORDANCE WITH SUBTITLE 3 OF THIS TITLE WITH THE APPROPRIATE BOARD
5 BY THE DATE SPECIFIED FOR THE APPLICABLE CENTRAL COMMITTEE TO FILE A
6 CERTIFICATE OF DESIGNATION UNDER SUBSECTION (E) OF THIS SECTION.

7 5-902. GOVERNOR AND LIEUTENANT GOVERNOR - VACANCY IN CANDIDACY BEFORE
8 THE FILING DEADLINE.

9 (A) GENERALLY.

10 IF EITHER OF THE CANDIDATES OF A GOVERNOR AND LIEUTENANT GOVERNOR
11 UNIT DIES, WITHDRAWS THE CANDIDACY, OR BECOMES DISQUALIFIED FOR ANY
12 REASON PRIOR TO THE DEADLINE FOR FILING A CERTIFICATE OF CANDIDACY FOR A
13 PRIMARY ELECTION UNDER § 5-303 OF THIS TITLE, THE REMAINING CANDIDATE
14 MAY:

15 (1) DESIGNATE A SUCCESSOR CANDIDATE WHO SHALL FILE A
16 CERTIFICATE OF CANDIDACY BEFORE THE LATER OF:

17 (I) THE DEADLINE SPECIFIED UNDER § 5-303 OF THIS TITLE; OR

18 (II) THE FIFTH DAY FOLLOWING THE DEATH, WITHDRAWAL, OR
19 DISQUALIFICATION OF THE FORMER CANDIDATE;

20 (2) WITHDRAW UNDER SUBTITLE 5 OF THIS TITLE; OR

21 (3) AFTER WITHDRAWING UNDER PARAGRAPH (2) OF THIS SUBSECTION,
22 FORM A SUCCESSOR UNIT FOR THE CANDIDACY FOR THE OFFICES OF GOVERNOR
23 AND LIEUTENANT GOVERNOR BY FILING A CERTIFICATE OF CANDIDACY BY THE
24 DATE SPECIFIED UNDER SUBSECTION (B) OF THIS SECTION.

25 (B) TIME OF FILING.

26 THE CANDIDATES OF THE SUCCESSOR UNIT FOR GOVERNOR AND LIEUTENANT
27 GOVERNOR FORMED UNDER SUBSECTION (A)(3) OF THIS SECTION EACH SHALL FILE
28 A CERTIFICATE OF CANDIDACY AS A SUCCESSOR UNIT BEFORE THE LATER OF:

29 (1) THE DEADLINE FOR FILING A CERTIFICATE OF CANDIDACY FOR THE
30 PRIMARY ELECTION UNDER § 5-303 OF THIS TITLE; OR

31 (2) THE FIFTH DAY FOLLOWING THE DEATH, WITHDRAWAL, OR
32 DISQUALIFICATION OF THE FORMER CANDIDATE.

33 5-903. LIEUTENANT GOVERNOR - VACANCY IN CANDIDACY OCCURRING AFTER THE
34 FILING DEADLINE.

35 (A) DESIGNATION OF SUCCESSOR CANDIDATE.

1 (1) IF A CANDIDATE FOR LIEUTENANT GOVERNOR DIES, WITHDRAWS
2 THE CANDIDACY, OR BECOMES DISQUALIFIED FOR ANY REASON AFTER THE
3 DEADLINE FOR FILING A CERTIFICATE OF CANDIDACY FOR A PRIMARY ELECTION
4 UNDER § 5-303 OF THIS TITLE, THE REMAINING CANDIDATE FOR GOVERNOR OF THAT
5 UNIT MAY DESIGNATE A SUCCESSOR CANDIDATE FOR LIEUTENANT GOVERNOR.

6 (2) PROVIDED THE SUCCESSOR CANDIDATE FOR LIEUTENANT
7 GOVERNOR FILES A CERTIFICATE OF CANDIDACY IN ACCORDANCE WITH
8 SUBSECTION (B) OF THIS SECTION, THE NAME OF THE SUCCESSOR CANDIDATE FOR
9 LIEUTENANT GOVERNOR SHALL APPEAR ON THE BALLOT.

10 (B) CERTIFICATE OF CANDIDACY REQUIRED.

11 (1) THE SUCCESSOR CANDIDATE FOR LIEUTENANT GOVERNOR
12 DESIGNATED BY THE CANDIDATE FOR GOVERNOR UNDER SUBSECTION (A) OF THIS
13 SECTION SHALL FILE A CERTIFICATE OF CANDIDACY WITH THE STATE BOARD.

14 (2) THE CERTIFICATE OF CANDIDACY SHALL BE FILED:

15 (I) BY THE FIFTH DAY FOLLOWING THE WITHDRAWAL DEADLINE
16 SPECIFIED UNDER § 5-502 OF THIS TITLE, IF THE FORMER LIEUTENANT GOVERNOR
17 CANDIDATE FILES A CERTIFICATE OF WITHDRAWAL;

18 (II) BY THE FIFTH DAY FOLLOWING THE DEATH OR
19 DISQUALIFICATION OF THE FORMER LIEUTENANT GOVERNOR CANDIDATE, IF THAT
20 FORMER CANDIDATE DIES OR IS DISQUALIFIED LESS THAN 45 DAYS BEFORE THE
21 DAY OF THE PRIMARY ELECTION; OR

22 (III) NOT LATER THAN 40 DAYS BEFORE THE DAY OF THE PRIMARY,
23 IF THE FORMER LIEUTENANT GOVERNOR CANDIDATE DIES OR IS DISQUALIFIED 45
24 DAYS OR MORE BEFORE THE DAY OF THE PRIMARY ELECTION.

25 (3) A CERTIFICATE OF CANDIDACY FOR A SUCCESSOR CANDIDATE FOR
26 LIEUTENANT GOVERNOR UNDER SUBSECTION (B)(2)(II) OF THIS SECTION MAY NOT
27 BE FILED LESS THAN 10 DAYS BEFORE THE DAY OF THE PRIMARY ELECTION.

28 (C) DEATH OR DISQUALIFICATION OCCURRING LESS THAN 10 DAYS BEFORE
29 THE PRIMARY - EFFECT.

30 IF THE DEATH OR DISQUALIFICATION OF A FORMER LIEUTENANT GOVERNOR
31 CANDIDATE OCCURS LESS THAN 10 DAYS BEFORE THE DAY OF THE PRIMARY
32 ELECTION, THE EXISTING GOVERNOR AND LIEUTENANT GOVERNOR UNIT WHOSE
33 FILING IS COMPLETE:

34 (1) SHALL REMAIN ON THE BALLOT; AND

35 (2) IF NOMINATED, A VACANCY IN THE NOMINATION OF THE
36 CANDIDATE FOR LIEUTENANT GOVERNOR SHALL BE DECLARED AND BE FILLED
37 UNDER § 5-1004(B) OF THIS TITLE AS IF THE DEATH OR DISQUALIFICATION HAD
38 OCCURRED AFTER THE PRIMARY ELECTION.

1 5-904. GOVERNOR - VACANCY IN CANDIDACY AFTER THE FILING DEADLINE WHEN
2 MORE THAN ONE GOVERNOR AND LIEUTENANT GOVERNOR UNIT FILES FOR
3 NOMINATION.

4 (A) SCOPE.

5 THIS SECTION DOES NOT APPLY IF ONLY ONE GOVERNOR AND LIEUTENANT
6 GOVERNOR UNIT FILES A CERTIFICATE OF CANDIDACY FOR THE NOMINATION OF A
7 POLITICAL PARTY FOR THOSE OFFICES IN A PRIMARY ELECTION.

8 (B) IN GENERAL.

9 (1) IF A CANDIDATE FOR GOVERNOR DIES, WITHDRAWS THE
10 CANDIDACY, OR BECOMES DISQUALIFIED FOR ANY REASON AFTER THE DEADLINE
11 FOR FILING A CERTIFICATE OF CANDIDACY FOR A PRIMARY ELECTION UNDER § 5-303
12 OF THIS TITLE, THE REMAINING CANDIDATE FOR LIEUTENANT GOVERNOR OF THAT
13 UNIT MAY:

14 (I) DESIGNATE THE LIEUTENANT GOVERNOR CANDIDATE AS THE
15 SUCCESSOR CANDIDATE FOR GOVERNOR AND APPOINT A SUCCESSOR CANDIDATE
16 FOR LIEUTENANT GOVERNOR; OR

17 (II) DESIGNATE A SUCCESSOR CANDIDATE FOR GOVERNOR.

18 (2) THE NAMES OF ANY GOVERNOR AND LIEUTENANT GOVERNOR
19 CANDIDATE UNIT THAT IS DESIGNATED UNDER PARAGRAPH (1) OF THIS SUBSECTION
20 SHALL BE LISTED JOINTLY ON THE PRIMARY ELECTION BALLOT.

21 (C) CERTIFICATE OF CANDIDACY REQUIRED.

22 (1) THE SUCCESSOR CANDIDATE FOR GOVERNOR DESIGNATED BY THE
23 LIEUTENANT GOVERNOR CANDIDATE UNDER SUBSECTION (B)(1)(II) OF THIS
24 SECTION, OR THE FORMER CANDIDATE FOR LIEUTENANT GOVERNOR WHO
25 SUBSEQUENTLY IS DESIGNATED AS THE CANDIDATE FOR GOVERNOR TOGETHER
26 WITH THE CANDIDATE APPOINTED AS THE SUCCESSOR CANDIDATE FOR
27 LIEUTENANT GOVERNOR UNDER SUBSECTION (B)(1)(I) OF THIS SECTION, EACH
28 SHALL FILE A CERTIFICATE OF CANDIDACY WITH THE STATE BOARD.

29 (2) THE CERTIFICATE OF CANDIDACY SHALL BE FILED:

30 (I) BY THE FIFTH DAY FOLLOWING THE WITHDRAWAL DEADLINE
31 SPECIFIED UNDER § 5-502 OF THIS TITLE, IF THE FORMER CANDIDATE FOR
32 GOVERNOR FILES A CERTIFICATE OF WITHDRAWAL;

33 (II) BY THE FIFTH DAY FOLLOWING THE DAY OF THE DEATH OR
34 DISQUALIFICATION OF THE FORMER CANDIDATE FOR GOVERNOR, IF THAT FORMER
35 CANDIDATE DIES OR IS DISQUALIFIED LESS THAN 45 DAYS BEFORE THE DAY OF THE
36 PRIMARY ELECTION; OR

1 (III) NOT LATER THAN 40 DAYS BEFORE THE DAY OF THE PRIMARY
2 ELECTION, IF THE FORMER CANDIDATE FOR GOVERNOR DIES OR IS DISQUALIFIED 45
3 DAYS OR MORE BEFORE THE DAY OF THE PRIMARY ELECTION.

4 (3) A CERTIFICATE OF CANDIDACY MAY NOT BE FILED UNDER
5 SUBSECTION (C)(2)(II) OF THIS SECTION LESS THAN 10 DAYS BEFORE THE DAY OF THE
6 PRIMARY ELECTION.

7 (D) DEATH OR DISQUALIFICATION OF CANDIDATE FOR GOVERNOR
8 OCCURRING LESS THAN 10 DAYS BEFORE THE PRIMARY ELECTION.

9 IF THE DEATH OR DISQUALIFICATION OF A FORMER CANDIDATE FOR
10 GOVERNOR OCCURS LESS THAN 10 DAYS BEFORE THE DAY OF THE PRIMARY
11 ELECTION, THE EXISTING GOVERNOR AND LIEUTENANT GOVERNOR UNIT WHOSE
12 FILING IS COMPLETE:

13 (1) SHALL REMAIN ON THE BALLOT; AND

14 (2) IF NOMINATED, A VACANCY IN THE OFFICE OF GOVERNOR SHALL BE
15 DECLARED AND FILLED UNDER § 5-1004 OF THIS TITLE AS IF THE DEATH OR
16 DISQUALIFICATION HAD OCCURRED AFTER THE PRIMARY ELECTION.

17 5-905. GOVERNOR AND LIEUTENANT GOVERNOR -- VACANCY IN CANDIDACY AFTER
18 THE FILING DEADLINE WHEN ONLY ONE GOVERNOR AND LIEUTENANT GOVERNOR
19 UNIT FILES FOR NOMINATION.

20 (A) IN GENERAL.

21 IF ONLY A SINGLE GOVERNOR AND LIEUTENANT GOVERNOR UNIT FILES FOR
22 THE NOMINATION OF A POLITICAL PARTY, AND THE CANDIDATE FOR GOVERNOR
23 DIES, WITHDRAWS THE CANDIDACY, OR IS DISQUALIFIED FOR ANY REASON AFTER
24 THE FILING DEADLINE SPECIFIED UNDER § 5-303 OF THIS ARTICLE, THE REMAINING
25 CANDIDATE FOR LIEUTENANT GOVERNOR IS DISQUALIFIED.

26 (B) DESIGNATION OF SUCCESSOR CANDIDATE BY STATE CENTRAL
27 COMMITTEE.

28 (1) IN THE EVENT OF A VACANCY IN NOMINATION UNDER SUBSECTION
29 (A) OF THIS SECTION, THE STATE CENTRAL COMMITTEE OF THE POLITICAL PARTY TO
30 WHICH THE CANDIDATES BELONG SHALL SELECT A SUCCESSOR CANDIDATE FOR
31 GOVERNOR.

32 (2) THE STATE CENTRAL COMMITTEE SHALL MAKE ITS SELECTION BY
33 THE 10TH DAY FOLLOWING THE DEATH, WITHDRAWAL, OR DISQUALIFICATION OF
34 THE GUBERNATORIAL CANDIDATE.

35 (3) THE CANDIDATE DISQUALIFIED FOR THE OFFICE OF LIEUTENANT
36 GOVERNOR UNDER SUBSECTION (A) OF THIS SECTION IS ELIGIBLE TO BE CHOSEN AS
37 THE SUCCESSOR CANDIDATE FOR GOVERNOR.

1 (C) SELECTION OF SUCCESSOR NOMINEE FOR LIEUTENANT GOVERNOR.

2 (1) THE SUCCESSOR CANDIDATE FOR GOVERNOR SELECTED BY THE
3 STATE CENTRAL COMMITTEE UNDER SUBSECTION (B) OF THIS SECTION PROMPTLY
4 SHALL SELECT A SUCCESSOR CANDIDATE FOR LIEUTENANT GOVERNOR.

5 (2) IF THE FORMER CANDIDATE FOR LIEUTENANT GOVERNOR IS NOT
6 SELECTED AS THE SUCCESSOR CANDIDATE FOR GOVERNOR, THAT INDIVIDUAL IS
7 ELIGIBLE TO BE SELECTED AGAIN AS THE CANDIDATE FOR LIEUTENANT GOVERNOR.

8 (D) CERTIFICATES OF DESIGNATION AND CANDIDACY REQUIRED.

9 BY THE DEADLINE DATE SPECIFIED UNDER SUBSECTION (B)(2) OF THIS
10 SECTION FOR THE SELECTION OF THE SUCCESSOR CANDIDATE FOR GOVERNOR BY
11 THE APPROPRIATE STATE CENTRAL COMMITTEE, IN ACCORDANCE WITH SUBTITLE 3
12 OF THIS TITLE:

13 (1) THE STATE CENTRAL COMMITTEE MAKING THE SELECTION SHALL
14 FILE A CERTIFICATE OF DESIGNATION FOR THOSE OFFICES WITH THE STATE BOARD
15 FOR:

16 (I) ITS SUCCESSOR CANDIDATE FOR GOVERNOR; AND

17 (II) THE SUCCESSOR CANDIDATE FOR LIEUTENANT GOVERNOR
18 DESIGNATED UNDER SUBSECTION (C)(1) OF THIS SECTION; AND

19 (2) THE SUCCESSOR CANDIDATES FOR GOVERNOR AND LIEUTENANT
20 GOVERNOR EACH SHALL FILE A CERTIFICATE OF CANDIDACY FOR THOSE OFFICES
21 WITH THE STATE BOARD.

22 SUBTITLE 10. FILLING VACANCIES IN NOMINATION AFTER A PRIMARY ELECTION.

23 5-1001. CERTIFICATE OF NOMINATION TO FILL VACANCIES.

24 (A) LOCAL BOARDS.

25 WHEN A LOCAL BOARD RECEIVES A CERTIFICATE OF DESIGNATION AND A
26 CERTIFICATE OF CANDIDACY TO FILL A VACANCY IN NOMINATION UNDER THIS
27 SUBTITLE, IT SHALL NOTIFY THE STATE BOARD OF THE CHANGE BY THE END OF THE
28 NEXT BUSINESS DAY FOLLOWING THE RECEIPT OF THE CERTIFICATES.

29 (B) STATE BOARD.

30 WHEN THE STATE BOARD IS NOTIFIED BY A LOCAL BOARD OF A CHANGE IN
31 NOMINATION UNDER SUBSECTION (A) OF THIS SECTION OR WHEN A CERTIFICATE OF
32 DESIGNATION AND A CERTIFICATE OF CANDIDACY TO FILL A VACANCY IN
33 NOMINATION IS FILED DIRECTLY WITH THE STATE BOARD UNDER THIS SUBTITLE,
34 THE STATE BOARD SHALL:

1 (1) CERTIFY THE NOMINATION AND SUBSTITUTE INSTEAD, FOR THE
2 NAME OF THE ORIGINAL NOMINEE, THE NAME OF THE INDIVIDUAL WHO HAS BEEN
3 DESIGNATED AND DETERMINED TO BE QUALIFIED TO HAVE THAT INDIVIDUAL'S
4 NAME PLACED ON THE BALLOT AS A SUCCESSOR NOMINEE; AND

5 (2) CERTIFY THE NEW NOMINATION TO THE APPROPRIATE LOCAL
6 BOARDS.

7 (C) STATE BOARD TO NOTIFY LOCAL BOARDS.

8 IF THE STATE BOARD HAS ALREADY ISSUED A CERTIFICATE OF NOMINATION
9 FOR A NOMINEE UNDER THIS SECTION, IT PROMPTLY SHALL CERTIFY TO THE
10 APPROPRIATE LOCAL BOARDS:

11 (1) THE NAME AND RESIDENCE OF THE INDIVIDUAL DESIGNATED BY
12 THE STATE CENTRAL COMMITTEE OF THE POLITICAL PARTY AS THE SUCCESSOR
13 NOMINEE TO FILL THE VACANCY;

14 (2) THE OFFICE FOR WHICH THE SUCCESSOR NOMINEE IS NOMINATED;

15 (3) THE POLITICAL PARTY THE SUCCESSOR NOMINEE REPRESENTS; AND

16 (4) THE NAME OF THE INDIVIDUAL FOR WHOM THE SUCCESSOR
17 NOMINEE IS SUBSTITUTED.

18 (D) PRIOR CERTIFICATE VOID.

19 IF A SUCCESSOR NOMINEE TO FILL A VACANCY IN OFFICE IS CERTIFIED BY THE
20 STATE BOARD UNDER THIS SECTION, THE CERTIFICATE OF NOMINATION FOR THE
21 PRIOR NOMINEE IS VOID.

22 5-1002. STATEWIDE OFFICES.

23 (A) SCOPE.

24 THIS SECTION APPLIES ONLY TO A NOMINEE FOR STATEWIDE OFFICE, EXCEPT
25 FOR A GOVERNOR AND LIEUTENANT GOVERNOR UNIT.

26 (B) FILLED BY STATE CENTRAL COMMITTEE.

27 (1) A VACANCY IN NOMINATION THAT OCCURS BECAUSE A NOMINEE
28 DIES, DECLINES THE NOMINATION, OR IS DISQUALIFIED FOR ANY CAUSE SHALL BE
29 FILLED BY THE STATE CENTRAL COMMITTEE OF THE POLITICAL PARTY TO WHICH
30 THE NOMINEE BELONGS.

31 (2) BY THE LATER OF THE FORTIETH DAY BEFORE THE GENERAL
32 ELECTION OR THE FIFTH DAY FOLLOWING THE DEATH, DECLINATION, OR
33 DISQUALIFICATION OF THE FORMER NOMINEE:

34 (I) THE STATE CENTRAL COMMITTEE SHALL FILE A CERTIFICATE
35 OF DESIGNATION FOR THE NOMINEE WITH THE STATE BOARD; AND

1 (II) THE SUCCESSOR NOMINEE DESIGNATED BY THE STATE
2 CENTRAL COMMITTEE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL FILE A
3 CERTIFICATE OF CANDIDACY WITH THE STATE BOARD.

4 5-1003. SHARED DISTRICT CANDIDATES - MORE THAN ONE COUNTY IN A
5 CONGRESSIONAL OR GENERAL ASSEMBLY DISTRICT.

6 (A) SCOPE.

7 THIS SECTION APPLIES TO A VACANCY IN NOMINATION FOR REPRESENTATIVE
8 IN CONGRESS, STATE SENATOR, OR MEMBER OF THE HOUSE OF DELEGATES, IF THE
9 DISTRICT INCLUDES MORE THAN ONE COUNTY.

10 (B) IN GENERAL - FILLING THE VACANCY.

11 (1) A VACANCY IN NOMINATION UNDER THIS SECTION THAT OCCURS
12 BECAUSE THE NOMINEE DIES, WITHDRAWS THE CANDIDACY, OR IS DISQUALIFIED
13 FOR ANY REASON SHALL BE FILLED BY A VOTE OF THE CENTRAL COMMITTEE OF
14 THE POLITICAL PARTY IN EACH OF THE COUNTIES INCLUDED IN THE DISTRICT OF
15 THAT NOMINEE.

16 (2) THE CENTRAL COMMITTEE OF EACH COUNTY SHALL CAST A VOTE
17 THAT IS PROPORTIONATE TO ITS SHARE OF THE POPULATION IN THAT DISTRICT AS
18 REPORTED IN THE MOST RECENT DECENNIAL CENSUS OF THE UNITED STATES AND
19 PROMPTLY NOTIFY ITS STATE CENTRAL COMMITTEE OF THE RESULTS OF ITS VOTE.

20 (3) (I) IF NO PERSON RECEIVES A MAJORITY OF THE VOTES CAST
21 UNDER PARAGRAPH (2) OF THIS SUBSECTION, OR IF THERE IS A TIE VOTE BY THE
22 CENTRAL COMMITTEES, THE VACANCY IN NOMINATION SHALL BE FILLED BY THE
23 STATE CENTRAL COMMITTEE.

24 (II) IN THE EVENT OF A TIE VOTE, THE NOMINEE SELECTED BY THE
25 STATE CENTRAL COMMITTEE SHALL BE ONE OF THE CANDIDATES INVOLVED IN THE
26 TIE.

27 (4) BY THE LATER OF THE FORTIETH DAY BEFORE THE GENERAL
28 ELECTION OR THE FIFTH DAY FOLLOWING THE DEATH, DECLINATION, OR
29 DISQUALIFICATION OF THE NOMINEE:

30 (I) THE STATE CENTRAL COMMITTEE SHALL FILE A CERTIFICATE
31 OF DESIGNATION FOR THE NOMINEE WITH THE STATE BOARD; AND

32 (II) THE SUCCESSOR NOMINEE DESIGNATED BY THE STATE
33 CENTRAL COMMITTEE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL FILE A
34 CERTIFICATE OF CANDIDACY WITH THE STATE BOARD.

35 5-1004. LOCAL OFFICES AND DISTRICTS ENTIRELY WITHIN ONE COUNTY.

36 (A) IN GENERAL.

1 A VACANCY IN NOMINATION FOR AN OFFICE THAT IS ENTIRELY IN ONE COUNTY
2 SHALL BE FILLED AS PROVIDED IN THIS SECTION.

3 (B) TIME FOR FILLING.

4 IF A NOMINEE FOR AN OFFICE THAT IS ENTIRELY IN ONE COUNTY DIES,
5 DECLINES THE NOMINATION, BECOMES DISQUALIFIED, OR GAINS A TIE VOTE WITH
6 ANOTHER CANDIDATE IN A PRIMARY ELECTION, THE VACANCY IN NOMINATION
7 SHALL BE FILLED BY THE LATER OF:

8 (1) THE FORTIETH DAY BEFORE THE GENERAL ELECTION; OR

9 (2) THE FIFTH DAY FOLLOWING THE DEATH, DECLINATION, OR
10 DISQUALIFICATION OF THE NOMINEE.

11 (C) HOW FILLED.

12 (1) THE VACANCY SHALL BE FILLED BY THE CENTRAL COMMITTEE OF
13 THE SAME POLITICAL PARTY AS THE INDIVIDUAL VACATING THE NOMINATION.

14 (2) IF THE OFFICE IS TO BE VOTED ON BY THE VOTERS OF THE ENTIRE
15 COUNTY, THE VACANCY SHALL BE FILLED BY THE CENTRAL COMMITTEE OF THAT
16 COUNTY.

17 (3) IF THE OFFICE IS VOTED ON ONLY BY THE VOTERS OF ONE
18 LEGISLATIVE DISTRICT AND THE CENTRAL COMMITTEE IS ELECTED BY LEGISLATIVE
19 DISTRICT, THE VACANCY SHALL BE FILLED BY THE MEMBERS OF THE CENTRAL
20 COMMITTEE OF THAT LEGISLATIVE DISTRICT.

21 (4) IF THE OFFICE IS FOR REPRESENTATIVE IN CONGRESS AND IS A
22 DISTRICT THAT IS WHOLLY WITHIN ONE COUNTY, THE VACANCY SHALL BE FILLED
23 BY THE CENTRAL COMMITTEE FOR THAT COUNTY.

24 (5) BY THE DEADLINE PRESCRIBED IN SUBSECTION (B) OF THIS
25 SECTION:

26 (I) THE APPLICABLE CENTRAL COMMITTEE SHALL FILE A
27 CERTIFICATE OF DESIGNATION WITH THE LOCAL BOARD; AND

28 (II) THE SUCCESSOR NOMINEE DESIGNATED BY THE APPLICABLE
29 CENTRAL COMMITTEE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL FILE A
30 CERTIFICATE OF CANDIDACY WITH THE APPLICABLE BOARD.

31 (D) TIE VOTES.

32 IF THE VACANCY RESULTS BECAUSE OF A TIE VOTE BETWEEN TWO OR MORE
33 CANDIDATES, THE NOMINEE SELECTED BY THE CENTRAL COMMITTEE UNDER THIS
34 SECTION SHALL BE ONE OF THOSE CANDIDATES.

1 5-1005. GOVERNOR AND LIEUTENANT GOVERNOR.

2 (A) SCOPE.

3 THIS SECTION APPLIES:

4 (1) TO THE NOMINEES OF A GOVERNOR AND LIEUTENANT GOVERNOR
5 UNIT; AND

6 (2) WHETHER OR NOT A CERTIFICATE OF NOMINATION HAS BEEN
7 ISSUED TO THE NOMINEES BY THE STATE BOARD.

8 (B) LIEUTENANT GOVERNOR - VACANCY IN NOMINATION - DESIGNATION OF
9 SUCCESSOR NOMINEE FOR LIEUTENANT GOVERNOR.

10 (1) IF, AFTER THE PRIMARY ELECTION, A CANDIDATE FOR LIEUTENANT
11 GOVERNOR DIES, DECLINES THE NOMINATION, OR BECOMES DISQUALIFIED, THE
12 REMAINING NOMINEE FOR GOVERNOR OF THAT UNIT MAY DESIGNATE A SUCCESSOR
13 NOMINEE FOR LIEUTENANT GOVERNOR.

14 (2) BY THE FIFTH DAY FOLLOWING THE DAY OF THE DEATH,
15 DECLINATION, OR DISQUALIFICATION OF THE NOMINEE FOR LIEUTENANT
16 GOVERNOR:

17 (I) THE NOMINEE FOR GOVERNOR SHALL DESIGNATE THE
18 SUCCESSOR NOMINEE FOR LIEUTENANT GOVERNOR AND NOTIFY THE STATE
19 CENTRAL COMMITTEE OF THE APPLICABLE POLITICAL PARTY OF THE SELECTION;

20 (II) THE STATE CENTRAL COMMITTEE OF THE POLITICAL PARTY OF
21 THE NOMINEE SHALL FILE A CERTIFICATE OF DESIGNATION WITH THE STATE
22 BOARD; AND

23 (III) THE SUCCESSOR NOMINEE FOR LIEUTENANT GOVERNOR
24 SHALL FILE A CERTIFICATE OF CANDIDACY WITH THE STATE BOARD.

25 (C) GOVERNOR - VACANCY IN NOMINATION - DISQUALIFICATION OF
26 LIEUTENANT GOVERNOR NOMINEE AND SELECTION OF SUCCESSOR NOMINEE FOR
27 GOVERNOR.

28 (1) IF A NOMINEE FOR GOVERNOR DIES, DECLINES THE NOMINATION,
29 OR BECOMES DISQUALIFIED AFTER THE PRIMARY ELECTION, THE REMAINING
30 NOMINEE FOR LIEUTENANT GOVERNOR IS DISQUALIFIED, EXCEPT AS OTHERWISE
31 PROVIDED IN THIS SECTION.

32 (2) (I) THE STATE CENTRAL COMMITTEE OF THE POLITICAL PARTY OF
33 THE NOMINEE FOR LIEUTENANT GOVERNOR DISQUALIFIED UNDER PARAGRAPH (1)
34 OF THIS SUBSECTION SHALL SELECT A SUCCESSOR NOMINEE FOR GOVERNOR.

35 (II) THE DISQUALIFIED NOMINEE FOR LIEUTENANT GOVERNOR IS
36 ELIGIBLE TO BE CHOSEN AS THE NOMINEE FOR GOVERNOR.

1 (3) (I) THE SUCCESSOR NOMINEE FOR GOVERNOR PROMPTLY SHALL
2 SELECT A SUCCESSOR NOMINEE FOR LIEUTENANT GOVERNOR AND NOTIFY THE
3 STATE CENTRAL COMMITTEE OF THE APPLICABLE POLITICAL PARTY OF THE
4 SELECTION.

5 (II) THE DISQUALIFIED NOMINEE FOR LIEUTENANT GOVERNOR IS
6 ELIGIBLE TO BE SELECTED AGAIN AS THE NOMINEE FOR LIEUTENANT GOVERNOR.

7 (4) EXCEPT AS PROVIDED UNDER PARAGRAPH (5) OF THIS SUBSECTION,
8 BY THE FIFTH DAY FOLLOWING THE DEATH, DECLINATION, OR DISQUALIFICATION
9 OF THE FORMER NOMINEE FOR GOVERNOR:

10 (I) THE STATE CENTRAL COMMITTEE SHALL FILE A CERTIFICATE
11 OF DESIGNATION FOR THE SUCCESSOR NOMINEE FOR GOVERNOR AND THE
12 SUCCESSOR NOMINEE FOR LIEUTENANT GOVERNOR WITH THE STATE BOARD; AND

13 (II) EACH OF THE SUCCESSOR NOMINEES SHALL FILE A
14 CERTIFICATE OF CANDIDACY WITH THE STATE BOARD.

15 (5) A STATE CENTRAL COMMITTEE MAY NOT FILE A CERTIFICATE OF
16 DESIGNATION FOR A SUCCESSOR NOMINEE FOR GOVERNOR UNDER THIS
17 SUBSECTION WITHIN 10 DAYS OF THE DAY OF THE GENERAL ELECTION.

18 (6) A GOVERNOR AND LIEUTENANT GOVERNOR UNIT SHALL REMAIN ON
19 THE BALLOT FOR THE GENERAL ELECTION IF:

20 (I) A NOMINEE FOR GOVERNOR DIES, DECLINES THE
21 NOMINATION, OR IS DISQUALIFIED LESS THAN 15 DAYS BEFORE THE GENERAL
22 ELECTION; AND

23 (II) A CERTIFICATE OF DESIGNATION AND CERTIFICATES OF
24 CANDIDACY FOR SUCCESSOR NOMINEES FOR GOVERNOR AND LIEUTENANT
25 GOVERNOR ARE NOT FILED IN ACCORDANCE WITH THIS SECTION.

26 (7) IF A GOVERNOR AND LIEUTENANT GOVERNOR UNIT COMPRISED OF
27 A NOMINEE FOR GOVERNOR WHO HAS DIED, DECLINED THE NOMINATION, OR
28 BECOME DISQUALIFIED REMAINS ON THE BALLOT AS PROVIDED UNDER PARAGRAPH
29 (6) OF THIS SUBSECTION AND IS ELECTED, THE VACANCY RESULTING FROM THE
30 DEATH, DECLINATION, OR DISQUALIFICATION SHALL BE FILLED AS IF IT HAD
31 OCCURRED AFTER THE GENERAL ELECTION IN ACCORDANCE WITH APPLICABLE
32 LAW.

33 SUBTITLE 11. VACANCIES IN CANDIDACY FOR PETITION CANDIDATES.

34 5-1101. GOVERNOR AND LIEUTENANT GOVERNOR UNITS.

35 (A) IN GENERAL.

36 THIS SECTION APPLIES TO PETITION CANDIDATES FOR THE OFFICE OF
37 GOVERNOR AND LIEUTENANT GOVERNOR.

1 (B) VACANCY OCCURRING PRIOR TO THE FILING DEADLINE FOR THE PRIMARY
2 ELECTION.

3 (1) IF EITHER OF THE CANDIDATES OF A GOVERNOR AND LIEUTENANT
4 GOVERNOR UNIT NOMINATED BY PETITION UNDER § 5-703 OF THIS TITLE DIES,
5 WITHDRAWS A CERTIFICATE OF CANDIDACY, OR BECOMES DISQUALIFIED PRIOR TO
6 THE DEADLINE FOR FILING A CERTIFICATE OF CANDIDACY FOR A PRIMARY
7 ELECTION UNDER § 5-303 OF THIS TITLE, THE REMAINING CANDIDATE MAY:

8 (I) SELECT A SUCCESSOR CANDIDATE AND:

9 1. FILE A CERTIFICATE OR DESIGNATION WITH THE STATE
10 BOARD; AND

11 2. HAVE THE INDIVIDUAL DESIGNATED FILE A CERTIFICATE
12 OF CANDIDACY WITH THE STATE BOARD IN ACCORDANCE WITH PARAGRAPH (2) OF
13 THIS SUBSECTION; OR

14 (II) WITHDRAW THE CERTIFICATE OF CANDIDACY AND FORM A
15 NEW UNIT FOR GOVERNOR AND LIEUTENANT GOVERNOR.

16 (2) EACH MEMBER OF THE SUCCESSOR UNIT FOR GOVERNOR AND
17 LIEUTENANT GOVERNOR FORMED UNDER THIS SECTION SHALL FILE A CERTIFICATE
18 OF CANDIDACY BEFORE THE LATER OF:

19 (I) THE DEADLINE SPECIFIED UNDER § 5-303 OF THIS TITLE; OR

20 (II) THE FIFTH DAY FOLLOWING THE DEATH, WITHDRAWAL, OR
21 DISQUALIFICATION OF THE FORMER NOMINEE.

22 (C) VACANCY IN NOMINATION OCCURRING AFTER THE DEADLINE FOR FILING
23 FOR A PRIMARY ELECTION.

24 (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF EITHER OF THE
25 NOMINEES OF A GOVERNOR AND LIEUTENANT GOVERNOR UNIT NOMINATED BY
26 PETITION DIES, WITHDRAWS A CERTIFICATE OF CANDIDACY, OR BECOMES
27 DISQUALIFIED AFTER THE DEADLINE FOR FILING A CERTIFICATE OF CANDIDACY
28 FOR A PRIMARY ELECTION UNDER § 5-303 OF THIS TITLE, THE REMAINING NOMINEE
29 MAY:

30 (I) DESIGNATE ANOTHER NOMINEE AS THE SUCCESSOR NOMINEE
31 FOR THE VACANCY IN NOMINATION; OR

32 (II) ASSUME THE VACANCY IN NOMINATION OF THE PRIOR
33 NOMINEE AND DESIGNATE ANOTHER NOMINEE FOR THE POSITION IN THE UNIT
34 THAT FORMERLY WAS HELD BY THE SUCCESSOR NOMINEE WHO ASSUMED THE
35 VACANCY CREATED BY THE DEATH, WITHDRAWAL, OR DISQUALIFICATION OF THE
36 PRIOR NOMINEE.

1 (2) (I) THE SUCCESSOR NOMINEES OR THE NOMINEE WHO EXERCISES
 2 THE OPTION TO ASSUME A POSITION IN THE GOVERNOR AND LIEUTENANT
 3 GOVERNOR UNIT PREVIOUSLY HELD BY A NOMINEE WHO DIES, WITHDRAWS A
 4 CERTIFICATE OF CANDIDACY, OR BECOMES DISQUALIFIED SHALL FILE WITH THE
 5 STATE BOARD EITHER:

6 1. A CERTIFICATE OF CANDIDACY, IF NO CERTIFICATE WAS
 7 FILED PREVIOUSLY; OR

8 2. A CHANGE OF CANDIDACY, IF THE NOMINEE IS A
 9 CANDIDATE FOR A DIFFERENT OFFICE AS A PART OF THE SUCCESSOR UNIT.

10 (II) THE CERTIFICATE OF CANDIDACY:

11 1. SHALL BE FILED BY THE FIFTH DAY FOLLOWING THE
 12 DEATH, WITHDRAWAL, OR DISQUALIFICATION OF A PRIOR NOMINEE AFTER THE
 13 DEADLINE SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION; AND

14 2. MAY NOT BE FILED WITHIN 10 DAYS OF THE DAY OF THE
 15 GENERAL ELECTION.

16 (D) LATE VACANCY - GOVERNOR AND LIEUTENANT GOVERNOR UNIT TO
 17 REMAIN ON THE BALLOT.

18 IF A NOMINEE FOR GOVERNOR OR LIEUTENANT GOVERNOR SUBJECT TO THIS
 19 SECTION DIES, WITHDRAWS A CERTIFICATE OF CANDIDACY, OR BECOMES
 20 DISQUALIFIED LESS THAN 15 DAYS BEFORE THE DAY OF THE GENERAL ELECTION
 21 AND THE CERTIFICATE OF CANDIDACY REQUIRED BY SUBSECTION (B) OF THIS
 22 SECTION IS NOT FILED WITH THE STATE BOARD, THE UNIT:

23 (1) SHALL REMAIN ON THE BALLOT; AND

24 (2) IF ELECTED, THE VACANCY RESULTING FROM THE DEATH,
 25 DECLINATION, OR DISQUALIFICATION SHALL BE FILLED AS IF IT HAD OCCURRED
 26 AFTER THE GENERAL ELECTION, IN ACCORDANCE WITH THIS ARTICLE OR OTHER
 27 APPLICABLE PROVISIONS OF LAW.

28 (E) CERTIFICATE OF NOMINATION.

29 (1) THE CERTIFICATE FOR NOMINATION BY PETITION FOR A NOMINEE
 30 SUBJECT TO THIS SECTION SHALL BE ISSUED BY THE STATE BOARD UNDER § 5-703
 31 OF THIS TITLE.

32 (2) NO ADDITIONAL PETITIONS ARE REQUIRED IF ONE OF THE
 33 MEMBERS OF THE ORIGINAL GOVERNOR AND LIEUTENANT GOVERNOR UNIT
 34 REMAINS A NOMINEE OF THE SUCCESSOR UNIT.

35 5-1102. CANDIDATES OTHER THAN GOVERNOR AND LIEUTENANT GOVERNOR.

36 (A) IN GENERAL.

1 THIS SECTION APPLIES ONLY TO A PETITION CANDIDATE, OTHER THAN
2 GOVERNOR AND LIEUTENANT GOVERNOR, OF A NONQUALIFIED PARTY THAT DOES
3 NOT NOMINATE ITS CANDIDATES BY PARTY PRIMARY.

4 (B) FILLING A VACANCY IN NOMINATION.

5 A VACANCY IN NOMINATION OF A PETITION CANDIDATE SUBJECT TO THIS
6 SECTION THAT OCCURS BECAUSE THE CANDIDATE DIES, DECLINES THE
7 NOMINATION, OR IS DISQUALIFIED FOR ANY CAUSE SHALL BE FILLED BY THE PARTY
8 GOVERNING BODY OF THE NONQUALIFIED PARTY TO WHICH THE VACATING
9 CANDIDATE BELONGS.

10 (C) FILING OF CERTIFICATES.

11 WITHIN 5 DAYS OF THE DEATH, DECLINATION, OR DISQUALIFICATION OF A
12 PETITION CANDIDATE SUBJECT TO THIS SECTION:

13 (1) THE APPLICABLE PARTY GOVERNING BODY SHALL FILE A
14 CERTIFICATE OF DESIGNATION WITH THE APPROPRIATE BOARD; AND

15 (2) THE SUCCESSOR CANDIDATE SHALL FILE A CERTIFICATE OF
16 CANDIDACY WITH THE APPROPRIATE BOARD.

17 SUBTITLE 12. MISCELLANEOUS PROVISIONS.

18 5-1201. EFFECT OF FAILURE TO DESIGNATE SUCCESSOR CANDIDATE AND FILE
19 CERTIFICATE.

20 (A) GOVERNOR AND LIEUTENANT GOVERNOR CANDIDATES.

21 (1) EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED IN THIS TITLE, IF
22 EITHER NOMINEE OF A GOVERNOR AND LIEUTENANT GOVERNOR UNIT DIES,
23 DECLINES THE NOMINATION, OR IS DISQUALIFIED, THE REMAINING NOMINEE
24 SHALL CEASE TO BE A CANDIDATE IF:

25 (I) A SUCCESSOR NOMINEE IS NOT DESIGNATED OR SELECTED
26 UNDER THIS SUBTITLE; AND

27 (II) THE CERTIFICATE OF DESIGNATION AND CERTIFICATE OF
28 CANDIDACY REQUIRED UNDER THIS SUBTITLE ARE NOT FILED IN A TIMELY
29 MANNER.

30 (2) IF A SUCCESSOR NOMINEE FOR GOVERNOR OR LIEUTENANT
31 GOVERNOR IS NOT DESIGNATED OR SELECTED AS REQUIRED UNDER THIS SUBTITLE,
32 THE NAME OF THE REMAINING NOMINEE MAY NOT APPEAR ON THE BALLOT.

33 (B) CANDIDATES FOR OTHER OFFICES.

34 IF AN INDIVIDUAL DESIGNATED AS A SUCCESSOR NOMINEE FOR AN OFFICE
35 OTHER THAN GOVERNOR OR LIEUTENANT GOVERNOR DOES NOT FILE THE

1 CERTIFICATE OF CANDIDACY REQUIRED UNDER THIS SUBTITLE OR OTHERWISE
2 FAILS TO COMPLY WITH THE REQUIREMENTS OF THIS TITLE, THE NAME OF THAT
3 INDIVIDUAL MAY NOT APPEAR ON THE BALLOT.

4 5-1202. CERTIFICATE OF CANDIDACY AND PAYMENT OF FILING FEE REQUIRED OF
5 SUCCESSOR CANDIDATES.

6 AN INDIVIDUAL SELECTED OR DESIGNATED TO FILL A VACANCY IN CANDIDACY
7 OR NOMINATION UNDER THIS TITLE SHALL:

8 (1) FILE A CERTIFICATE OF CANDIDACY WITH THE APPROPRIATE BOARD
9 IN ACCORDANCE WITH SUBTITLE 3 OF THIS TITLE; AND

10 (2) UNLESS EXEMPTED UNDER THIS TITLE, PAY THE FILING FEE
11 SPECIFIED UNDER § 5-401 OF THIS TITLE.

12 5-1203. QUALIFYING FOR GENERAL ELECTION BALLOT.

13 (A) IN GENERAL.

14 AT EACH GENERAL ELECTION, THE NAMES OF THE FOLLOWING NOMINEES
15 SHALL BE SUBMITTED TO THE VOTERS:

16 (1) EACH CANDIDATE NOMINATED UNDER THIS TITLE WHO HAS
17 SATISFIED THE REQUIREMENTS OF THIS ARTICLE OR OTHER PROVISIONS OF LAW,
18 PROVIDED THE CANDIDATE HAS NOT:

19 (I) DECLINED THE NOMINATION; OR

20 (II) DIED OR BECAME DISQUALIFIED AND THE PROVISIONS OF THIS
21 ARTICLE DO NOT REQUIRE THAT THE NAME OF THE NOMINEE NONETHELESS BE
22 SUBMITTED TO THE VOTERS;

23 (2) EACH NOMINEE WHO HAS QUALIFIED FOR A PRESIDENTIAL
24 ELECTION UNDER TITLE 8, SUBTITLE 5 OF THIS ARTICLE; AND

25 (3) EACH INCUMBENT JUDGE OF THE COURT OF APPEALS OR THE
26 COURT OF SPECIAL APPEALS WHOSE NAME IS REQUIRED TO BE SUBMITTED TO THE
27 VOTERS FOR CONTINUANCE IN OFFICE UNDER ARTICLE IV, § 5A OF THE MARYLAND
28 CONSTITUTION.

29 (B) CERTIFICATION OF NOMINEES TO THE BALLOT.

30 IN ACCORDANCE WITH TITLE 9, SUBTITLE 2 OF THIS ARTICLE, THE STATE
31 BOARD SHALL CERTIFY TO EACH LOCAL BOARD THE NAME OF EACH NOMINEE WHO
32 HAS QUALIFIED FOR THE GENERAL ELECTION BALLOT AS THE NOMINEE'S NAME IS
33 TO APPEAR ON THE BALLOTS IN THAT COUNTY.

34 5-1204. REVISING THE BALLOT.

35 (A) SUFFICIENT TIME.

1 IF A VACANCY IN CANDIDACY IS PROPERLY FILLED AND CERTIFIED TO THE
2 APPROPRIATE BOARD WITHIN THE TIME PRESCRIBED UNDER THIS TITLE AND THE
3 ~~EXECUTIVE DIRECTOR STATE ADMINISTRATOR~~, IN CONSULTATION WITH THE
4 ELECTION DIRECTOR OF THE LOCAL BOARD, DETERMINES THAT THERE IS
5 SUFFICIENT TIME FOR THE LOCAL BOARD TO REPRINT THE BALLOTS WITH THE
6 CORRECT NAMES, THE LOCAL BOARD SHALL REPRINT THE BALLOTS.

7 (B) INSUFFICIENT TIME.

8 IF A VACANCY IN CANDIDACY IS PROPERLY FILLED AND CERTIFIED TO THE
9 APPROPRIATE BOARD WITHIN THE TIME PRESCRIBED UNDER THIS TITLE AND THE
10 VOTING SYSTEM UTILIZES A SEPARATE BALLOT FOR EACH VOTER AND THE
11 ~~EXECUTIVE DIRECTOR STATE ADMINISTRATOR~~ OF THE STATE BOARD, IN
12 CONSULTATION WITH THE ELECTION DIRECTOR OF THE LOCAL BOARD,
13 DETERMINES THAT THERE IS NOT SUFFICIENT TIME FOR THE LOCAL BOARD TO
14 REPRINT THE BALLOTS WITH THE CORRECT NAMES, THE LOCAL BOARD SHALL TAKE
15 APPROPRIATE MEASURES TO NOTIFY THE VOTERS OF:

16 (1) THE CHANGE IN THE BALLOT;

17 (2) THE PROCEDURE TO BE USED BY THE VOTER TO RECORD THE
18 VOTER'S VOTE; AND

19 (3) THE PROCEDURE TO BE USED BY THE LOCAL BOARD TO CONDUCT
20 THE CANVASS.

21 (C) USE OF STICKERS ON VOTING MACHINE.

22 IF A VACANCY IN CANDIDACY IS PROPERLY FILLED AND CERTIFIED TO THE
23 APPROPRIATE BOARD WITHIN THE TIME PRESCRIBED UNDER THIS TITLE AND THE
24 VOTING SYSTEM UTILIZES EITHER A MECHANICAL LEVER MACHINE OR A DIRECT
25 RECORDING ELECTRONIC MACHINE AND THE ~~EXECUTIVE DIRECTOR STATE~~
26 ~~ADMINISTRATOR~~, IN CONSULTATION WITH THE ELECTION DIRECTOR OF THE LOCAL
27 BOARD, DETERMINES THAT THERE IS NOT SUFFICIENT TIME FOR THE LOCAL BOARD
28 TO REPRINT THE BALLOTS WITH THE CORRECT NAMES, THE LOCAL BOARD
29 IMMEDIATELY SHALL:

30 (1) HAVE PRINTED A SUFFICIENT QUANTITY OF STICKERS WITH THE
31 NAME OF THE SUBSTITUTE CANDIDATE FOR THE PRECINCTS IN WHICH THAT
32 CANDIDACY APPEARS ON THE BALLOT; AND

33 (2) DELIVER THE STICKERS TO THE APPROPRIATE LOCAL BOARD
34 PERSONNEL IN THE AFFECTED PRECINCTS, ALONG WITH INSTRUCTIONS FOR
35 AFFIXING THE STICKERS TO THE BALLOT POSTED ON THE MACHINE.

1 SUBTITLE 13. LATE VACANCIES BEFORE THE GENERAL ELECTION.

2 5-1301. APPLICABLE TO OFFICES OTHER THAN GOVERNOR OR LIEUTENANT
3 GOVERNOR.

4 (A) SCOPE.

5 EXCEPT FOR A CANDIDATE OR NOMINEE TO FILL A VACANCY FOR THE OFFICE
6 OF GOVERNOR OR LIEUTENANT GOVERNOR, THIS SUBTITLE APPLIES TO A
7 CANDIDATE OR NOMINEE TO FILL A VACANCY FOR ANY PUBLIC OFFICE SUBJECT TO
8 THIS TITLE.

9 (B) NOT APPLICABLE TO GOVERNOR AND LIEUTENANT GOVERNOR.

10 A NOMINEE TO FILL A VACANCY FOR GOVERNOR OR LIEUTENANT GOVERNOR IS
11 SUBJECT TO THE REQUIREMENTS OF SUBTITLE 10 OF THIS TITLE.

12 5-1302. DEADLINE FOR FILING CERTIFICATE OF DESIGNATION AND CONSEQUENCE
13 OF VACANCY OCCURRING AFTER DEADLINE.

14 (A) DEADLINE.

15 A CERTIFICATE OF DESIGNATION MAY NOT BE FILED LATER THAN 10 DAYS
16 BEFORE THE DAY OF THE GENERAL ELECTION.

17 (B) VACANCY CREATED.

18 IF THE NAME OF A NOMINEE WHO HAS DIED, DECLINED THE NOMINATION, OR
19 BEEN DISQUALIFIED APPEARS ON THE BALLOT AND RECEIVES A NUMBER OF VOTES
20 THAT WOULD HAVE BEEN SUFFICIENT FOR ELECTION IF THE NOMINEE HAD NOT
21 DIED, DECLINED, OR BEEN DISQUALIFIED FOR THE NOMINATION, THE VACANCY
22 THEREBY CREATED SHALL BE:

23 (1) DEEMED TO HAVE OCCURRED AFTER THE DAY OF THE GENERAL
24 ELECTION; AND

25 (2) FILLED IN ACCORDANCE WITH THIS ARTICLE OR OTHER PROVISIONS
26 OF LAW.

27 5-1303. CANVASS AND CERTIFICATION OF VOTES WHEN LATE VACANCY OCCURS.

28 (A) VACANCY AFTER PRIMARY ELECTION.

29 (1) IF A NOMINEE DIES, DECLINES THE NOMINATION, OR IS
30 DISQUALIFIED AFTER THE PRIMARY ELECTION BUT BEFORE A CERTIFICATE OF
31 NOMINATION IS ISSUED BY THE APPROPRIATE BOARD WITH WHICH CANDIDATES
32 FOR THAT OFFICE MUST FILE A CERTIFICATE OF CANDIDACY UNDER § 5-302 OF THIS
33 TITLE, THE CANVASS AND CERTIFICATION OF THE PRIMARY ELECTION RESULTS
34 SHALL PROCEED AS THOUGH THE CANDIDATE HAD NOT DIED, DECLINED THE
35 NOMINATION, OR BEEN DISQUALIFIED.

1 (2) IF, FOLLOWING THE CANVASS AND CERTIFICATION, THE
2 INDIVIDUAL WHO IS CERTIFIED AS THE NOMINEE HAS DIED, DECLINED THE
3 NOMINATION, OR BEEN DISQUALIFIED, A SUCCESSOR NOMINEE MAY BE NAMED IN
4 THE MANNER PROVIDED BY LAW.

5 (B) VACANCY AFTER GENERAL ELECTION.

6 (1) IF A WINNING CANDIDATE DIES, DECLINES THE OFFICE, OR
7 BECOMES DISQUALIFIED AFTER THE GENERAL ELECTION BUT BEFORE THE
8 CERTIFICATION OF THE GENERAL ELECTION RESULTS, THE CANVASS AND
9 CERTIFICATION SHALL PROCEED AS THOUGH THE CANDIDATE HAD NOT DIED,
10 DECLINED THE OFFICE, OR BEEN DISQUALIFIED.

11 (2) IF, FOLLOWING THE CANVASS AND CERTIFICATION OF THE
12 GENERAL ELECTION RESULTS, THE INDIVIDUAL WHO IS DECLARED ELECTED HAS
13 DIED, DECLINED THE OFFICE, OR BEEN DISQUALIFIED, THE OFFICE SHALL BE
14 DECLARED VACANT AND FILLED IN THE MANNER PROVIDED BY LAW.

15 TITLE 6. PETITIONS.

16 SUBTITLE 1. DEFINITIONS AND GENERAL PROVISIONS.

17 6-101. DEFINITIONS.

18 (A) GENERALLY.

19 IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

20 (B) AFFIDAVIT.

21 "AFFIDAVIT" MEANS A STATEMENT EXECUTED UNDER PENALTY OF PERJURY.

22 (C) CHIEF ELECTION OFFICIAL.

23 "CHIEF ELECTION OFFICIAL" MEANS:

24 (1) AS TO THE STATE BOARD, THE ~~EXECUTIVE DIRECTOR~~ STATE
25 ADMINISTRATOR; OR

26 (2) AS TO A LOCAL BOARD, THE ELECTION DIRECTOR.

27 (D) CIRCULATOR.

28 "CIRCULATOR" MEANS AN INDIVIDUAL WHO ATTESTS TO ONE OR MORE
29 SIGNATURES AFFIXED TO A PETITION.

30 (E) ELECTION AUTHORITY.

31 "ELECTION AUTHORITY" MEANS:

32 (1) THE STATE BOARD; OR

1 (2) AS TO A LOCAL PETITION, THE LOCAL BOARD FOR THAT COUNTY.

2 (F) LEGAL AUTHORITY.

3 "LEGAL AUTHORITY" MEANS:

4 (1) THE ATTORNEY GENERAL; OR

5 (2) AS TO A LOCAL PETITION, THE COUNTY ATTORNEY OR LAW
6 DEPARTMENT FOR THAT COUNTY.

7 (G) LOCAL PETITION.

8 "LOCAL PETITION" MEANS A PETITION:

9 (1) ON WHICH THE SIGNATURES FROM ONLY ONE COUNTY MAY BE
10 COUNTED; AND

11 (2) THAT DOES NOT SEEK TO:

12 (I) REFER A PUBLIC GENERAL LAW ENACTED BY THE GENERAL
13 ASSEMBLY; OR

14 (II) NOMINATE AN INDIVIDUAL FOR AN OFFICE FOR WHICH A
15 CERTIFICATE OF CANDIDACY IS REQUIRED TO BE FILED WITH THE STATE BOARD.

16 (H) PAGE.

17 "PAGE" MEANS A PIECE OF PAPER COMPRISING A PART OF A PETITION.

18 (I) PETITION.

19 "PETITION" MEANS ALL OF THE ASSOCIATED PAGES NECESSARY TO FULFILL
20 THE REQUIREMENTS OF A PROCESS ESTABLISHED BY THE LAW BY WHICH
21 INDIVIDUALS AFFIX THEIR SIGNATURES AS EVIDENCE OF SUPPORT FOR:

22 (1) PLACING THE NAME OF AN INDIVIDUAL, THE NAMES OF
23 INDIVIDUALS, OR A QUESTION ON THE BALLOT AT ANY ELECTION;

24 (2) THE CREATION OF A NEW POLITICAL PARTY; OR

25 (3) THE APPOINTMENT OF A CHARTER BOARD UNDER ARTICLE XI-A, § 1A
26 OF THE MARYLAND CONSTITUTION.

27 (J) SPONSOR.

28 "SPONSOR" MEANS THE PERSON WHO COORDINATES THE COLLECTION OF
29 SIGNATURES FOR A PETITION AND WHO, IF THE PETITION IS FILED, IS NAMED ON
30 THE INFORMATION PAGE AS REQUIRED BY § 6-201 OF THIS TITLE.

1 6-102. APPLICABILITY.

2 (A) GENERALLY.

3 EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THIS TITLE
4 APPLIES TO ANY PETITION AUTHORIZED BY LAW TO PLACE THE NAME OF AN
5 INDIVIDUAL OR A QUESTION ON THE BALLOT OR TO CREATE A NEW POLITICAL
6 PARTY.

7 (B) NOT APPLICABLE TO MUNICIPAL PETITIONS.

8 THIS TITLE DOES NOT APPLY TO A PETITION FILED PURSUANT TO ARTICLE 23A
9 OF THE CODE.

10 (C) TITLE CONSTRUED CONSISTENT WITH MARYLAND CONSTITUTION.

11 THIS TITLE MAY NOT BE INTERPRETED TO CONFLICT WITH ANY PROVISION
12 RELATING TO PETITIONS SPECIFIED IN THE MARYLAND CONSTITUTION.

13 6-103. REGULATIONS; GUIDELINES; FORMS.

14 (A) REGULATIONS.

15 (1) THE STATE BOARD SHALL ADOPT REGULATIONS, CONSISTENT WITH
16 THIS TITLE, TO CARRY OUT THE PROVISIONS OF THIS TITLE.

17 (2) THE REGULATIONS SHALL:

18 (I) PRESCRIBE THE FORM AND CONTENT OF PETITIONS;

19 (II) SPECIFY PROCEDURES FOR THE CIRCULATION OF PETITIONS
20 FOR SIGNATURES;

21 (III) SPECIFY PROCEDURES FOR THE VERIFICATION AND COUNTING
22 OF SIGNATURES; AND

23 (IV) PROVIDE ANY OTHER PROCEDURAL OR TECHNICAL
24 REQUIREMENTS THAT THE STATE BOARD CONSIDERS APPROPRIATE.

25 (B) GUIDELINES, INSTRUCTIONS, AND FORMS.

26 (1) THE STATE BOARD SHALL:

27 (I) PREPARE GUIDELINES AND INSTRUCTIONS RELATING TO THE
28 PETITION PROCESS; AND

29 (II) DESIGN AND ARRANGE TO HAVE PRINTED SAMPLE FORMS
30 CONFORMING TO THIS SUBTITLE FOR EACH PURPOSE FOR WHICH A PETITION IS
31 AUTHORIZED BY LAW.

1 (2) THE GUIDELINES, INSTRUCTIONS, AND FORMS SHALL BE PROVIDED
2 TO THE PUBLIC, ON REQUEST, WITHOUT CHARGE.

3 SUBTITLE 2. CONTENT AND PROCESS OF PETITIONS.

4 6-201. CONTENT OF PETITIONS.

5 (A) GENERALLY.

6 A PETITION SHALL CONTAIN:

7 (1) AN INFORMATION PAGE; AND

8 (2) SIGNATURE PAGES CONTAINING NOT LESS THAN THE TOTAL
9 NUMBER OF SIGNATURES REQUIRED BY LAW TO BE FILED.

10 (B) INFORMATION PAGE.

11 THE INFORMATION PAGE SHALL CONTAIN:

12 (1) A DESCRIPTION OF THE SUBJECT AND PURPOSE OF THE PETITION,
13 CONFORMING TO THE REQUIREMENTS OF REGULATIONS;

14 (2) IDENTIFICATION OF THE SPONSOR AND, IF THE SPONSOR IS AN
15 ORGANIZATION, OF THE INDIVIDUAL DESIGNATED TO RECEIVE NOTICES UNDER
16 THIS SUBTITLE;

17 (3) THE REQUIRED INFORMATION RELATING TO THE SIGNATURES
18 CONTAINED IN THE PETITION;

19 (4) THE REQUIRED AFFIDAVIT MADE AND EXECUTED BY THE SPONSOR
20 OR, IF THE SPONSOR IS AN ORGANIZATION, BY AN INDIVIDUAL RESPONSIBLE TO AND
21 DESIGNATED BY THE ORGANIZATION; AND

22 (5) ANY OTHER INFORMATION REQUIRED BY REGULATION.

23 (C) SIGNATURE PAGE.

24 EACH SIGNATURE PAGE SHALL CONTAIN:

25 (1) A DESCRIPTION OF THE SUBJECT AND PURPOSE OF THE PETITION,
26 CONFORMING TO THE REQUIREMENTS OF REGULATIONS;

27 (2) IF THE PETITION SEEKS TO PLACE A QUESTION ON THE BALLOT,
28 EITHER:

29 (I) A FAIR AND ACCURATE SUMMARY OF THE SUBSTANTIVE
30 PROVISIONS OF THE PROPOSAL; OR

31 (II) THE FULL TEXT OF THE PROPOSAL;

1 (3) A STATEMENT, TO WHICH EACH SIGNER SUBSCRIBES, THAT:

2 (I) THE SIGNER SUPPORTS THE PURPOSE OF THAT PETITION
3 PROCESS; AND

4 (II) BASED ON THE SIGNER'S INFORMATION AND BELIEF, THE
5 SIGNER IS A REGISTERED VOTER IN THE COUNTY SPECIFIED ON THE PAGE AND IS
6 ELIGIBLE TO HAVE HIS OR HER SIGNATURE COUNTED;

7 (4) SPACES FOR SIGNATURES AND THE REQUIRED INFORMATION
8 RELATING TO THE SIGNERS;

9 (5) A SPACE FOR THE NAME OF THE COUNTY IN WHICH EACH OF THE
10 SIGNERS OF THAT PAGE IS A REGISTERED VOTER;

11 (6) A SPACE FOR THE REQUIRED AFFIDAVIT MADE AND EXECUTED BY
12 THE CIRCULATOR; AND

13 (7) ANY OTHER INFORMATION REQUIRED BY REGULATION.

14 (D) PETITION RELATING TO QUESTIONS.

15 IF THE PETITION SEEKS TO PLACE A QUESTION ON THE BALLOT AND THE
16 SPONSOR ELECTS TO PRINT A SUMMARY OF THE PROPOSAL ON EACH SIGNATURE
17 PAGE AS PROVIDED IN SUBSECTION (C)(2)(I) OF THIS SECTION:

18 (1) THE CIRCULATOR SHALL HAVE THE FULL TEXT OF THE PROPOSAL
19 PRESENT AT THE TIME AND PLACE THAT EACH SIGNATURE IS AFFIXED TO THE PAGE;
20 AND

21 (2) THE SIGNATURE PAGE SHALL STATE THAT THE FULL TEXT IS
22 AVAILABLE FROM THE CIRCULATOR.

23 (E) SIGNATURE PAGE TO MEET REQUIREMENTS AT ALL TIMES.

24 A SIGNATURE PAGE SHALL SATISFY THE REQUIREMENTS OF SUBSECTIONS (C)
25 AND (D)(2) OF THIS SECTION BEFORE ANY SIGNATURE IS AFFIXED TO IT AND AT ALL
26 RELEVANT TIMES THEREAFTER.

27 6-202. ADVANCE DETERMINATIONS.

28 (A) GENERALLY.

29 THE FORMAT OF THE PETITION PREPARED BY A SPONSOR MAY BE SUBMITTED
30 TO THE CHIEF ELECTION OFFICIAL OF THE APPROPRIATE ELECTION AUTHORITY, IN
31 ADVANCE OF FILING THE PETITION, FOR A DETERMINATION OF ITS SUFFICIENCY.

32 (B) ADVICE OF LEGAL AUTHORITY.

33 IN MAKING THE DETERMINATION, THE CHIEF ELECTION OFFICIAL MAY SEEK
34 THE ADVICE OF THE LEGAL AUTHORITY.

1 6-203. SIGNERS; INFORMATION PROVIDED BY SIGNERS.

2 (A) GENERALLY.

3 TO SIGN A PETITION, AN INDIVIDUAL SHALL:

4 (1) SIGN THE INDIVIDUAL'S NAME AS IT APPEARS ON THE
5 REGISTRATION LIST OR THE INDIVIDUAL'S SURNAME OF REGISTRATION AND AT
6 LEAST ONE FULL GIVEN NAME AND THE INITIALS OF ANY OTHER NAMES; AND

7 (2) INCLUDE THE FOLLOWING INFORMATION, PRINTED OR TYPED, IN
8 THE SPACES PROVIDED:

9 (I) THE SIGNER'S NAME AS IT WAS SIGNED;

10 (II) THE SIGNER'S ADDRESS;

11 (III) THE DATE OF SIGNING; AND

12 (IV) OTHER INFORMATION REQUIRED BY REGULATIONS ADOPTED
13 BY THE STATE BOARD.

14 (B) VALIDATION AND COUNTING.

15 THE SIGNATURE OF AN INDIVIDUAL SHALL BE VALIDATED AND COUNTED IF:

16 (1) THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION HAVE
17 BEEN SATISFIED;

18 (2) THE INDIVIDUAL IS A REGISTERED VOTER IN THE COUNTY
19 SPECIFIED ON THE SIGNATURE PAGE AND, IF APPLICABLE, IN A PARTICULAR
20 GEOGRAPHIC AREA OF THE COUNTY;

21 (3) THE INDIVIDUAL HAS NOT PREVIOUSLY SIGNED THE SAME
22 PETITION;

23 (4) THE SIGNATURE IS ATTESTED BY AN AFFIDAVIT APPEARING ON THE
24 PAGE ON WHICH THE SIGNATURE APPEARS;

25 (5) THE DATE ACCOMPANYING THE SIGNATURE IS NOT LATER THAN
26 THE DATE OF THE AFFIDAVIT ON THE PAGE; AND

27 (6) IF APPLICABLE, THE SIGNATURE WAS AFFIXED WITHIN THE
28 REQUISITE PERIOD OF TIME, AS SPECIFIED BY LAW.

29 (C) REMOVAL OF SIGNATURE.

30 (1) A SIGNATURE MAY BE REMOVED:

31 (I) BY THE SIGNER UPON WRITTEN APPLICATION TO THE
32 ELECTION AUTHORITY WITH WHICH THE PETITION WILL BE FILED IF THE

1 APPLICATION IS RECEIVED BY THE ELECTION AUTHORITY PRIOR TO THE FILING OF
2 THAT SIGNATURE; OR

3 (II) PRIOR TO THE FILING OF THAT SIGNATURE, BY THE
4 CIRCULATOR WHO ATTESTED TO THAT SIGNATURE OR BY THE SPONSOR OF THE
5 PETITION, IF IT IS CONCLUDED THAT THE SIGNATURE DOES NOT SATISFY THE
6 REQUIREMENTS OF THIS TITLE.

7 (2) A SIGNATURE REMOVED PURSUANT TO PARAGRAPH (1)(II) OF THIS
8 SUBSECTION MAY NOT BE INCLUDED IN THE NUMBER OF SIGNATURES STATED ON
9 THE INFORMATION PAGE INCLUDED IN THE PETITION.

10 6-204. CIRCULATORS; AFFIDAVIT OF THE CIRCULATOR.

11 (A) GENERALLY.

12 EACH SIGNATURE PAGE SHALL CONTAIN AN AFFIDAVIT MADE AND EXECUTED
13 BY THE INDIVIDUAL IN WHOSE PRESENCE ALL OF THE SIGNATURES ON THAT PAGE
14 WERE AFFIXED AND WHO OBSERVED EACH OF THOSE SIGNATURES BEING AFFIXED.

15 (B) REQUIREMENTS.

16 THE AFFIDAVIT SHALL CONTAIN THE STATEMENTS, REQUIRED BY
17 REGULATION, DESIGNED TO ASSURE THE VALIDITY OF THE SIGNATURES AND THE
18 FAIRNESS OF THE PETITION PROCESS.

19 (C) AGE OF CIRCULATOR.

20 A CIRCULATOR MUST BE AT LEAST 18 YEARS OLD AT THE TIME ANY OF THE
21 SIGNATURES COVERED BY THE AFFIDAVIT ARE AFFIXED.

22 6-205. FILING OF PETITIONS.

23 (A) GENERALLY.

24 (1) UNLESS OTHERWISE REQUIRED BY THE MARYLAND CONSTITUTION,
25 A PETITION SHALL BE FILED, IN PERSON BY OR ON BEHALF OF THE SPONSOR, IN THE
26 OFFICE OF THE APPROPRIATE ELECTION AUTHORITY.

27 (2) IF THE MARYLAND CONSTITUTION PROVIDES THAT A PETITION
28 SHALL BE FILED WITH THE SECRETARY OF STATE, THE SECRETARY OF STATE SHALL
29 DELIVER THE PETITION TO THE STATE BOARD WITHIN 24 HOURS.

30 (3) IF THE MARYLAND CONSTITUTION PROVIDES THAT A PETITION
31 SHALL BE FILED WITH AN OFFICIAL OR GOVERNMENTAL BODY OF A COUNTY, THE
32 OFFICIAL OR GOVERNMENTAL BODY, AFTER DETERMINING THAT THE PETITION IS IN
33 CONFORMANCE WITH THE REQUIREMENTS OF LAW, SHALL DISPATCH THE PETITION
34 TO THE LOCAL BOARD FOR THAT COUNTY WITHIN 24 HOURS.

1 (4) A PETITION FORWARDED UNDER PARAGRAPH (2) OR (3) OF THIS
2 SUBSECTION SHALL BE PROCESSED UNDER THIS SUBTITLE AS IF IT HAD BEEN FILED
3 WITH THE ELECTION AUTHORITY.

4 (B) REGULATIONS.

5 THE REGULATIONS ADOPTED BY THE STATE BOARD MAY PROVIDE THAT THE
6 SIGNATURE PAGES OF A PETITION REQUIRED TO BE FILED WITH THE STATE BOARD
7 BE DELIVERED BY THE SPONSOR, OR AN INDIVIDUAL AUTHORIZED BY THE SPONSOR,
8 TO THE APPROPRIATE LOCAL BOARD OR BOARDS FOR VERIFICATION AND COUNTING
9 OF SIGNATURES.

10 (C) ACCEPTANCE OF PETITION.

11 A PETITION MAY NOT BE ACCEPTED FOR FILING UNLESS THE INFORMATION
12 PAGE INDICATES THAT THE PETITION SATISFIES ANY REQUIREMENTS ESTABLISHED
13 BY LAW FOR THE TIME OF FILING AND FOR THE NUMBER AND GEOGRAPHIC
14 DISTRIBUTION OF SIGNATURES.

15 (D) ADDITIONAL SIGNATURES.

16 SUBSEQUENT TO THE FILING OF A PETITION UNDER THIS SUBTITLE, BUT PRIOR
17 TO THE DEADLINE FOR FILING THE PETITION, ADDITIONAL SIGNATURES MAY BE
18 ADDED TO THE PETITION BY FILING AN AMENDED INFORMATION PAGE AND
19 ADDITIONAL SIGNATURE PAGES CONFORMING TO THE REQUIREMENTS OF THIS
20 SUBTITLE.

21 6-206. DETERMINATIONS AT TIME OF FILING.

22 (A) REVIEW BY CHIEF ELECTION OFFICIAL.

23 PROMPTLY UPON THE FILING OF A PETITION WITH AN ELECTION AUTHORITY,
24 THE CHIEF ELECTION OFFICIAL OF THE ELECTION AUTHORITY SHALL REVIEW THE
25 PETITION.

26 (B) DETERMINATIONS.

27 UNLESS A DETERMINATION OF DEFICIENCY IS MADE UNDER SUBSECTION (C)
28 OF THIS SECTION, THE CHIEF ELECTION OFFICIAL SHALL:

29 (1) MAKE A DETERMINATION THAT THE PETITION, AS TO MATTERS
30 OTHER THAN THE VALIDITY OF SIGNATURES, IS SUFFICIENT; OR

31 (2) DEFER A DETERMINATION OF SUFFICIENCY PENDING FURTHER
32 REVIEW.

33 (C) DECLARATION OF DEFICIENCY.

34 THE CHIEF ELECTION OFFICIAL SHALL DECLARE THAT THE PETITION IS
35 DEFICIENT IF THE CHIEF ELECTION OFFICIAL DETERMINES THAT:

1 (1) THE PETITION WAS NOT TIMELY FILED;

2 (2) AFTER PROVIDING THE SPONSOR AN OPPORTUNITY TO CORRECT
3 ANY CLERICAL ERRORS, THE INFORMATION PROVIDED BY THE SPONSOR INDICATES
4 THAT THE PETITION DOES NOT SATISFY ANY REQUIREMENTS OF LAW FOR THE
5 NUMBER OR GEOGRAPHIC DISTRIBUTION OF SIGNATURES;

6 (3) AN EXAMINATION OF UNVERIFIED SIGNATURES INDICATES THAT
7 THE PETITION DOES NOT SATISFY ANY REQUIREMENTS OF LAW FOR THE NUMBER
8 OR GEOGRAPHIC DISTRIBUTION OF SIGNATURES;

9 (4) THE REQUIREMENTS RELATING TO THE FORM OF THE PETITION
10 HAVE NOT BEEN SATISFIED;

11 (5) BASED ON THE ADVICE OF THE LEGAL AUTHORITY:

12 (I) THE USE OF A PETITION FOR THE SUBJECT MATTER OF THE
13 PETITION IS NOT AUTHORIZED BY LAW; OR

14 (II) THE PETITION SEEKS:

15 1. THE ENACTMENT OF A LAW THAT WOULD BE
16 UNCONSTITUTIONAL OR THE ELECTION OR NOMINATION OF AN INDIVIDUAL TO AN
17 OFFICE FOR WHICH THAT INDIVIDUAL IS NOT LEGALLY QUALIFIED TO BE A
18 CANDIDATE; OR

19 2. A RESULT THAT IS OTHERWISE PROHIBITED BY LAW; OR

20 (6) THE PETITION HAS FAILED TO SATISFY SOME OTHER REQUIREMENT
21 ESTABLISHED BY LAW.

22 (D) CONSISTENCY WITH ADVANCE DETERMINATION.

23 A DETERMINATION UNDER THIS SECTION MAY NOT BE INCONSISTENT WITH AN
24 ADVANCE DETERMINATION MADE UNDER § 6-202 OF THIS SUBTITLE.

25 (E) NOTICE.

26 NOTICE OF A DETERMINATION UNDER THIS SECTION SHALL BE PROVIDED IN
27 ACCORDANCE WITH § 6-210 OF THIS SUBTITLE.

28 6-207. VERIFICATION OF SIGNATURES.

29 (A) GENERALLY.

30 UPON THE FILING OF A PETITION, AND UNLESS IT HAS BEEN DECLARED
31 DEFICIENT UNDER § 6-206 OF THIS SUBTITLE, THE STAFF OF THE ELECTION
32 AUTHORITY SHALL PROCEED TO VERIFY THE SIGNATURES AND COUNT THE
33 VALIDATED SIGNATURES CONTAINED IN THE PETITION.

34 (B) STATE BOARD TO ESTABLISH PROCESS.

1 THE STATE BOARD, BY REGULATION, SHALL ESTABLISH THE PROCESS TO BE
2 FOLLOWED BY ALL ELECTION AUTHORITIES FOR VERIFYING AND COUNTING
3 SIGNATURES ON PETITIONS.

4 (C) RANDOM SAMPLE VERIFICATION.

5 (1) THE PROCESS ESTABLISHED UNDER SUBSECTION (B) OF THIS
6 SECTION SHALL PROVIDE FOR OPTIONAL VERIFICATION OF A RANDOM SAMPLE OF
7 SIGNATURES CONTAINED IN A PETITION.

8 (2) VERIFICATION BY RANDOM SAMPLE MAY ONLY BE USED, WITH THE
9 APPROVAL OF THE STATE BOARD:

10 (I) FOR A SINGLE-COUNTY PETITION CONTAINING MORE THAN 500
11 SIGNATURES; OR

12 (II) IN THE CASE OF A MULTICOUNTY PETITION, BY A LOCAL
13 BOARD THAT RECEIVES SIGNATURE PAGES CONTAINING MORE THAN 500
14 SIGNATURES.

15 (3) VERIFICATION UNDER THIS SUBSECTION SHALL REQUIRE THE
16 RANDOM SELECTION AND VERIFICATION OF 500 SIGNATURES OR 5% OF THE TOTAL
17 SIGNATURES ON THE PETITION, WHICHEVER NUMBER IS GREATER, TO DETERMINE
18 WHAT PERCENTAGE OF THE RANDOM SAMPLE IS COMPOSED OF SIGNATURES THAT
19 ARE AUTHORIZED BY LAW TO BE COUNTED. THAT PERCENTAGE SHALL BE APPLIED
20 TO THE TOTAL NUMBER OF SIGNATURES IN THE PETITION TO ESTABLISH THE
21 NUMBER OF VALID SIGNATURES FOR THE PETITION.

22 (4) (I) IF THE RANDOM SAMPLE VERIFICATION ESTABLISHES THAT
23 THE TOTAL NUMBER OF VALID SIGNATURES DOES NOT EQUAL 95% OR MORE OF THE
24 TOTAL NUMBER REQUIRED, THE PETITION SHALL BE DEEMED TO HAVE AN
25 INSUFFICIENT NUMBER OF SIGNATURES.

26 (II) IF THE RANDOM SAMPLE VERIFICATION ESTABLISHES THAT
27 THE TOTAL NUMBER OF VALID SIGNATURES EXCEEDS 105% OF THE TOTAL NUMBER
28 REQUIRED, THE PETITION SHALL BE DEEMED TO HAVE A SUFFICIENT NUMBER OF
29 SIGNATURES.

30 (III) IF THE RANDOM SAMPLE VERIFICATION ESTABLISHES THAT
31 THE TOTAL NUMBER OF VALID SIGNATURES IS AT LEAST 95% BUT NOT MORE THAN
32 105% OF THE TOTAL NUMBER REQUIRED, A VERIFICATION OF ALL THE SIGNATURES
33 IN THE PETITION SHALL BE CONDUCTED.

34 6-208. CERTIFICATION.

35 (A) GENERALLY.

36 AT THE CONCLUSION OF THE VERIFICATION AND COUNTING PROCESSES, THE
37 CHIEF ELECTION OFFICIAL OF THE ELECTION AUTHORITY SHALL:

1 (1) DETERMINE WHETHER THE VALIDATED SIGNATURES CONTAINED IN
2 THE PETITION ARE SUFFICIENT TO SATISFY ALL REQUIREMENTS ESTABLISHED BY
3 LAW RELATING TO THE NUMBER AND GEOGRAPHICAL DISTRIBUTION OF
4 SIGNATURES; AND

5 (2) IF IT HAS NOT DONE SO PREVIOUSLY, DETERMINE WHETHER THE
6 PETITION HAS SATISFIED ALL OTHER REQUIREMENTS ESTABLISHED BY LAW FOR
7 THAT PETITION AND IMMEDIATELY NOTIFY THE SPONSOR OF THAT
8 DETERMINATION, INCLUDING ANY SPECIFIC DEFICIENCIES FOUND.

9 (B) CERTIFICATION.

10 IF THE CHIEF ELECTION OFFICIAL DETERMINES THAT A PETITION HAS
11 SATISFIED ALL REQUIREMENTS ESTABLISHED BY LAW RELATING TO THAT
12 PETITION, THE CHIEF ELECTION OFFICIAL SHALL CERTIFY THAT THE PETITION
13 PROCESS HAS BEEN COMPLETED AND SHALL:

14 (1) WITH RESPECT TO A PETITION SEEKING TO PLACE THE NAME OF AN
15 INDIVIDUAL OR A QUESTION ON THE BALLOT, CERTIFY THAT THE NAME OR
16 QUESTION HAS QUALIFIED TO BE PLACED ON THE BALLOT;

17 (2) WITH RESPECT TO A PETITION SEEKING TO CREATE A NEW
18 POLITICAL PARTY, CERTIFY THE SUFFICIENCY OF THE PETITION TO THE CHAIRMAN
19 OF THE GOVERNING BODY OF THE PARTISAN ORGANIZATION; AND

20 (3) WITH RESPECT TO THE CREATION OF A CHARTER BOARD UNDER
21 ARTICLE XI-A, § 1A OF THE MARYLAND CONSTITUTION, CERTIFY THAT THE PETITION
22 IS SUFFICIENT.

23 (C) NOTICE.

24 NOTICE OF A DETERMINATION UNDER THIS SECTION SHALL BE PROVIDED IN
25 ACCORDANCE WITH § 6-210 OF THIS SUBTITLE.

26 6-209. JUDICIAL REVIEW.

27 (A) GENERALLY.

28 (1) A PERSON AGGRIEVED BY A DETERMINATION MADE UNDER § 6-202, §
29 6-206, OR § 6-208(A)(2) OF THIS SUBTITLE MAY SEEK JUDICIAL REVIEW:

30 (I) IN THE CASE OF A STATEWIDE PETITION, OR A PETITION FOR A
31 CONGRESSIONAL OR GENERAL ASSEMBLY CANDIDACY, IN THE CIRCUIT COURT FOR
32 ANNE ARUNDEL COUNTY; OR

33 (II) AS TO ANY OTHER PETITION, IN THE CIRCUIT COURT FOR THE
34 COUNTY IN WHICH THE PETITION IS FILED.

35 (2) THE COURT MAY GRANT RELIEF AS IT CONSIDERS APPROPRIATE TO
36 ASSURE THE INTEGRITY OF THE ELECTORAL PROCESS.

1 (3) JUDICIAL REVIEW SHALL BE EXPEDITED BY EACH COURT THAT
2 HEARS THE CAUSE TO THE EXTENT NECESSARY IN CONSIDERATION OF THE
3 DEADLINES ESTABLISHED BY LAW.

4 (B) DECLARATION RELIEF.

5 PURSUANT TO THE MARYLAND UNIFORM DECLARATORY JUDGMENTS ACT AND
6 UPON THE COMPLAINT OF ANY REGISTERED VOTER, THE CIRCUIT COURT OF THE
7 COUNTY IN WHICH A PETITION HAS BEEN OR WILL BE FILED MAY GRANT
8 DECLARATORY RELIEF AS TO ANY PETITION WITH RESPECT TO THE PROVISIONS OF
9 THIS TITLE OR OTHER PROVISIONS OF LAW.

10 6-210. SCHEDULE OF PROCESS.

11 (A) REQUEST FOR ADVANCE DETERMINATION.

12 (1) A REQUEST FOR AN ADVANCE DETERMINATION UNDER § 6-202 OF
13 THIS SUBTITLE SHALL BE SUBMITTED AT LEAST 30 DAYS, BUT NOT MORE THAN 2
14 YEARS AND 1 MONTH, PRIOR TO THE DEADLINE FOR THE FILING OF THE PETITION.

15 (2) WITHIN 5 BUSINESS DAYS OF RECEIVING THE REQUEST FOR AN
16 ADVANCE DETERMINATION, THE ELECTION AUTHORITY SHALL MAKE THE
17 DETERMINATION.

18 (B) NOTICE.

19 WITHIN 2 BUSINESS DAYS AFTER AN ADVANCE DETERMINATION UNDER § 6-202
20 OF THIS SUBTITLE, OR A DETERMINATION OF DEFICIENCY UNDER § 6-206 OR § 6-208
21 OF THIS SUBTITLE, THE CHIEF ELECTION OFFICIAL OF THE ELECTION AUTHORITY
22 SHALL NOTIFY THE SPONSOR OF THE DETERMINATION.

23 (C) VERIFICATION AND COUNTING.

24 THE VERIFICATION AND COUNTING OF VALIDATED SIGNATURES ON A
25 PETITION SHALL BE COMPLETED WITHIN 20 DAYS AFTER THE FILING OF THE
26 PETITION.

27 (D) CERTIFICATION.

28 WITHIN 2 BUSINESS DAYS OF THE COMPLETION OF THE VERIFICATION AND
29 COUNTING PROCESSES, OR, IF JUDICIAL REVIEW IS PENDING, WITHIN 2 BUSINESS
30 DAYS AFTER A FINAL JUDICIAL DECISION, THE APPROPRIATE ELECTION OFFICIAL
31 SHALL MAKE THE CERTIFICATIONS REQUIRED BY § 6-208 OF THIS SUBTITLE.

32 (E) JUDICIAL REVIEW.

33 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ANY
34 JUDICIAL REVIEW OF A DETERMINATION, AS PROVIDED IN § 6-209 OF THIS SUBTITLE,
35 SHALL BE SOUGHT BY THE 10TH DAY FOLLOWING THE DETERMINATION TO WHICH IT
36 RELATES.

1 (2) IF THE PETITION SEEKS TO PLACE THE NAME OF AN INDIVIDUAL OR
2 A QUESTION ON THE BALLOT AT ANY ELECTION, JUDICIAL REVIEW SHALL BE
3 SOUGHT BY THE DAY SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION OR THE
4 63RD DAY PRECEDING THAT ELECTION, WHICHEVER DAY IS EARLIER.

5 6-211. PROHIBITED PRACTICES AND PENALTIES.

6 OFFENSES AND PENALTIES RELATING TO THE PETITION PROCESS SHALL BE AS
7 PROVIDED IN TITLE 16 OF THIS ARTICLE.

8 TITLE 7. QUESTIONS.

9 7-101. APPLICABILITY.

10 THIS TITLE APPLIES TO THE FOLLOWING TYPES OF BALLOT QUESTIONS:

11 (1) A QUESTION RELATING TO:

12 (I) THE CREATION OR ADOPTION OF A NEW CONSTITUTION OR THE
13 CALLING OF A CONSTITUTIONAL CONVENTION; OR

14 (II) AN AMENDMENT PURSUANT TO ARTICLE XIV OF THE
15 MARYLAND CONSTITUTION;

16 (2) REFERRAL OF AN ENACTMENT OF THE GENERAL ASSEMBLY
17 PURSUANT TO ARTICLE XVI OF THE MARYLAND CONSTITUTION;

18 (3) A QUESTION PURSUANT TO ARTICLE XI-A OF THE MARYLAND
19 CONSTITUTION RELATING TO:

20 (I) THE CREATION OF A CHARTER HOME RULE COUNTY
21 GOVERNMENT;

22 (II) THE APPROVAL OF A COUNTY CHARTER; OR

23 (III) THE AMENDMENT OF A COUNTY CHARTER;

24 (4) A QUESTION RELATING TO THE CREATION OF A CODE HOME RULE
25 COUNTY GOVERNMENT PURSUANT TO ARTICLE XI-F OF THE MARYLAND
26 CONSTITUTION;

27 (5) A QUESTION RELATING TO THE ALTERATION OF COUNTY
28 BOUNDARIES OR THE CREATION OF A NEW COUNTY PURSUANT TO ARTICLE XIII OF
29 THE MARYLAND CONSTITUTION;

30 (6) A QUESTION REFERRED TO THE VOTERS PURSUANT TO AN
31 ENACTMENT OF THE GENERAL ASSEMBLY;

32 (7) A QUESTION ON AN ENACTMENT OF A CHARTER COUNTY PURSUANT
33 TO ARTICLE 25A, § 8 OF THE CODE OR A CODE COUNTY PURSUANT TO ARTICLE 25B, §
34 10 OF THE CODE;

1 (8) A QUESTION RELATING TO THE INCORPORATION OF A NEW
2 MUNICIPALITY PURSUANT TO ARTICLE 23A, § 21 OF THE CODE;

3 (9) A QUESTION ON THE ISSUANCE OF A BOND PURSUANT TO § 9-934 OF
4 THE ENVIRONMENT ARTICLE; AND

5 (10) ANY OTHER QUESTION THAT WILL BE VOTED ON IN AN ELECTION
6 CONDUCTED PURSUANT TO THIS ARTICLE.

7 DRAFTER'S NOTE: This section is new language added to clarify the
8 applicability of this title. The section creates no substantive change in the
9 law.

10 7-102. QUALIFICATION OF QUESTIONS.

11 (A) CONSTITUTIONAL CONVENTIONS AND AMENDMENTS.

12 (1) A QUESTION RELATING TO THE HOLDING OF A CONSTITUTIONAL
13 CONVENTION QUALIFIES FOR THE BALLOT AUTOMATICALLY EVERY 20 YEARS
14 PURSUANT TO ARTICLE XIV, § 2 OF THE MARYLAND CONSTITUTION.

15 (2) A QUESTION RELATING TO THE ADOPTION OF A NEW OR ALTERED
16 CONSTITUTION QUALIFIES UPON ITS ADOPTION BY A DULY CONSTITUTED
17 CONVENTION PURSUANT TO ARTICLE XIV, § 2 OF THE MARYLAND CONSTITUTION.

18 (3) AN AMENDMENT TO THE CONSTITUTION QUALIFIES UPON ITS
19 PASSAGE BY THE GENERAL ASSEMBLY PURSUANT TO ARTICLE XIV, § 1 OF THE
20 MARYLAND CONSTITUTION.

21 (B) ACT OF THE GENERAL ASSEMBLY.

22 A QUESTION ON AN ACT OF THE GENERAL ASSEMBLY PURSUANT TO ARTICLE
23 XVI OF THE MARYLAND CONSTITUTION QUALIFIES UPON THE CERTIFICATION
24 UNDER TITLE 6 OF THIS ARTICLE, THAT THE PETITION HAS SATISFIED ALL THE
25 REQUIREMENTS ESTABLISHED BY ARTICLE XVI.

26 (C) COUNTY CHARTER; CODE HOME RULE.

27 (1) A QUESTION RELATING TO THE CREATION OF A HOME RULE COUNTY
28 GOVERNMENT QUALIFIES UPON EITHER:

29 (I) A DETERMINATION BY THE APPROPRIATE LOCAL AUTHORITY
30 THAT THE APPLICABLE PETITION HAS SATISFIED ALL THE REQUIREMENTS
31 ESTABLISHED BY LAW RELATING TO THE CREATION OF A CHARTER BOARD; OR

32 (II) THE ADOPTION BY THE GOVERNING BODY OF A COUNTY OF AN
33 ENACTMENT PROPOSING THAT THE COUNTY BECOME A CODE COUNTY.

34 (2) A QUESTION RELATING TO THE APPROVAL OF A COUNTY CHARTER
35 QUALIFIES UPON THE ADOPTION OF A PROPOSED CHARTER BY A CHARTER BOARD

1 PURSUANT TO THE REQUIREMENTS PRESCRIBED BY ARTICLE XI-A OF THE
2 MARYLAND CONSTITUTION.

3 (3) A QUESTION RELATING TO THE AMENDMENT OF A COUNTY
4 CHARTER SHALL QUALIFY EITHER UPON:

5 (I) THE PASSAGE BY THE GOVERNING BODY OF THE COUNTY OF A
6 RESOLUTION PROPOSING THE AMENDMENT; OR

7 (II) A DETERMINATION BY THE GOVERNING BODY OF THE COUNTY
8 THAT A PETITION SUBMITTED HAS SATISFIED ALL THE REQUIREMENTS
9 ESTABLISHED BY LAW RELATING TO PETITIONS INITIATING CHARTER
10 AMENDMENTS.

11 (D) CREATION OF A NEW COUNTY OR ALTERATION OF COUNTY BOUNDARIES.

12 A QUESTION RELATING TO THE CREATION OF A NEW COUNTY OR THE
13 ALTERATION OF COUNTY BOUNDARIES QUALIFIES UPON THE ENACTMENT OF THE
14 IMPLEMENTING PUBLIC GENERAL LAW.

15 (E) QUESTIONS REFERRED BY THE GENERAL ASSEMBLY.

16 A QUESTION REFERRED TO THE VOTERS AS PROVIDED IN AN ENACTMENT OF
17 THE GENERAL ASSEMBLY QUALIFIES UPON THE ENACTMENT OF THE LAW CALLING
18 FOR THE QUESTION.

19 (F) COUNTY ENACTMENTS.

20 (1) A QUESTION ON AN ENACTMENT BY A CHARTER COUNTY QUALIFIES
21 PURSUANT TO LOCAL LAW AND ARTICLE 25A, § 8 OF THE CODE.

22 (2) A QUESTION ON AN ENACTMENT BY A CODE COUNTY QUALIFIES
23 PURSUANT TO LOCAL LAW AND ARTICLE 25B, § 10 OF THE CODE.

24 (G) INCORPORATION OF A NEW MUNICIPAL CORPORATION.

25 A QUESTION RELATING TO THE INCORPORATION OF A NEW MUNICIPAL
26 CORPORATION QUALIFIES UPON THE DETERMINATION BY THE COUNTY GOVERNING
27 BODY THAT THE APPLICABLE PETITION HAS SATISFIED ALL THE REQUIREMENTS
28 ESTABLISHED BY LAW FOR THAT PETITION.

29 (H) BOND.

30 A REFERENDUM ON A QUESTION OF ISSUANCE OF A BOND PURSUANT TO § 9-934
31 OF THE ENVIRONMENT ARTICLE QUALIFIES UPON SUBMISSION OF THE QUESTION
32 TO THE APPROPRIATE LOCAL BOARD.

33 7-103. CERTIFICATION OF QUESTIONS.

34 (A) CERTIFICATION OF LOCAL QUESTIONS; TIME REQUIREMENTS.

1 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE
2 BOARD OF COUNTY COMMISSIONERS, THE COUNTY COUNCIL, OR THE TREASURER OF
3 BALTIMORE CITY, AS APPROPRIATE, SHALL CERTIFY TO THE LOCAL BOARD, NOT
4 LATER THAN THE THIRD MONDAY IN AUGUST, A QUESTION TO BE SUBMITTED TO
5 THE VOTERS OF ONE COUNTY OR PART OF ONE COUNTY.

6 (2) (I) A QUESTION THAT HAS BEEN REFERRED TO THE VOTERS OF
7 ONE COUNTY OR PART OF ONE COUNTY PURSUANT TO THE REQUIREMENTS OF AN
8 ENACTMENT OF THE GENERAL ASSEMBLY SHALL BE CERTIFIED TO THE
9 APPROPRIATE LOCAL BOARD, NOT LATER THAN THE THIRD MONDAY IN AUGUST, BY
10 THE STATE BOARD.

11 (II) A QUESTION THAT HAS BEEN REFERRED TO THE VOTERS OF
12 ONE COUNTY OR PART OF THAT COUNTY PURSUANT TO A PETITION FILED UNDER
13 ARTICLE XVI OF THE MARYLAND CONSTITUTION SHALL BE CERTIFIED TO THE
14 APPROPRIATE LOCAL BOARD, NOT LATER THAN THE THIRD MONDAY IN AUGUST, BY
15 THE SECRETARY OF STATE.

16 (3) IF THE CERTIFYING AUTHORITY HAS NOT CERTIFIED A QUESTION BY
17 THE THIRD MONDAY IN AUGUST, THE CLERK OF THE CIRCUIT COURT FOR THE
18 COUNTY SHALL CERTIFY THE QUESTION TO THE LOCAL BOARD NOT LATER THAN
19 THE FOURTH MONDAY IN AUGUST.

20 (B) CERTIFICATION BY STATE BOARD.

21 THE STATE BOARD SHALL CERTIFY BALLOT QUESTIONS TO THE LOCAL BOARDS
22 IN ACCORDANCE WITH TITLE 9, SUBTITLE 2 OF THIS ARTICLE.

23 DRAFTER'S NOTE: In subsection (a)(3) of this section, a provision previously
24 applicable only in Howard County has been made statewide.

25 7-104. TEXT OF QUESTIONS.

26 (A) GENERAL GUIDELINES.

27 EACH QUESTION SHALL APPEAR ON THE BALLOT CONTAINING THE
28 FOLLOWING INFORMATION:

29 (1) A QUESTION NUMBER OR LETTER AS DETERMINED UNDER
30 SUBSECTION (C) OF THIS SECTION;

31 (2) A BRIEF DESIGNATION OF THE TYPE OR SOURCE OF THE QUESTION;

32 (3) A BRIEF DESCRIPTIVE TITLE IN BOLDFACE TYPE;

33 (4) A CONDENSED STATEMENT OF THE PURPOSE OF THE QUESTION;

34 AND

35 (5) THE VOTING CHOICES THAT THE VOTER WILL HAVE.

36 (B) DUTY TO PREPARE QUESTION.

1 (1) THE SECRETARY OF STATE SHALL CERTIFY TO THE STATE BOARD
2 THE INFORMATION REQUIRED UNDER SUBSECTION (A) OF THIS SECTION, FOR ALL
3 STATEWIDE BALLOT QUESTIONS AND ALL QUESTIONS RELATING TO AN ENACTMENT
4 OF THE GENERAL ASSEMBLY WHICH IS PETITIONED TO REFERENDUM.

5 (2) EACH QUESTION TO BE VOTED ON IN A SINGLE COUNTY OR PART OF
6 A COUNTY, EXCEPT A QUESTION RELATING TO AN ENACTMENT OF THE GENERAL
7 ASSEMBLY WHICH HAS BEEN PETITIONED TO REFERENDUM, SHALL BE PREPARED
8 AS REQUIRED UNDER SUBSECTION (A) OF THIS SECTION, BY THE COUNTY ATTORNEY
9 OF THE COUNTY UNLESS SOME OTHER PROCESS IS MANDATED BY LAW.

10 (C) NUMBERING OR LETTERING.

11 (1) EACH STATEWIDE QUESTION SHALL BE ASSIGNED A NUMERICAL
12 IDENTIFIER IN THE FOLLOWING ORDER:

13 (I) BY YEARS OF SESSIONS OF THE GENERAL ASSEMBLY AT WHICH
14 ENACTED; AND

15 (II) FOR EACH SUCH SESSION, BY CHAPTER NUMBERS OF THE
16 SESSION LAWS OF THAT SESSION.

17 (2) QUESTIONS CERTIFIED BY THE LOCAL GOVERNING AUTHORITY
18 SHALL BE ASSIGNED AN ALPHABETICAL IDENTIFIER IN AN ORDER ESTABLISHED BY
19 THE LOCAL GOVERNING AUTHORITY, CONSISTENT WITH AND FOLLOWING THE
20 QUESTIONS CERTIFIED BY THE STATE BOARD.

21 DRAFTER'S NOTE: Subsection (a) of this section combines several sections
22 and a new provision to provide a comprehensive listing of the components
23 of the text of a question for placement on the ballot and for publication.
24 The new provision requires a description of the type or source of the
25 question. Currently, SABEL requires inclusion of a description such as
26 "Constitutional Amendment" or "Charter Amendment", but there is no
27 requirement for this in the Code.

28 7-105. PETITIONS RELATING TO QUESTIONS.

29 (A) CHARTER BOARD.

30 A PETITION FOR THE ELECTION OF A CHARTER BOARD MAY NOT BE FILED
31 UNLESS ALL OF THE SIGNATURES ATTACHED TO THE PETITION HAVE BEEN
32 WRITTEN BY THE SIGNERS WITHIN 6 MONTHS OF THE DATE WHEN THE PETITION IS
33 PRESENTED TO THE BOARD.

34 (B) FILING.

35 A PETITION RELATING TO A QUESTION ARISING UNDER ARTICLE XI-A OF THE
36 MARYLAND CONSTITUTION SHALL BE FILED WITH THE APPROPRIATE
37 GOVERNMENTAL BODY OR OFFICER NOT LATER THAN THE SECOND MONDAY IN

1 AUGUST IN THE YEAR OF THE ELECTION AT WHICH THE QUESTION IS TO BE VOTED
2 ON.

3 (C) STATEMENT OF CONTRIBUTIONS AND EXPENDITURES.

4 (1) AT THE TIME OF FILING A PETITION UNDER THE PROVISIONS OF
5 ARTICLE XI-A OR ARTICLE XVI OF THE MARYLAND CONSTITUTION, THE PERSON WHO
6 FILES THE PETITION SHALL ALSO FILE A SIGNED STATEMENT, UNDER PENALTY OF
7 PERJURY, SHOWING THE CONTRIBUTIONS AND EXPENDITURES FOR THE PETITION
8 INCLUDING:

9 (I) THE NAME AND POST OFFICE ADDRESS OF EVERY
10 CONTRIBUTOR TO THE EXPENSE OF THE PETITION;

11 (II) THE AMOUNT CONTRIBUTED BY EACH CONTRIBUTOR; AND

12 (III) THE NAME AND ADDRESS OF EACH PERSON TO WHOM ANY
13 MONEY WAS PAID OR PROMISED FOR PROVIDING A SERVICE RELATED TO THE
14 PETITION.

15 (2) IF THE STATEMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION IS
16 NOT FILED WITH THE PETITION, THE PETITION MAY NOT BE CERTIFIED UNDER §
17 6-208 OF THIS ARTICLE.

18 (3) (I) THE INDIVIDUAL WHO SIGNED THE STATEMENT REQUIRED
19 UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE A PARTY TO ANY
20 PROCEEDING TO TEST THE VALIDITY OF THE PETITION.

21 (II) THE PROCEEDING SHALL BE FILED IN THE COUNTY WHERE
22 THE PERSON OR ASSOCIATION RESIDES OR MAINTAINS ITS PRINCIPAL PLACE OF
23 BUSINESS.

24 7-106. PUBLICATION OF QUESTIONS.

25 (A) GENERALLY.

26 (1) THE SECRETARY OF STATE SHALL PROVIDE FOR THE PUBLICATION
27 OF NOTICE OF A QUESTION SUBMITTED UNDER ARTICLE XIV OR XVI OF THE
28 MARYLAND CONSTITUTION ONCE A WEEK DURING THE ~~2~~ 3 WEEKS IMMEDIATELY
29 PRECEDING THE GENERAL ELECTION AT WHICH A QUESTION WILL APPEAR ON THE
30 BALLOT.

31 (2) FOR PURPOSES OF NEWSPAPER PUBLICATION EACH QUESTION
32 SHALL CONTAIN THE INFORMATION SPECIFIED IN § 7-104(A) OF THIS TITLE AND A
33 BRIEF STATEMENT, PREPARED IN CLEAR AND CONCISE LANGUAGE, DEVOID OF
34 TECHNICAL AND LEGAL TERMS TO THE EXTENT PRACTICABLE, SUMMARIZING THE
35 QUESTION.

36 (3) THE STATEMENT REQUIRED UNDER PARAGRAPH (2) OF THIS
37 SUBSECTION SHALL BE PREPARED BY THE DEPARTMENT OF LEGISLATIVE SERVICES

1 AND APPROVED BY THE ATTORNEY GENERAL FOR EACH STATEWIDE BALLOT
2 QUESTION AND EACH QUESTION RELATING TO AN ENACTMENT OF THE GENERAL
3 ASSEMBLY UNLESS:

4 (I) THE STATEMENT IS CONTAINED IN AN ENACTMENT BY THE
5 GENERAL ASSEMBLY, AND THE ENACTMENT CLEARLY SPECIFIES THAT THE
6 STATEMENT IS TO BE USED ON THE BALLOTS; OR

7 (II) SOME OTHER PROCESS IS MANDATED BY THE MARYLAND
8 CONSTITUTION.

9 (B) PUBLICATION.

10 (1) PUBLICATION OF A STATEWIDE QUESTION SHALL BE IN
11 ACCORDANCE WITH REGULATIONS ADOPTED BY THE STATE BOARD, CONSISTENT
12 WITH THE REQUIREMENTS OF ARTICLE XIV OR XVI OR THE MARYLAND
13 CONSTITUTION.

14 (2) IN THE CASE OF A QUESTION REFERRED BY THE GENERAL
15 ASSEMBLY TO THE VOTERS IN ONLY ONE COUNTY, PUBLICATION SHALL BE IN
16 ACCORDANCE WITH REGULATIONS ADOPTED BY THE STATE BOARD, CONSISTENT
17 WITH THE REQUIREMENTS OF ARTICLE XVI OF THE MARYLAND CONSTITUTION.

18 (C) COST OF PUBLICATION.

19 THE COST OF PUBLISHING NOTICE REQUIRED UNDER ARTICLE XVI OF THE
20 MARYLAND CONSTITUTION SHALL BE PAID AS FOLLOWS:

21 (1) IF THE QUESTION IS SUBMITTED TO THE VOTERS OF THE ENTIRE
22 STATE, BY THE STATE BOARD; AND

23 (2) IF THE QUESTION IS SUBMITTED TO THE VOTERS OF A SINGLE
24 COUNTY, BY THE GOVERNING BODY OF THE COUNTY.

25 (D) POSTING TEXT; FURNISHING COPIES.

26 (1) THE COMPLETE TEXT OF A QUESTION SHALL BE POSTED OR
27 AVAILABLE FOR PUBLIC INSPECTION IN THE OFFICE OF THE STATE BOARD AND
28 EACH APPLICABLE LOCAL BOARD FOR 30 DAYS PRIOR TO THE GENERAL ELECTION.

29 (2) COPIES OF THE COMPLETE TEXT OF ALL STATEWIDE QUESTIONS
30 SHALL BE FURNISHED BY THE STATE BOARD TO THE LOCAL BOARDS IN QUANTITIES
31 AS DETERMINED BY THE STATE BOARD, INCLUDING QUANTITIES SUFFICIENT TO
32 PROVIDE ONE COPY OF EACH FOR POSTING IN EACH POLLING PLACE AND IN EACH
33 LOCAL BOARD OFFICE.

34 (3) AN INDIVIDUAL MAY RECEIVE WITHOUT CHARGE A COPY OF THE
35 COMPLETE TEXT OF ALL CONSTITUTIONAL AMENDMENTS AND QUESTIONS FROM A
36 LOCAL BOARD, EITHER IN PERSON OR BY MAIL.

1 TITLE 8. ELECTIONS.

2 SUBTITLE 1. ELECTIONS GENERALLY.

3 8-101. CONDUCT AND UNIFORMITY OF ELECTIONS.

4 (A) CONDUCT OF ELECTIONS.

5 UNDER THE SUPERVISION OF THE STATE BOARD, AND IN ACCORDANCE WITH
6 REGULATIONS AND PROCEDURES ADOPTED BY THE STATE BOARD, A LOCAL BOARD
7 SHALL CONDUCT ALL ELECTIONS HELD UNDER THIS ARTICLE IN THE COUNTY IN
8 WHICH THE BOARD IS LOCATED.

9 (B) UNIFORMITY OF ELECTIONS.

10 EXCEPT WHERE IT WOULD BE INAPPROPRIATE, OR AS OTHERWISE PROVIDED IN
11 THIS ARTICLE, THE ELECTORAL PROCESS FOR PRIMARY ELECTIONS, GENERAL
12 ELECTIONS, AND SPECIAL ELECTIONS SHALL BE UNIFORM .

13 8-102. NOTICE OF ELECTIONS.

14 (A) METHODS OF NOTICE.

15 EXCEPT AS REQUIRED UNDER SUBSECTIONS (D) AND (F) OF THIS SECTION, A
16 LOCAL BOARD SHALL PROVIDE NOTICE OF EACH ELECTION IN ITS COUNTY TO THE
17 REGISTERED VOTERS OF THE COUNTY BY EITHER:

18 (1) SPECIMEN BALLOT MAILED AT LEAST 1 WEEK BEFORE THE
19 ELECTION; OR

20 (2) PUBLICATION OR DISSEMINATION BY MASS COMMUNICATION
21 DURING THE CALENDAR WEEK PRECEDING THE ELECTION.

22 (B) CONTENT OF NOTICE.

23 THE NOTICE SHALL INCLUDE:

24 (1) THE TIME AND PLACE OF THE ELECTION; AND

25 (2) THE OFFICES, CANDIDATE NAMES, AND QUESTIONS CONTAINED ON
26 THE BALLOT.

27 (C) SPECIMEN BALLOTS.

28 (1) IF A LOCAL BOARD PROVIDES NOTICE BY MAILING SPECIMEN
29 BALLOTS, A SPECIMEN BALLOT SHALL BE MAILED TO ALL REGISTERED VOTERS IN
30 THE COUNTY WHO ARE ELIGIBLE TO VOTE IN THE ELECTION.

31 (2) THE SPECIMEN BALLOT SHALL BE A FACSIMILE OF THE BALLOT
32 THAT THE VOTER IS ENTITLED TO VOTE IN THE ELECTION.

1 (D) SPECIMEN BALLOT FOR GENERAL ELECTION IN PRINCE GEORGE'S
2 COUNTY.

3 (1) IN PRINCE GEORGE'S COUNTY FOR THE GENERAL ELECTION, THE
4 BOARD SHALL:

5 (I) PROVIDE NOTICE BY MAILING SPECIMEN BALLOTS; AND

6 (II) MAIL A SPECIMEN BALLOT TO THE HOUSEHOLD OF EACH
7 REGISTERED VOTER IN THE COUNTY.

8 (2) THE COSTS FOR MAILING SPECIMEN BALLOTS IN PRINCE GEORGE'S
9 COUNTY SHALL BE INCLUDED IN THE COUNTY'S ANNUAL BUDGET APPROPRIATION
10 TO THE LOCAL BOARD.

11 (E) MASS MEDIA PUBLICATION.

12 (1) UNLESS A LOCAL BOARD MAILES A SPECIMEN BALLOT TO ITS
13 REGISTERED VOTERS IN ACCORDANCE WITH SUBSECTION (C) OR (D) OF THIS
14 SECTION, THE LOCAL BOARD SHALL GIVE NOTICE OF THE ELECTION BY NEWSPAPER
15 PUBLICATION OR OTHER MEANS OF MASS COMMUNICATION.

16 (2) THE NOTICE OF ELECTION UNDER THIS SUBSECTION SHALL BE
17 ARRANGED, IF PRACTICABLE, IN THE SAME ORDER AND FORM AS THE BALLOT.

18 (3) (I) IF NEWSPAPER PUBLICATION IS USED IN A COUNTY, THE
19 NOTICE SHALL BE ADVERTISED IN AT LEAST TWO NEWSPAPERS OF GENERAL
20 CIRCULATION THAT ARE PUBLISHED IN THE COUNTY.

21 (II) IN A COUNTY IN WHICH ONLY ONE NEWSPAPER IS PUBLISHED,
22 THE NOTICE SHALL BE PUBLISHED IN THAT NEWSPAPER.

23 (F) SPECIAL PROVISION FOR BALTIMORE CITY.

24 (1) IN THE CITY OF BALTIMORE, THE LOCAL BOARD:

25 (I) SHALL GIVE NOTICE OF AN ELECTION BY ADVERTISEMENT IN
26 EACH DAILY NEWSPAPER PUBLISHED IN THE CITY; AND

27 (II) MAY GIVE NOTICE IN ANY WEEKLY OR SEMIWEEKLY
28 NEWSPAPER THAT HAS A CIRCULATION OF 20,000 OR MORE SUBSCRIBERS.

29 (2) A NEWSPAPER MAY NOT CHARGE THE LOCAL BOARD FOR
30 BALTIMORE CITY A FEE FOR AN ADVERTISEMENT UNDER THIS PARAGRAPH THAT
31 EXCEEDS ITS RATE FOR COMMERCIAL ADVERTISING.

32 8-103. EMERGENCIES.

33 (A) DECLARED STATE OF EMERGENCY.

1 IN THE EVENT OF A STATE OF EMERGENCY, DECLARED BY THE GOVERNOR IN
2 ACCORDANCE WITH THE PROVISIONS OF LAW, THAT INTERFERES WITH THE
3 ELECTORAL PROCESS, THE EMERGENCY PROCLAMATION MAY:

4 (1) PROVIDE FOR THE POSTPONEMENT, UNTIL A SPECIFIC DATE, OF THE
5 ELECTION IN PART OR ALL OF THE STATE;

6 (2) SPECIFY ALTERNATE VOTING LOCATIONS; OR

7 (3) SPECIFY ALTERNATE VOTING SYSTEMS.

8 (B) OTHER EMERGENCY CIRCUMSTANCES.

9 (1) IF EMERGENCY CIRCUMSTANCES, NOT CONSTITUTING A DECLARED
10 STATE OF EMERGENCY, INTERFERE WITH THE ELECTORAL PROCESS, THE STATE
11 BOARD OR A LOCAL BOARD, AFTER CONFERRING WITH THE STATE BOARD, MAY
12 PETITION A CIRCUIT COURT TO TAKE ANY ACTION THE COURT CONSIDERS
13 NECESSARY TO PROVIDE A REMEDY THAT IS IN THE PUBLIC INTEREST AND
14 PROTECTS THE INTEGRITY OF THE ELECTORAL PROCESS.

15 (2) THE STATE BOARD SHALL DEVELOP GUIDELINES CONCERNING
16 METHODS FOR ADDRESSING POSSIBLE EMERGENCY SITUATIONS.

17 DRAFTER'S NOTE: This section is new language added to address the
18 potential problem of a wide range of "emergencies". It is consistent with
19 the Attorney General's guidelines for emergency situations. The
20 Governor's emergency powers are found primarily in Article 16A of the
21 Code.

22 SUBTITLE 2. PRIMARY ELECTIONS.

23 8-201. DATE OF THE PRIMARY.

24 (A) GENERALLY.

25 (1) THERE SHALL BE A STATEWIDE PRIMARY ELECTION IN EVERY
26 EVEN-NUMBERED YEAR.

27 (2) A PRIMARY ELECTION SHALL BE HELD:

28 (I) IN THE YEAR IN WHICH THE GOVERNOR IS ELECTED, ON THE
29 SECOND TUESDAY AFTER THE FIRST MONDAY IN SEPTEMBER; AND

30 (II) IN THE YEAR IN WHICH THE PRESIDENT OF THE UNITED
31 STATES IS ELECTED, ON THE FIRST TUESDAY IN MARCH.

32 (B) BALTIMORE CITY MUNICIPAL PRIMARY.

1 IN BALTIMORE CITY, THERE SHALL BE A PRIMARY ELECTION FOR MUNICIPAL
2 OFFICES ON THE SECOND TUESDAY FOLLOWING THE FIRST MONDAY IN SEPTEMBER
3 IN THE YEAR FOLLOWING THE ELECTION OF THE GOVERNOR.

4 8-202. POLITICAL PARTIES USING THE PRIMARY.

5 (A) GENERALLY.

6 A PRINCIPAL POLITICAL PARTY, AS DETERMINED BY THE STATEMENT OF
7 REGISTRATION ISSUED BY THE STATE BOARD UNDER § 3-509(B) OF THIS ARTICLE:

8 (1) SHALL USE THE PRIMARY ELECTION TO:

9 (I) NOMINATE ITS CANDIDATES FOR PUBLIC OFFICE; AND

10 (II) ELECT ALL MEMBERS OF THE LOCAL CENTRAL COMMITTEES
11 OF THE POLITICAL PARTY; AND

12 (2) MAY USE THE PRIMARY ELECTION IN THE YEAR OF A PRESIDENTIAL
13 ELECTION TO ELECT DELEGATES TO A NATIONAL PRESIDENTIAL NOMINATING
14 CONVENTION.

15 (B) REQUIREMENTS FOR NOMINEES.

16 EXCEPT FOR A NOMINEE FOR PRESIDENT OR VICE PRESIDENT, THE NAME OF A
17 NOMINEE OF A PRINCIPAL POLITICAL PARTY MAY NOT APPEAR ON THE BALLOT IN A
18 GENERAL ELECTION IF THE INDIVIDUAL HAS NOT:

19 (1) BEEN NOMINATED IN THE PRIMARY ELECTION; OR

20 (2) BEEN DESIGNATED TO FILL A VACANCY IN NOMINATION IN
21 ACCORDANCE WITH SUBTITLE 5 OF THIS TITLE.

22 8-203. CERTIFICATION OF CANDIDATES.

23 (A) GENERALLY.

24 EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, IN ACCORDANCE
25 WITH TITLE 9, SUBTITLE 2 OF THIS ARTICLE, THE STATE BOARD SHALL CERTIFY TO
26 THE LOCAL BOARD OF A COUNTY THE NAMES OF CANDIDATES ON THE PRIMARY
27 ELECTION BALLOTS IN THAT COUNTY.

28 (B) NOT APPLICABLE TO SPECIAL PRIMARY ELECTIONS FOR CONGRESS.

29 THIS SECTION DOES NOT APPLY TO A SPECIAL PRIMARY ELECTION FOR THE
30 OFFICE OF REPRESENTATIVE IN CONGRESS.

31 8-204. UNOPPOSED CANDIDATES.

32 IF A CANDIDATE QUALIFIES FOR THE PRIMARY ELECTION BALLOT IN
33 ACCORDANCE WITH § 5-601 OF THIS ARTICLE, AND IS UNOPPOSED FOR THE

1 NOMINATION, THE WORD "UNOPPOSED" SHALL BE PLACED NEXT TO THE
2 CANDIDATE'S NAME.

3 8-205. WRITE-IN VOTES PROHIBITED.

4 A VOTER MAY NOT CAST A WRITE-IN VOTE IN A PRIMARY ELECTION.

5 SUBTITLE 3. GENERAL ELECTIONS.

6 8-301. DATE OF GENERAL ELECTION.

7 (A) GENERALLY.

8 (1) THERE SHALL BE A STATEWIDE GENERAL ELECTION IN EACH EVEN-
9 NUMBERED YEAR.

10 (2) A STATEWIDE GENERAL ELECTION SHALL BE HELD ON THE
11 TUESDAY FOLLOWING THE FIRST MONDAY IN NOVEMBER.

12 (B) BALTIMORE CITY MUNICIPAL ELECTION.

13 IN BALTIMORE CITY, THERE SHALL BE A GENERAL ELECTION FOR MUNICIPAL
14 OFFICES ON THE TUESDAY FOLLOWING THE FIRST MONDAY IN NOVEMBER IN THE
15 YEAR FOLLOWING THE ELECTION OF THE GOVERNOR.

16 SUBTITLE 4. SPECIAL ELECTIONS.

17 8-401. TIME OF SPECIAL ELECTIONS.

18 (A) GENERALLY.

19 A SPECIAL PRIMARY ELECTION AND A SPECIAL GENERAL ELECTION MAY BE
20 HELD AT A TIME OTHER THAN THE DATE OF A REGULAR PRIMARY ELECTION AND A
21 REGULAR GENERAL ELECTION:

22 (1) TO FILL A VACANCY IN THE OFFICE OF REPRESENTATIVE IN
23 CONGRESS; OR

24 (2) TO FILL A VACANCY IN THE COUNTY COUNCIL IF THE CHARTER OF
25 THAT COUNTY PROVIDES FOR SUCH SPECIAL ELECTIONS.

26 (B) TIME OF SPECIAL ELECTION.

27 (1) SPECIAL ELECTIONS TO FILL A VACANCY IN THE OFFICE OF
28 REPRESENTATIVE IN CONGRESS SHALL BE HELD AT THE TIME SPECIFIED IN
29 SUBTITLE 7 OF THIS TITLE.

30 (2) SPECIAL ELECTIONS TO FILL VACANCIES IN A COUNTY COUNCIL
31 SHALL BE HELD AS PROVIDED IN THE COUNTY CHARTER.

32 (C) TIME OF SPECIAL ELECTION - UNITED STATES SENATE.

1 AN ELECTION TO FILL A VACANCY IN THE OFFICE OF UNITED STATES SENATOR
2 SHALL BE HELD CONCURRENTLY WITH A REGULAR ELECTION AS PROVIDED IN
3 SUBTITLE 6 OF THIS TITLE.

4 SUBTITLE 5. PRESIDENTIAL ELECTIONS.

5 8-501. SELECTION OF CONVENTION DELEGATES AND ALTERNATE DELEGATES.

6 (A) PROCESS IN ACCORDANCE WITH PARTY RULES.

7 DELEGATES AND ALTERNATE DELEGATES TO THE NATIONAL PRESIDENTIAL
8 NOMINATING CONVENTION OF A POLITICAL PARTY SHALL BE SELECTED AS
9 PROVIDED IN THE NATIONAL PARTY RULES OF THE PARTY.

10 (B) CERTIFICATION TO STATE BOARD.

11 THE STATE CENTRAL COMMITTEE OF EACH POLITICAL PARTY SHALL CERTIFY
12 TO THE STATE BOARD, NOT LATER THAN JANUARY 1 IN THE YEAR OF THE ELECTION:

13 (1) THE NUMBER OF DELEGATES AND ALTERNATE DELEGATES TO BE
14 SELECTED IN THE STATE AND THE MODE OR MODES OF SELECTION; AND

15 (2) IN THE CASE OF A PRINCIPAL POLITICAL PARTY:

16 (I) IF DELEGATES ARE TO BE ELECTED BY DISTRICT, THE NUMBER
17 OF DELEGATES TO BE ELECTED FROM EACH DISTRICT;

18 (II) PROVISIONS FOR PLACING ON THE BALLOT THE NAME OF A
19 PRESIDENTIAL CANDIDATE, OR THE WORD "UNCOMMITTED", ADJACENT TO THE
20 NAME OF EACH CANDIDATE FOR DELEGATE; AND

21 (III) ANY OTHER PROVISIONS OF THE NATIONAL PARTY RULES OF
22 THE PARTY THAT RELATE TO THE ELECTION OF DELEGATES OR ALTERNATE
23 DELEGATES AT THE PRIMARY ELECTION.

24 DRAFTER'S NOTE: Provisions of the former law relating to the selection
25 process for delegates to the Republican and Democratic national
26 conventions have been eliminated. The parties will provide the necessary
27 information to the State Board under this section, and any changes in a
28 party's process would not need a statutory change.

29 8-502. CANDIDATES FOR PRESIDENT - PRIMARY ELECTION.

30 (A) APPLICABILITY.

31 THIS SECTION APPLIES TO THE PLACEMENT ON THE BALLOT IN THE PRIMARY
32 ELECTION OF THE NAMES OF INDIVIDUALS WHO ARE CANDIDATES FOR NOMINATION
33 BY PRINCIPAL POLITICAL PARTIES TO THE OFFICE OF PRESIDENT OF THE UNITED
34 STATES.

1 (B) PROCEDURE.

2 AN INDIVIDUAL WHO DESIRES TO RUN IN THE PRIMARY ELECTION MAY BE
3 PLACED ON THE BALLOT ONLY:

4 (1) BY DIRECTION OF THE SECRETARY OF STATE IN ACCORDANCE WITH
5 SUBSECTION (C) OF THIS SECTION; OR

6 (2) BY FILING, IN ACCORDANCE WITH SUBSECTION (D) OF THIS
7 SECTION, A PETITION CONTAINING THE SIGNATURES OF AT LEAST 400 REGISTERED
8 VOTERS FROM EACH CONGRESSIONAL DISTRICT IN THE STATE.

9 (C) SELECTION BY SECRETARY OF STATE.

10 (1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
11 PARAGRAPH, THE SECRETARY OF STATE SHALL CERTIFY TO THE STATE BOARD THE
12 NAMES OF CANDIDATES FOR NOMINATION BY A PRINCIPAL POLITICAL PARTY
13 DURING THE PERIOD BEGINNING 90 DAYS BEFORE THE PRIMARY ELECTION AND
14 ENDING 70 DAYS BEFORE THE PRIMARY ELECTION.

15 (II) THE SECRETARY OF STATE SHALL CERTIFY TO THE STATE
16 BOARD THE NAMES OF CANDIDATES FOR THE DEMOCRATIC PARTY NOMINATION ON
17 THE FIRST BUSINESS DAY IN THE YEAR OF THE ELECTION.

18 (2) THE SECRETARY OF STATE SHALL CERTIFY THE NAME OF A
19 PRESIDENTIAL CANDIDATE ON THE BALLOT WHEN THE SECRETARY HAS
20 DETERMINED, IN THE SECRETARY'S SOLE DISCRETION AND CONSISTENT WITH
21 PARTY RULES, THAT THE CANDIDATE'S CANDIDACY IS GENERALLY ADVOCATED OR
22 RECOGNIZED IN THE NEWS MEDIA THROUGHOUT THE UNITED STATES OR IN
23 MARYLAND, UNLESS THE CANDIDATE EXECUTES AND FILES WITH THE SECRETARY
24 OF STATE AN AFFIDAVIT STATING WITHOUT QUALIFICATION THAT HE OR SHE IS NOT
25 AND DOES NOT INTEND TO BECOME A CANDIDATE FOR THE OFFICE IN THE
26 MARYLAND PRIMARY ELECTION.

27 (D) PETITION PROCESS.

28 (1) A CANDIDATE WHO SEEKS TO BE PLACED ON THE BALLOT BY THE
29 PETITION PROCESS SPECIFIED IN SUBSECTION (B)(2) OF THIS SECTION SHALL FILE
30 THE PETITION, IN THE FORM PRESCRIBED BY THE STATE BOARD, AS FOLLOWS:

31 (I) FOR CANDIDATES FOR THE NOMINATION OF THE DEMOCRATIC
32 PARTY, NOT LATER THAN 9 P.M. ON THE DAY THAT IS 1 WEEK LATER THAN THE FIRST
33 BUSINESS DAY OF THE YEAR OF THE ELECTION; AND

34 (II) FOR CANDIDATES FOR THE NOMINATION OF ANY OTHER
35 PRINCIPAL POLITICAL PARTY, AT LEAST 70 DAYS BEFORE THE DAY OF THE ELECTION.

36 (2) A PETITION FILED UNDER THIS SECTION IS NOT SUBJECT TO TITLE 4
37 OR TITLE 5 OF THIS ARTICLE.

1 (E) DEMOCRATIC PRIMARY - PREFERENCE FOR "UNCOMMITTED".

2 THE STATE BOARD SHALL ESTABLISH A PROCEDURE FOR THE DEMOCRATIC
3 PRESIDENTIAL PRIMARY THROUGH WHICH VOTES MAY BE CAST AS UNCOMMITTED
4 TO ANY PRESIDENTIAL CANDIDATE.

5 (F) CERTIFICATION OF CANDIDATES.

6 THE NAMES OF THE CANDIDATES FOR PRESIDENT QUALIFYING UNDER THIS
7 SECTION SHALL BE CERTIFIED TO THE LOCAL BOARDS BY THE STATE BOARD AND
8 SHALL BE PRINTED ON ALL BALLOTS USED FOR THE PRIMARY ELECTION.

9 8-503. PRESIDENTIAL ELECTORS - NOMINATION.

10 (A) NOMINATION IN ACCORDANCE WITH PARTY RULES.

11 EACH POLITICAL PARTY SHALL NOMINATE OR PROVIDE FOR THE NOMINATION
12 OF CANDIDATES FOR PRESIDENTIAL ELECTOR OF THE PARTY IN ACCORDANCE WITH
13 PARTY RULES.

14 (B) NUMBER OF NOMINEES.

15 THE NUMBER OF CANDIDATES NOMINATED BY EACH POLITICAL PARTY SHALL
16 BE THE NUMBER THAT THIS STATE IS ENTITLED TO ELECT.

17 (C) CERTIFICATION TO THE STATE BOARD.

18 (1) THE NAMES OF INDIVIDUALS NOMINATED AS CANDIDATES FOR
19 PRESIDENTIAL ELECTOR BY A POLITICAL PARTY SHALL BE CERTIFIED TO THE STATE
20 BOARD BY THE PRESIDING OFFICERS OF THE POLITICAL PARTY.

21 (2) THE NAMES OF INDIVIDUALS NOMINATED AS CANDIDATES FOR
22 PRESIDENTIAL ELECTOR BY A CANDIDATE FOR PRESIDENT OF THE UNITED STATES
23 WHO IS NOMINATED BY PETITION SHALL BE CERTIFIED TO THE STATE BOARD BY
24 THE CANDIDATE ON A FORM PRESCRIBED BY THE STATE BOARD.

25 8-504. PRESIDENTIAL ELECTORS - ELECTION.

26 (A) GENERALLY.

27 AT THE GENERAL ELECTION FOR PRESIDENT AND VICE PRESIDENT OF THE
28 UNITED STATES THERE SHALL BE ELECTED, IN ACCORDANCE WITH SUBSECTION (B)
29 OF THIS SECTION, THE NUMBER OF PRESIDENTIAL ELECTORS TO WHICH THIS STATE
30 IS ENTITLED. PRESIDENTIAL ELECTORS SHALL BE ELECTED AT LARGE BY THE
31 VOTERS OF THE ENTIRE STATE.

32 (B) NAMES OF ELECTORS NOT ON BALLOT.

33 THE NAMES OF THE CANDIDATES FOR THE OFFICE OF PRESIDENTIAL ELECTOR
34 MAY NOT BE PRINTED ON THE BALLOT. A VOTE FOR THE CANDIDATES FOR
35 PRESIDENT AND VICE PRESIDENT OF A POLITICAL PARTY SHALL BE DEEMED TO BE

1 AND COUNTED AS A VOTE FOR EACH OF THE PRESIDENTIAL ELECTORS OF THE
2 POLITICAL PARTY NOMINATED IN ACCORDANCE WITH § 8-503 OF THIS SUBTITLE.

3 8-505. PRESIDENTIAL ELECTORS - MEETING.

4 (A) TIME AND PLACE.

5 THE INDIVIDUALS ELECTED TO THE OFFICE OF PRESIDENTIAL ELECTOR SHALL
6 MEET IN THE STATE HOUSE IN THE CITY OF ANNAPOLIS ON THE DAY PROVIDED BY
7 THE CONSTITUTION AND LAWS OF THE UNITED STATES. THE CONDUCT OF THE
8 MEETING SHALL BE CONSISTENT WITH THE REQUIREMENTS OF FEDERAL LAW.

9 (B) VACANCIES.

10 (1) BEFORE PROCEEDING TO PERFORM THE DUTIES OF THEIR OFFICE,
11 THE PRESIDENTIAL ELECTORS WHO ARE PRESENT SHALL FILL ANY VACANCY IN THE
12 OFFICE OF ELECTOR, WHETHER THE VACANCY IS CAUSED BY ABSENCE OR OTHER
13 REASON.

14 (2) AN INDIVIDUAL APPOINTED TO FILL A VACANCY IS ENTITLED TO ALL
15 RIGHTS AND PRIVILEGES OF THE DULY ELECTED ELECTORS.

16 (C) VOTING BY ELECTORS.

17 AFTER TAKING THE OATH PRESCRIBED BY ARTICLE I, § 9 OF THE MARYLAND
18 CONSTITUTION BEFORE THE CLERK OF THE COURT OF APPEALS OR, IN THE CLERK'S
19 ABSENCE, BEFORE ONE OF THE CLERK'S DEPUTIES, THE PRESIDENTIAL ELECTORS
20 SHALL CAST THEIR VOTES FOR THE CANDIDATES FOR PRESIDENT AND VICE
21 PRESIDENT WHO RECEIVED A PLURALITY OF THE VOTES CAST IN THE STATE OF
22 MARYLAND.

23 SUBTITLE 6. UNITED STATES SENATORS.

24 8-601. YEAR OF ELECTIONS.

25 EXCEPT FOR A SPECIAL ELECTION TO FILL A VACANCY, AN ELECTION FOR THE
26 OFFICE OF UNITED STATES SENATOR SHALL BE HELD:

27 (1) IN 1998 AND EVERY SIXTH YEAR THEREAFTER; AND

28 (2) IN 2000 AND EVERY SIXTH YEAR THEREAFTER.

29 8-602. SPECIAL ELECTION TO FILL VACANCY.

30 (A) APPOINTED SUCCESSOR.

31 (1) IF THERE IS A VACANCY IN THE OFFICE OF UNITED STATES
32 SENATOR, THE GOVERNOR SHALL APPOINT AN ELIGIBLE INDIVIDUAL TO FILL THE
33 VACANCY.

1 (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE
2 APPOINTED INDIVIDUAL SHALL SERVE UNTIL A SUCCESSOR IS ELECTED PURSUANT
3 TO SUBSECTION (B) OF THIS SECTION TO FILL THE REMAINDER OF THE TERM.

4 (3) THE APPOINTED INDIVIDUAL SHALL SERVE FOR THE REMAINDER OF
5 THE TERM IF THE VACANCY OCCURS AFTER THE DATE THAT IS 21 DAYS BEFORE THE
6 DEADLINE FOR FILING CERTIFICATES OF CANDIDACY FOR THE ELECTION THAT IS
7 HELD IN THE FOURTH YEAR OF THE TERM.

8 (B) SPECIAL ELECTION.

9 IF THE VACANCY OCCURS BEFORE THE DATE THAT IS 21 DAYS BEFORE THE
10 DEADLINE FOR FILING CERTIFICATES OF CANDIDACY FOR THE NEXT SUCCEEDING
11 REGULAR STATEWIDE ELECTION, THE GOVERNOR SHALL ISSUE A PROCLAMATION
12 IMMEDIATELY AFTER THE OCCURRENCE OF THE VACANCY DECLARING THAT A
13 SPECIAL PRIMARY ELECTION AND A SPECIAL GENERAL ELECTION SHALL BE HELD
14 AT THE SAME TIME AS THE NEXT REGULAR STATEWIDE PRIMARY ELECTION AND
15 REGULAR STATEWIDE GENERAL ELECTION.

16 SUBTITLE 7. REPRESENTATIVES IN CONGRESS.

17 8-701. CONGRESSIONAL DISTRICTS - GENERALLY.

18 (A) STATE DIVIDED INTO DISTRICTS.

19 THE STATE IS DIVIDED INTO EIGHT DISTRICTS FOR THE ELECTION OF THE
20 STATE'S REPRESENTATIVES IN CONGRESS.

21 (B) BOUNDARIES AND GEOGRAPHIC REFERENCES.

22 ALL REFERENCES IN THIS SUBTITLE TO ELECTION DISTRICTS, WARDS,
23 PRECINCTS, CENSUS TRACTS, AND GEOGRAPHICAL FEATURES SHALL BE DEEMED TO
24 REFER TO THOSE UNITS AND FEATURES AS THEY EXISTED ON APRIL 1, 1990.

25 [22-3.] 8-702. FIRST CONGRESSIONAL DISTRICT.

26 (a) The first congressional district consists of the following counties in their
27 entirety:

28 (1) Caroline County;

29 (2) Cecil County;

30 (3) Dorchester County;

31 (4) Kent County;

32 (5) Queen Anne's County;

33 (6) Somerset County;

1 (7) Talbot County;

2 (8) Wicomico County; and

3 (9) Worcester County.

4 (b) The district also includes the following parts of Anne Arundel County:

5 (1) Election district 6 in its entirety;

6 (2) Election district 1, precincts 3, 9, and 15 through 18;

7 (3) Election district 2, precincts 2 through 17;

8 (4) Election district 3, precincts 2 through 9 and 14;

9 (5) Election district 4, precincts 3, 4, and 6;

10 (6) Election district 5, precincts 1 through 8, 11, 12, 13, 15, and 17
11 through 24;

12 (7) Election district 7, precincts 18 and 20;

13 (8) That part of election district 1, precinct 13 that is generally east of a
14 line that runs along the center of West Arundel Road from Belle Grove Road to Levin
15 Road, thence along the center of Levin Road to West Edgevale Road, thence along the
16 center of West Edgevale Road to Belle Grove Road;

17 (9) That part of election district 4, precinct 2 that is generally west of a
18 line that runs along the center of Damascus Street from Monterey Avenue to
19 Telegraph Road, thence along the center of the Telegraph Road to Gill Street, thence
20 along the center of Gill Street to Monterey Avenue; and

21 (10) That part of election district 5, precinct 14 that is generally south of
22 a line that runs along the center of Earleigh Heights Road from Jumpers Hole Road
23 to West Earleigh Heights Road.

24 (c) The district also includes the following parts of Baltimore City:

25 Ward 25, precincts 14 through 21.

26 [22-4.] 8-703. SECOND CONGRESSIONAL DISTRICT.

27 (a) The second congressional district consists of Harford County in its entirety.

28 (b) The district also includes the following parts of Baltimore County:

29 (1) Election districts 5 through 8, 10, 12, and 15 in their entirety;

30 (2) Election district 4, precinct 6;

1 (3) Election district 9, precincts 3, 4, 5, 7 through 11, 15 through 19, 23,
2 and 24;

3 (4) Election district 11, precincts 1 through 7 and 9;

4 (5) Election district 14, precincts 3, 5, 8, and 9; and

5 (6) That part of election district 9, precinct 2 that is generally east of the
6 line that runs along the center of Bellona Avenue from Joppa Road to Willow Avenue,
7 thence along the center of Willow Avenue to Sherwood Avenue, thence along the
8 center of Sherwood Avenue to Walnut Hill Lane, thence along the center of Walnut
9 Hill Lane to Bellona Avenue, thence along the center of Bellona Avenue to Maywood
10 Avenue, thence along the center of Maywood Avenue to Clinton Street, thence along
11 the center of Clinton Street to Carrollton Avenue, thence along the center of
12 Carrollton Avenue to Boyce Avenue, thence along the center of Boyce Avenue to
13 Greenwood Road #2, thence along the center of Greenwood Road #2 to Greenwood
14 Run, thence along the center of Greenwood Run to a point east of Berwick Road,
15 thence along an imaginary line to Berwick Road, thence along the center of Berwick
16 Road to Locust Avenue, thence along the center of Locust Avenue to Bellona Avenue,
17 thence westerly along the center of Bellona Avenue to Ruxton Road, thence along the
18 center of Ruxton Road to the railroad tracks, thence along the center of the railroad
19 tracks to Greenwood Run, thence along the center of Greenwood Run to Bellona
20 Avenue, thence along the center of Bellona Avenue to North Charles Street.

21 (c) The district also includes the following parts of Anne Arundel County:

22 (1) Election district 3, precincts 1, 10 through 13, and 15 through 18;

23 (2) Election district 5, precincts 9, 10, and 16; and

24 (3) That part of election district 5, precinct 14 that is generally north of
25 a line that runs along the center of Earleigh Heights Road from Jumpers Hole Road
26 to West Earleigh Heights Road.

27 [22-5.] 8-704. THIRD CONGRESSIONAL DISTRICT.

28 (a) The third congressional district consists of the following parts of Baltimore
29 City:

30 (1) Wards 1, 2, and 21 through 24 in their entirety;

31 (2) Ward 3, precinct 3;

32 (3) Ward 4, precinct 1;

33 (4) Ward 6, precincts 5 and 6;

34 (5) Ward 8, precincts 1 and 2;

35 (6) Ward 13, precincts 2 through 5, 23, and 24;

- 1 (7) Ward 25, precincts 3 through 13;
- 2 (8) Ward 26, precincts 1 through 24, 32 through 35, 39 through 45, and
3 47 through 51;
- 4 (9) Ward 27, precincts 1 through 29, 31, 33 through 36, 59 through 62, 67
5 through 91, and 102 through 108;
- 6 (10) Ward 28, precinct 1; and
- 7 (11) That part of ward 3, precinct 1 that is south of a line that runs along
8 the center of North Eden Street from East Fayette Street to East Fairmont Avenue,
9 thence along the center of East Fairmont Avenue to South Spring Street, thence along
10 the center of South Spring Street to East Baltimore Street, thence along the center of
11 East Baltimore Street to South Dallas Street, thence along the center of South Dallas
12 Street to East Fayette Street.
- 13 (b) The district also includes the following parts of Baltimore County:
- 14 (1) Election district 13 in its entirety;
- 15 (2) Election district 2, precincts 8, 9, and 13 through 16;
- 16 (3) Election district 3, precincts 2 through 11;
- 17 (4) Election district 4, precincts 1, 2, 4, and 5;
- 18 (5) Election district 9, precincts 1, 6, 12, 13, 14, 20, 21, and 22;
- 19 (6) Election district 11, precinct 8;
- 20 (7) Election district 14, precincts 1, 2, 4, 6, and 7; and
- 21 (8) That part of election district 9, precinct 2 that is generally west of the
22 line that runs along the center of Bellona Avenue from Joppa Road to Willow Avenue,
23 thence along the center of Willow Avenue to Sherwood Avenue, thence along the
24 center of Sherwood Avenue to Walnut Hill Lane, thence along the center of Walnut
25 Hill Lane to Bellona Avenue, thence along the center of Bellona Avenue to Maywood
26 Avenue, thence along the center of Maywood Avenue to Clinton Street, thence along
27 the center of Clinton Street to Carrollton Avenue, thence along the center of
28 Carrollton Avenue to Boyce Avenue, thence along the center of Boyce Avenue to
29 Greenwood Road #2, thence along the center of Greenwood Road #2 to Greenwood
30 Run, thence along the center of Greenwood Run to a point east of Berwick Road,
31 thence along an imaginary line to Berwick Road, thence along the center of Berwick
32 Road to Locust Avenue, thence along the center of Locust Avenue to Bellona Avenue,
33 thence westerly along the center of Bellona Avenue to Ruxton Road, thence along the
34 center of Ruxton Road to the railroad tracks, thence along the center of the railroad
35 tracks to Greenwood Run, thence along the center of Greenwood Run to Bellona
36 Avenue, thence along the center of Bellona Avenue to North Charles Street.

- 1 (c) The district also includes the following parts of Anne Arundel County:
- 2 (1) Election district 1, precincts 1, 2, 4 through 8, 10 through 12, 14, and
3 19;
- 4 (2) Election district 2, precinct 1;
- 5 (3) Election district 4, precincts 7 and 10;
- 6 (4) That part of election district 1, precinct 13 that is generally west of a
7 line that runs along the center of West Arundel Road from Belle Grove Road to Levin
8 Road, thence along the center of Levin Road to West Edgevale Road, thence along the
9 center of West Edgevale Road to Belle Grove Road; and
- 10 (5) That part of election district 4, precinct 5 that is generally east and
11 north of a line that runs along the center of Midway Branch from Jessup Road to the
12 Fort Meade property line, thence along the center of the Fort Meade property line to
13 Annapolis Junction Road, thence along the center of Annapolis Junction Road to the
14 Fort Meade property line, thence along the center of the Fort Meade property line to
15 the railroad tracks, thence along the center of the railroad tracks to Odenton Road.
- 16 (d) The district also includes the following parts of Howard County:
- 17 (1) Election district 1, precincts 1 through 4 and 6;
- 18 (2) Election district 5, precincts 2, 3, 4, 8, 9, 12, and 14 through 17;
- 19 (3) Election district 6, precincts 4, 5, 6, 8 through 14, 16 through 23, and
20 26; and
- 21 (4) That part of election district 1, precinct 5 that is south of a line that
22 runs along the center of the power transmission line from Waterloo Road to Deep
23 Run, thence along the center of Deep Run to Old Montgomery Road.
- 24 [22-6.] 8-705. FOURTH CONGRESSIONAL DISTRICT.
- 25 (a) The fourth congressional district consists of the following parts of Prince
26 George's County:
- 27 (1) Election districts 2, 6, 12, 13, and 18 in their entirety;
- 28 (2) Election district 3, precinct 3;
- 29 (3) Election district 5, precincts 2 through 6;
- 30 (4) Election district 7, precinct 9;
- 31 (5) Election district 9, precincts 3 and 5;
- 32 (6) Election district 15, precinct 2;

- 1 (7) Election district 17, precincts 1 through 10 and 12 through 15;
- 2 (8) Election district 19, precinct 5;
- 3 (9) Election district 20, precincts 3 through 5 and 8; and
- 4 (10) That part of election district 20, precinct 9 that is south of a line that
5 runs along the center of Lanham Severn Road from 96th Avenue to Seabrook Road,
6 thence along the center of Seabrook Road to Dubarry Road, thence along the center of
7 Dubarry Road to Crestview Drive, thence along the center of Crestview Drive to
8 Worrel Avenue, thence along the center of Worrel Avenue to Greenwood Lane, thence
9 along the center of Greenwood Lane to Annapolis Road.

10 (b) The district also includes the following parts of Montgomery County:

- 11 (1) Election district 5, precincts 1 through 14, 16, and 17;
- 12 (2) Election district 13, precincts 4 through 10, 12 through 16, 18, 21
13 through 23, 41, 47, 49, 50, 55, 56, and 64; and
- 14 (3) That part of election district 13, precinct 48 that is east of a line that
15 runs south along the center of Rippling Brook Drive from Bel Pre Road, the northern
16 boundary of the precinct, to the proposed outer beltway, the southern boundary of the
17 precinct; and that part of election district 13, precinct 48 that is west of a line that
18 runs south from Bel Pre Road, the northern boundary of the precinct, along the center
19 of Beaverwood Lane to its junction with Beechvue Lane; thence northwest and south
20 along the center of Beechvue Lane to its junction with Beaverwood Lane; thence west
21 along the center of Beaverwood Lane to its junction with Birchtree Lane; thence
22 southwest along the center of Birchtree Lane to its junction with Beret Lane; thence
23 southwest and northwest at the first junction along the center of Beret Lane to its
24 junction with Bustleton Lane and Beret Lane; thence southwest along the center of
25 Beret Lane to its junction with an unnamed blacktop line of prolongation to Turkey
26 Branch; thence southwest along the center of Turkey Branch to its intersection with
27 Georgia Avenue (Md. Route 97), the southwestern boundary of the precinct.

28 [22-7.] 8-706. FIFTH CONGRESSIONAL DISTRICT.

29 (a) The fifth congressional district consists of the following counties in their
30 entirety:

- 31 (1) Calvert County;
- 32 (2) Charles County; and
- 33 (3) St. Mary's County.

34 (b) The district also includes the following parts of Prince George's County:

- 35 (1) Election districts 1, 4, 8, 10, 11, 14, 16, and 21 in their entirety;
- 36 (2) Election district 3, precincts 1 and 2;

- 1 (3) Election district 5, precinct 1;
- 2 (4) Election district 7, precincts 1 through 8;
- 3 (5) Election district 9, precincts 1, 2, 4, and 6 through 9;
- 4 (6) Election district 15, precincts 1 and 3;
- 5 (7) Election district 17, precinct 11;
- 6 (8) Election district 19, precincts 1 through 4;
- 7 (9) Election district 20, precincts 1, 2, 6, and 7; and
- 8 (10) That part of election district 20, precinct 9 that is north of a line that
9 runs along the center of Lanham Severn Road from 96th Avenue to Seabrook Road,
10 thence along the center of Seabrook Road to Dubarry Road, thence along the center of
11 Dubarry Road to Crestview Drive, thence along the center of Crestview Drive to
12 Worrel Avenue, thence along the center of Worrel Avenue to Greenwood Lane, thence
13 along the center of Greenwood Lane to Annapolis Road.

14 (c) The district also includes the following parts of Anne Arundel County:

- 15 (1) Election district 4, precincts 1, 8, 9, and 11;
- 16 (2) Election district 7, precincts 1 through 17 and 19;
- 17 (3) That part of election district 4, precinct 2 that is generally east of a
18 line that runs along the center of Damascus Street from Monterey Avenue to
19 Telegraph Road, thence along the center of Telegraph Road to Gill Street, thence
20 along the center of Gill Street to Monterey Avenue; and
- 21 (4) That part of election district 4, precinct 5 that is generally west and
22 south of a line that runs along the center of Midway Branch from Jessup Road to the
23 Fort Meade property line, thence along the center of the Fort Meade property line to
24 Annapolis Junction Road, thence along the center of Annapolis Junction Road to the
25 Fort Meade property line, thence along the center of the Fort Meade property line to
26 the railroad tracks, thence along the center of the railroad tracks to Odenton Road.

27 [22-8.] 8-707. SIXTH CONGRESSIONAL DISTRICT.

28 (a) The sixth congressional district consists of the following counties in their
29 entirety:

- 30 (1) Allegany County;
- 31 (2) Carroll County;
- 32 (3) Frederick County;
- 33 (4) Garrett County; and

1 (5) Washington County.

2 (b) The district also consists of the following parts of Howard County:

3 (1) Election districts 2, 3, and 4 in their entirety;

4 (2) Election district 5, precincts 1, 5, 6, 7, 10, 11, and 13;

5 (3) Election district 6, precincts 1, 2, 3, 7, 15, 24, and 25; and

6 (4) That part of election district 1, precinct 5 that is north of a line that
7 runs along the center of the power transmission line from Waterloo Road to Deep
8 Run, thence along the center of Deep Run to Old Montgomery Road.

9 [22-9.] 8-708. SEVENTH CONGRESSIONAL DISTRICT.

10 (a) The seventh congressional district consists of the following parts of
11 Baltimore City:

12 (1) Wards 5, 7, 9 through 12, and 14 through 20 in their entirety;

13 (2) Ward 3, precinct 2;

14 (3) Ward 4, precincts 2 and 3;

15 (4) Ward 6, precincts 1 through 4;

16 (5) Ward 8, precincts 3 through 13;

17 (6) Ward 13, precincts 1, 6 through 22, and 25;

18 (7) Ward 25, precincts 1 and 2;

19 (8) Ward 26, precincts 25 through 31, 36 through 38, and 46;

20 (9) Ward 27, precincts 30, 32, 37 through 58, 63 through 66, and 92
21 through 101;

22 (10) Ward 28, precincts 2 through 20; and

23 (11) That part of ward 3, precinct 1 that is north of a line that runs along
24 the center of North Eden Street from East Fayette Street to East Fairmont Avenue,
25 thence along the center of East Fairmont Avenue to South Spring Street, thence along
26 the center of South Spring Street to East Baltimore Street, thence along the center of
27 East Baltimore Street to South Dallas Street, thence along the center of South Dallas
28 Street to East Fayette Street.

29 (b) The district also includes the following parts of Baltimore County:

30 (1) Election district 1 in its entirety;

- 1 (2) Election district 2, precincts 1 through 7, 10, 11, 12, 17, 18, and 19;
- 2 (3) Election district 3, precinct 1; and
- 3 (4) Election district 4, precinct 3.

4 [22-10.] 8-709. EIGHTH CONGRESSIONAL DISTRICT.

5 The eighth congressional district consists of the following parts of Montgomery
6 County:

- 7 (1) Election districts 1 through 4, 6, and 7 through 12 in their entirety;
- 8 (2) Election district 5, precincts 15, 18, 19, and 20;
- 9 (3) Election district 13, precincts 1, 2, 3, 11, 17, 19, 20, 24 through 40, 42
10 through 46, 51 through 54, 57 through 60, 62, and 63; and
- 11 (4) That part of election district 13, precinct 48 that is west of a line that
12 runs south along the center of Rippling Brook Drive from Bel Pre Road, the northern
13 boundary of the precinct, to the proposed outer Beltway, the southern boundary of the
14 precinct; and that part of election district 13, precinct 48 that is east of a line that
15 runs south from Bel Pre Road, the northern boundary of the precinct, along the center
16 of Beaverwood Lane to its junction with Beechvue Lane; thence northwest and south
17 along the center of Beechvue Lane to its junction with Beaverwood Lane; thence west
18 along the center of Beaverwood Lane to its junction with Birchtree Lane; thence
19 southwest along the center of Birchtree Lane to its junction with Beret Lane; thence
20 southwest and northwest at the first junction along the center of Beret Lane to its
21 junction with Bustleton Lane and Beret Lane; thence southwest along the center of
22 Beret Lane to its junction with an unnamed blacktop line of prolongation to Turkey
23 Branch; thence southwest along the center of Turkey Branch to its intersection with
24 Georgia Avenue (Md. Route 97), the southwestern boundary of the precinct.

25 8-710. CONGRESSIONAL VACANCY - GOVERNOR'S PROCLAMATION.

26 (A) EFFECT OF VACANCY.

27 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF
28 THERE IS A VACANCY IN THE OFFICE OF REPRESENTATIVE IN CONGRESS THE
29 GOVERNOR SHALL ISSUE A PROCLAMATION, WITHIN 10 DAYS AFTER THE DATE THAT
30 THE VACANCY OCCURS OR BECOMES KNOWN TO THE GOVERNOR, DECLARING THAT
31 A SPECIAL PRIMARY ELECTION AND A SPECIAL GENERAL ELECTION SHALL BE HELD
32 TO FILL THE VACANCY.

33 (2) IF THE VACANCY OCCURS DURING THE PERIOD BEGINNING 60 DAYS
34 BEFORE THE REGULAR PRIMARY ELECTION AND ENDING ON THE LAST DAY OF THE
35 TERM, THE GOVERNOR MAY:

- 1 (I) DECLINE TO ISSUE A PROCLAMATION; AND
- 2 (II) ALLOW THE OFFICE TO REMAIN VACANT FOR THE REMAINDER
3 OF THE TERM.
- 4 (B) GOVERNOR'S PROCLAMATION.
- 5 (1) THE GOVERNOR'S PROCLAMATION SHALL SPECIFY THE DATES OF
6 THE SPECIAL PRIMARY ELECTION AND THE SPECIAL GENERAL ELECTION.
- 7 (2) THE SPECIAL PRIMARY ELECTION SHALL BE HELD ON A TUESDAY
8 THAT IS AT LEAST 36 DAYS AFTER THE DATE OF THE PROCLAMATION.
- 9 (3) THE SPECIAL GENERAL ELECTION SHALL BE HELD ON A TUESDAY
10 THAT IS AT LEAST 36 DAYS AFTER THE DATE OF THE SPECIAL PRIMARY ELECTION.
- 11 (C) NOTICE AND DELIVERY OF PROCLAMATION.
- 12 (1) THE GOVERNOR SHALL:
- 13 (I) IMMEDIATELY GIVE PUBLIC NOTICE OF THE PROCLAMATION;
14 AND
- 15 (II) DELIVER THE PROCLAMATION TO THE ~~EXECUTIVE DIRECTOR~~
16 STATE ADMINISTRATOR OF THE STATE BOARD.
- 17 (2) THE ~~EXECUTIVE DIRECTOR~~ STATE ADMINISTRATOR OF THE STATE
18 BOARD SHALL:
- 19 (I) IMMEDIATELY NOTIFY THE STATE BOARD MEMBERS AND THE
20 LOCAL BOARDS OF THE COUNTIES THAT COMPRISE THE CONGRESSIONAL DISTRICT;
21 AND
- 22 (II) FORWARD TO EACH OF THOSE LOCAL BOARDS A COPY OF THE
23 PROCLAMATION.
- 24 (D) SPECIAL PRIMARY AND REGULAR PRIMARY COMBINED.
- 25 (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, IF
26 THE VACANCY OCCURS OR BECOMES KNOWN TO THE GOVERNOR DURING THE
27 PERIOD BEGINNING 120 DAYS BEFORE THE REGULAR PRIMARY ELECTION FOR
28 REPRESENTATIVES IN CONGRESS AND ENDING 40 DAYS BEFORE THE PRIMARY
29 ELECTION, THE GOVERNOR'S PROCLAMATION SHALL ORDER THAT:
- 30 (I) THE SPECIAL PRIMARY ELECTION SHALL BE MERGED WITH
31 THE REGULAR PRIMARY ELECTION;
- 32 (II) ANY INDIVIDUAL WHO FILES A CERTIFICATE OF CANDIDACY
33 FOR THE REGULAR PRIMARY ELECTION SHALL BE DEEMED TO HAVE FILED A
34 CERTIFICATE OF CANDIDACY FOR THE SPECIAL PRIMARY ELECTION; AND

1 (III) ANY OTHER QUALIFIED INDIVIDUAL MAY FILE A CERTIFICATE
2 OF CANDIDACY, FOR BOTH THE SPECIAL PRIMARY ELECTION AND THE REGULAR
3 PRIMARY ELECTION, NOT LATER THAN 9 P.M. ON THE DAY THAT IS 2 DAYS AFTER THE
4 ISSUANCE OF THE PROCLAMATION.

5 (2) A VOTE CAST FOR A CANDIDATE IN THE MERGED PRIMARY ELECTION
6 SHALL BE DEEMED A VOTE FOR THAT CANDIDATE IN BOTH THE SPECIAL PRIMARY
7 ELECTION AND THE REGULAR PRIMARY ELECTION.

8 (3) TWO CERTIFICATES OF NOMINATION, ONE FOR THE SPECIAL
9 PRIMARY ELECTION AND ONE FOR THE REGULAR PRIMARY ELECTION, SHALL BE
10 ISSUED TO EACH CANDIDATE NOMINATED IN THE MERGED PRIMARY ELECTION.

11 (4) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE:

12 (I) A NOMINEE FOR THE SPECIAL PRIMARY ELECTION MAY
13 DECLINE THE NOMINATION BY NOTIFYING THE STATE BOARD NOT LATER THAN 5
14 P.M. ON THE WEDNESDAY FOLLOWING THE PRIMARY ELECTION;

15 (II) THE APPROPRIATE POLITICAL PARTY SHALL FILL THE
16 VACANCY IN NOMINATION NOT LATER 5 P.M. ON THE THURSDAY FOLLOWING THE
17 PRIMARY ELECTION; AND

18 (III) A PETITION FOR RECOUNT AND RECANVASS OF THE SPECIAL
19 PRIMARY ELECTION SHALL BE FILED NOT LATER THAN 5 P.M. ON THE WEDNESDAY
20 FOLLOWING THE PRIMARY ELECTION.

21 8-711. SAME - CERTIFICATION OF CANDIDATES AND NOMINEES.

22 (A) BEFORE SPECIAL PRIMARY.

23 AT LEAST 20 DAYS BEFORE THE SPECIAL PRIMARY ELECTION, THE STATE
24 BOARD SHALL CERTIFY TO THE APPROPRIATE LOCAL BOARDS THE NAME,
25 RESIDENCE, AND PARTY AFFILIATION OF EACH CANDIDATE WHO QUALIFIES TO
26 APPEAR ON THE PRIMARY ELECTION BALLOT.

27 (B) BEFORE SPECIAL ELECTION.

28 AT LEAST 20 DAYS BEFORE THE SPECIAL GENERAL ELECTION, THE STATE
29 BOARD SHALL CERTIFY TO THE APPROPRIATE LOCAL BOARDS THE NAME,
30 RESIDENCE, AND PARTY AFFILIATION OF EACH NOMINEE WHO QUALIFIES TO
31 APPEAR ON THE GENERAL ELECTION BALLOT.

32 SUBTITLE 8. BOARDS OF EDUCATION.

33 8-801. APPLICABILITY.

34 EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE AND IN TITLE 3 OF THE
35 EDUCATION ARTICLE, THE PROVISIONS OF THIS ARTICLE RELATING TO THE
36 NOMINATION AND ELECTION OF CANDIDATES TO PUBLIC OFFICE SHALL GOVERN

1 THE NOMINATION AND ELECTION OF MEMBERS TO AN ELECTED COUNTY BOARD OF
2 EDUCATION.

3 8-802. NONPARTISAN ELECTION.

4 (A) IN GENERAL.

5 (1) (I) MEMBERS OF BOARDS OF EDUCATION SHALL BE ELECTED ON A
6 NONPARTISAN BASIS.

7 (II) IN A PRIMARY ELECTION TO NOMINATE BOARD OF EDUCATION
8 CANDIDATES, ANY REGISTERED VOTER OF THE COUNTY, REGARDLESS OF PARTY
9 AFFILIATION OR LACK OF PARTY AFFILIATION, IS ELIGIBLE TO VOTE IN THOSE
10 CONTESTS FOR NOMINATION.

11 (2) CANDIDATES FOR ELECTION TO BOARDS OF EDUCATION SHALL,
12 WITHOUT PARTY DESIGNATION OR REGARD TO PARTY AFFILIATION:

13 (I) FILE CERTIFICATES OF CANDIDACY;

14 (II) BE CERTIFIED TO THE BALLOT;

15 (III) APPEAR ON THE BALLOT;

16 (IV) BE VOTED ON; AND

17 (V) BE NOMINATED AND ELECTED.

18 (B) EXCEPTION.

19 THIS SECTION DOES NOT APPLY TO CANDIDATES FOR NOMINATION OR
20 ELECTION TO A BOARD OF EDUCATION IF TITLE 3 OF THE EDUCATION ARTICLE
21 REQUIRES A PARTISAN ELECTION.

22 8-803. QUALIFICATION FOR CANDIDACY.

23 (A) QUALIFICATION.

24 BEFORE CERTIFYING THE NAME OF A BOARD OF EDUCATION CANDIDATE TO
25 APPEAR ON THE BALLOT, THE LOCAL BOARD SHALL DETERMINE WHETHER THE
26 CANDIDATE QUALIFIES AS PROVIDED UNDER TITLE 3 OF THE EDUCATION ARTICLE
27 AND TITLE 5 OF THIS ARTICLE.

28 (B) QUALIFYING BY PETITION PROHIBITED.

29 AN INDIVIDUAL MAY NOT QUALIFY AS A BOARD OF EDUCATION CANDIDATE OR
30 NOMINEE BY FILING A PETITION.

31 8-804. PRIMARY ELECTIONS.

32 (A) NOMINATION.

1 IN EACH YEAR THAT ONE OR MORE MEMBERS OF A BOARD OF EDUCATION ARE
2 TO BE ELECTED, CANDIDATES SHALL BE NOMINATED AT THE PRIMARY ELECTION.

3 (B) CANDIDATE WHO DIES OR IS DISQUALIFIED BEFORE PRIMARY.

4 (1) IF A CANDIDATE DIES OR BECOMES DISQUALIFIED BEFORE THE
5 BALLOTS ARE PRINTED, OR AT A TIME WHEN THE BALLOTS CAN BE REPRINTED, THE
6 NAME OF THE CANDIDATE MAY NOT APPEAR ON THE BALLOT.

7 (2) IF A CANDIDATE DIES OR BECOMES DISQUALIFIED AFTER THE
8 BALLOTS ARE PRINTED AND TOO LATE FOR THE BALLOT TO BE REPRINTED, ANY
9 VOTES CAST FOR THAT CANDIDATE MAY NOT BE COUNTED.

10 (C) DETERMINATION OF NOMINATION.

11 (1) THE CANDIDATES, EQUAL IN NUMBER TO TWICE THE NUMBER OF
12 OFFICES TO BE FILLED, WHO RECEIVE THE LARGEST NUMBER OF VOTES IN THE
13 PRIMARY ELECTION SHALL BE THE NOMINATED CANDIDATES.

14 (2) IF TWO OR MORE CANDIDATES EACH RECEIVE THE LOWEST NUMBER
15 OF VOTES NECESSARY TO QUALIFY FOR NOMINATION, CREATING A TIE FOR THE
16 LAST NOMINATION FOR THE OFFICE TO BE FILLED, EACH SHALL BE A NOMINATED
17 CANDIDATE.

18 8-805. VACANCIES IN NOMINATION.

19 (A) NOMINEE WHO DIES, DECLINES, OR IS DISQUALIFIED.

20 (1) IF, AFTER THE PRIMARY ELECTION BUT BEFORE THE GENERAL
21 ELECTION, A NOMINEE DIES, DECLINES THE NOMINATION, OR BECOMES
22 DISQUALIFIED BEFORE THE BALLOTS ARE PRINTED OR AT A TIME WHEN THE
23 BALLOTS CAN BE REPRINTED, THE NAME OF THE NOMINEE MAY NOT APPEAR ON
24 THE BALLOT.

25 (2) IF THE NUMBER OF REMAINING NOMINEES IS LESS THAN THE
26 NUMBER OF OFFICES TO BE FILLED, A NEW NOMINEE SHALL BE APPOINTED IN THE
27 SAME MANNER AS PROVIDED IN THE EDUCATION ARTICLE FOR FILLING A VACANCY
28 ON THE BOARD OF EDUCATION.

29 (B) VOTES CAST FOR NAME REMAINING ON BALLOT.

30 IF A NOMINEE DIES, DECLINES THE NOMINATION, OR IS DISQUALIFIED AFTER
31 THE BALLOTS ARE PRINTED AND TOO LATE FOR THE BALLOT TO BE REPRINTED, AND
32 IF THAT NOMINEE RECEIVES SUFFICIENT VOTES TO HAVE BEEN ELECTED, THE
33 OFFICE SHALL BE DEEMED VACANT AND SHALL BE FILLED AS IF THE VACANCY HAD
34 OCCURRED DURING THE TERM OF OFFICE.

35 8-806. GENERAL ELECTION.

36 (A) NUMBER OF VOTES IN CONTEST.

1 IN A GENERAL ELECTION FOR BOARD OF EDUCATION MEMBERS, A VOTER MAY
2 VOTE FOR A NUMBER OF NOMINEES EQUAL TO THE NUMBER OF MEMBERS TO BE
3 ELECTED.

4 (B) ELECTION RESULTS.

5 (1) THE NOMINEES, EQUAL IN NUMBER TO THE NUMBER OF OFFICES TO
6 BE FILLED, WHO RECEIVE THE LARGEST NUMBER OF VOTES IN A GENERAL
7 ELECTION SHALL BE DECLARED ELECTED.

8 (2) (I) IF TWO OR MORE NOMINEES EACH RECEIVE THE LOWEST
9 NUMBER OF VOTES NECESSARY TO QUALIFY FOR ELECTION, CREATING A TIE FOR
10 THE LAST OFFICE TO BE FILLED, THE OFFICE SHALL BE CONSIDERED VACANT.

11 (II) A VACANCY OCCURRING UNDER SUBPARAGRAPH (I) OF THIS
12 PARAGRAPH SHALL BE FILLED:

13 1. AS IF THE VACANCY OCCURRED DURING THE TERM OF
14 OFFICE FOR WHICH THE ELECTION IS BEING HELD; AND

15 2. BY THE SELECTION OF ONE OF THE NOMINEES WHO TIES
16 IN THE GENERAL ELECTION.

17 TITLE 9. VOTING.

18 SUBTITLE 1. VOTING SYSTEMS.

19 9-101. USE OF CERTIFIED SYSTEM REQUIRED.

20 (A) GENERALLY.

21 A LOCAL BOARD MAY NOT USE A VOTING SYSTEM IN AN ELECTION CONDUCTED
22 UNDER THIS ARTICLE UNLESS THE VOTING SYSTEM HAS BEEN CERTIFIED IN
23 ACCORDANCE WITH THIS SUBTITLE.

24 (B) LIMITATION ON NUMBER OF VOTING SYSTEMS USED.

25 EXCEPT AS OTHERWISE PROVIDED BY LAW OR AUTHORIZED IN WRITING BY
26 THE STATE BOARD, A LOCAL BOARD SHALL EITHER:

27 (1) USE A SINGLE VOTING SYSTEM FOR BOTH ABSENTEE VOTING AND
28 VOTING IN POLLING PLACES; OR

29 (2) USE A SINGLE VOTING SYSTEM FOR ABSENTEE VOTING AND A
30 SINGLE DIFFERENT VOTING SYSTEM FOR VOTING IN POLLING PLACES.

31 9-102. CERTIFICATION OF VOTING SYSTEMS.

32 (A) ADOPTION OF REGULATIONS.

1 THE STATE BOARD SHALL ADOPT REGULATIONS FOR THE REVIEW,
2 CERTIFICATION, AND DECERTIFICATION OF VOTING SYSTEMS.

3 (B) PERIODIC REVIEW.

4 THE STATE BOARD SHALL PERIODICALLY REVIEW CERTIFIED VOTING SYSTEMS
5 AND EVALUATE ALTERNATIVE VOTING SYSTEMS.

6 (C) STANDARDS FOR CERTIFICATION.

7 THE STATE BOARD MAY NOT CERTIFY A VOTING SYSTEM UNLESS THE STATE
8 BOARD DETERMINES THAT:

9 (1) THE VOTING SYSTEM WILL:

10 (I) PROTECT THE SECRECY OF THE BALLOT;

11 (II) PROTECT THE SECURITY OF THE VOTING PROCESS;

12 (III) COUNT AND RECORD ALL VOTES ACCURATELY;

13 (IV) ACCOMMODATE ANY BALLOT USED UNDER THIS ARTICLE; AND

14 (V) PROTECT ALL OTHER RIGHTS OF VOTERS AND CANDIDATES;

15 (2) THE VOTING SYSTEM HAS BEEN:

16 (I) EXAMINED BY AN INDEPENDENT TESTING LABORATORY THAT
17 IS APPROVED BY THE NATIONAL ASSOCIATION OF STATE ELECTION DIRECTORS; AND

18 (II) SHOWN BY THE TESTING LABORATORY TO MEET THE
19 PERFORMANCE AND TEST STANDARDS FOR ELECTRONIC VOTING SYSTEMS
20 ESTABLISHED BY THE FEDERAL ELECTION COMMISSION; AND

21 (3) THE PUBLIC INTEREST WILL BE SERVED BY THE CERTIFICATION OF
22 THE VOTING SYSTEM.

23 DRAFTER'S NOTE: Subsection (c) is new to the law.

24 (D) CONSIDERATIONS FOR CERTIFICATION.

25 IN DETERMINING WHETHER A VOTING SYSTEM MEETS THE REQUIRED
26 STANDARDS, THE STATE BOARD SHALL CONSIDER:

27 (1) THE COMMERCIAL AVAILABILITY OF THE SYSTEM AND ITS
28 REPLACEMENT PARTS AND COMPONENTS;

29 (2) THE AVAILABILITY OF CONTINUING SERVICE FOR THE SYSTEM;

30 (3) THE COST OF IMPLEMENTING THE SYSTEM;

- 1 (4) THE EFFICIENCY OF THE SYSTEM;
- 2 (5) THE LIKELIHOOD OF BREAKDOWN;
- 3 (6) THE SYSTEM'S EASE OF UNDERSTANDING FOR THE VOTER;
- 4 (7) THE CONVENIENCE OF VOTING AFFORDED BY THE SYSTEM;
- 5 (8) THE TIMELINESS OF THE TABULATION AND REPORTING OF
6 ELECTION RETURNS;
- 7 (9) THE POTENTIAL FOR AN ALTERNATIVE MEANS OF VERIFYING THE
8 TABULATION;
- 9 (10) ACCESSIBILITY FOR DISABLED VOTERS; AND
- 10 (11) ANY OTHER FACTOR THAT THE STATE BOARD CONSIDERS
11 RELEVANT.
- 12 (E) REGULATIONS FOR EACH VOTING SYSTEM.
- 13 (1) THE STATE BOARD SHALL ADOPT REGULATIONS RELATING TO
14 REQUIREMENTS FOR EACH CERTIFIED VOTING SYSTEM, INCLUDING A VOTING
15 SYSTEM DEEMED CERTIFIED UNDER SUBSECTION (F) OF THIS SECTION, GOVERNING
16 ITS OPERATION AND USE.
- 17 (2) THE REGULATIONS SHALL SPECIFY THE PROCEDURES NECESSARY
18 TO ASSURE THAT THE STANDARDS OF THIS TITLE ARE MAINTAINED, INCLUDING:
- 19 (I) A DESCRIPTION OF THE VOTING SYSTEM;
- 20 (II) A PUBLIC INFORMATION PROGRAM BY THE LOCAL BOARD, AT
21 THE TIME OF INTRODUCTION OF A NEW VOTING SYSTEM, TO BE DIRECTED TO ALL
22 VOTERS, CANDIDATES, CAMPAIGN GROUPS, SCHOOLS, AND NEWS MEDIA IN THE
23 COUNTY;
- 24 (III) LOCAL ELECTION OFFICIALS' RESPONSIBILITY FOR
25 MANAGEMENT OF THE SYSTEM;
- 26 (IV) THE ACTIONS REQUIRED TO ASSURE THE SECURITY OF THE
27 VOTING SYSTEM;
- 28 (V) THE SUPPLIES AND EQUIPMENT REQUIRED;
- 29 (VI) THE STORAGE, DELIVERY, AND RETURN OF THE SUPPLIES AND
30 EQUIPMENT NECESSARY FOR THE OPERATION OF THE VOTING SYSTEM;
- 31 (VII) STANDARDS FOR TRAINING ELECTION OFFICIALS IN THE
32 OPERATION AND USE OF THE VOTING SYSTEM;

1 (VIII) BEFORE EACH ELECTION AND FOR ALL BALLOT STYLES TO BE
2 USED, TESTING BY THE MEMBERS OF THE LOCAL BOARD TO ENSURE THE ACCURACY
3 OF TALLYING, TABULATION, AND REPORTING OF THE VOTE, AND OBSERVING OF
4 THAT TESTING BY REPRESENTATIVES OF POLITICAL PARTIES AND OF CANDIDATES
5 WHO ARE NOT AFFILIATED WITH POLITICAL PARTIES;

6 (IX) THE NUMBER OF VOTING STATIONS OR VOTING BOOTHS
7 REQUIRED IN EACH POLLING PLACE, IN RELATION TO THE NUMBER OF REGISTERED
8 VOTERS ASSIGNED TO THE POLLING PLACE;

9 (X) THE PRACTICES AND PROCEDURES IN EACH POLLING PLACE
10 APPROPRIATE TO THE OPERATION OF THE VOTING SYSTEM;

11 (XI) ASSURING BALLOT ACCOUNTABILITY IN SYSTEMS USING A
12 DOCUMENT BALLOT;

13 (XII) THE ACTIONS REQUIRED TO TABULATE VOTES; AND

14 (XIII) POSTELECTION REVIEW AND AUDIT OF THE SYSTEM'S OUTPUT.

15 (3) CERTIFICATION OF A VOTING SYSTEM IS NOT EFFECTIVE UNTIL THE
16 REGULATIONS APPLICABLE TO THE VOTING SYSTEM HAVE BEEN ADOPTED.

17 (F) VOTING SYSTEMS DEEMED CERTIFIED.

18 A VOTING SYSTEM AUTHORIZED BY LAW BEFORE JULY 1, 1978, INCLUDING THE
19 USE OF PAPER BALLOTS, SHALL BE DEEMED CERTIFIED.

20 9-103. DECERTIFICATION.

21 (A) DECERTIFICATION - GENERALLY.

22 THE STATE BOARD:

23 (1) MAY DECERTIFY A VOTING SYSTEM PREVIOUSLY CERTIFIED IF THE
24 STATE BOARD DETERMINES THAT THE SYSTEM NO LONGER MERITS CERTIFICATION;
25 AND

26 (2) SHALL DECERTIFY A PREVIOUSLY CERTIFIED VOTING SYSTEM IF
27 THE VOTING SYSTEM NO LONGER MEETS ONE OR MORE OF THE STANDARDS IN §
28 9-102 (C)(1)(I) THROUGH (III) OF THIS SUBTITLE.

29 (B) TIME AND CONDITIONS OF DECERTIFICATION.

30 THE STATE BOARD SHALL DETERMINE THE EFFECTIVE DATE AND CONDITIONS
31 OF THE DECERTIFICATION.

32 (C) EXCEPTION - ADVERSE IMPACT ON THE COUNTY.

33 DECERTIFICATION UNDER THIS SECTION DOES NOT APPLY TO A COUNTY IF ITS
34 LOCAL BOARD HAS ACTED IN RELIANCE UPON THE CERTIFICATION OF THE SYSTEM

1 INVOLVED AND THE DECERTIFICATION WOULD HAVE A SIGNIFICANT AND ADVERSE
2 IMPACT, UNLESS:

3 (1) THE LOCAL BOARD AND THE GOVERNING BODY OF THE COUNTY
4 CONSENT TO THE DECERTIFICATION; OR

5 (2) THE STATE BOARD DETERMINES THAT THE SYSTEM NO LONGER
6 MEETS THE STANDARDS SET FORTH IN § 9-102 (C)(1)(I) THROUGH (III) OF THIS
7 SUBTITLE.

8 (D) EXCEPTION - VOTING SYSTEMS IN EXISTENCE BEFORE JULY 1, 1978.

9 A VOTING SYSTEM THAT IS DEEMED CERTIFIED UNDER § 9-102(F) OF THIS
10 SUBTITLE MAY NOT BE DECERTIFIED BY THE STATE BOARD.

11 9-104. NOTICE TO LOCAL BOARDS.

12 THE STATE BOARD SHALL NOTIFY THE LOCAL BOARDS OF EACH SYSTEM THAT
13 IS:

14 (1) UNDER REVIEW FOR POSSIBLE CERTIFICATION;

15 (2) UNDER REVIEW FOR POSSIBLE DECERTIFICATION;

16 (3) CERTIFIED; OR

17 (4) DECERTIFIED.

18 9-105. ACQUISITION OF VOTING SYSTEMS.

19 (A) AUTHORITY OF LOCAL BOARDS.

20 (1) MEMBERS OF A LOCAL BOARD, IN CONSULTATION WITH THE
21 ELECTION DIRECTOR, MAY SELECT A VOTING SYSTEM.

22 (2) ACQUISITION OF A VOTING SYSTEM SHALL BE BY PURCHASE, LEASE,
23 OR RENTAL AND SHALL BE EXEMPT FROM STATE, COUNTY, OR MUNICIPAL
24 TAXATION.

25 (B) LEASE OF VOTING MACHINES TO OTHER ENTITIES.

26 (1) A LOCAL BOARD MAY LEASE A VOTING SYSTEM TO ANY
27 GOVERNMENTAL OR NONGOVERNMENTAL ENTITY WITHIN THE COUNTY.

28 (2) THE LOCAL BOARD SHALL DETERMINE THE TERMS AND CONDITIONS
29 OF THE LEASE.

30 (3) THE LOCAL BOARD SHALL PAY TO THE GOVERNING BODY OF THE
31 COUNTY, WITHIN 30 DAYS OF RECEIPT, THE PROCEEDS OF THE LEASE.

1 9-106. BORROWING TO PURCHASE VOTING SYSTEM.

2 (A) AUTHORITY TO BORROW FUNDS.

3 THE GOVERNING BODY OF A COUNTY MAY BORROW MONEY TO FUND THE
4 PURCHASE OF A VOTING SYSTEM THROUGH THE ISSUANCE OF INDIVIDUAL NOTES,
5 BONDS, OR EVIDENCES OF INDEBTEDNESS.

6 (B) ISSUANCE OF BONDS.

7 (1) WHEN A COUNTY GOVERNING BODY ISSUES GENERAL OBLIGATION
8 BONDS TO PURCHASE A VOTING SYSTEM, THE BONDS MAY BE ISSUED WITHOUT
9 REGARD TO ANY LIMITATIONS ON THE BORROWING POWER OF THE COUNTY.

10 (2) THE BONDS OF EACH ISSUE SHALL BE DATED, SHALL BEAR
11 INTEREST AT SUCH RATE OR RATES, AND SHALL MATURE AT THE TIME OR TIMES, AS
12 DETERMINED BY THE GOVERNING OF THE COUNTY. THEY MAY BE MADE
13 REDEEMABLE BEFORE MATURITY AT THE OPTION OF THE GOVERNING BODY AT THE
14 PRICE OR PRICES AND UNDER THE TERMS AND CONDITIONS FIXED BY THE
15 GOVERNING BODY PRIOR TO THE ISSUANCE OF THE BONDS. THE GOVERNING BODY
16 SHALL DETERMINE THE FORM OF THE BONDS, INCLUDING ANY INTEREST COUPONS
17 TO BE ATTACHED TO THEM, AND SHALL FIX THE DENOMINATION OR
18 DENOMINATIONS OF THE BONDS AND THE PLACE OR PLACES OF PAYMENT OF
19 PRINCIPAL AND INTEREST, WHICH MAY BE AT ANY BANK OR TRUST COMPANY IN OR
20 OUTSIDE THE STATE. THE BONDS SHALL BE SIGNED BY THE OFFICER OR OFFICERS
21 OF THE COUNTY ISSUING THEM, THE SEAL OF THE COUNTY SHALL BE AFFIXED TO
22 THEM AND ATTESTED IN THE MANNER, AND ANY COUPONS ATTACHED TO THEM
23 SHALL BEAR THE FACSIMILE SIGNATURE OF THE OFFICER AS THE GOVERNING BODY
24 DETERMINES. IN CASE ANY OFFICER WHOSE SIGNATURE OR A FACSIMILE OF WHOSE
25 SIGNATURE APPEARS ON ANY BONDS OR COUPONS SHALL CEASE TO HOLD THE
26 OFFICE BEFORE THE DELIVERY OF THE BONDS, THE SIGNATURE OR FACSIMILE
27 SHALL NEVERTHELESS BE VALID AND SUFFICIENT FOR ALL PURPOSES THE SAME AS
28 IF HE HAD REMAINED IN OFFICE UNTIL DELIVERY. ALL BONDS ISSUED UNDER THE
29 PROVISIONS OF THIS SECTION SHALL HAVE AND ARE HEREBY DECLARED TO HAVE
30 ALL THE QUALITIES AND INCIDENTS OF NEGOTIABLE INSTRUMENTS UNDER THE
31 MARYLAND UNIFORM COMMERCIAL CODE. THE BONDS MAY BE ISSUED IN COUPON
32 OR IN REGISTERED FORM, OR BOTH, AS THE GOVERNING BODY DETERMINES, AND
33 PROVISION MAY BE MADE FOR THE REGISTRATION OF ANY COUPON BONDS AS TO
34 PRINCIPAL ALONE AND ALSO AS TO BOTH PRINCIPAL AND INTEREST, AND FOR THE
35 RECONVERSION INTO COUPON BONDS OF ANY BONDS REGISTERED AS TO BOTH
36 PRINCIPAL AND INTEREST. THE GOVERNING BODY MAY SELL THE BONDS IN THE
37 MANNER, EITHER AT PUBLIC OR PRIVATE SALE, FOR THE PRICE IT MAY DETERMINE
38 TO BE FOR THE BEST INTEREST OF THE COUNTY. THE PROVISIONS OF ARTICLE 31, §§
39 9 THROUGH 11 OF THE CODE DO NOT APPLY TO BONDS ISSUED UNDER THE
40 PROVISIONS OF THIS SECTION.

41 (3) THE ENTIRE PROCEEDS FROM THE SALE OF BONDS ISSUED UNDER
42 THE PROVISIONS OF THIS SECTION, AFTER PAYMENT OF ALL COSTS AND EXPENSES
43 INCURRED IN CONNECTION WITH THE PREPARATION, SALE, AND DELIVERY OF THE

1 BONDS, SHALL BE USED SOLELY FOR THE PAYMENT OF THE COST OF THE VOTING
2 SYSTEM FOR THE PURCHASE OF WHICH THE BONDS ARE ISSUED. ANY BALANCE
3 REMAINING AFTER THE PURCHASE OF THE VOTING SYSTEM SHALL BE USED TO PAY
4 THE INTEREST ON OR TO REDEEM ANY OF THE BONDS.

5 (4) IN ORDER TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS
6 WHEN AND AS THEY BECOME DUE AND PAYABLE, THE GOVERNING BODY IS
7 AUTHORIZED AND DIRECTED TO LEVY, IN EACH YEAR IN WHICH ANY OF THE BONDS
8 ARE OUTSTANDING, UPON THE TAXABLE BASIS OF SAID COUNTY A TAX SUFFICIENT
9 IN RATE AND AMOUNT (I) IF THE BONDS ARE ISSUED IN SERIES MATURING AT
10 STATED PERIODS AND A PORTION OF THE PRINCIPAL IS MADE PAYABLE ANNUALLY,
11 TO PAY THE INTEREST AND THE PORTION OF THE PRINCIPAL PAYABLE IN THAT
12 YEAR; OR (II) IF THE BONDS ARE NOT ISSUED IN SERIES, BUT ARE PAYABLE OR
13 REDEEMABLE IN WHOLE AT A FIXED RATE OF MATURITY, TO PAY THE INTEREST ON
14 THE BONDS IN THAT YEAR AND TO PRODUCE A SUM SUFFICIENT TO ACCUMULATE A
15 SINKING FUND FOR THE REDEMPTION AND PAYMENT OF THE BONDS AT MATURITY.
16 THE PROCEEDS OF THE LEVY WHEN COLLECTED AND PAID SHALL BE USED ONLY
17 FOR THE PURPOSES FOR WHICH THE LEVY WAS MADE; HOWEVER, IF THE INTEREST
18 ON THE BONDS MATURES BEFORE THE LEVY, OR BEFORE A SUFFICIENT AMOUNT OF
19 TAXES LEVIED FOR THE PURPOSE OF PAYING THE INTEREST IS COLLECTED, THE
20 GOVERNING BODY MAY PAY THE INTEREST OUT OF THE PROCEEDS OF THE SALE OF
21 THE BONDS.

22 (C) TAX-EXEMPT STATUS OF BONDS.

23 THE BONDS ISSUED, THEIR TRANSFER, AND THE INCOME FROM THEM SHALL
24 BE EXEMPT FROM THE STATE, COUNTY, OR MUNICIPAL TAXATION.

25 9-107. VOTING MACHINE CUSTODIANS.

26 (A) APPOINTMENT.

27 IF A COUNTY USES MECHANICAL LEVER VOTING MACHINES TO CONDUCT
28 ELECTIONS, THE MEMBERS OF THE LOCAL BOARD:

29 (1) SHALL APPOINT A VOTING MACHINE CUSTODIAN AND A DEPUTY
30 CUSTODIAN; AND

31 (2) MAY EMPLOY ADDITIONAL DEPUTY CUSTODIANS.

32 (B) DUTIES; TRAINING.

33 THE VOTING MACHINE CUSTODIAN AND DEPUTY CUSTODIANS SHALL HAVE
34 THE DUTIES, AND COMPLETE ANY TRAINING PROGRAM, SPECIFIED IN REGULATIONS
35 ADOPTED BY THE STATE BOARD.

SUBTITLE 2. BALLOTS.

1

2 9-201. GENERALLY.

3 (A) REQUIREMENT OF BALLOTS IN VOTING.

4 IN ANY ELECTION CONDUCTED UNDER THIS ARTICLE:

5 (1) ALL VOTING SHALL BE BY BALLOT; AND

6 (2) ONLY VOTES CAST ON A BALLOT MAY BE COUNTED.

7 (B) COMPLIANCE WITH THIS SUBTITLE.

8 ALL BALLOTS SHALL COMPLY WITH THE PROVISIONS OF THIS SUBTITLE.

9 (C) OTHER USES PROHIBITED.

10 A BALLOT MAY NOT BE USED FOR ANY PURPOSE NOT AUTHORIZED BY THIS
11 ARTICLE.

12 9-202. RESPONSIBILITIES FOR PREPARATION.

13 (A) STATE BOARD TO CERTIFY BALLOTS.

14 THE STATE BOARD SHALL CERTIFY THE CONTENT AND THE ARRANGEMENT OF
15 EACH BALLOT TO BE USED IN AN ELECTION THAT IS SUBJECT TO THIS ARTICLE.

16 (B) PREPARATION BY LOCAL BOARDS.

17 EACH LOCAL BOARD SHALL PLACE QUESTIONS, CANDIDATES, AND OTHER
18 MATERIAL ON THE BALLOT IN THAT COUNTY IN ACCORDANCE WITH THE CONTENT
19 AND ARRANGEMENT PRESCRIBED BY THE STATE BOARD.

20 9-203. STANDARDS.

21 EACH BALLOT SHALL:

22 (1) BE EASILY UNDERSTANDABLE BY VOTERS;

23 (2) PRESENT ALL CANDIDATES AND QUESTIONS IN A FAIR AND
24 NONDISCRIMINATORY MANNER;25 (3) PERMIT THE VOTER TO EASILY RECORD A VOTE ON QUESTIONS AND
26 ON THE VOTER'S CHOICES AMONG CANDIDATES;

27 (4) PROTECT THE SECRECY OF EACH VOTER'S CHOICES; AND

28 (5) FACILITATE THE ACCURATE TABULATION OF THE CHOICES OF THE
29 VOTERS.

1 9-204. UNIFORMITY.

2 (A) GENERALLY.

3 SUBJECT TO THE OTHER PROVISIONS OF THIS SUBTITLE AND TO DIFFERENT
4 PRESENTATIONS REQUIRED OR MADE DESIRABLE BY DIFFERENT VOTING SYSTEMS,
5 ALL BALLOTS USED IN AN ELECTION SHALL BE AS UNIFORM AS POSSIBLE.

6 (B) EXCEPTION - ABSENTEE BALLOTS.

7 EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED IN THIS TITLE, OR UNLESS A
8 PROVISION IS CLEARLY INAPPROPRIATE TO ABSENTEE BALLOTS, THE PROVISIONS
9 OF THIS SUBTITLE RELATING TO BALLOT CONTENT AND ARRANGEMENT SHALL
10 APPLY TO THE ARRANGEMENT OF ABSENTEE BALLOTS.

11 (C) EXCEPTION - PRIMARY ELECTIONS.

12 IF APPLICABLE FOR THE VOTING SYSTEM IN USE, THE APPROPRIATE
13 COMPONENTS OF THE VOTING SYSTEM SHALL BE CONFIGURED FOR A PRIMARY
14 ELECTION TO PERMIT THE VOTER TO VOTE ONLY FOR THE CANDIDATES FOR WHICH
15 THE VOTER IS ENTITLED TO VOTE.

16 9-205. CONTENT.

17 EACH BALLOT SHALL CONTAIN:

18 (1) A HEADING AS PROVIDED IN § 9-206(A) OF THIS SUBTITLE;

19 (2) A STATEMENT OF EACH QUESTION THAT HAS MET ALL OF THE
20 QUALIFICATIONS TO APPEAR ON THE BALLOT;

21 (3) THE TITLE OF EACH OFFICE TO BE VOTED ON;

22 (4) THE NAME, AS SPECIFIED IN THE CERTIFICATE OF CANDIDACY, OR
23 AS OTHERWISE PROVIDED IN TITLE 5 OF THIS ARTICLE, OF EACH CANDIDATE WHO
24 HAS BEEN CERTIFIED BY THE STATE BOARD;

25 (5) A PARTY DESIGNATION FOR CERTAIN CANDIDATES AS PROVIDED IN
26 THIS SUBTITLE;

27 (6) A MEANS BY WHICH A VOTER MAY CAST WRITE-IN VOTES, AS
28 PROVIDED IN THIS SUBTITLE; AND

29 (7) INSTRUCTIONS TO VOTERS AS PROVIDED IN THIS SUBTITLE.

30 9-206. ARRANGEMENT - FORMAT.

31 (A) HEADING.

1 EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A HEADING
2 SHALL BE PRINTED AT THE TOP OF THE BALLOT AND SHALL CONTAIN, IN THE
3 FOLLOWING ORDER:

4 (1) THE WORDS "OFFICIAL BALLOT";

5 (2) THE TYPE OF ELECTION, I.E., REGULAR OR SPECIAL, PRIMARY OR
6 GENERAL, AND ANY OTHER INFORMATION REQUIRED TO IDENTIFY THE ELECTION
7 BEING HELD;

8 (3) THE DATE OF THE ELECTION;

9 (4) THE WORDS "STATE OF MARYLAND" AND THE NAME OF THE COUNTY;

10 (5) IN A PRIMARY ELECTION, THE NAME OF THE POLITICAL PARTY OR
11 THE WORDS "NONPARTISAN BALLOT", AS APPLICABLE, FOR WHICH THE BALLOT OR A
12 PORTION OF THE BALLOT IS TO BE USED; AND

13 (6) IF MORE THAN ONE BALLOT STYLE WILL BE USED IN THE COUNTY IN
14 THE ELECTION, THE BALLOT STYLE INDICATOR.

15 (B) EXCEPTION.

16 THE PROVISIONS OF SUBSECTION (A) OF THIS SECTION DO NOT APPLY TO A
17 VOTING MACHINE BALLOT IF THE STATE BOARD DETERMINES THERE IS
18 INSUFFICIENT SPACE.

19 9-207. BALLOTS - CERTIFICATION; DISPLAY; PRINTING.

20 (A) TIME OF CERTIFICATION.

21 THE STATE BOARD SHALL CERTIFY THE CONTENT AND ARRANGEMENT OF
22 EACH BALLOT:

23 (1) FOR A PRIMARY ELECTION, AT LEAST 50 DAYS BEFORE THE
24 ELECTION;

25 (2) FOR A GENERAL ELECTION:

26 (I) IN THE YEAR THAT THE PRESIDENT OF THE UNITED STATES IS
27 ELECTED, AT LEAST 55 DAYS BEFORE THE ELECTION; AND

28 (II) IN ANY OTHER YEAR, NOT MORE THAN 18 DAYS AFTER THE
29 PRIMARY ELECTION;

30 (3) FOR A SPECIAL PRIMARY ELECTION, AT LEAST 18 DAYS BEFORE THE
31 ELECTION; AND

32 (4) FOR A SPECIAL GENERAL ELECTION, NOT LATER THAN A DATE
33 SPECIFIED IN THE GOVERNOR'S PROCLAMATION.

1 (B) EXCEPTION - LATER DATE SET BY COURT OF APPEALS.

2 THE COURT OF APPEALS, ON PETITION OF THE STATE BOARD, MAY ESTABLISH A
3 LATER DATE IN EXTRAORDINARY CIRCUMSTANCES.

4 (C) DELIVERY TO LOCAL BOARDS.

5 WITHIN 48 HOURS AFTER CERTIFICATION, THE STATE BOARD SHALL DELIVER
6 TO EACH LOCAL BOARD A COPY OF THE CERTIFIED BALLOT CONTENT AND
7 ARRANGEMENT FOR THAT COUNTY.

8 (D) PREPARATION OF BALLOT; PUBLIC DISPLAY.

9 (1) WITHIN 5 DAYS AFTER THE CERTIFICATION, OR A LATER DATE THAT
10 THE COURT OF APPEALS ESTABLISHES IN EXTRAORDINARY CIRCUMSTANCES ON
11 PETITION OF THE STATE BOARD, A LOCAL BOARD SHALL:

12 (I) PREPARE THE ARRANGEMENT FOR ALL BALLOTS TO BE USED
13 IN THE COUNTY, USING THE ARRANGEMENT PRESCRIBED BY THE STATE BOARD; AND

14 (II) DISPLAY THE CONTENT AND ARRANGEMENT, IN A MANNER
15 THAT IS ACCESSIBLE TO THE PUBLIC, ON ALL DAYS THAT THE OFFICE IS OPEN
16 THROUGH THE DAY OF THE ELECTION.

17 (2) EXCEPT PURSUANT TO A COURT ORDER UNDER § 9-209 OF THIS
18 SUBTITLE, OR AS PROVIDED IN § 9-208 OF THIS SUBTITLE, THE CONTENT AND
19 ARRANGEMENT OF THE BALLOT MAY NOT BE MODIFIED AFTER THE THIRD DAY OF
20 THE PUBLIC DISPLAY.

21 (E) PRINTING OF BALLOTS.

22 UNLESS A DELAY IS REQUIRED BY COURT ORDER, A LOCAL BOARD MAY BEGIN
23 TO PRINT THE BALLOTS AFTER 3 DAYS OF PUBLIC DISPLAY AND, WITH THE
24 APPROVAL OF THE STATE BOARD, CORRECTION OF ANY NOTED ERRORS.

25 9-208. LATE CHANGES IN BALLOTS.

26 (A) GENERALLY.

27 IF AN ERROR OR A CHANGE IN CIRCUMSTANCES REQUIRES A LOCAL BOARD TO
28 MAKE A CHANGE IN A BALLOT AFTER THE BALLOTS HAVE BEEN PRINTED, WITH THE
29 APPROVAL OF THE STATE BOARD THE LOCAL BOARD SHALL ACT AS PROVIDED IN
30 THIS SECTION.

31 (B) CORRECTIVE ACTIONS.

32 (1) IF THERE IS SUFFICIENT TIME, THE LOCAL BOARD SHALL REPRINT
33 THE BALLOT.

34 (2) IF THERE IS INSUFFICIENT TIME FOR REPRINTING THE BALLOT AND
35 IF THE VOTING SYSTEM CAN ACCOMMODATE IT, THE LOCAL BOARD SHALL PRINT A

1 SUFFICIENT NUMBER OF STICKERS INCORPORATING THE CHANGE OR CORRECTION.
2 THE STICKERS SHALL BE CONSISTENT WITH THE PRINTED BALLOTS AND BE
3 AFFIXED TO THE BALLOTS IN THE APPROPRIATE PLACES.

4 (3) IF THERE IS INSUFFICIENT TIME FOR REPRINTING THE BALLOTS
5 AND IF THE VOTING SYSTEM CANNOT ACCOMMODATE STICKERS, THE LOCAL BOARD
6 SHALL NOTIFY THE VOTERS OF THE CHANGE OR CORRECTION IN ACCORDANCE WITH
7 REGULATIONS ADOPTED BY THE STATE BOARD.

8 (C) NOTICE OF CHANGE IN BALLOT.

9 AFTER ANY CHANGE OR CORRECTION ON A BALLOT, THE LOCAL BOARD SHALL
10 IMMEDIATELY TAKE ALL REASONABLE STEPS TO NOTIFY ALL CANDIDATES ON THE
11 BALLOT AND ANY OTHER PERSONS WHOM THE LOCAL BOARD CONSIDERS
12 APPROPRIATE.

13 9-209. JUDICIAL REVIEW.

14 (A) TIMING.

15 WITHIN 3 DAYS AFTER THE CONTENT AND ARRANGEMENT OF THE BALLOT ARE
16 PLACED ON PUBLIC DISPLAY UNDER § 9-207 OF THIS SUBTITLE, A REGISTERED
17 VOTER MAY SEEK JUDICIAL REVIEW OF THE CONTENT AND ARRANGEMENT, OR TO
18 CORRECT ANY OTHER ERROR, BY FILING A SWORN PETITION WITH THE CIRCUIT
19 COURT FOR THE COUNTY.

20 (B) RELIEF THAT MAY BE GRANTED.

21 THE CIRCUIT COURT MAY REQUIRE THE LOCAL BOARD TO:

22 (1) CORRECT AN ERROR;

23 (2) SHOW CAUSE WHY AN ERROR SHOULD NOT BE CORRECTED; OR

24 (3) TAKE ANY OTHER ACTION REQUIRED TO PROVIDE APPROPRIATE
25 RELIEF.

26 (C) ERRORS DISCOVERED AFTER PRINTING.

27 IF AN ERROR IS DISCOVERED AFTER THE BALLOTS HAVE BEEN PRINTED, AND
28 THE LOCAL BOARD FAILS TO CORRECT THE ERROR, A REGISTERED VOTER MAY SEEK
29 JUDICIAL REVIEW NOT LATER THAN THE SECOND MONDAY PRECEDING THE
30 ELECTION.

31 9-210. ARRANGEMENT OF BALLOTS - CANDIDATES AND OFFICES.

32 (A) OFFICES - ORDER OF PRECEDENCE.

33 THE OFFICES TO BE VOTED ON SHALL BE ARRANGED ON THE BALLOT IN THE
34 FOLLOWING ORDER, AS APPLICABLE:

1 (1) PUBLIC OFFICES FOR WHICH VOTERS OF THE ENTIRE STATE MAY
2 VOTE, IN THE FOLLOWING ORDER:

3 (I) PRESIDENT OF THE UNITED STATES, OR PRESIDENT AND VICE
4 PRESIDENT OF THE UNITED STATES;

5 (II) GOVERNOR AND LIEUTENANT GOVERNOR;

6 (III) COMPTROLLER;

7 (IV) ATTORNEY GENERAL; AND

8 (V) UNITED STATES SENATOR;

9 (2) REPRESENTATIVE IN CONGRESS;

10 (3) MEMBERS OF THE GENERAL ASSEMBLY OF MARYLAND, IN THE
11 FOLLOWING ORDER:

12 (I) SENATE OF MARYLAND; AND

13 (II) HOUSE OF DELEGATES;

14 (4) MEMBERS OF THE GOVERNING BODY OF A COUNTY, IN THE
15 FOLLOWING ORDER:

16 (I) COUNTY EXECUTIVE; AND

17 (II) COUNTY COUNCIL OR COUNTY COMMISSIONER;

18 (5) OFFICES IN THE GOVERNMENT OF THE CITY OF BALTIMORE, IN THE
19 FOLLOWING ORDER:

20 (I) MAYOR;

21 (II) PRESIDENT OF THE CITY COUNCIL;

22 (III) COMPTROLLER; AND

23 (IV) MEMBER OF THE CITY COUNCIL;

24 (6) JUDICIAL OFFICES, IN THE FOLLOWING ORDER:

25 (I) JUDGE OF THE CIRCUIT COURT;

26 (II) APPELLATE JUDGES, CONTINUANCE IN OFFICE, IN THE
27 FOLLOWING ORDER:

28 1. COURT OF APPEALS; AND

29 2. COURT OF SPECIAL APPEALS;

1 (7) PUBLIC OFFICES FOR WHICH THE VOTERS OF A COUNTY MAY VOTE,
2 IN THE FOLLOWING ORDER:

3 (I) COUNTY TREASURER;

4 (II) STATE'S ATTORNEY;

5 (III) CLERK OF THE CIRCUIT COURT;

6 (IV) REGISTER OF WILLS;

7 (V) JUDGE OF THE ORPHANS' COURT;

8 (VI) SHERIFF; AND

9 (VII) OTHER OFFICES FILLED BY PARTISAN ELECTION;

10 (8) PARTY OFFICES; AND

11 (9) OFFICES FILLED BY NONPARTISAN ELECTION.

12 (B) OTHER OFFICES.

13 ANY OFFICE NOT SPECIFIED IN SUBSECTION (A) OF THIS SECTION SHALL BE
14 PLACED ON THE BALLOT FOLLOWING THE OFFICES SPECIFIED IN SUBSECTION (A).

15 (C) AT LARGE CANDIDATES LISTED FIRST.

16 WITHIN ANY CATEGORY OF OFFICES, IF THE BALLOT CONTAINS ONE OR MORE
17 CONTESTS FOR AT LARGE ELECTION AND ONE OR MORE CONTESTS FOR ELECTION
18 BY DISTRICT, THE CONTEST OR CONTESTS TO BE VOTED ON AT LARGE SHALL
19 APPEAR FIRST.

20 (D) INSTRUCTIONS AS TO NUMBER OF CANDIDATES TO VOTE FOR.

21 IN A PROMINENT POSITION ADJACENT TO THE TITLE OF EACH OFFICE, THERE
22 SHALL BE INSTRUCTIONS STATING THE NUMBER OF CANDIDATES FOR WHOM THE
23 VOTER LAWFULLY MAY VOTE.

24 (E) NAMES OF CANDIDATES.

25 (1) A BALLOT SHALL CONTAIN THE NAME OF EVERY CANDIDATE WHO IS
26 AUTHORIZED UNDER THE PROVISIONS OF THIS ARTICLE TO APPEAR ON THE BALLOT.

27 (2) EACH CANDIDATE SHALL BE LISTED ON THE BALLOT IN THE
28 CONTEST FOR WHICH THE CANDIDATE HAS QUALIFIED.

29 (F) WRITE-IN VOTES.

1 (1) IN A GENERAL ELECTION, THE VOTER SHALL BE AFFORDED THE
2 OPPORTUNITY TO CAST A WRITE-IN VOTE FOR AS MANY POSITIONS AS ARE TO BE
3 FILLED IN A CONTEST.

4 (2) ON A DOCUMENT BALLOT, IN EACH CONTEST A BLANK LINE OR
5 LINES FOR WRITE-IN VOTING SHALL FOLLOW THE PRINTED NAMES ON THE BALLOT.

6 (3) THIS SUBSECTION DOES NOT APPLY TO QUESTIONS OR THE
7 CONTINUANCE IN OFFICE OF APPELLATE JUDGES.

8 (G) GENERAL ELECTIONS - PARTY DESIGNATION.

9 (1) EXCEPT FOR CONTESTS FOR JUDICIAL OFFICE OR AN OFFICE TO BE
10 FILLED BY NONPARTISAN ELECTION, THE PARTY AFFILIATION OF A CANDIDATE
11 WHO IS A NOMINEE OF A POLITICAL PARTY SHALL BE INDICATED ON THE BALLOT.

12 ~~(2) A CANDIDATE WHO IS NOT A NOMINEE OF A POLITICAL PARTY SHALL~~
13 ~~BE DESIGNATED UNDER "OTHER" OR "OTHER CANDIDATES".~~

14 (2) (I) A CANDIDATE WHO IS NOT A NOMINEE OF A POLITICAL PARTY
15 OR AFFILIATED WITH A PARTISAN ORGANIZATION SHALL BE DESIGNATED AS AN
16 "INDEPENDENT" "UNAFFILIATED".

17 (II) ~~A CANDIDATE WHO IS NOT A NOMINEE OF A POLITICAL PARTY,~~
18 ~~BUT WHO IS AFFILIATED WITH A PARTISAN ORGANIZATION, SHALL BE DESIGNATED~~
19 ~~UNDER "OTHER CANDIDATES".~~

20 DRAFTER'S NOTE: The provision of former law restricting the party name on
21 the ballot to one word is repealed.

22 The revision eliminates the use of "independent" in favor of a uniform
23 usage of either "other" or "other candidates".

24 (3) THE NAMES OF CANDIDATES FOR JUDGE OF THE CIRCUIT COURT OR
25 FOR A COUNTY BOARD OF EDUCATION, AND THE NAMES OF INCUMBENT APPELLATE
26 JUDGES, SHALL BE PLACED ON THE BALLOT WITHOUT A PARTY LABEL OR OTHER
27 DISTINGUISHING MARK OR LOCATION WHICH MIGHT INDICATE PARTY AFFILIATION.

28 (H) RESIDENCE OF CANDIDATES.

29 (1) IN AN ELECTION FOR AN OFFICE THAT REPRESENTS MORE THAN
30 ONE COUNTY, IN WHOLE OR IN PART, THE NAME OF A CANDIDATE SHALL BE
31 IDENTIFIED BY THE COUNTY IN WHICH THE CANDIDATE RESIDES.

32 (2) A CANDIDATE FOR PRESIDENT OF THE UNITED STATES OR VICE
33 PRESIDENT OF THE UNITED STATES SHALL BE IDENTIFIED BY THE STATE IN WHICH
34 THE CANDIDATE RESIDES.

35 (I) ELECTION OF RESIDENT DELEGATES.

1 IF THERE IS AN ELECTION FOR MEMBERS OF THE HOUSE OF DELEGATES WHO
2 ARE REQUIRED TO LIVE IN A SPECIFIC COUNTY AND ONLY A CERTAIN NUMBER OF
3 DELEGATES MAY BE ELECTED FROM THAT COUNTY, THE BALLOT SHALL PROVIDE
4 THAT A VOTER MAY NOT VOTE FOR MORE THAN THAT NUMBER OF CANDIDATES
5 FROM THAT SPECIFIC COUNTY.

6 (J) ARRANGEMENT BY POLITICAL PARTY.

7 (1) IN A PRIMARY ELECTION:

8 (I) ON A VOTING MACHINE BALLOT, THE NAMES OF THE
9 CANDIDATES FOR PARTY NOMINATION SHALL BE GROUPED TOGETHER BY PARTY;
10 AND

11 (II) ON A DOCUMENT BALLOT, THE BALLOT SHALL INCLUDE ONLY
12 THE NAMES OF CANDIDATES FOR WHICH THE VOTER IS ENTITLED TO VOTE.

13 (2) IN A GENERAL ELECTION:

14 (I) ON A VOTING MACHINE BALLOT, THE NAMES OF THE
15 CANDIDATES OF A POLITICAL PARTY SHALL BE GROUPED TOGETHER IN ADJACENT
16 ROWS OR COLUMNS, AND THE MAJORITY PARTY CANDIDATES SHALL BE PLACED IN
17 THE FIRST ROW OR COLUMN, FOLLOWED BY THE CANDIDATES OF THE PRINCIPAL
18 MINORITY PARTY, FOLLOWED BY OTHER POLITICAL PARTIES IN DESCENDING ORDER
19 BASED ON THE NUMBER OF VOTERS REGISTERED WITH THE PARTY, AND FINALLY BY
20 CANDIDATES NOT NOMINEES OF A POLITICAL PARTY; AND

21 (II) ON A DOCUMENT BALLOT, FOR EACH OFFICE THE NAMES OF
22 CANDIDATES SHALL BE GROUPED TOGETHER BY PARTY, WITH THE MAJORITY PARTY
23 CANDIDATE OR CANDIDATES LISTED FIRST, FOLLOWED BY THE CANDIDATE OR
24 CANDIDATES OF THE PRINCIPAL MINORITY PARTY, FOLLOWED BY THE CANDIDATE
25 OR CANDIDATES OF OTHER POLITICAL PARTIES IN DESCENDING ORDER BASED ON
26 THE STATEWIDE REGISTRATION OF THE PARTY, AND FINALLY BY CANDIDATES WHO
27 ARE NOT NOMINEES OF A POLITICAL PARTY.

28 (3) IN BOTH PRIMARY ELECTIONS AND GENERAL ELECTIONS, WHEN
29 THERE IS MORE THAN ONE CANDIDATE OF THE SAME POLITICAL PARTY FOR
30 NOMINATION OR ELECTION TO AN OFFICE, THE NAMES OF THE CANDIDATES IN THE
31 GROUP SHALL BE LISTED IN ALPHABETICAL ORDER BY SURNAME. IN THE PRIMARY
32 ELECTION, CANDIDATES FOR GOVERNOR AND LIEUTENANT GOVERNOR SHALL BE
33 ARRANGED IN THE ORDER OF SURNAMES OF THE GUBERNATORIAL CANDIDATES.

34 (K) ARRANGEMENT OF VOTING MACHINE BALLOT - COMPACTNESS.

35 ON A VOTING MACHINE BALLOT, THE ARRANGEMENT SHALL USE THE
36 SMALLEST NUMBER OF ROWS OR COLUMNS NECESSARY, AS EVENLY SIZED AS
37 POSSIBLE, TO ACCOMMODATE ALL OFFICES AND CANDIDATES ON THE BALLOT.

1 9-211. ARRANGEMENT OF BALLOTS - QUESTIONS.

2 (A) ORDER OF QUESTIONS.

3 QUESTIONS TO BE VOTED UPON SHALL BE PLACED ON THE BALLOT IN THE
4 FOLLOWING ORDER:

5 (1) THOSE RELATING TO THE CREATION OR ADOPTION OF A NEW STATE
6 CONSTITUTION;

7 (2) THOSE PROPOSING AMENDMENTS TO THE MARYLAND
8 CONSTITUTION;

9 (3) THOSE RELATING TO OTHER ENACTMENTS OF THE GENERAL
10 ASSEMBLY;

11 (4) THOSE RELATING TO THE CREATION OR ADOPTION OF, OR THE
12 AMENDMENT OR OTHER CHANGE IN, THE CHARTER OF A COUNTY;

13 (5) THOSE RELATING TO OTHER ENACTMENTS BY THE GOVERNING
14 BODY OF A COUNTY; AND

15 (6) OTHER QUESTIONS.

16 (B) QUESTIONS CERTIFIED BY SECRETARY OF STATE.

17 THE SECRETARY OF STATE SHALL CERTIFY THE FORM OF STATEWIDE
18 QUESTIONS, AND ANY QUESTION RELATING TO AN ENACTMENT OF THE GENERAL
19 ASSEMBLY, IN ACCORDANCE WITH TITLE 7 OF THIS ARTICLE.

20 (C) LOCAL QUESTIONS.

21 THE APPROPRIATE LOCAL AUTHORITY SHALL CERTIFY THE FORM OF A
22 QUESTION TO BE VOTED ON BY VOTERS IN A SINGLE COUNTY, OTHER THAN A
23 QUESTION PURSUANT TO AN ENACTMENT OF THE GENERAL ASSEMBLY, IN
24 ACCORDANCE WITH TITLE 7 OF THIS ARTICLE.

25 (D) NUMBERING OF QUESTIONS.

26 THE NUMBERING OF QUESTIONS ON A BALLOT SHALL BE AS PROVIDED IN
27 TITLE 7 OF THIS ARTICLE.

28 9-212. BALLOTS WITH MULTIPLE BALLOT FACES - INSTRUCTIONS TO VOTERS.

29 IF APPLICABLE TO THE VOTING SYSTEM AND THE REQUIREMENTS OF THE
30 ELECTION, INSTRUCTIONS SHALL BE PRINTED ON EACH BALLOT STATING THAT
31 ADDITIONAL CANDIDATES OR QUESTIONS APPEAR ON THE REVERSE SIDE OF THE
32 BALLOT FACE OR ON OTHER BALLOT FACES.

1 9-213. ABSENTEE BALLOTS - CONTENT.

2 THE CONTENT OF THE ABSENTEE BALLOT ISSUED TO A VOTER SHALL BE
3 IDENTICAL TO THE BALLOT USED IN THE POLLING PLACE OF THE VOTER'S
4 RESIDENCE.

5 9-214. SPECIMEN BALLOTS.

6 EACH LOCAL BOARD SHALL PROVIDE SPECIMEN BALLOTS, SO LABELED, FOR
7 ALL BALLOTS TO BE USED IN EACH ELECTION:

8 (1) FOR MAILING TO REGISTERED VOTERS UNDER TITLE 8 OF THIS
9 ARTICLE, IF MAILING OF SPECIMEN BALLOTS IS CHOSEN OR REQUIRED IN THE
10 COUNTY; AND

11 (2) FOR OTHER INFORMATIONAL PURPOSES IN ACCORDANCE WITH THE
12 PROVISIONS OF THIS ARTICLE.

13 9-215. PRINTING.

14 (A) STANDARDS.

15 EACH BALLOT SHALL BE PRINTED:

16 (1) IN PLAIN, CLEAR TYPE IN BLACK INK;

17 (2) ON MATERIAL OF THE SIZE AND ARRANGEMENT THAT IS REQUIRED
18 TO FIT THE NEEDS OF THE VOTING SYSTEM; AND

19 (3) (I) IN A GENERAL ELECTION, ON CLEAR WHITE MATERIAL; OR

20 (II) IN A PRIMARY ELECTION, ON MATERIAL OF A DIFFERENT
21 COLOR FOR VOTERS OF EACH POLITICAL PARTY AND FOR VOTERS NOT AFFILIATED
22 WITH A POLITICAL PARTY THAT NOMINATES ITS CANDIDATES BY PRIMARY
23 ELECTION.

24 (B) NUMBER TO BE PRINTED.

25 EACH LOCAL BOARD SHALL ARRANGE TO HAVE PRINTED A SUPPLY OF BALLOTS
26 THAT IS AT LEAST THE NUMBER THAT IS THE PRODUCT OF:

27 (1) THE PERCENTAGE OF VOTERS IN THE COUNTY WHO VOTED IN THE
28 ELECTION THAT WAS 4 YEARS PRIOR , PLUS 10%; MULTIPLIED BY

29 (2) THE CURRENT NUMBER OF REGISTERED VOTERS IN THE COUNTY.

30 (C) REGULATIONS ADOPTED BY STATE BOARD.

31 THE REGULATIONS ADOPTED BY THE STATE BOARD FOR THE USE OF EACH
32 VOTING SYSTEM SHALL PROVIDE STANDARDS FOR THE PRINTING OF BALLOTS,
33 WHICH ASSURE THAT:

- 1 (1) THE BALLOTS WILL BE PRINTED AND RECEIVED IN A TIMELY
2 FASHION;
- 3 (2) THE BALLOTS WILL BE SUITABLE FOR USE IN THE ELECTION;
- 4 (3) THE BALLOTS ARE CLEAR AND LEGIBLE; AND
- 5 (4) THE PRINTING AND PAPER STOCK EMPLOYED ARE DURABLE.

6 9-216. BALLOT ACCOUNTABILITY.

- 7 (A) ACCOUNTABILITY SYSTEM REQUIRED.

8 CONSISTENT WITH THE REGULATIONS ADOPTED BY THE STATE BOARD FOR
9 THE VOTING SYSTEM OR SYSTEMS USED IN THE COUNTY, AND SUBJECT TO THE
10 APPROVAL OF THE STATE BOARD, EACH LOCAL BOARD SHALL ESTABLISH AND
11 MAINTAIN A SYSTEM TO ACCOUNT FOR, AND MAINTAIN CONTROL OVER, THE
12 BALLOTS FROM THE BEGINNING OF PRODUCTION THROUGH POSTELECTION
13 STORAGE AND DISPOSITION.

- 14 (B) MONITORING AND REVIEW BY STATE BOARD.

15 THE STATE BOARD SHALL MONITOR AND PERIODICALLY REVIEW THE
16 PERFORMANCE OF THE LOCAL BOARDS IN THEIR COMPLIANCE WITH SUBSECTION
17 (A) OF THIS SECTION.

18 9-217. PROHIBITED PRACTICES.

- 19 (A) GENERALLY.

20 A PERSON MAY NOT USE, DISTRIBUTE, POSSESS, PRINT, OR REPRODUCE A
21 BALLOT OTHER THAN AS AUTHORIZED IN THIS ARTICLE.

22 (B) A PERSON WHO VIOLATES THE PROVISIONS OF SUBSECTION (A) OF THIS
23 SECTION SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN TITLE 16 OF THIS
24 ARTICLE.

25 SUBTITLE 3. ABSENTEE VOTING.

26 9-301. GENERAL PROVISIONS.

- 27 (A) APPLICABILITY.

28 THIS SUBTITLE APPLIES TO EVERY ELECTION GOVERNED BY THIS ARTICLE.

- 29 (B) FORMS.

30 THE STATE BOARD SHALL PRESCRIBE ALL FORMS REQUIRED TO COMPLY WITH:

- 31 (1) THIS SUBTITLE; AND

1 (2) ANY REQUIREMENTS OF RELEVANT FEDERAL LAW.

2 9-302. DOCUMENTATION BY LOCAL BOARDS.

3 EACH LOCAL BOARD SHALL MAINTAIN A FULL RECORD OF ABSENTEE VOTING
4 IN THE COUNTY, INCLUDING, FOR EACH ABSENTEE VOTER:

5 (1) THE DATE AND TIME OF THE BOARD'S RECEIPT OF AN APPLICATION
6 FOR AN ABSENTEE BALLOT;

7 (2) THE ACTION TAKEN WITH REGARD TO THE APPLICATION;

8 (3) THE APPROPRIATE BALLOT STYLE;

9 (4) THE DATE OF ISSUANCE OF A BALLOT;

10 (5) IF MAILED, THE ADDRESS TO WHICH THE BALLOT IS SENT;

11 (6) THE DATE AND TIME OF THE RECEIPT OF A VOTED ABSENTEE
12 BALLOT; AND

13 (7) ANY OTHER INFORMATION SPECIFIED BY THE STATE BOARD.

14 9-303. GUIDELINES.

15 (A) ESTABLISHED BY STATE BOARD.

16 THE STATE BOARD SHALL ESTABLISH GUIDELINES FOR THE ADMINISTRATION
17 OF ABSENTEE VOTING BY THE LOCAL BOARDS.

18 (B) CONTENT.

19 THE GUIDELINES SHALL PROVIDE FOR:

20 (1) THE APPLICATION PROCESS;

21 (2) LATE APPLICATION FOR ABSENTEE BALLOTS;

22 (3) BALLOT SECURITY, INCLUDING STORAGE OF RETURNED BALLOTS;

23 (4) DETERMINING TIMELINESS OF RECEIPT OF APPLICATIONS AND
24 BALLOTS, INCLUDING APPLICATIONS AND BALLOTS FOR OVERSEAS VOTERS;

25 (5) THE CANVASS PROCESS;

26 (6) NOTICE OF THE CANVASS TO CANDIDATES, POLITICAL PARTIES,
27 CAMPAIGN ORGANIZATIONS, NEWS MEDIA, AND THE GENERAL PUBLIC;

28 (7) OBSERVERS OF THE PROCESS;

29 (8) REVIEW OF VOTED BALLOTS AND ENVELOPES FOR COMPLIANCE
30 WITH THE LAW AND FOR MACHINE TABULATION ACCEPTABILITY;

1 (9) STANDARDS FOR DISALLOWANCE OF BALLOTS DURING THE
2 CANVASS; AND

3 (10) STORAGE AND RETENTION OF BALLOTS FOLLOWING CANVASS AND
4 CERTIFICATION.

5 (C) PERIODIC ASSESSMENT AND REVISION OF GUIDELINES.

6 THE STATE BOARD SHALL:

7 (1) IN CONSULTATION WITH THE LOCAL BOARDS, ASSESS THE
8 GUIDELINES BEFORE EACH PRIMARY ELECTION; AND

9 (2) REVISE THE GUIDELINES IF INDICATED.

10 9-304. QUALIFICATION FOR ABSENTEE VOTING.

11 (A) GENERALLY.

12 A REGISTERED VOTER MAY VOTE BY ABSENTEE BALLOT AT AN ELECTION IF
13 THE VOTER:

14 (1) WILL BE ABSENT ON ELECTION DAY FROM THE COUNTY IN WHICH
15 THE VOTER IS REGISTERED;

16 (2) BECAUSE OF ACCIDENT, ILLNESS, OR PHYSICAL DISABILITY, WILL BE
17 UNABLE TO GO TO THE POLLING PLACE ON ELECTION DAY;

18 (3) BECAUSE OF CONFINEMENT IN OR RESTRICTION TO AN
19 INSTITUTION, WILL BE PREVENTED FROM GOING TO THE POLLING PLACE ON
20 ELECTION DAY;

21 (4) BECAUSE OF A DEATH OR SERIOUS ILLNESS IN THE VOTER'S
22 IMMEDIATE FAMILY, WILL BE UNABLE TO GO TO THE POLLING PLACE ON ELECTION
23 DAY;

24 (5) IS A FULL-TIME STUDENT AT AN INSTITUTION OF HIGHER
25 EDUCATION LOCATED OUTSIDE THE VOTER'S PRECINCT BUT WITHIN THE COUNTY
26 OF REGISTRATION, AND ACADEMIC REQUIREMENTS PREVENT THE VOTER FROM
27 GOING TO THE POLLING PLACE ON ELECTION DAY; OR

28 (6) BECAUSE OF EMPLOYMENT BY OR SERVICE AS AN OFFICIAL OF THE
29 STATE BOARD OR A LOCAL BOARD, IS REQUIRED TO BE ABSENT FROM THE PRECINCT
30 IN WHICH THE VOTER IS REGISTERED TO VOTE ON ELECTION DAY.

31 (B) COMPLIANCE WITH FEDERAL LAW.

32 AN INDIVIDUAL MAY VOTE BY ABSENTEE BALLOT IF AUTHORIZED UNDER AN
33 APPLICABLE FEDERAL LAW.

1 9-305. APPLICATIONS FOR ABSENTEE BALLOT.

2 (A) APPLICATION.

3 AN APPLICATION FOR AN ABSENTEE BALLOT, SIGNED BY THE VOTER, MAY BE
4 MADE:

5 (1) ON A FORM PRODUCED BY THE LOCAL BOARD AND SUPPLIED TO THE
6 VOTER ON REQUEST;

7 (2) ON A FORM PROVIDED UNDER FEDERAL LAW; OR

8 (3) IN A WRITTEN REQUEST THAT INCLUDES:

9 (I) THE VOTER'S NAME AND RESIDENCE ADDRESS;

10 (II) THE ADDRESS TO WHICH THE BALLOT IS TO BE MAILED, IF
11 DIFFERENT FROM THE RESIDENCE ADDRESS; AND

12 (III) THE REASON, AS AUTHORIZED IN § 9-304 OF THIS SUBTITLE,
13 FOR ABSENTEE VOTING.

14 (B) DEADLINE FOR RECEIPT OF APPLICATION.

15 EXCEPT FOR A LATE APPLICATION UNDER SUBSECTION (C) OF THIS SECTION,
16 AN APPLICATION FOR AN ABSENTEE BALLOT MUST BE RECEIVED BY A LOCAL BOARD
17 NOT LATER THAN THE TUESDAY PRECEDING THE ELECTION, AT THE TIME
18 SPECIFIED IN THE GUIDELINES.

19 (C) LATE APPLICATION.

20 (1) BEGINNING ON THE WEDNESDAY PRECEDING THE ELECTION,
21 THROUGH THE CLOSING OF THE POLLS ON ELECTION DAY, A REGISTERED VOTER OR
22 THE VOTER'S DULY AUTHORIZED AGENT MAY APPLY IN PERSON FOR AN ABSENTEE
23 BALLOT AT THE OFFICE OF THE LOCAL BOARD IF THE VOTER IS QUALIFIED FOR
24 ABSENTEE VOTING UNDER § 9-304 OF THIS SUBTITLE OR § 10-102 OF THIS ARTICLE.

25 (2) A SPECIAL APPLICATION FOR AN ABSENTEE BALLOT ISSUED UNDER
26 THIS SUBSECTION SHALL BE SUPPLIED BY THE STAFF OF THE LOCAL BOARD TO THE
27 VOTER OR THE VOTER'S DULY AUTHORIZED AGENT.

28 (3) THE APPLICATION SHALL BE MADE UNDER PENALTY OF PERJURY,
29 BUT WITHOUT A FORMAL OATH, SPECIFYING THE REASON FOR ABSENTEE VOTING.

30 (4) AFTER REVIEW OF THE APPLICATION, IF THE STAFF OF THE LOCAL
31 BOARD FINDS THAT THE VOTER QUALIFIES FOR ABSENTEE VOTING, THE STAFF
32 SHALL ISSUE AN ABSENTEE BALLOT TO THE VOTER OR THE VOTER'S DULY
33 AUTHORIZED AGENT.

1 9-306. REVIEW OF APPLICATION; ISSUANCE OR REJECTION.

2 (A) REVIEW OF APPLICATION.

3 PROMPTLY AFTER RECEIPT OF AN APPLICATION, THE ELECTION DIRECTOR
4 SHALL REVIEW THE APPLICATION AND DETERMINE WHETHER THE APPLICANT
5 QUALIFIES TO VOTE BY ABSENTEE BALLOT.

6 (B) TRANSMITTAL OF BALLOT.

7 IF THE APPLICANT QUALIFIES TO VOTE BY ABSENTEE BALLOT, THE LOCAL
8 BOARD SHALL SEND THE BALLOT:

9 (1) AS SOON AS PRACTICABLE AFTER RECEIPT OF THE REQUEST; OR

10 (2) IF THE BALLOTS HAVE NOT BEEN RECEIVED FROM THE PRINTER, AS
11 SOON AS PRACTICABLE AFTER THE LOCAL BOARD RECEIVES DELIVERY OF THE
12 BALLOTS.

13 (C) REJECTION OF APPLICATION.

14 (1) IF THE MEMBERS OF THE LOCAL BOARD DETERMINE THAT THE
15 APPLICANT IS NOT ENTITLED TO VOTE BY ABSENTEE BALLOT, THE LOCAL BOARD
16 SHALL NOTIFY THE APPLICANT AS SOON AS PRACTICABLE AFTER RECEIPT OF THE
17 APPLICATION OF THE REASONS FOR THE REJECTION.

18 (2) (I) THE LOCAL BOARD MAY DELEGATE THE DETERMINATION
19 UNDER PARAGRAPH (1) OF THIS SUBSECTION TO THE STAFF OF THE LOCAL BOARD.

20 (II) IF THE DETERMINATION HAS BEEN DELEGATED, THE
21 APPLICANT MAY APPEAL THE REJECTION TO THE MEMBERS OF THE LOCAL BOARD,
22 WHO SHALL DECIDE THE APPEAL AS EXPEDITIOUSLY AS PRACTICABLE.

23 (D) NUMBER OF BALLOTS ISSUED TO A VOTER.

24 NOT MORE THAN ONE ABSENTEE BALLOT MAY BE ISSUED TO A VOTER UNLESS
25 THE ELECTION DIRECTOR OF THE LOCAL BOARD HAS REASONABLE GROUNDS TO
26 BELIEVE THAT AN ABSENTEE BALLOT PREVIOUSLY ISSUED TO THE VOTER HAS BEEN
27 LOST, DESTROYED, OR SPOILED.

28 9-307. USE OF AN AGENT IN ABSENTEE BALLOT PROCESS.

29 (A) USE AUTHORIZED.

30 A QUALIFIED APPLICANT MAY DESIGNATE A DULY AUTHORIZED AGENT TO
31 PICK UP AND DELIVER AN ABSENTEE BALLOT UNDER THIS SUBTITLE.

32 (B) QUALIFICATIONS OF AGENT.

33 AN AGENT OF THE VOTER UNDER THIS SECTION:

- 1 (1) MUST BE AT LEAST 18 YEARS OLD;
- 2 (2) MAY NOT BE A CANDIDATE ON THAT BALLOT;
- 3 (3) SHALL BE DESIGNATED IN A WRITING SIGNED BY THE VOTER UNDER
4 PENALTY OF PERJURY; AND
- 5 (4) SHALL EXECUTE AN AFFIDAVIT UNDER PENALTY OF PERJURY THAT
6 THE BALLOT WAS:
- 7 (I) DELIVERED TO THE VOTER WHO SUBMITTED THE
8 APPLICATION;
- 9 (II) MARKED AND PLACED IN AN ENVELOPE BY THE VOTER, OR
10 WITH ASSISTANCE AS ALLOWED BY REGULATION, IN THE AGENT'S PRESENCE; AND
- 11 (III) RETURNED TO THE LOCAL BOARD BY THE AGENT.

12 DRAFTER'S NOTE: An authorized agent may now be used at any time in the
13 absentee voting process, not just in the last 2 weeks as current law
14 provides. The prohibition on a candidate serving as an agent is new.

15 9-308. ASSISTANCE IN MARKING BALLOT.

16 (A) GENERALLY.

17 A VOTER WHO REQUIRES ASSISTANCE IN CASTING AN ABSENTEE BALLOT BY
18 REASON OF DISABILITY, INABILITY TO WRITE, OR INABILITY TO READ THE BALLOT
19 MAY BE ASSISTED BY ANY INDIVIDUAL OTHER THAN:

- 20 (1) A CANDIDATE WHO IS ON THAT BALLOT;
- 21 (2) THE VOTER'S EMPLOYER OR AN AGENT OF THE EMPLOYER; OR
- 22 (3) AN OFFICER OR AGENT OF THE VOTER'S UNION.

23 (B) CERTIFICATION OF ASSISTANCE.

24 AN INDIVIDUAL RENDERING ASSISTANCE UNDER THIS SECTION SHALL
25 EXECUTE A CERTIFICATION AS PRESCRIBED BY THE STATE BOARD AND INCLUDED
26 IN THE INSTRUCTIONS UNDER § 9-309 OF THIS SUBTITLE.

27 DRAFTER'S NOTE: The prohibition on candidates providing assistance to
28 absentee voters is new.

29 9-309. INSTRUCTIONS.

30 AN ABSENTEE BALLOT SHALL BE ACCOMPANIED BY INSTRUCTIONS,
31 PRESCRIBED BY THE STATE BOARD, FOR MARKING AND RETURNING THE BALLOT.

1 9-310. ENVELOPES.

2 (A) REQUIRED; PRESCRIBED BY STATE BOARD.

3 AN ABSENTEE BALLOT SHALL BE ENCLOSED IN SPECIALLY PRINTED
4 ENVELOPES, THE FORM AND CONTENT OF WHICH SHALL BE PRESCRIBED BY THE
5 STATE BOARD.

6 (B) OPTIONAL PROCEDURES.

7 (1) A LOCAL BOARD MAY USE EITHER TWO ENVELOPES OR THREE
8 ENVELOPES.

9 (2) IF TWO ENVELOPES ARE USED, THE INNER ENVELOPE SHALL BE
10 DESIGNATED THE "BALLOT/RETURN ENVELOPE", AND, WHEN ISSUED, IT SHALL FIT
11 INSIDE THE ENVELOPE DESIGNATED THE "OUTGOING ENVELOPE".

12 (3) IF THREE ENVELOPES ARE USED, THE INNERMOST ENVELOPE
13 SHALL BE DESIGNATED THE "BALLOT ENVELOPE", WHICH SHALL FIT INSIDE THE
14 ENVELOPE DESIGNATED THE "RETURN ENVELOPE", BOTH OF WHICH, WHEN ISSUED,
15 SHALL FIT INSIDE THE ENVELOPE DESIGNATED THE "OUTGOING ENVELOPE".

16 (C) OATH.

17 WHEN VOTED AND RETURNED TO THE LOCAL BOARD, AN ABSENTEE BALLOT
18 SHALL BE ENCLOSED IN A BALLOT ENVELOPE OR BALLOT/RETURN ENVELOPE, ON
19 WHICH HAS BEEN PRINTED AN OATH PRESCRIBED BY THE STATE BOARD.

20 9-311. ADDITIONAL COMPENSATION AND EXPENSES.

21 (A) GENERALLY.

22 (1) THE MEMBERS OF A LOCAL BOARD SHALL EACH BE ENTITLED TO
23 EXTRA COMPENSATION, IN ADDITION TO THEIR REGULAR COMPENSATION, FOR
24 DUTIES ACTUALLY PERFORMED UNDER THIS SUBTITLE.

25 (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE
26 AMOUNT OF THE EXTRA COMPENSATION SHALL BE \$10 PER DAY, OR A GREATER
27 AMOUNT SET BY THE GOVERNING BODY OF THE COUNTY.

28 (3) IN BALTIMORE CITY, THE MEMBERS OF THE LOCAL BOARD SHALL
29 RECEIVE \$200 PER ELECTION FOR DUTIES UNDER THIS SUBTITLE.

30 (B) ADDITIONAL EXPENSES.

31 THE GOVERNING BODY OF A COUNTY SHALL PROVIDE TO THE LOCAL BOARD OF
32 THE COUNTY AN AMOUNT THAT IS REASONABLE AND NECESSARY TO PAY FOR
33 EXPENSES, INCLUDING THE EMPLOYMENT OF TEMPORARY PERSONNEL, REQUIRED
34 FOR PERFORMING THE DUTIES REQUIRED UNDER THIS SUBTITLE.

35 (C) PAYMENT TO BE THE SAME AS OTHER APPROPRIATIONS.

1 PAYMENTS UNDER THIS SECTION SHALL BE MADE BY THE COUNTY
2 GOVERNING BODY IN THE SAME MANNER THAT OTHER FUNDING IS PROVIDED TO
3 THE LOCAL BOARD.

4 9-312. PENALTY FOR OFFENSES RELATING TO ABSENTEE VOTING.

5 ANY PERSON WHO IS CONVICTED OF A VIOLATION OF ANY OF THE PROVISIONS
6 OF THIS SUBTITLE IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 OR
7 IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR BOTH.

8 TITLE 10. POLLING PLACES.

9 SUBTITLE 1. POLLING PLACE SITES.

10 10-101. GENERALLY.

11 (A) DESIGNATION OF POLLING PLACES - GENERALLY.

12 (1) EACH LOCAL BOARD SHALL DESIGNATE A POLLING PLACE THAT
13 MEETS THE REQUIREMENTS OF THIS SUBSECTION FOR EACH PRECINCT IN THE
14 COUNTY AS ESTABLISHED BY THE LOCAL BOARD IN ACCORDANCE WITH TITLE 2 OF
15 THIS ARTICLE.

16 (2) EACH POLLING PLACE SHALL:

17 (I) PROVIDE AN ENVIRONMENT THAT IS SUITABLE TO THE PROPER
18 CONDUCT OF AN ELECTION;

19 (II) BE LOCATED AS CONVENIENTLY AS PRACTICABLE FOR THE
20 MAJORITY OF REGISTERED VOTERS ASSIGNED TO THAT POLLING PLACE;

21 (III) EXCEPT AS AUTHORIZED IN PARAGRAPH (4) OF THIS
22 SUBSECTION, BE IN A PUBLIC BUILDING;

23 (IV) BE IN THE PRECINCT WHICH IT SERVES UNLESS NO SUITABLE
24 LOCATION FOR A POLLING PLACE CAN BE FOUND WITHIN THAT PRECINCT, IN WHICH
25 CASE THE BOARD MAY ESTABLISH THE POLLING PLACE IN AN ADJACENT PRECINCT;
26 AND

27 (V) WHENEVER PRACTICABLE, BE SELECTED AND ARRANGED TO
28 AVOID ARCHITECTURAL AND OTHER BARRIERS THAT IMPEDE ACCESS OR VOTING BY
29 ELDERLY AND PHYSICALLY DISABLED VOTERS.

30 (3) (I) THE PUBLIC OFFICIAL RESPONSIBLE FOR THE USE OF ANY
31 PUBLIC BUILDING REQUESTED BY A LOCAL BOARD FOR A POLLING PLACE SHALL
32 MAKE AVAILABLE TO THE LOCAL BOARD, WITHOUT CHARGE, THE SPACE THAT IS
33 NEEDED IN THE BUILDING FOR THE PROPER CONDUCT OF AN ELECTION.

34 (II) LIGHT, HEAT, AND CUSTODIAL AND JANITORIAL SERVICES FOR
35 THE SPACE SHALL BE PROVIDED TO THE LOCAL BOARD WITHOUT CHARGE.

1 (4) (I) IF SUITABLE SPACE IN A PUBLIC BUILDING IS NOT AVAILABLE,
2 A LOCAL BOARD MAY PAY A REASONABLE FEE FOR THE USE OF SPACE IN A
3 PRIVATELY OWNED BUILDING.

4 (II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS
5 PARAGRAPH, AN ELECTION MAY NOT BE HELD IN ANY BUILDING OR PART OF ANY
6 BUILDING USED OR OCCUPIED BY AN ESTABLISHMENT THAT HOLDS AN ALCOHOLIC
7 BEVERAGES LICENSE.

8 (III) AN ELECTION MAY BE HELD IN A BUILDING THAT IS OWNED
9 AND OCCUPIED BY AN ESTABLISHMENT THAT HOLDS AN ALCOHOLIC BEVERAGES
10 LICENSE IF:

11 1. THE LOCAL BOARD DETERMINES THAT THERE IS NO
12 SUITABLE ALTERNATIVE PLACE TO HOLD AN ELECTION;

13 2. THE LICENSEE AGREES NOT TO SELL OR DISPENSE
14 ALCOHOLIC BEVERAGES DURING THE PERIOD BEGINNING 2 HOURS BEFORE THE
15 POLLS OPEN AND ENDING 2 HOURS AFTER THE POLLS CLOSE; AND

16 3. WHERE APPLICABLE, ALL BALLOTS ARE REMOVED FROM
17 THE POLLING PLACE BY THE LOCAL BOARD IMMEDIATELY FOLLOWING THE
18 ELECTION.

19 (5) IF A POLLING PLACE IS LOCATED IN A BUILDING OWNED OR LEASED
20 BY A VOLUNTEER FIRE COMPANY OR RESCUE SQUAD, THE VOLUNTEER FIRE
21 COMPANY OR RESCUE SQUAD MAY REQUIRE THE LOCAL BOARD TO PAY FOR THE USE
22 OF THE SPACE THAT IS NEEDED IN THE BUILDING FOR THE PROPER CONDUCT OF
23 ANY ELECTION.

24 (B) LOCAL PROVISIONS.

25 (1) (I) IN BALTIMORE CITY, PUBLIC BUILDINGS SHALL BE USED FOR
26 POLLING PLACES TO THE GREATEST EXTENT FEASIBLE.

27 (II) FOR RENTAL OF PRIVATELY OWNED POLLING PLACES IN
28 BALTIMORE CITY THE LOCAL BOARD SHALL PAY AN AMOUNT AS DETERMINED IN
29 THE ORDINANCE OF ESTIMATES, PROVIDED THAT THE AMOUNT IS UNIFORM ON A
30 CITYWIDE BASIS.

31 (2) IN CHARLES COUNTY, THE LOCAL BOARD MAY USE PRIVATE
32 FIREHOUSES, PRIVATE HALLS, AND OTHER BUILDINGS FOR POLLING PLACES.

33 (3) IN MONTGOMERY COUNTY, THE COUNTY BOARD OF EDUCATION
34 SHALL MAKE AVAILABLE THE SPACE AND CUSTODIAL SERVICE AS NEEDED FOR THE
35 PROPER CONDUCT OF ELECTIONS UPON APPLICATION BY THE LOCAL BOARD.

1 10-102. ALTERNATIVE POLLING PLACES - ELDERLY INDIVIDUALS AND INDIVIDUALS
2 WITH DISABILITIES.

3 (A) REASSIGNMENT.

4 IF THE POLLING PLACE ASSIGNED TO AN ELDERLY OR DISABLED VOTER IS NOT
5 STRUCTURALLY BARRIER FREE, THE VOTER MAY REQUEST A REASSIGNMENT BY THE
6 LOCAL BOARD.

7 (B) PROCEDURE FOR REASSIGNMENT.

8 (1) TO QUALIFY FOR A REASSIGNMENT BY THE LOCAL BOARD, THE
9 VOTER SHALL SUBMIT A REQUEST IN WRITING TO THE LOCAL BOARD NOT LATER
10 THAN THE CLOSE OF REGISTRATION FOR THE ELECTION.

11 (2) THE REQUEST MAY BE MADE ON A FORM PRESCRIBED BY THE STATE
12 BOARD.

13 (C) RESPONSIBILITY OF LOCAL BOARD.

14 ON RECEIPT OF A REQUEST FROM AN ELDERLY OR DISABLED VOTER UNDER
15 SUBSECTION (B) OF THIS SECTION, THE LOCAL BOARD SHALL EITHER:

16 (1) ASSIGN THE VOTER TO AN ELECTION DISTRICT, WARD, OR PRECINCT
17 IN THE VOTER'S COUNTY THAT CONTAINS A STRUCTURALLY BARRIER FREE POLLING
18 PLACE; OR

19 (2) ISSUE THE VOTER AN ABSENTEE BALLOT IN ACCORDANCE WITH THE
20 PROCEDURES ESTABLISHED UNDER TITLE 9, SUBTITLE 3 OF THIS ARTICLE,
21 NOTWITHSTANDING THE VOTER'S LACK OF ELIGIBILITY FOR AN ABSENTEE BALLOT
22 UNDER TITLE 9, SUBTITLE 3 OF THIS ARTICLE.

23 (D) ISSUANCE OF ABSENTEE BALLOT.

24 ANY BALLOT ISSUED TO A VOTER UNDER SUBSECTION (C)(2) OF THIS SECTION
25 SHALL BE IDENTICAL TO THE BALLOT USED IN THE POLLING PLACE ORIGINALLY
26 ASSIGNED TO THE VOTER.

27 SUBTITLE 2. ELECTION JUDGES.

28 10-201. IN GENERAL.

29 (A) NUMBER OF ELECTION JUDGES.

30 (1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
31 PARAGRAPH, EACH LOCAL BOARD SHALL PROVIDE AT LEAST FOUR ELECTION
32 JUDGES TO BE THE STAFF FOR EACH POLLING PLACE.

1 (II) IN A PRECINCT WITH FEWER THAN 200 REGISTERED VOTERS,
2 THE LOCAL BOARD MAY PROVIDE TWO ELECTION JUDGES FOR THAT PRECINCT'S
3 POLLING PLACE.

4 (2) AN ELECTION JUDGE SHALL BE APPOINTED IN ACCORDANCE WITH
5 THE REQUIREMENTS OF § 10-203 OF THIS SUBTITLE.

6 (B) POLITICAL PARTY AFFILIATION.

7 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, EACH
8 POLLING PLACE SHALL HAVE AN EQUAL NUMBER OF ELECTION JUDGES FROM:

9 (I) THE MAJORITY PARTY; AND

10 (II) THE PRINCIPAL MINORITY PARTY.

11 (2) IF THE TOTAL NUMBER OF ELECTION JUDGES FOR A PRECINCT IS
12 EIGHT OR MORE, A LOCAL BOARD MAY PROVIDE ONE OR MORE ELECTION JUDGES
13 WHO ARE NOT REGISTERED WITH EITHER THE MAJORITY POLITICAL PARTY OR
14 PRINCIPAL MINORITY POLITICAL PARTY; HOWEVER, THE NUMBER OF SUCH
15 ELECTION JUDGES MAY NOT EXCEED THE LESSER OF:

16 (I) THE NUMBER OF ELECTION JUDGES WHO BELONG TO THE
17 MAJORITY PARTY; OR

18 (II) THE NUMBER OF ELECTION JUDGES WHO BELONG TO THE
19 PRINCIPAL MINORITY PARTY.

20 DRAFTER'S NOTE: In this section, a new provision is added allowing for the
21 appointment of two election judges for polling places located in precincts
22 with less than 200 registered voters. Additionally, the provision of current
23 law requiring a good faith effort to find a Democrat and Republican before
24 appointing declines of members of other political parties has been deleted.

25 10-202. QUALIFICATIONS FOR ELECTION JUDGES.

26 (A) RESIDENCY.

27 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN
28 ELECTION JUDGE SHALL BE A REGISTERED VOTER WHO RESIDES IN THE ELECTION
29 DISTRICT OR WARD IN WHICH THE PRECINCT FOR WHICH THE ELECTION JUDGE IS
30 APPOINTED IS LOCATED.

31 (2) IF A QUALIFIED INDIVIDUAL RESIDING IN THE ELECTION DISTRICT
32 OR WARD CANNOT BE FOUND WITH REASONABLE EFFORT, THE LOCAL BOARD MAY
33 APPOINT A REGISTERED VOTER RESIDING IN ANY PART OF THE COUNTY.

34 (B) COMMUNICATION SKILLS.

35 AN ELECTION JUDGE SHALL BE ABLE TO SPEAK, READ, AND WRITE THE
36 ENGLISH LANGUAGE.

1 (C) POLITICAL ACTIVITY PROHIBITED.

2 (1) WHILE SERVING AS AN ELECTION JUDGE, AN ELECTION JUDGE MAY
3 NOT HOLD, OR BE A CANDIDATE FOR, ANY OTHER PUBLIC OR POLITICAL PARTY
4 OFFICE.

5 (2) AN ELECTION JUDGE MAY NOT ENGAGE IN ANY PARTISAN OR
6 POLITICAL ACTIVITY WHILE ON DUTY IN THE POLLING PLACE.

7 (D) ADOPTION OF GUIDELINES.

8 A LOCAL BOARD MAY ADOPT GUIDELINES CONSISTENT WITH THE PROVISIONS
9 OF THIS TITLE FOR THE DETERMINATION OF THE QUALIFICATIONS OF PERSONS
10 CONSIDERED FOR APPOINTMENT AND FOR THE PROCESS OF APPOINTMENT AS
11 ELECTION JUDGES.

12 DRAFTER'S NOTE: The requirement in subsection (c)(2) of this section is a
13 new provision.

14 10-203. APPOINTMENT OF ELECTION JUDGES.

15 (A) RESPONSIBILITY AND TIME FOR APPOINTMENT.

16 THE ELECTION DIRECTOR, WITH THE APPROVAL OF THE LOCAL BOARD, SHALL
17 APPOINT THE ELECTION JUDGES FOR EACH POLLING PLACE FOR A TERM THAT
18 BEGINS ON THE TUESDAY THAT IS 13 WEEKS BEFORE EACH STATEWIDE PRIMARY
19 ELECTION.

20 (B) CHIEF JUDGES.

21 ONE OR TWO ELECTION JUDGES IN EACH PRECINCT SHALL:

22 (1) BE DESIGNATED CHIEF JUDGE; AND

23 (2) SUPERVISE THE STAFF AT THE POLLING PLACE.

24 (C) TERM.

25 THE TERM OF OFFICE FOR AN ELECTION JUDGE CONTINUES UNTIL THE
26 TUESDAY THAT IS 13 WEEKS BEFORE THE NEXT STATEWIDE PRIMARY ELECTION
27 UNLESS:

28 (1) THE LOCAL BOARD EXCUSES THE PERSON FOR GOOD CAUSE; OR

29 (2) A SPECIAL ELECTION IS HELD DURING THE ELECTION JUDGE'S TERM
30 OF OFFICE AND THE STATE BOARD DETERMINES THAT A LOCAL BOARD MAY NOT
31 NEED THE SERVICE OF ALL OF THE APPOINTED ELECTION JUDGES.

32 (D) VACANCY.

1 A LOCAL BOARD SHALL FILL EACH VACANT ELECTION JUDGE POSITION IN THE
2 SAME MANNER AS SET FORTH IN SUBSECTION (A) OF THIS SECTION.

3 10-204. OATH.

4 (A) REQUIRED.

5 (1) EACH ELECTION JUDGE SHALL TAKE AND SUBSCRIBE TO A WRITTEN
6 OATH PRESCRIBED IN ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.

7 (2) THE SIGNED OATH, WHEN RETURNED TO THE LOCAL BOARD, SHALL
8 CONSTITUTE THE COMMISSION OF OFFICE FOR THE ELECTION JUDGE.

9 (B) FORMS.

10 THE STATE BOARD SHALL PRESCRIBE A FORM FOR THE COMBINED OATH AND
11 COMMISSION REQUIRED UNDER THIS SECTION.

12 10-205. COMPENSATION OF ELECTION JUDGES.

13 (A) GENERALLY.

14 A LOCAL BOARD MAY FIX THE COMPENSATION OF ELECTION JUDGES WITHIN
15 THE LIMITS AUTHORIZED FOR THIS PURPOSE BY THE COUNTY'S GOVERNING BODY.

16 (B) LOCAL PROVISIONS.

17 (1) IN ALLEGANY COUNTY, THE COMPENSATION FOR EACH DAY
18 ACTUALLY SERVED MAY NOT BE LESS THAN:

19 (I) \$100 PER DAY FOR EACH CHIEF ELECTION JUDGE; AND

20 (II) \$80 PER DAY FOR EVERY OTHER ELECTION JUDGE.

21 (2) IN BALTIMORE CITY, THE COMPENSATION FOR EACH ELECTION DAY
22 ACTUALLY SERVED SHALL BE:

23 (I) \$125 PER DAY FOR EACH CHIEF ELECTION JUDGE; AND

24 (II) \$100 PER DAY FOR EVERY OTHER ELECTION JUDGE.

25 (3) IN BALTIMORE COUNTY, THE COMPENSATION FOR EACH ELECTION
26 DAY ACTUALLY SERVED SHALL BE:

27 (I) \$135 PER DAY FOR EACH CHIEF ELECTION JUDGE; AND

28 (II) \$100 PER DAY FOR EVERY OTHER ELECTION JUDGE.

29 (4) IN CALVERT COUNTY, THE COMPENSATION FOR EACH ELECTION
30 DAY ACTUALLY SERVED SHALL BE:

1 (I) \$125 PER DAY FOR EACH CHIEF ELECTION JUDGE; AND

2 (II) \$100 PER DAY FOR EVERY OTHER ELECTION JUDGE.

3 (5) (I) IN PRINCE GEORGE'S COUNTY, THE COMPENSATION FOR EACH
4 ELECTION DAY ACTUALLY SERVED SHALL BE:

5 1. \$150 PER DAY FOR TWO CHIEF ELECTION JUDGES; AND

6 2. \$100 PER DAY FOR EVERY OTHER ELECTION JUDGE.

7 (II) 1. IN PRINCE GEORGE'S COUNTY, EXCEPT AS PROVIDED
8 UNDER SUB-SUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, ELECTION JUDGES AND
9 ALTERNATE ELECTION JUDGES SHALL RECEIVE \$25 AS COMPENSATION FOR
10 COMPLETING THE COURSE OF INSTRUCTION REQUIRED UNDER § 10-206 OF THIS
11 SUBTITLE.

12 2. AN ELECTION JUDGE OR ALTERNATE ELECTION JUDGE
13 MAY NOT RECEIVE THE COMPENSATION AUTHORIZED UNDER THIS SUBPARAGRAPH
14 IF THE ELECTION JUDGE REFUSES TO SERVE ON AN ELECTION DAY, UNLESS THE
15 LOCAL BOARD EXCUSES THE ELECTION JUDGE.

16 (6) (I) IN WASHINGTON COUNTY, THE COMPENSATION FOR EACH
17 ELECTION DAY ACTUALLY SERVED SHALL BE:

18 1. \$100 PER DAY FOR EACH CHIEF ELECTION JUDGE, PLUS A
19 MILEAGE ALLOWANCE AS DETERMINED BY THE WASHINGTON COUNTY BOARD; AND

20 2. \$80 PER DAY FOR EVERY OTHER ELECTION JUDGE.

21 (II) IN WASHINGTON COUNTY, A CHIEF ELECTION JUDGE OR
22 ELECTION JUDGE WHO SUCCESSFULLY COMPLETES A COURSE OF INSTRUCTION IN
23 POLL WORKING SHALL BE ELIGIBLE FOR ADDITIONAL COMPENSATION, IF APPROVED
24 BY THE WASHINGTON COUNTY BOARD AND PROVIDED FOR IN THE COUNTY BUDGET.
25 10-206. INSTRUCTION FOR ELECTION JUDGES.

26 (A) RESPONSIBILITY OF STATE BOARD.

27 (1) IN CONSULTATION WITH THE LOCAL BOARDS, THE STATE BOARD
28 SHALL:

29 (I) DEVELOP A PROGRAM OF INSTRUCTION OF ELECTION JUDGES;
30 AND

31 (II) OVERSEE THE IMPLEMENTATION OF THE PROGRAM OF
32 INSTRUCTION.

33 (B) TRAINING MATERIALS.

34 THE TRAINING MATERIALS UTILIZED BY THE PROGRAM MAY INCLUDE:

- 1 (1) AN INSTRUCTION MANUAL AND OTHER WRITTEN DIRECTIVES;
2 (2) CURRICULUM FOR TRAINING SESSIONS; AND
3 (3) AUDIOVISUALS.
4 (C) EVALUATION.

5 THE STATE BOARD SHALL DEVELOP A PROCESS FOR THE EVALUATION OF THE
6 TRAINING PROGRAM AND THE PERFORMANCE OF THE POLLING PLACE STAFF IN
7 EACH COUNTY.

- 8 (D) CONTENTS OF TRAINING PROGRAM.

9 TO THE EXTENT APPROPRIATE, THE TRAINING PROGRAM SHALL BE SPECIFIC
10 TO EACH OF THE VOTING SYSTEMS USED IN POLLING PLACES IN THE STATE.

- 11 (E) RESPONSIBILITY OF LOCAL BOARD.

12 EACH LOCAL BOARD SHALL CONDUCT ELECTION JUDGE TRAINING BASED ON
13 THE PROGRAM DEVELOPED BY THE STATE BOARD.

- 14 (F) TRAINING REQUIRED.

15 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, EACH
16 ELECTION JUDGE SHALL PARTICIPATE IN THE TRAINING PROGRAM PROVIDED FOR
17 IN SUBSECTION (A) OF THIS SECTION.

18 (2) AN ELECTION JUDGE WHO IS APPOINTED UNDER EMERGENCY
19 CIRCUMSTANCES IS NOT REQUIRED TO ATTEND THE COURSE OF INSTRUCTION.

20 10-207. REMOVAL OF AN ELECTION JUDGE.

- 21 (A) INVESTIGATION OF COMPLAINTS.

22 A LOCAL BOARD SHALL INVESTIGATE PROMPTLY EACH COMPLAINT IT
23 RECEIVES REGARDING THE FITNESS, QUALIFICATION, OR PERFORMANCE OF AN
24 INDIVIDUAL APPOINTED TO BE AN ELECTION JUDGE.

- 25 (B) REMOVAL.

26 A LOCAL BOARD SHALL REMOVE ANY ELECTION JUDGE WHO IS UNFIT OR
27 INCOMPETENT FOR THE OFFICE.

28 SUBTITLE 3. POLLING PLACE PROCEDURES.

29 10-301. HOURS FOR VOTING.

- 30 (A) HOURS - GENERALLY.

1 ON AN ELECTION DAY, A POLLING PLACE SHALL BE OPEN FROM 7 A.M. UNTIL 8
2 P.M.

3 (B) CLOSING HOUR.

4 A VOTER WHO HAS APPEARED AT A POLLING PLACE BY THE CLOSING HOUR TO
5 CAST A BALLOT SHALL BE ALLOWED TO VOTE.

6 10-302. DELIVERY OF EQUIPMENT AND SUPPLIES.

7 IN A TIMELY MANNER FOR EACH ELECTION, THE LOCAL BOARD SHALL
8 PROVIDE FOR THE DELIVERY TO EACH POLLING PLACE THE SUPPLIES, RECORDS,
9 AND EQUIPMENT NECESSARY FOR THE CONDUCT OF THE ELECTION.

10 10-303. AUTHORITY AND DUTIES OF ELECTION JUDGES.

11 (A) GENERALLY.

12 UNDER THE SUPERVISION OF A CHIEF JUDGE, AN ELECTION JUDGE SHALL:

13 (1) CARRY OUT THE TASKS ASSIGNED BY THE LOCAL BOARD,
14 INCLUDING THOSE SET FORTH IN THE ELECTION JUDGE INSTRUCTION MANUAL
15 DEVELOPED IN ACCORDANCE WITH § 10-206 OF THIS TITLE, DURING THE PERIOD OF
16 TIME THAT BEGINS BEFORE THE ELECTION THROUGH THE CLOSE OF THE POLLS
17 AND THE RETURN OF MATERIALS TO THE LOCAL BOARD; AND

18 (2) TAKE MEASURES THROUGHOUT ELECTION DAY TO ASSURE THAT:

19 (I) EACH VOTER'S RIGHT TO CAST A BALLOT IN PRIVACY IS
20 MAINTAINED;

21 (II) THE INTEGRITY OF THE VOTING PROCESS IS PRESERVED;

22 (III) THE ACCURACY OF THE COUNTING PROCESS IS PROTECTED;

23 (IV) ORDER IN THE POLLING PLACE IS MAINTAINED; AND

24 (V) ALL ELECTION LAWS ARE OBSERVED.

25 (B) WEARING BADGE ON ELECTION DAY.

26 WHILE SERVING AS AN ELECTION JUDGE ON AN ELECTION DAY, AN ELECTION
27 JUDGE SHALL WEAR A BADGE THAT:

28 (1) IS IN PLAIN VIEW;

29 (2) IDENTIFIES THE PERSON AS AN ELECTION JUDGE; AND

30 (3) IDENTIFIES THE PERSON BY NAME AND BY THE WARD AND
31 PRECINCT OR ELECTION DISTRICT FOR WHICH THE PERSON IS AN ELECTION JUDGE.

1 (C) AUTHORITY TO KEEP ORDER IN THE POLLING PLACE.

2 AN ELECTION JUDGE SHALL:

3 (1) KEEP THE PEACE; AND

4 (2) ORDER THE ARREST OF ANY PERSON WHO:

5 (I) BREACHES THE PEACE;

6 (II) BREACHES ANY PROVISION OF THIS ARTICLE; OR

7 (III) INTERFERES WITH THE WORK OF THE JUDGES IN CONDUCTING
8 THE ELECTION AND CARRYING OUT THEIR ASSIGNED TASKS.

9 (D) PROTECTION OF CHALLENGERS AND WATCHERS.

10 (1) AN ELECTION JUDGE SHALL PROTECT A CHALLENGER OR WATCHER
11 IN THE EXERCISE OF THE RIGHTS OF A CHALLENGER OR WATCHER AS PROVIDED IN
12 § 10-311 OF THIS SUBTITLE.

13 (2) (I) AN ELECTION JUDGE IS NOT REQUIRED TO ADMIT A
14 CHALLENGER OR WATCHER TO A POLLING PLACE BEFORE THE POLLS OPEN IF THE
15 CHALLENGER OR WATCHER WAS NOT PRESENT AT THE POLLING PLACE AT LEAST
16 ONE-HALF HOUR BEFORE ITS OPENING.

17 (II) AN ELECTION JUDGE MAY REQUIRE CHALLENGERS AND
18 WATCHERS TO LEAVE A POLLING PLACE BEFORE IT OPENS IF A MAJORITY OF THE
19 ELECTION JUDGES PRESENT AGREES THAT THE PRESENCE OF THE CHALLENGERS
20 AND WATCHERS WILL PREVENT THE TIMELY OPENING OF THE POLLING PLACE.

21 (3) AN ELECTION JUDGE SHALL DESIGNATE REASONABLE TIMES FOR
22 CHALLENGERS AND WATCHERS TO EXAMINE POLLING LISTS.

23 DRAFTER'S NOTE: The requirement of subsection (b) of this section extends
24 statewide a provision that applies currently only to Baltimore City.

25 10-304. DUTIES OF POLICE OFFICERS.

26 (A) GENERALLY.

27 (1) A POLICE OFFICER WHO IS ON DUTY AT A POLLING PLACE SHALL
28 OBEY THE ORDER OF AN ELECTION JUDGE FOR THAT POLLING PLACE.

29 (2) A POLICE OFFICER MAKING AN ARREST UNDER AN ORDER OF AN
30 ELECTION JUDGE IS FULLY PROTECTED IN SO DOING AS IF THE POLICE OFFICER
31 RECEIVED A VALID WARRANT TO MAKE THE ARREST.

32 (B) PROTECTION OF CHALLENGERS AND WATCHERS.

1 A POLICE OFFICER WHO IS ON DUTY AT A POLLING PLACE SHALL PROTECT A
2 CHALLENGER OR WATCHER IN THE DISCHARGE OF THE DUTIES OF THE
3 CHALLENGER OR WATCHER.

4 10-305. VACANCY IN POLLING PLACE STAFF DURING VOTING HOURS.

5 (A) APPOINTMENT OF SUBSTITUTE ELECTION JUDGE.

6 IF THERE IS A VACANCY IN THE POLLING PLACE STAFF DURING VOTING HOURS:

7 (1) THE LOCAL BOARD MAY FILL THE VACANCY WITH A SUBSTITUTE
8 ELECTION JUDGE WHO HAS BEEN RECRUITED AND TRAINED; OR

9 (2) AN ELECTION JUDGE WHO IS PRESENT AT THE POLLING PLACE MAY
10 FILL THE POSITION OF THE ABSENT ELECTION JUDGE BY APPOINTING A PERSON
11 REGISTERED WITH THE SAME PARTY AFFILIATION AS THE ABSENT ELECTION
12 JUDGE.

13 (B) PROCEDURES.

14 IF A SUBSTITUTE ELECTION JUDGE IS APPOINTED UNDER SUBSECTION (A) OF
15 THIS SECTION:

16 (1) EITHER THE ELECTION DIRECTOR, THE ELECTION DIRECTOR'S
17 DESIGNEE, OR THE ELECTION JUDGE MAKING THE SUBSTITUTE APPOINTMENT
18 SHALL ADMINISTER THE OATH REQUIRED UNDER § 10-204 OF THIS TITLE; AND

19 (2) A CHIEF ELECTION JUDGE SHALL DOCUMENT ANY CHANGE IN THE
20 POLLING PLACE STAFF IN THE RECORDS OF THE POLLING PLACE.

21 DRAFTER'S NOTE: Subsections (a)(1) and (b)(2) of this section are new.

22 10-306. INFORMATION FOR VOTERS AT POLLING PLACE.

23 (A) DEVELOPMENT OF INSTRUCTIONS.

24 (1) THE STATE BOARD, IN CONSULTATION WITH THE ELECTION
25 DIRECTORS OF THE LOCAL BOARDS, SHALL SPECIFY AND PRODUCE INFORMATIONAL
26 MATERIALS TO BE POSTED IN EACH POLLING PLACE.

27 (2) A LOCAL BOARD MAY PRODUCE OTHER MATERIALS APPROPRIATE
28 FOR THE POLLING PLACES IN THE COUNTY.

29 (B) PREPARATION AND POSTING OF INFORMATION.

30 BEFORE THE POLLS OPEN, THE ELECTION JUDGES FOR EACH PRECINCT SHALL
31 POST IN THE VOTING ROOM:

32 (1) THE SPECIMEN BALLOT FOR THE PRECINCT;

1 (2) INSTRUCTIONS RELATING TO THE AVAILABILITY OF ASSISTANCE TO
2 ELDERLY AND DISABLED VOTERS; AND

3 (3) ANY OTHER INFORMATIONAL MATERIAL TO ASSIST VOTERS ON
4 ELECTION DAY, AS DIRECTED BY THE ELECTION DIRECTOR.

5 DRAFTER'S NOTE: This section is new language that has been developed in
6 consultation with representatives of the local boards.

7 10-307. RESPONSIBILITIES OF THE LOCAL BOARD.

8 (A) GENERALLY.

9 THE MEMBERS OF EACH LOCAL BOARD SHALL BE AVAILABLE AS NEEDED ON
10 AN ELECTION DAY.

11 (B) ASSISTANCE TO POLLING PLACE STAFF.

12 THE LOCAL BOARD SHALL PROVIDE THE STAFF OF EACH POLLING PLACE WITH
13 THE MEANS TO CONTACT AND OBTAIN SUPPORT FROM THE OFFICE OF THE LOCAL
14 BOARD ON ELECTION DAY.

15 DRAFTER'S NOTE: This section is new language. Subsection (a) of this
16 section repeats a provision already provided under the responsibilities of
17 the local boards set forth in § 2-302(b)(2).

18 10-308. ACCESS TO VOTING ROOM.

19 AN ELECTION JUDGE SHALL ALLOW THE FOLLOWING INDIVIDUALS TO HAVE
20 ACCESS TO THE VOTING ROOM AT A POLLING PLACE:

21 (1) A VOTER;

22 (2) AN INDIVIDUAL WHO ACCOMPANIES A VOTER IN NEED OF
23 ASSISTANCE IN ACCORDANCE WITH § 10-310 (C) OF THIS SUBTITLE;

24 (3) POLLING PLACE STAFF;

25 (4) A MEMBER OR OTHER REPRESENTATIVE OF THE STATE BOARD OR
26 LOCAL BOARD;

27 (5) AN ACCREDITED WATCHER OR CHALLENGER UNDER § 10-311 OF
28 THIS SUBTITLE;

29 (6) A CHILD UNDER THE AGE OF 11 WHO ACCOMPANIES A VOTER IN
30 ACCORDANCE WITH § 10-310(C) OF THIS SUBTITLE; AND

31 (7) ANY OTHER INDIVIDUAL AUTHORIZED BY THE STATE BOARD OR
32 LOCAL BOARD.

1 10-309. RESPONSIBILITIES OF ELECTION JUDGES ON ELECTION DAY - BEFORE THE
2 POLLS OPEN.

3 (A) GENERALLY.

4 IN ACCORDANCE WITH INSTRUCTIONS PROVIDED BY THE ELECTION DIRECTOR,
5 AN ELECTION JUDGE SHALL ARRIVE AT THE POLLING PLACE AND, UNDER THE
6 DIRECTION OF THE CHIEF JUDGE, SET UP THE POLLING PLACE TO ASSURE THAT THE
7 POLLS WILL BE OPEN AND OPERATIONAL AT 7 A.M.

8 (B) ADMISSION OF CHALLENGERS AND WATCHERS.

9 EXCEPT AS PROVIDED IN § 10-303(D)(2)(II) OF THIS SUBTITLE, AN ELECTION
10 JUDGE SHALL ADMIT AN ACCREDITED CHALLENGER OR WATCHER ONE-HALF HOUR
11 BEFORE THE POLLING PLACE IS OPEN.

12 10-310. SAME - VOTING HOURS.

13 (A) QUALIFICATION OF VOTERS.

14 IN ACCORDANCE WITH INSTRUCTIONS PROVIDED BY THE LOCAL BOARD, AN
15 ELECTION JUDGE SHALL QUALIFY A VOTER BY:

16 (1) LOCATING THE VOTER'S NAME IN THE PRECINCT REGISTER AND
17 LOCATING THE PREPRINTED VOTING AUTHORITY CARD;

18 (2) (I) IF THE VOTER'S NAME IS NOT FOUND ON THE PRECINCT
19 REGISTER, SEARCHING THE INACTIVE LIST AND IF THE NAME IS FOUND,
20 QUALIFYING THE VOTER FOR VOTING AS INSTRUCTED; OR

21 (II) IF THE VOTER'S NAME IS NOT ON THE INACTIVE LIST,
22 CONTACTING THE LOCAL BOARD OFFICE AND, IF AUTHORIZED, ISSUING A
23 TEMPORARY CERTIFICATE OF REGISTRATION, AS PROVIDED IN § 3-601 OF THIS
24 ARTICLE;

25 (3) ESTABLISHING THE IDENTITY OF THE VOTER BY REQUESTING THE
26 VOTER TO STATE THE MONTH AND DAY OF THE VOTER'S BIRTH AND COMPARING THE
27 RESPONSE TO THE INFORMATION LISTED IN THE PRECINCT REGISTER;

28 (4) VERIFYING THE ADDRESS OF THE VOTER'S RESIDENCE;

29 (5) IF ANY CHANGES TO THE VOTING AUTHORITY CARD ARE INDICATED
30 BY A VOTER, MAKING THE APPROPRIATE CHANGES IN INFORMATION ON THE CARD
31 OR OTHER APPROPRIATE FORM; AND

32 (6) HAVING THE VOTER SIGN THE VOTING AUTHORITY CARD AND
33 EITHER ISSUING THE VOTER A BALLOT OR SENDING THE VOTER TO A MACHINE TO
34 VOTE.

35 (B) RIGHT TO VOTE.

1 ON THE COMPLETION OF THE PROCEDURES SET FORTH IN SUBSECTION (A) OF
2 THIS SECTION, A VOTER MAY VOTE IN ACCORDANCE WITH THE PROCEDURES
3 APPROPRIATE TO THE VOTING SYSTEM USED IN THE POLLING PLACE.

4 (C) INSTRUCTION OF AND ASSISTANCE TO VOTERS.

5 (1) BEFORE A VOTER ENTERS A VOTING BOOTH, AT THE REQUEST OF
6 THE VOTER, AN ELECTION JUDGE SHALL:

7 (I) INSTRUCT THE VOTER ABOUT THE OPERATION OF THE VOTING
8 SYSTEM; AND

9 (II) ALLOW THE VOTER AN OPPORTUNITY TO OPERATE A MODEL
10 VOTING DEVICE, IF APPROPRIATE TO THE VOTING SYSTEM IN USE.

11 (2) (I) 1. AFTER A VOTER ENTERS THE VOTING BOOTH, AT THE
12 REQUEST OF THE VOTER, TWO ELECTION JUDGES REPRESENTING DIFFERENT
13 POLITICAL PARTIES SHALL INSTRUCT THE VOTER ON THE OPERATION OF THE
14 VOTING DEVICE.

15 2. AN ELECTION JUDGE MAY NOT SUGGEST IN ANY WAY
16 HOW THE VOTER SHOULD VOTE FOR A PARTICULAR TICKET, CANDIDATE, OR
17 POSITION ON A QUESTION.

18 3. AFTER INSTRUCTING THE VOTER, THE ELECTION JUDGES
19 SHALL EXIT THE VOTING BOOTH AND ALLOW THE VOTER TO VOTE PRIVATELY.

20 (II) A VOTER MAY TAKE INTO THE POLLING PLACE ANY WRITTEN
21 OR PRINTED MATERIAL TO ASSIST THE VOTER IN MARKING OR PREPARING THE
22 BALLOT.

23 (3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
24 PARAGRAPH, A VOTER WHO REQUIRES ASSISTANCE IN MARKING OR PREPARING THE
25 BALLOT BECAUSE OF A PHYSICAL DISABILITY OR AN INABILITY TO READ THE
26 ENGLISH LANGUAGE MAY CHOOSE ANY INDIVIDUAL TO ASSIST THE VOTER.

27 (II) A VOTER MAY NOT CHOOSE THE VOTER'S EMPLOYER OR AGENT
28 OF THAT EMPLOYER OR AN OFFICER OR AGENT OF THE VOTER'S UNION TO ASSIST
29 THE VOTER IN MARKING THE BALLOT.

30 (4) IF THE VOTER REQUIRES THE ASSISTANCE OF ANOTHER IN VOTING,
31 BUT DECLINES TO SELECT AN INDIVIDUAL TO ASSIST, AN ELECTION JUDGE, IN THE
32 PRESENCE OF ANOTHER ELECTION JUDGE THAT REPRESENTS ANOTHER POLITICAL
33 PARTY, SHALL ASSIST THE VOTER IN THE MANNER PRESCRIBED BY THE VOTER.

34 (5) AN INDIVIDUAL ASSISTING A VOTER MAY NOT SUGGEST IN ANY WAY
35 HOW THE VOTER SHOULD VOTE FOR A PARTICULAR TICKET, CANDIDATE, OR
36 POSITION ON A QUESTION.

1 (6) IF A VOTER REQUIRES ASSISTANCE UNDER PARAGRAPHS (4) OR (5) OF
2 THIS SUBSECTION, THE ELECTION JUDGE SHALL RECORD, ON A FORM PRESCRIBED
3 BY THE STATE BOARD, THE NAME OF THE VOTER WHO REQUIRED ASSISTANCE AND
4 THE NAME OF THE INDIVIDUAL PROVIDING ASSISTANCE TO THE VOTER.

5 (7) EXCEPT AS PROVIDED IN PARAGRAPHS (3) OR (4) OF THIS
6 SUBSECTION, A PERSON OVER THE AGE OF 10 YEARS MAY NOT ACCOMPANY A VOTER
7 INTO A VOTING BOOTH.

8 10-311. CHALLENGERS AND WATCHERS.

9 (A) DESIGNATION AND REMOVAL OF CHALLENGERS AND WATCHERS.

10 (1) THE FOLLOWING PERSONS OR ENTITIES HAVE THE RIGHT TO
11 DESIGNATE A REGISTERED VOTER AS A CHALLENGER OR A WATCHER AT EACH
12 PLACE OF REGISTRATION AND ELECTION:

13 (I) THE STATE BOARD FOR ANY POLLING PLACE IN THE STATE;

14 (II) A LOCAL BOARD FOR ANY POLLING PLACE LOCATED IN THE
15 COUNTY OF THE LOCAL BOARD;

16 (III) A CANDIDATE;

17 (IV) A POLITICAL PARTY; AND

18 (V) ANY OTHER GROUP OF VOTERS SUPPORTING OR OPPOSING A
19 CANDIDATE, PRINCIPLE, OR PROPOSITION ON THE BALLOT.

20 (2) A PERSON WHO APPOINTS A CHALLENGER OR WATCHER MAY
21 REMOVE THE CHALLENGER OR WATCHER AT ANY TIME.

22 (B) RIGHTS OF CHALLENGERS AND WATCHERS.

23 EXCEPT AS PROVIDED IN § 10-303(D)(2) OF THIS SUBTITLE AND SUBSECTION (D)
24 OF THIS SECTION, A CHALLENGER OR WATCHER HAS THE RIGHT TO:

25 (1) ENTER THE POLLING PLACE ONE-HALF HOUR BEFORE THE POLLS
26 OPEN;

27 (2) ENTER OR BE PRESENT AT THE POLLING PLACE AT ANY TIME WHEN
28 THE POLLS ARE OPEN;

29 (3) REMAIN IN THE POLLING PLACE UNTIL THE COMPLETION OF ALL
30 TASKS ASSOCIATED WITH THE CLOSE OF THE POLLS UNDER § 10-314 OF THIS
31 SUBTITLE AND THE ELECTION JUDGES LEAVE THE POLLING PLACE;

32 (4) MAINTAIN A LIST OF REGISTERED VOTERS WHO HAVE VOTED AND
33 TAKE THE LIST OUTSIDE OF THE POLLING PLACE; AND

1 (5) ENTER AND LEAVE A POLLING PLACE FOR THE PURPOSE OF TAKING
2 OUTSIDE OF THE POLLING PLACE INFORMATION THAT IDENTIFIES REGISTERED
3 VOTERS WHO HAVE CAST BALLOTS.

4 (C) CERTIFICATE.

5 (1) (I) A CERTIFICATE SIGNED BY ANY PARTY OR CANDIDATE SHALL
6 BE SUFFICIENT EVIDENCE OF THE RIGHT OF A CHALLENGER OR WATCHER TO BE
7 PRESENT IN THE VOTING ROOM.

8 (II) THE STATE BOARD SHALL PRESCRIBE A FORM THAT SHALL BE
9 SUPPLIED TO THE CHALLENGER OR WATCHER BY THE PERSON OR ENTITY
10 DESIGNATING THE CHALLENGER OR WATCHER.

11 (2) A CHALLENGER OR WATCHER SHALL BE POSITIONED NEAR THE
12 ELECTION JUDGES AND INSIDE THE VOTING ROOM SO THAT THE CHALLENGER OR
13 WATCHER MAY SEE AND HEAR EACH PERSON AS THE PERSON OFFERS TO VOTE.

14 (D) PROHIBITED ACTIVITIES.

15 (1) A CHALLENGER OR WATCHER MAY NOT ATTEMPT TO:

16 (I) ASCERTAIN HOW A VOTER VOTED OR INTENDS TO VOTE;

17 (II) CONVERSE IN THE POLLING PLACE WITH ANY VOTER;

18 (III) ASSIST ANY VOTER IN VOTING; OR

19 (IV) PHYSICALLY HANDLE AN ORIGINAL ELECTION DOCUMENT.

20 (2) AN ELECTION JUDGE MAY EJECT A CHALLENGER OR WATCHER WHO
21 VIOLATES THE PROHIBITIONS UNDER PARAGRAPH (1) OF THIS SUBSECTION.

22 (E) INDIVIDUALS OTHER THAN ACCREDITED CHALLENGERS OR WATCHERS.

23 (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS
24 SUBSECTION, AN ELECTION JUDGE SHALL PERMIT AN INDIVIDUAL OTHER THAN AN
25 ACCREDITED CHALLENGER OR WATCHER WHO DESIRES TO CHALLENGE THE RIGHT
26 TO VOTE OF ANY OTHER INDIVIDUAL TO ENTER THE POLLING PLACE FOR THAT
27 PURPOSE.

28 (2) A MAJORITY OF THE ELECTION JUDGES MAY LIMIT THE NUMBER OF
29 NONACCREDITED CHALLENGERS AND WATCHERS ALLOWED IN THE POLLING PLACE
30 AT ANY ONE TIME FOR THE PURPOSE OF CHALLENGING THE RIGHT OF AN
31 INDIVIDUAL TO VOTE.

32 (3) A NONACCREDITED CHALLENGER OR WATCHER SHALL LEAVE THE
33 POLLING PLACE AS SOON AS A MAJORITY OF THE ELECTION JUDGES DECIDES THE
34 RIGHT TO VOTE OF THE INDIVIDUAL CHALLENGED BY THE CHALLENGER OR
35 WATCHER.

1 (4) IN ADDITION TO RESTRICTIONS PROVIDED UNDER THIS
2 SUBSECTION, ALL RESTRICTIONS ON THE ACTIONS OF AN ACCREDITED
3 CHALLENGER OR WATCHER PROVIDED UNDER THIS SUBTITLE APPLY TO A
4 NONACCREDITED CHALLENGER OR WATCHER.

5 DRAFTER'S NOTE: Paragraph (4) is new. It provides that any restrictions on
6 the actions of a qualified challenger or watcher apply to a nonqualified
7 challenger or watcher.

8 10-312. CHALLENGE OF AN INDIVIDUAL'S RIGHT TO VOTE.

9 (A) GROUNDS FOR CHALLENGE.

10 THE RIGHT OF AN INDIVIDUAL TO VOTE MAY BE CHALLENGED AT THE POLLS
11 ONLY ON THE GROUNDS OF IDENTITY.

12 (B) PROCEDURES FOR A CHALLENGE OF THE RIGHT TO VOTE.

13 (1) A CHALLENGE TO AN APPLICANT'S RIGHT TO VOTE SHALL BE:

14 (I) MADE BEFORE A VOTER IS ISSUED A BALLOT OR A VOTING
15 AUTHORITY CARD; AND

16 (II) DECIDED BEFORE THE APPLICANT ENTERS THE VOTING
17 BOOTH.

18 (2) (I) AN INDIVIDUAL WHO CHALLENGES AN APPLICANT'S RIGHT TO
19 VOTE SHALL PROVIDE THE REASON FOR THE CHALLENGE UNDER AN OATH
20 ADMINISTERED BY AN ELECTION JUDGE.

21 (II) AN ELECTION JUDGE SHALL QUESTION THE CHALLENGED
22 VOTER UNDER OATH ABOUT THE REASON FOR THE CHALLENGE.

23 (3) (I) IF A MAJORITY OF THE ELECTION JUDGES BELIEVES THE
24 APPLICANT TO BE THE INDIVIDUAL REGISTERED, THE APPLICANT SHALL BE
25 PERMITTED TO VOTE.

26 (II) IF A MAJORITY OF THE ELECTION JUDGES BELIEVES THE
27 APPLICANT TO BE A PERSON OTHER THAN THE INDIVIDUAL REGISTERED, THE
28 APPLICANT MAY NOT VOTE AND THE WORD "REJECTED" SHALL BE WRITTEN ON THE
29 APPLICANT'S VOTING AUTHORITY CARD.

30 (4) IF AN APPLICANT IS DENIED THE RIGHT TO VOTE UNDER
31 PARAGRAPH (3)(II) OF THIS SUBSECTION, THE APPLICANT HAS THE RIGHT TO APPEAL
32 THE DECISION TO THE LOCAL BOARD.

33 DRAFTER'S NOTE: Subsection (b)(4) of this section, creating a right to
34 appeal the denial of the right to vote, is new.

1 10-313. WRITE-IN VOTING.

2 (A) WRITE-IN VOTING PERMITTED IN CERTAIN ELECTIONS.

3 IN ANY GENERAL ELECTION OR SPECIAL GENERAL ELECTION, A VOTER MAY
4 WRITE IN A NAME FOR ANY OFFICE.

5 (B) RESPONSIBILITY OF ELECTION JUDGE.

6 (1) WHEN REQUESTED BY A VOTER, AN ELECTION JUDGE SHALL
7 PROVIDE INFORMATION ON WRITE-IN VOTING.

8 (2) (I) IF A VOTER REQUESTS INFORMATION ON WRITE-IN VOTING, AN
9 ELECTION JUDGE SHALL ASSURE THAT THE VOTER IS FULLY INFORMED OF THE
10 PROCEDURE BEFORE VOTING.

11 (II) IF A VOTER IS UNABLE TO WRITE, THE VOTER MAY HAVE
12 ASSISTANCE AS PROVIDED IN § 10-310 (C) OF THIS SUBTITLE.

13 10-314. CLOSING OF THE POLLS.

14 (A) PROCEDURES.

15 (1) THE LOCAL BOARD SHALL PROVIDE ELECTION JUDGES WITH
16 DETAILED PROCEDURES FOR THE CLOSING OF THE POLLS, SPECIFIC TO THE VOTING
17 SYSTEM USED.

18 (2) THE PROCEDURES SHALL INCLUDE DIRECTIONS ON:

19 (I) THE TABULATION, RECORDING, AND REPORTING OF VOTES IF
20 THESE ACTIVITIES ARE UNDERTAKEN IN THE POLLING PLACE;

21 (II) THE PREPARATION, SIGNING, AND SEALING OF DOCUMENTS
22 AND OTHER ELECTION MATERIALS;

23 (III) THE SECURITY OF ALL EQUIPMENT AND MATERIALS IN THE
24 POLLING PLACE; AND

25 (IV) THE RETURN OF EQUIPMENT AND MATERIALS TO THE LOCAL
26 BOARD.

27 (B) ADMISSION OF WATCHERS TO HEAR ELECTION RESULTS.

28 IF ELECTION RESULTS ARE PRODUCED IN THE POLLING PLACE, THE ELECTION
29 JUDGE SHALL ADMIT WATCHERS TO HEAR THE ANNOUNCED RESULTS.

30 (C) RELEASE OF ELECTION JUDGE FROM DUTY.

31 A CHIEF JUDGE SHALL RELEASE AN ELECTION JUDGE FROM DUTY AFTER THE
32 COMPLETION OF THE ELECTION JUDGE'S ASSIGNED TASKS.

1 DRAFTER'S NOTE: The Commission eliminated the time limit on voting in
2 current law since it is impracticable and difficult to enforce.

3 10-315. TIME OFF FOR EMPLOYEES TO VOTE.

4 (A) GENERALLY.

5 EVERY EMPLOYER IN THE STATE SHALL PERMIT ANY EMPLOYEE WHO IS A
6 REGISTERED VOTER IN THE STATE A PERIOD NOT TO EXCEED 2 HOURS ABSENCE
7 FROM WORK ON ELECTION DAY IN ORDER TO VOTE IF THE EMPLOYEE DOES NOT
8 HAVE 2 HOURS OF CONTINUOUS OFF-DUTY DURING THE TIME THAT THE POLLS ARE
9 OPEN.

10 (B) PAID LEAVE.

11 THE EMPLOYER SHALL PAY THE EMPLOYEE FOR THE 2 HOURS ABSENCE FROM
12 WORK.

13 (C) PROOF OF VOTING REQUIRED.

14 (1) EACH EMPLOYEE SHALL FURNISH TO THE EMPLOYER PROOF THAT
15 THE EMPLOYEE HAS VOTED.

16 (2) THE PROOF THAT AN EMPLOYEE HAS VOTED SHALL BE ON A FORM
17 PRESCRIBED BY THE STATE BOARD.

18 TITLE 11. CANVASSING.

19 SUBTITLE 1. DEFINITIONS.

20 11-101. DEFINITIONS.

21 (A) IN GENERAL.

22 IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

23 (B) BOARD OF CANVASSERS.

24 "BOARD OF CANVASSERS" MEANS THE LOCAL BOARD OF ELECTIONS IN A
25 COUNTY AFTER THE LOCAL BOARD ORGANIZES ITSELF FOR THE PURPOSE OF
26 CANVASSING THE VOTE AFTER AN ELECTION IN THAT COUNTY.

27 (C) CANVASS.

28 (1) "CANVASS" MEANS THE ENTIRE PROCESS OF VOTE TALLYING, VOTE
29 TABULATION, AND VOTE VERIFICATION OR AUDIT, CULMINATING IN THE
30 PRODUCTION AND CERTIFICATION OF THE OFFICIAL ELECTION RESULTS.

31 (2) FOR ABSENTEE BALLOTS, THE "CANVASS" INCLUDES THE OPENING
32 OF ANY ENVELOPE ACCOMPANYING AN ABSENTEE BALLOT AND THE ASSEMBLY AND
33 REVIEW OF ABSENTEE BALLOTS IN PREPARATION FOR VOTE TALLYING.

1 (D) COUNTING CENTER.

2 "COUNTING CENTER" MEANS ONE OR MORE CENTRAL LOCATIONS DESIGNATED
3 BY A LOCAL BOARD TO CONDUCT THE CANVASS.

4 (E) REMOVABLE DATA STORAGE DEVICE.

5 "REMOVABLE DATA STORAGE DEVICE" MEANS A READ-ONLY MEMORY DEVICE
6 THAT IS PROGRAMMED TO RECORD VOTES AS THEY ARE CAST ON AN ELECTRONIC
7 VOTING SYSTEM.

8 (F) UNOFFICIAL RETURNS.

9 (1) "UNOFFICIAL RETURNS" MEANS A VOTE TABULATION REPORTED ON
10 ELECTION NIGHT AFTER THE POLLS CLOSE.

11 (2) "UNOFFICIAL RETURNS" DOES NOT INCLUDE THE ABSENTEE
12 BALLOT COUNT.

13 (G) VOTE TABULATION OR VOTE COUNTING.

14 "VOTE TABULATION" OR "VOTE COUNTING" MEANS THE AGGREGATION OF THE
15 VOTES CAST BY INDIVIDUAL VOTERS TO PRODUCE VOTE TOTALS AT ANY LEVEL.

16 (H) VOTE TALLYING.

17 "VOTE TALLYING" MEANS THE RECORDING OF VOTES CAST BY INDIVIDUAL
18 VOTERS ON A CERTIFIED VOTING SYSTEM WHETHER DONE BY:

19 (1) A MECHANICAL LEVER VOTING MACHINE;

20 (2) AN ELECTRONIC VOTING DEVICE; OR

21 (3) MAKING MARKS MANUALLY ON A TALLY SHEET.

22 SUBTITLE 2. CLOSING THE POLLS.

23 11-201. REGULATIONS.

24 THE STATE BOARD SHALL ADOPT REGULATIONS CONSISTENT WITH THE
25 PROVISIONS OF THIS TITLE GOVERNING THE CANVASS.

26 11-202. ELECTION JUDGES - PROCEDURES FOR VOTE COUNTING.

27 (A) IN GENERAL.

28 (1) EACH QUALIFIED VOTER PRESENT AT THE POLLS AT 8 P.M. ON
29 ELECTION DAY SHALL BE ALLOWED TO VOTE BEFORE THE ELECTION JUDGES
30 COMMENCE THEIR DUTIES UNDER THIS SECTION.

1 (2) IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE AND
2 REGULATIONS ADOPTED BY THE STATE BOARD, AFTER THE LAST VOTER HAS VOTED
3 IN AN ELECTION, THE ELECTION JUDGES SHALL FOLLOW THE INSTRUCTIONS
4 ISSUED BY THE ELECTION DIRECTOR FOR CLOSING THE POLLS AND FOR
5 PERFORMING THE TASKS REQUIRED IN THE POSTCLOSING PERIOD.

6 (B) SPECIFIC DUTIES.

7 IN ACCORDANCE WITH THIS SECTION, THE ELECTION JUDGES SHALL:

8 (1) SECURE THE VOTING SYSTEM TO PREVENT FURTHER VOTING;

9 (2) IF APPROPRIATE TO THE VOTING SYSTEM, RECORD THE VOTE,
10 PRODUCE VOTE TOTALS FOR THE POLLING PLACE, AND ANNOUNCE RESULTS TO
11 THOSE PRESENT;

12 (3) COMPLETE ALL DOCUMENTS, RECORDS, AND REPORTS REQUIRED BY
13 LAW OR REGULATION AFTER THE CLOSING OF THE POLLS;

14 (4) PERFORM ANY OTHER TASKS ASSIGNED BY THE ELECTION
15 DIRECTOR;

16 (5) ASSEMBLE AND ACCOUNT FOR MATERIALS TO BE RETURNED TO THE
17 LOCAL BOARD, INCLUDING, IF APPLICABLE FOR THE VOTING SYSTEM USED IN THAT
18 ELECTION:

19 (I) REMOVABLE DATA STORAGE DEVICES FROM VOTING
20 EQUIPMENT;

21 (II) VOTED BALLOTS;

22 (III) PRECINCT REGISTERS;

23 (IV) VOTING AUTHORITY CARDS;

24 (V) SIGNS AND POSTERS;

25 (VI) RECORDS, REPORTS, LOGS, AFFIDAVITS, CERTIFICATES, AND
26 OTHER DOCUMENTS;

27 (VII) KEYS TO VOTING DEVICES;

28 (VIII) POLL BOOKS; AND

29 (IX) ANY OTHER MATERIALS SPECIFIED BY THE ELECTION
30 DIRECTOR;

31 (6) ASSURE THAT EQUIPMENT AND MATERIALS LEFT IN THE POLLING
32 PLACE FOR RETRIEVAL AT A LATER TIME ARE STORED IN A SECURE MANNER; AND

1 (7) DELIVER MATERIALS AND EQUIPMENT TO THE LOCAL BOARD AND
2 OBTAIN RECEIPTS FROM THE BOARD CERTIFYING THE DELIVERY OF THE ITEMS.

3 (C) OBSERVATION OF JUDGES WHILE PERFORMING THEIR DUTIES.

4 JUDGES MAY BE OBSERVED, WHILE PERFORMING THEIR DUTIES UNDER THIS
5 SECTION, UNTIL THEY HAVE FINISHED THEIR WORK AND LEAVE THE PREMISES BY:

6 (1) AUTHORIZED CHALLENGERS, WATCHERS, AND OBSERVERS IN
7 ACCORDANCE WITH § 10-311 OF THIS ARTICLE;

8 (2) ANY CANDIDATE; AND

9 (3) ANY OTHER PERSON LAWFULLY PRESENT.

10 SUBTITLE 3. VOTE CANVASSING BY LOCAL BOARD.

11 11-301. ORGANIZATION OF LOCAL BOARDS OF CANVASSERS.

12 (A) IN GENERAL.

13 A BOARD OF CANVASSERS SHALL:

14 (1) CONVENE AND BE SWORN IN ON OR BEFORE 5 P.M. ON THE DAY OF
15 EACH ELECTION AT THE DESIGNATED COUNTING CENTER FOR THAT COUNTY;

16 (2) MEET ONLY IN PUBLIC SESSION; AND

17 (3) SUBJECT TO REGULATIONS ADOPTED BY THE STATE BOARD TO
18 ENSURE THE INTEGRITY OF THE ELECTORAL PROCESS AND THAT THE ACCURACY OF
19 THE VOTE TABULATION IS NOT IMPEDED OR COMPROMISED, PROVIDE FOR
20 OBSERVATION AND UNDERSTANDING OF THE CANVASS BY THOSE INDIVIDUALS IN
21 ATTENDANCE.

22 (B) ELECTION OF OFFICERS.

23 EACH BOARD OF CANVASSERS SHALL ELECT BY MAJORITY VOTE A CHAIRMAN
24 AND SECRETARY FROM AMONG ITS MEMBERS.

25 (C) OATH REQUIRED.

26 EACH MEMBER OF THE BOARD OF CANVASSERS SHALL TAKE AN OATH,
27 ADMINISTERED AND RECORDED BY THE CLERK OF THE CIRCUIT COURT, TO CANVASS
28 AND DECLARE THE VOTES CAST TRUTHFULLY AND TO PERFORM OTHER DUTIES
29 REQUIRED BY LAW.

30 (D) QUORUM REQUIRED.

31 (1) AT THE FIRST MEETING OF THE BOARD OF CANVASSERS FOR THE
32 PURPOSE OF CANVASSING, A MAJORITY OF THE WHOLE BOARD OF CANVASSERS
33 SHALL BE A QUORUM.

1 (2) IF A QUORUM IS NOT PRESENT, THE MEMBERS PRESENT SHALL
2 ADJOURN UNTIL THE NEXT DAY.

3 (E) MAJORITY VOTE REQUIRED FOR DECISION MAKING.

4 EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, ALL DECISIONS SHALL BE
5 REACHED BY A MAJORITY VOTE OF THE MEMBERS PRESENT.

6 (F) SUBSTITUTE MEMBERS ALLOWED.

7 IF A MEMBER IS NOT PRESENT AT THE SCHEDULED TIME FOR VOTE
8 CANVASSING, A SUBSTITUTE MEMBER OF THE BOARD OF CANVASSERS MAY BE
9 SWORN IN.

10 (G) REPRESENTATION FROM PRINCIPAL MINORITY PARTY REQUIRED.

11 AT LEAST ONE MEMBER OF THE BOARD OF CANVASSERS PRESENT SHALL BE A
12 REGISTERED VOTER OF THE PRINCIPAL MINORITY PARTY.

13 (H) THE CANVASS.

14 ONCE THE BOARD HAS SATISFIED THE REQUIREMENTS OF SUBSECTIONS (A)
15 THROUGH (G) OF THIS SECTION, IT MAY PROCEED WITH THE CANVASS IN
16 ACCORDANCE WITH THE REGULATIONS OF THE STATE BOARD.

17 11-302. CANVASSING OF ABSENTEE BALLOTS.

18 (A) IN GENERAL.

19 FOLLOWING AN ELECTION, EACH LOCAL BOARD SHALL MEET AT ITS
20 DESIGNATED COUNTING CENTER TO CANVASS THE ABSENTEE BALLOTS CAST IN
21 THAT ELECTION IN ACCORDANCE WITH THE REGULATIONS AND GUIDELINES
22 ESTABLISHED BY THE STATE BOARD.

23 (B) TIME FOR OPENING OF ABSENTEE BALLOTS.

24 (1) A LOCAL BOARD MAY NOT OPEN ANY ENVELOPE OF AN ABSENTEE
25 BALLOT PRIOR TO 8 A.M. ON THE WEDNESDAY FOLLOWING ELECTION DAY.

26 (2) A LOCAL BOARD MAY NOT DELAY THE COMMENCEMENT OF THE
27 CANVASS TO AWAIT THE RECEIPT OF LATE-ARRIVING, TIMELY ABSENTEE BALLOTS.

28 (C) TIMELY RECEIPT REQUIRED.

29 (1) AN ABSENTEE BALLOT SHALL BE DEEMED TIMELY RECEIVED IF IT IS
30 RECEIVED IN ACCORDANCE WITH THE REGULATIONS AND GUIDELINES
31 ESTABLISHED BY THE STATE BOARD.

32 (2) AN ABSENTEE BALLOT THAT IS RECEIVED AFTER THE DEADLINE
33 SPECIFIED BY THE REGULATIONS AND GUIDELINES MAY NOT BE COUNTED.

1 (D) REJECTION OF ABSENTEE BALLOTS.

2 (1) THE STATE BOARD SHALL ADOPT REGULATIONS THAT REFLECT THE
3 POLICY THAT THE CLARITY OF THE INTENT OF THE VOTER IS THE OVERRIDING
4 CONSIDERATION IN DETERMINING THE VALIDITY OF AN ABSENTEE BALLOT OR THE
5 VOTE CAST IN A PARTICULAR CONTEST.

6 (2) A LOCAL BOARD MAY NOT REJECT AN ABSENTEE BALLOT EXCEPT BY
7 UNANIMOUS VOTE AND IN ACCORDANCE WITH REGULATIONS OF THE STATE BOARD.

8 (3) THE LOCAL BOARD SHALL REJECT AN ABSENTEE BALLOT IF:

9 (I) BEFORE THE BALLOT IS CANVASSED, THE LOCAL BOARD
10 DETERMINES THAT THE VOTER DIED BEFORE ELECTION DAY;

11 (II) THE VOTER FAILED TO SIGN THE OATH ON THE BALLOT
12 ENVELOPE;

13 (III) THE LOCAL BOARD RECEIVED MORE THAN ONE BALLOT FROM
14 THE SAME INDIVIDUAL FOR THE SAME ELECTION IN THE SAME BALLOT ENVELOPE;
15 OR

16 (IV) THE LOCAL BOARD DETERMINES THAT AN ABSENTEE BALLOT
17 IS INTENTIONALLY MARKED WITH AN IDENTIFYING MARK THAT IS CLEARLY
18 EVIDENT AND PLACED ON THE BALLOT FOR THE PURPOSE OF IDENTIFYING THE
19 BALLOT.

20 11-303. REJECTED ABSENTEE BALLOT; APPEAL.

21 (A) RIGHT OF APPEAL.

22 A CANDIDATE OR ABSENTEE VOTER AGGRIEVED BY THE DECISION OF A LOCAL
23 BOARD TO REJECT, OR NOT TO REJECT, AN ABSENTEE BALLOT SHALL HAVE THE
24 RIGHT OF APPEAL TO THE CIRCUIT COURT FOR THE COUNTY.

25 (B) TIME OF FILING.

26 THE APPEAL MUST BE FILED WITHIN 5 DAYS FROM THE DATE OF THE
27 COMPLETION OF THE OFFICIAL CANVASS BY THE BOARD OF ALL THE VOTES CAST AT
28 THE ELECTION.

29 (C) PROCEDURES.

30 THE APPEAL SHALL BE HEARD DE NOVO, WITHOUT A JURY, AS SOON AS
31 POSSIBLE.

32 (D) APPEAL TO COURT OF SPECIAL APPEALS.

33 (1) THE DECISION OF THE CIRCUIT COURT MAY BE APPEALED TO THE
34 COURT OF SPECIAL APPEALS, PROVIDED THE APPEAL IS TAKEN WITHIN 48 HOURS
35 FROM THE ENTRY OF THE DECISION OF THE CIRCUIT COURT.

1 (2) THE APPEAL SHALL BE HEARD AND DECIDED ON THE ORIGINAL
2 PAPERS, INCLUDING A WRITTEN TRANSCRIPT OF THE TESTIMONY TAKEN IN THE
3 CASE.

4 (3) THE ORIGINAL PAPERS AND THE TRANSCRIPT SHALL BE
5 TRANSMITTED TO THE COURT OF SPECIAL APPEALS WITHIN 5 DAYS FROM THE
6 TAKING OF THE APPEAL, AND THE APPEAL SHALL BE HEARD AS SOON AS POSSIBLE.

7 (4) IF THE LOCAL BOARD RECEIVES MORE THAN ONE LEGALLY
8 SUFFICIENT BALLOT, IN SEPARATE ENVELOPES, FROM THE SAME INDIVIDUAL, THE
9 LOCAL BOARD SHALL:

10 (I) COUNT ONLY THE BALLOT WITH THE LATEST PROPERLY
11 SIGNED OATH; AND

12 (II) REJECT ANY OTHER BALLOT.

13 (5) IF THE INTENT OF THE VOTER IS NOT CLEARLY DEMONSTRATED,
14 THE LOCAL BOARD SHALL REJECT ONLY THE VOTE FOR THAT OFFICE OR QUESTION.

15 (6) IF AN ABSENTEE VOTER CASTS A VOTE FOR AN INDIVIDUAL WHO
16 HAS CEASED TO BE A CANDIDATE, THE VOTE FOR THAT CANDIDATE MAY NOT BE
17 COUNTED, BUT THAT VOTE DOES NOT INVALIDATE THE REMAINDER OF THE BALLOT.
18 11-304. CUSTODY AND SECURITY OF DOCUMENTS AND RECORDS RELATED TO THE
19 CANVASS.

20 THE PERSON DESIGNATED TO MAINTAIN CUSTODY OF THE DOCUMENTS AND
21 RECORDS REQUIRED UNDER THIS TITLE SHALL MAINTAIN AND SECURE THOSE
22 ITEMS IN ACCORDANCE WITH THE REGULATIONS ADOPTED BY THE STATE BOARD.

23 11-305. ERRORS IN CANVASS DOCUMENTS.

24 (A) IN GENERAL.

25 IF A BOARD OF CANVASSERS DETERMINES THAT THERE APPEARS TO BE AN
26 ERROR IN THE DOCUMENTS OR RECORDS PRODUCED AT THE POLLING PLACE
27 FOLLOWING AN ELECTION, THEN IT IMMEDIATELY SHALL INVESTIGATE THE
28 MATTER TO ASCERTAIN WHETHER THE RECORDS OR DOCUMENTS ARE CORRECT.

29 (B) CORRECTION OF ERRORS.

30 THE BOARD OF CANVASSERS MAY CORRECT A DOCUMENT OR RECORD ONLY IN
31 ACCORDANCE WITH THE REGULATIONS OF THE STATE BOARD.

32 11-306. VERIFICATION OF VOTE COUNT.

33 (A) IN GENERAL.

34 WITHIN 10 DAYS AFTER ANY ELECTION, AND BEFORE CERTIFYING THE
35 RESULTS OF THE ELECTION, EACH BOARD OF CANVASSERS SHALL VERIFY THE VOTE

1 COUNT IN ACCORDANCE WITH THE REGULATIONS PRESCRIBED BY THE STATE
2 BOARD FOR THE VOTING SYSTEM USED IN THAT ELECTION.

3 (B) CERTIFICATION REQUIRED UPON COMPLETION OF VERIFICATION
4 PROCESS.

5 UPON COMPLETION OF THE VERIFICATION PROCESS, THE MEMBERS OF THE
6 BOARD OF CANVASSERS SHALL:

7 (1) CERTIFY IN WRITING THAT THE ELECTION RESULTS ARE ACCURATE
8 AND THAT THE VOTE HAS BEEN VERIFIED; AND

9 (2) PROVIDE COPIES OF THE ELECTION RESULTS TO THE PERSONS
10 SPECIFIED UNDER § 11-401 OF THIS TITLE.

11 (C) DISSENT BY A LOCAL BOARD MEMBER - WRITTEN STATEMENT REQUIRED.

12 (1) IF A MEMBER OF A LOCAL BOARD OF CANVASSERS DISSENTS FROM A
13 DETERMINATION OF AN ELECTION RESULT OR REASONABLY BELIEVES THAT THE
14 CONDUCT OF A LOCAL BOARD MEMBER OR LOCAL BOARD PROCEEDING WAS NOT IN
15 COMPLIANCE WITH APPLICABLE LAW OR REGULATION OR WAS OTHERWISE ILLEGAL
16 OR IRREGULAR, THE MEMBER SHALL PREPARE AND FILE WITH THE LOCAL BOARD A
17 DISTINCT WRITTEN STATEMENT OF THE REASONS FOR THE DISSENT OR CONCERN.

18 (2) THE STATE BOARD SHALL MAINTAIN A FILE OF THE WRITTEN
19 STATEMENTS SUBMITTED UNDER THIS SUBSECTION BY MEMBERS OF THE LOCAL
20 BOARDS.

21 SUBTITLE 4. CERTIFICATION OF ELECTION RESULTS BY LOCAL BOARD.

22 11-401. CERTIFIED COPIES OF RESULTS.

23 (A) DISTRIBUTION OF CERTIFIED COPIES.

24 (1) AFTER EACH ELECTION, EACH BOARD OF CANVASSERS SHALL
25 TRANSMIT ONE CERTIFIED COPY OF THE ELECTION RESULTS IN ITS COUNTY,
26 ATTESTED BY THE SIGNATURES OF THE CHAIRPERSON AND SECRETARY OF THE
27 BOARD OF CANVASSERS, TO:

28 (I) THE GOVERNOR;

29 (II) THE STATE BOARD OF ELECTIONS; AND

30 (III) THE CLERK OF THE CIRCUIT COURT FOR THE APPROPRIATE
31 COUNTY.

32 (2) THE STATEMENT MAY BE MAILED OR DELIVERED IN PERSON.

33 (B) TIME FOR TRANSMITTAL.

1 (1) THE TRANSMITTAL SHALL BE MADE ON THE SECOND FRIDAY AFTER
2 A PRIMARY OR GENERAL ELECTION OR, IF THE CANVASS IS COMPLETED AFTER THAT
3 DATE, WITHIN 48 HOURS AFTER THE COMPLETION OF THE CANVASS.

4 (2) AFTER A SPECIAL PRIMARY OR SPECIAL ELECTION, THE
5 TRANSMITTAL SHALL BE MADE AS SOON AS POSSIBLE, BUT NO LATER THAN THE
6 SECOND THURSDAY AFTER THE ELECTION.

7 (C) ENTRY BY CLERK OF THE CIRCUIT COURT.

8 THE CLERK OF THE CIRCUIT COURT SHALL ENTER OF RECORD THE ELECTION
9 RESULTS FILED WITH THE COURT UNDER THIS SECTION.

10 11-402. RELEASE AND PUBLICATION OF RETURNS.

11 (A) DECLARATION OF WINNERS.

12 UNLESS OTHERWISE PROVIDED BY THE MARYLAND CONSTITUTION, AND
13 EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, EACH BOARD OF
14 CANVASSERS SHALL PREPARE A STATEMENT OF ELECTION RESULTS BY PRECINCT
15 FOR EACH CANDIDATE OR QUESTION VOTED ON AT THE ELECTION AND DECLARE:

16 (1) WHO IS ELECTED OR NOMINATED FOR OFFICE:

17 (I) IN COUNTY GOVERNMENT; OR

18 (II) FOR ANY OTHER OFFICE VOTED FOR ONLY WITHIN THAT
19 COUNTY, IF THE CERTIFICATE OF CANDIDACY FOR THAT OFFICE WAS ISSUED BY THE
20 LOCAL BOARD; AND

21 (2) WHETHER OR NOT A QUESTION IS ADOPTED OR APPROVED.

22 (B) REPORTING OF ABSENTEE VOTE.

23 THE STATEMENT PREPARED BY THE BOARD OF CANVASSERS UNDER
24 SUBSECTION (A) OF THIS SECTION MAY NOT REPORT THE ABSENTEE VOTE
25 SEPARATELY BY PRECINCT.

26 (C) COPIES OF ELECTION RESULTS.

27 EACH LOCAL BOARD SHALL PUBLISH A SUFFICIENT NUMBER OF COPIES OF
28 THE COMPLETE ELECTION RESULTS, TABULATED BY PRECINCT, AND SHALL MAKE
29 THE COPIES AVAILABLE TO THE PUBLIC AT COST.

30 11-403. SECURITY AND INSPECTION OF VOTING SYSTEM.

31 (A) IN GENERAL.

32 (1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AND IN
33 ACCORDANCE WITH REGULATIONS ADOPTED BY THE STATE BOARD, THE
34 EQUIPMENT AND DOCUMENTATION OF A VOTING SYSTEM, INCLUDING ALL PAPER

1 AND ELECTRONIC DOCUMENTATION, SHALL REMAIN SECURED FOLLOWING THE
2 VERIFICATION REQUIRED BY § 11-306 OF THIS TITLE UNTIL:

3 (I) THE EXPIRATION OF THE PERIOD ALLOWED FOR INITIATING A
4 RECOUNT;

5 (II) IN THE EVENT OF A RECOUNT, THE RECOUNT IS COMPLETED;
6 AND

7 (III) THE RESOLUTION OF ANY ELECTION CONTEST.

8 (2) AFTER THE EXPIRATION OF THE PERIOD SPECIFIED IN PARAGRAPH
9 (1) OF THIS SUBSECTION, THE EQUIPMENT AND DOCUMENTATION OF THE VOTING
10 SYSTEM SHALL BE MAINTAINED IN ACCORDANCE WITH REGULATIONS OF THE STATE
11 BOARD.

12 (B) OPENING OF VOTING SYSTEM - CONDITIONS.

13 A VOTING SYSTEM MAY BE OPENED AND THE DOCUMENTS AND EQUIPMENT
14 ASSOCIATED WITH IT EXAMINED IN THE PRESENCE OF THE OFFICER HAVING
15 CUSTODY OF THE VOTING SYSTEM UPON:

16 (1) THE ORDER OF ANY COURT OF COMPETENT JURISDICTION; OR

17 (2) THE DIRECTION OF ANY LEGISLATIVE COMMITTEE CHARGED WITH
18 INVESTIGATING A CONTESTED ELECTION AFFECTED BY THE USE OF THE VOTING
19 SYSTEM.

20 SUBTITLE 5. STATEWIDE CANVASS AND CERTIFICATION.

21 11-501. STATE BOARD - CANVASS OF PRIMARY ELECTION RESULTS.

22 (A) DUTIES.

23 FOLLOWING EACH GUBERNATORIAL PRIMARY OR SPECIAL PRIMARY ELECTION
24 IN THE STATE, THE STATE BOARD SHALL:

25 (1) CONVENE WITHIN 2 DAYS AFTER THE CERTIFIED OFFICIAL
26 ELECTION RESULTS ARE RECEIVED FROM THE LOCAL BOARDS;

27 (2) IF A MAJORITY OF THE MEMBERS OF THE STATE BOARD IS NOT
28 PRESENT, ADJOURN FOR NOT MORE THAN 1 DAY;

29 (3) DETERMINE WHICH CANDIDATES, BY THE GREATEST NUMBER OF
30 VOTES, HAVE BEEN NOMINATED TO EACH OFFICE AND WHICH QUESTIONS HAVE
31 RECEIVED A SUFFICIENT NUMBER OF VOTES TO BE ADOPTED OR APPROVED; AND

32 (4) PREPARE AND CERTIFY STATEWIDE ELECTION RESULTS BASED ON
33 THE CERTIFIED COPIES OF THE STATEMENTS MADE BY THE COUNTY BOARDS OF
34 CANVASSERS.

1 (B) DISSENT BY A BOARD MEMBER - WRITTEN STATEMENT REQUIRED.

2 (1) IF A MEMBER OF THE STATE BOARD DISSENTS FROM A
3 DETERMINATION OF AN ELECTION RESULT OR REASONABLY BELIEVES THAT THE
4 CONDUCT OF A BOARD MEMBER OR BOARD PROCEEDING WAS NOT IN COMPLIANCE
5 WITH APPLICABLE LAW OR REGULATION OR WAS OTHERWISE ILLEGAL OR
6 IRREGULAR, THE MEMBER SHALL PREPARE AND FILE WITH THE BOARD A DISTINCT
7 WRITTEN STATEMENT OF THE REASONS FOR THE DISSENT OR CONCERN.

8 (2) THE STATE BOARD SHALL MAINTAIN A FILE OF THE WRITTEN
9 STATEMENTS SUBMITTED UNDER THIS SUBSECTION BY MEMBERS OF THE BOARD.

10 DRAFTER'S NOTE: In subsection (a)(1), the requirement that the State
11 Board meet within 2 days after receipt of the certified official return from
12 the local boards is new.

13 11-502. BOARD OF STATE CANVASSERS.

14 (A) MEMBERSHIP.

15 THE BOARD OF STATE CANVASSERS CONSISTS OF THE FOLLOWING MEMBERS:

16 (1) THE SECRETARY OF STATE;

17 (2) THE COMPTROLLER;

18 (3) THE STATE TREASURER;

19 (4) THE CLERK OF THE COURT OF APPEALS; AND

20 (5) THE ATTORNEY GENERAL.

21 (B) QUORUM.

22 THREE MEMBERS OF THE BOARD OF STATE CANVASSERS CONSTITUTE A
23 QUORUM.

24 (C) ~~EXECUTIVE DIRECTOR~~ STATE ADMINISTRATOR OF STATE BOARD TO
25 SERVE AS SECRETARY.

26 ~~THE EXECUTIVE DIRECTOR~~ STATE ADMINISTRATOR OF THE STATE BOARD OF
27 ELECTIONS SERVES AS SECRETARY TO THE BOARD OF STATE CANVASSERS.

28 (D) STATE TREASURER - APPOINTMENT OF DEPUTY AS DESIGNEE.

29 THE STATE TREASURER MAY APPOINT, AS THE TREASURER'S DESIGNEE, A
30 DEPUTY TREASURER TO SERVE ON THE BOARD OF STATE CANVASSERS.

31 11-503. SAME - CANVASS OF ELECTION RESULTS.

32 (A) DUTIES.

1 THE BOARD OF STATE CANVASSERS SHALL:

2 (1) (I) CONVENE ONLY AFTER A PRESIDENTIAL PRIMARY ELECTION, A
3 STATE GENERAL ELECTION, OR A GENERAL OR SPECIAL GENERAL ELECTION THAT
4 INCLUDES A CANDIDATE FOR MEMBER OF THE CONGRESS OF THE UNITED STATES;

5 (II) CONVENE WITHIN 35 DAYS OF THAT ELECTION; AND

6 (III) IF A MAJORITY OF MEMBERS OF THE BOARD OF STATE
7 CANVASSERS IS NOT PRESENT, ADJOURN FOR NOT MORE THAN 1 DAY;

8 (2) DETERMINE WHICH CANDIDATES, BY THE GREATEST NUMBER OF
9 VOTES, HAVE BEEN ELECTED TO EACH OFFICE AND WHICH QUESTIONS HAVE
10 RECEIVED A SUFFICIENT NUMBER OF VOTES TO BE ADOPTED OR APPROVED;

11 (3) PREPARE STATEWIDE ELECTION RESULTS FOR EACH CANDIDATE
12 AND QUESTION, BASED ON THE CERTIFIED COPIES OF THE STATEMENTS MADE BY
13 THE COUNTY BOARDS OF CANVASSERS; AND

14 (4) PREPARE AND TRANSMIT A CERTIFIED STATEMENT OF THE
15 ELECTION RESULTS TO THE STATE BOARD OF ELECTIONS.

16 (B) DISSENT BY A BOARD MEMBER - WRITTEN STATEMENT REQUIRED.

17 (1) IF A MEMBER OF THE BOARD OF STATE CANVASSERS DISSENTS
18 FROM A DETERMINATION OF AN ELECTION RESULT OR REASONABLY BELIEVES
19 THAT THE CONDUCT OF A BOARD MEMBER OR BOARD PROCEEDING WAS NOT IN
20 COMPLIANCE WITH APPLICABLE LAW OR REGULATION OR WAS OTHERWISE ILLEGAL
21 OR IRREGULAR, THE MEMBER SHALL PREPARE AND TRANSMIT A DISTINCT WRITTEN
22 STATEMENT OF THE REASONS FOR THE DISSENT OR CONCERN TO THE STATE BOARD
23 OF ELECTIONS.

24 (2) THE STATE BOARD OF ELECTIONS SHALL MAINTAIN A FILE OF THE
25 WRITTEN STATEMENTS SUBMITTED UNDER THIS SUBSECTION BY MEMBERS OF THE
26 BOARD OF STATE CANVASSERS.

27 SUBTITLE 6. CERTIFICATION OF GENERAL ELECTION RESULTS AND ISSUANCE OF
28 COMMISSIONS OF ELECTION.

29 11-601. PROCEDURE.

30 (A) CERTIFICATION BY STATE BOARD.

31 (1) THE STATE BOARD SHALL CERTIFY ELECTION RESULTS IN
32 ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE AND REGULATIONS ADOPTED
33 BY THE STATE BOARD.

34 (2) THE CERTIFICATION BY THE STATE BOARD SHALL INCLUDE A
35 DETERMINATION THAT REPORTS OR STATEMENTS OF CONTRIBUTIONS AND

1 EXPENDITURES REQUIRED TO BE FILED UNDER § 13-401 OF THIS ARTICLE HAVE
2 BEEN FILED.

3 (B) NOTICE TO SPECIFIED INDIVIDUALS.

4 THE STATE BOARD SHALL:

5 (1) PROMPTLY DELIVER UNDER ITS SEAL A CERTIFIED STATEMENT
6 NOTIFYING:

7 (I) EACH INDIVIDUAL WHO IS DECLARED ELECTED;

8 (II) EACH INDIVIDUAL WHO IS CONTINUED IN OFFICE;

9 (III) THE SECRETARY AND PRESIDING OFFICER OF THE UNITED
10 STATES SENATE, IN THE CASE OF THE ELECTION OF A UNITED STATES SENATOR TO
11 REPRESENT THE STATE; AND

12 (IV) THE CLERK AND PRESIDING OFFICER OF THE UNITED STATES
13 HOUSE OF REPRESENTATIVES, IN THE CASE OF THE ELECTION OF A MEMBER OF THE
14 HOUSE OF REPRESENTATIVES TO REPRESENT THE STATE; AND

15 (2) PUBLISH A SUFFICIENT NUMBER OF COPIES OF THE CERTIFIED
16 STATEMENTS OF THE VOTES CAST THROUGHOUT THE STATE THAT ARE DELIVERED
17 TO IT BY THE BOARD OF STATE CANVASSERS AND MAKE THE COPIES AVAILABLE TO
18 THE PUBLIC AT COST.

19 11-602. ISSUANCE OF COMMISSION BY GOVERNOR.

20 THE GOVERNOR SHALL ISSUE A COMMISSION TO AN INDIVIDUAL ELECTED TO
21 OR CONTINUED IN OFFICE ONLY IF THE INDIVIDUAL'S ELECTION IS CERTIFIED BY
22 THE STATE BOARD.

23 11-603. CERTIFICATES FOR CANDIDATES ELECTED TO CONGRESS CONSTITUTE
24 COMMISSIONS.

25 A CERTIFICATE ISSUED BY THE STATE BOARD OF ELECTIONS TO THE
26 SECRETARY AND PRESIDING OFFICER OF THE UNITED STATES SENATE OR TO THE
27 CLERK AND PRESIDING OFFICER OF THE HOUSE OF REPRESENTATIVES OF THE
28 UNITED STATES UNDER § 11- 601(B)(1)(III) AND (IV) OF THIS SUBTITLE CONSTITUTES
29 PRIMA FACIE EVIDENCE OF THE RIGHT OF THE INDIVIDUAL CERTIFIED TO BE
30 SEATED FOR OFFICE IN THE UNITED STATES CONGRESS.

31 TITLE 12. CONTESTED ELECTIONS.

32 SUBTITLE 1. RECOUNTS.

33 12-101. PETITION FOR RECOUNT.

34 (A) GENERALLY.

1 A CANDIDATE FOR PUBLIC OR PARTY OFFICE WHO HAS BEEN DEFEATED BASED
2 ON THE CERTIFIED RESULTS OF ANY ELECTION CONDUCTED UNDER THIS ARTICLE
3 MAY PETITION FOR A RECOUNT OF THE VOTES CAST FOR THE OFFICE SOUGHT.

4 (B) CONTENTS OF PETITION FOR RECOUNT.

5 THE PETITION SHALL SPECIFY THAT THE RECOUNT BE CONDUCTED:

6 (1) IN ALL OF THE PRECINCTS IN WHICH THE OFFICE WAS ON THE
7 BALLOT; OR

8 (2) ONLY IN THE PRECINCTS DESIGNATED IN THE PETITION.

9 (C) PLACE OF FILING.

10 THE PETITION SHALL BE FILED WITH THE SAME ELECTION AUTHORITY WITH
11 WHICH THE CANDIDATE'S CERTIFICATE OF CANDIDACY WAS FILED.

12 (D) TIME OF FILING.

13 THE PETITION MUST BE FILED WITHIN 3 DAYS AFTER THE RESULTS OF THE
14 ELECTION HAVE BEEN CERTIFIED.

15 (E) NOTICE OF FILING OF PETITION.

16 (1) THE STATE BOARD SHALL PROMPTLY NOTIFY EACH APPROPRIATE
17 LOCAL BOARD OF A PETITION THAT IS FILED WITH THE STATE BOARD.

18 (2) A LOCAL BOARD SHALL PROMPTLY NOTIFY THE STATE BOARD OF A
19 PETITION THAT IS FILED WITH THE LOCAL BOARD.

20 12-102. COUNTERPETITION FOR RECOUNT.

21 (A) GENERALLY.

22 AN OPPOSING CANDIDATE OF THE PETITIONER UNDER § 12-101 OF THIS
23 SUBTITLE MAY FILE A COUNTERPETITION IF:

24 (1) THE PETITION FILED UNDER § 12-101 OF THIS SUBTITLE DID NOT
25 SPECIFY ALL OF THE PRECINCTS IN WHICH THE OFFICE WAS ON THE BALLOT; AND

26 (2) ON COMPLETION OF THE RECOUNT, THE WINNER OF THE ELECTION
27 IS CHANGED.

28 (B) CONTENTS OF COUNTERPETITION.

29 A COUNTERPETITION SHALL BE A REQUEST FOR A RECOUNT OF THE VOTES FOR
30 THE OFFICE IN THE PRECINCTS NOT SPECIFIED BY THE PETITIONER UNDER § 12-101
31 OF THIS SUBTITLE.

32 (C) PLACE OF FILING.

1 THE OPPOSING CANDIDATE SHALL FILE THE COUNTERPETITION WITH THE
2 SAME ELECTION AUTHORITY WITH WHICH THE CANDIDATE'S CERTIFICATE OF
3 CANDIDACY WAS FILED.

4 (D) TIME OF FILING.

5 THE PETITION MUST BE FILED WITHIN 2 DAYS OF THE DETERMINATION UNDER
6 SUBSECTION (A)(2) OF THIS SECTION.

7 (E) NOTICE OF FILING OF COUNTERPETITION.

8 (1) THE STATE BOARD SHALL PROMPTLY NOTIFY EACH APPROPRIATE
9 LOCAL BOARD OF A COUNTERPETITION THAT IS FILED WITH THE STATE BOARD.

10 (2) A LOCAL BOARD SHALL PROMPTLY NOTIFY THE STATE BOARD OF A
11 COUNTERPETITION THAT IS FILED WITH THE LOCAL BOARD.

12 12-103. RECOUNT ON A QUESTION; PETITION.

13 (A) GENERALLY.

14 A PETITION FOR A RECOUNT BASED ON THE CERTIFIED RESULTS OF A
15 QUESTION ON THE BALLOT IN AN ELECTION CONDUCTED UNDER THIS ARTICLE MAY
16 BE FILED BY A REGISTERED VOTER ELIGIBLE TO VOTE FOR THAT QUESTION.

17 (B) CONTENTS OF PETITION FOR RECOUNT.

18 THE PETITION SHALL SPECIFY THAT THE RECOUNT BE CONDUCTED:

19 (1) IN ALL OF THE PRECINCTS IN WHICH THE OFFICE WAS ON THE
20 BALLOT; OR

21 (2) ONLY IN PRECINCTS DESIGNATED IN THE PETITION.

22 (C) PLACE OF FILING.

23 (1) IF THE QUESTION WAS ON THE BALLOT IN ONE COUNTY, THE
24 PETITION SHALL BE FILED IN THAT COUNTY.

25 (2) IF THE QUESTION WAS ON THE BALLOT IN MORE THAN ONE COUNTY,
26 THE PETITION SHALL BE FILED WITH THE STATE BOARD.

27 (D) TIME OF FILING.

28 THE PETITION MUST BE FILED WITHIN 2 DAYS AFTER THE RESULTS OF THE
29 ELECTION ARE CERTIFIED.

30 (E) NOTICE OF FILING OF PETITIONS.

31 (1) THE STATE BOARD SHALL PROMPTLY NOTIFY EACH APPROPRIATE
32 LOCAL BOARD OF A PETITION THAT IS FILED WITH THE STATE BOARD.

1 (2) A LOCAL BOARD SHALL PROMPTLY NOTIFY THE STATE BOARD OF A
2 PETITION THAT IS FILED WITH THE LOCAL BOARD.

3 DRAFTER'S NOTE: This section is new language added in order to provide
4 the right to a recount of the votes cast for a question.

5 12-104. SAME; COUNTERPETITION.

6 (A) GENERALLY.

7 A COUNTERPETITION TO A QUESTION FILED UNDER § 12-103 OF THIS SUBTITLE
8 MAY BE FILED BY A VOTER ELIGIBLE TO VOTE FOR THAT QUESTION, IF:

9 (1) THE PETITION FILED UNDER § 12-103 OF THIS SUBTITLE DID NOT
10 SPECIFY ALL OF THE PRECINCTS IN WHICH THE QUESTION WAS ON THE BALLOT;
11 AND

12 (2) ON COMPLETION OF THE RECOUNT, THE OUTCOME OF THE
13 ELECTION IS CHANGED.

14 (B) CONTENTS OF COUNTERPETITION.

15 A COUNTERPETITION SHALL BE A REQUEST FOR A RECOUNT OF THE VOTES FOR
16 THE QUESTION IN THE PRECINCTS NOT SPECIFIED BY THE PETITIONER UNDER §
17 12-103 OF THIS SUBTITLE.

18 (C) PLACE OF FILING.

19 (1) IF THE QUESTION WAS ON THE BALLOT IN ONE COUNTY, THE
20 COUNTERPETITION SHALL BE FILED IN THAT COUNTY.

21 (2) IF THE QUESTION WAS ON THE BALLOT IN MORE THAN ONE COUNTY,
22 THE COUNTERPETITION SHALL BE FILED WITH THE STATE BOARD.

23 (D) TIME OF FILING.

24 THE PETITION SHALL BE FILED WITHIN 2 DAYS OF THE DETERMINATION
25 UNDER SUBSECTION (A)(2) OF THIS SECTION.

26 (E) NOTICE OF FILING OF COUNTERPETITION.

27 (1) THE STATE BOARD SHALL PROMPTLY NOTIFY EACH APPROPRIATE
28 LOCAL BOARD OF A COUNTERPETITION THAT IS FILED WITH THE STATE BOARD.

29 (2) A LOCAL BOARD SHALL PROMPTLY NOTIFY THE STATE BOARD OF A
30 COUNTERPETITION THAT IS FILED WITH THE LOCAL BOARD.

31 DRAFTER'S NOTE: This section is new language added in order to provide
32 the right to a recount of the votes cast for a question.

1 12-105. BOND.

2 (A) GENERALLY.

3 A PETITION OR COUNTERPETITION FILED UNDER THIS SUBTITLE SHALL BE
4 FILED WITH A BOND AS PROVIDED UNDER SUBSECTION (B) OF THIS SECTION.

5 (B) DETERMINATION AND SETTING OF BOND.

6 (1) IF A RECOUNT IS BEING CONDUCTED IN ONLY ONE COUNTY, A
7 JUDGE OF THE CIRCUIT COURT OF THE COUNTY SHALL DETERMINE AND SET THE
8 BOND TO BE FILED BY THE PETITIONER OR COUNTERPETITIONER SUFFICIENT TO
9 PAY THE REASONABLE COSTS OF THE RECOUNT.

10 (2) IF THE RECOUNT IS BEING CONDUCTED IN MORE THAN ONE
11 COUNTY, A JUDGE OF THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY SHALL
12 DETERMINE AND SET THE BOND.

13 DRAFTER'S NOTE: The requirement that an affidavit be filed along with the
14 bond has been repealed in order to provide greater access to the recount
15 process.

16 12-106. DUTIES OF THE STATE BOARD AND LOCAL BOARDS.

17 (A) DUTIES OF LOCAL BOARDS.

18 IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE STATE BOARD, THE
19 LOCAL BOARD SHALL:

20 (1) CONDUCT THE RECOUNT AND CERTIFY THE OFFICIAL RESULT OF
21 THE ELECTION OR QUESTION WHICH IS THE SUBJECT OF THE RECOUNT; AND

22 (2) ENSURE THE PUBLIC'S ABILITY TO BE PRESENT WHILE THE
23 RECOUNT IS CONDUCTED.

24 (B) STATE BOARD TO MONITOR CONDUCT OF RECOUNT.

25 THE STATE BOARD SHALL MONITOR AND SUPPORT THE WORK OF ANY LOCAL
26 BOARD CONDUCTING A RECOUNT TO ENSURE COMPLIANCE WITH THIS SUBTITLE.

27 (C) TERMINATION OF RECOUNT.

28 THE STATE BOARD SHALL ESTABLISH A PROCEDURE THAT WILL ALLOW
29 PETITIONERS AND COUNTERPETITIONERS TO REQUEST THAT A RECOUNT BE
30 TERMINATED PRIOR TO ITS COMPLETION.

31 (D) CORRECTION OF RETURNS.

32 WHEN A RECOUNT IS COMPLETED, THE LOCAL BOARD, AND WHEN
33 APPROPRIATE THE STATE BOARD, SHALL CORRECT THE PRIMARY, GENERAL, OR

1 SPECIAL ELECTION RETURNS AND CERTIFICATES THAT WERE MADE BY A
2 CANVASSING BOARD.

3 12-107. COSTS.

4 (A) DEFINITION.

5 IN THIS SECTION, "PETITIONER" INCLUDES A COUNTERPETITIONER.

6 (B) GENERALLY.

7 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, EACH
8 PETITIONER SHALL PAY THE COST OF A RECOUNT REQUESTED UNDER THIS
9 SUBTITLE AND THE PETITIONER'S BOND IS LIABLE FOR THE COST.

10 (2) THE PETITIONER IS NOT LIABLE FOR THE COSTS OF THE RECOUNT
11 IF:

12 (I) THE OUTCOME OF THE ELECTION IS CHANGED; OR

13 (II) THE PETITIONER HAS GAINED A NUMBER OF VOTES, FOR THE
14 PETITIONER'S CANDIDACY OR FOR OR AGAINST THE QUESTION THAT IS THE
15 SUBJECT OF THE PETITION, EQUAL TO 2% OR MORE OF THE TOTAL VOTES CAST FOR
16 THE OFFICE OR ON THE QUESTION, IN ALL PRECINCTS BEING RECOUNTED.

17 (C) PAYMENT BY COUNTY.

18 IF THE PETITIONER IS NOT LIABLE FOR THE COSTS OF THE RECOUNT AS
19 PROVIDED IN SUBSECTION (B) OF THIS SECTION, A COUNTY SHALL PAY THE COSTS
20 OF THE RECOUNT IN THAT COUNTY.

21 SUBTITLE 2. JUDICIAL REVIEW OF ELECTIONS.

22 12-201. SCOPE OF SUBTITLE.

23 THIS SUBTITLE APPLIES TO AN ISSUE ARISING IN AN ELECTION CONDUCTED
24 UNDER THIS ARTICLE.

25 12-202. JUDICIAL CHALLENGES.

26 (A) GENERALLY.

27 IF NO OTHER TIMELY AND ADEQUATE REMEDY IS PROVIDED BY THIS ARTICLE,
28 A REGISTERED VOTER MAY SEEK JUDICIAL RELIEF FROM ANY ACT OR OMISSION
29 RELATING TO AN ELECTION, WHETHER OR NOT THE ELECTION HAS BEEN HELD, ON
30 THE GROUNDS THAT THE ACT OR OMISSION:

31 (1) IS INCONSISTENT WITH THIS ARTICLE OR OTHER LAW APPLICABLE
32 TO THE ELECTIONS PROCESS; AND

33 (2) MAY CHANGE OR HAS CHANGED THE OUTCOME OF THE ELECTION.

1 (B) PLACE AND TIME OF FILING.

2 A REGISTERED VOTER MAY SEEK JUDICIAL RELIEF UNDER THIS SECTION IN
3 THE APPROPRIATE CIRCUIT COURT WITHIN THE EARLIER OF:

4 (1) 10 DAYS AFTER THE ACT OR OMISSION OR THE DATE THE ACT OR
5 OMISSION BECAME KNOWN TO THE PETITIONER; OR

6 (2) 7 DAYS AFTER THE ELECTION RESULTS ARE CERTIFIED, UNLESS
7 THE ELECTION WAS A GUBERNATORIAL PRIMARY OR SPECIAL PRIMARY ELECTION,
8 IN WHICH CASE 3 DAYS AFTER THE ELECTION RESULTS ARE CERTIFIED.

9 12-203. PROCEDURE.

10 (A) GENERALLY.

11 A PROCEEDING UNDER THIS SUBTITLE SHALL BE CONDUCTED IN ACCORDANCE
12 WITH THE MARYLAND RULES, EXCEPT THAT:

13 (1) THE PROCEEDING SHALL BE HEARD AND DECIDED WITHOUT A JURY
14 AND AS EXPEDITIOUSLY AS THE CIRCUMSTANCES REQUIRE;

15 (2) ON THE REQUEST OF A PARTY OR SUA SPONTE, THE CHIEF
16 ADMINISTRATIVE JUDGE OF THE CIRCUIT COURT MAY ASSIGN THE CASE TO A
17 THREE-JUDGE PANEL OF CIRCUIT COURT JUDGES; AND

18 (3) AN APPEAL SHALL BE TAKEN DIRECTLY TO THE COURT OF APPEALS
19 WITHIN 5 DAYS OF THE DATE OF THE DECISION OF THE CIRCUIT COURT.

20 (B) EXPEDITED APPEAL.

21 THE COURT OF APPEALS SHALL GIVE PRIORITY TO HEAR AND DECIDE AN
22 APPEAL BROUGHT UNDER SUBSECTION (A)(3) OF THIS SECTION AS EXPEDITIOUSLY
23 AS THE CIRCUMSTANCES REQUIRE.

24 12-204. JUDGMENT.

25 (A) GENERALLY.

26 THE COURT MAY PROVIDE A REMEDY AS PROVIDED IN SUBSECTION (B) OR (C)
27 OF THIS SECTION IF THE COURT DETERMINES THAT THE ALLEGED ACT OR OMISSION
28 MATERIALLY AFFECTED THE RIGHTS OF INTERESTED PARTIES OR THE PURITY OF
29 THE ELECTIONS PROCESS AND:

30 (1) MAY HAVE CHANGED THE OUTCOME OF AN ELECTION ALREADY
31 HELD; OR

32 (2) MAY CHANGE THE OUTCOME OF A PENDING ELECTION.

33 (B) ACT OR OMISSION THAT CHANGED ELECTION OUTCOME.

1 IF THE COURT MAKES AN AFFIRMATIVE DETERMINATION THAT AN ACT OR
2 OMISSION WAS COMMITTED THAT CHANGED THE OUTCOME OF AN ELECTION
3 ALREADY HELD, THE COURT SHALL:

4 (1) DECLARE VOID THE ELECTION FOR THE OFFICE OR QUESTION
5 INVOLVED AND ORDER THAT THE ELECTION BE HELD AGAIN AT A DATE SET BY THE
6 COURT; OR

7 (2) ORDER ANY OTHER RELIEF THAT WILL PROVIDE AN ADEQUATE
8 REMEDY.

9 (C) ACT OR OMISSION THAT MAY CHANGE OUTCOME OF PENDING ELECTION.

10 IF THE COURT MAKES AN AFFIRMATIVE DETERMINATION THAT AN ACT OR
11 OMISSION HAS BEEN COMMITTED THAT MAY CHANGE THE OUTCOME OF A PENDING
12 ELECTION, THE COURT MAY:

13 (1) ORDER ANY RELIEF IT CONSIDERS APPROPRIATE UNDER THE
14 CIRCUMSTANCES; AND

15 (2) IF THE COURT DETERMINES THAT IT IS THE ONLY RELIEF THAT
16 WILL PROVIDE A REMEDY, DIRECT THAT THE ELECTION FOR THE OFFICE OR
17 QUESTION INVOLVED BE POSTPONED AND RESCHEDULED ON A DATE SET BY THE
18 COURT.

19 (D) CLEAR AND CONVINCING EVIDENCE.

20 A DETERMINATION OF THE COURT UNDER SUBSECTION (A) OF THIS SECTION
21 SHALL BE BASED ON CLEAR AND CONVINCING EVIDENCE.

22 TITLE 13. CAMPAIGN FINANCE.

23 SUBTITLE 1. GENERAL PROVISIONS.

24 [26-1.] 13-101. APPLICATION.

25 The provisions of this [subtitle] TITLE shall apply to all elections in which
26 ballots shall be cast pursuant to the provisions of this article.

27 [26-2.] 13-102. SUMMARY OF ELECTION LAWS.

28 The State [Administrative] Board [of Election Laws] shall summarize
29 provisions of the election laws relating to campaign contributions and expenditures
30 and provide for the distribution of this summary to all candidates for nomination for
31 or election to public or party office at the time such candidates file for nomination or
32 election and shall prepare and include in such distribution to each candidate
33 specimen forms provided for in this [subtitle] TITLE and shall provide such specimen
34 forms as shall be requested by the boards in any political subdivision.

SUBTITLE 2. FUND-RAISING.

1

2 [26-3.] 13-201. APPOINTMENT OF TREASURER.

3 (a) (1) (i) Except as provided in subparagraph (ii) of this paragraph, each
4 candidate for nomination for, or election to, public or party office, upon or before, and
5 as a condition precedent to qualifying as candidate, shall appoint one campaign
6 treasurer and shall file the name and address of the campaign treasurer with the
7 board or with the State [Administrative] Board [of Election Laws] as provided in
8 subsection (c) of this section. Every treasurer so appointed shall accept the
9 appointment, in writing, prior to the filing of his name as treasurer. The board or the
10 State [Administrative] Board [of Election Laws] may not accept any certificate of
11 candidacy, either finally or conditionally, unless the name of the treasurer has
12 previously been filed with it as provided in this subsection. The candidate and
13 treasurer shall file campaign fund reports in accordance with [§ 26-11] § 13-401 OF
14 THIS TITLE.

15 (ii) A candidate for whom an authorized candidate campaign
16 committee has been established is exempt from the campaign treasurer requirement
17 of subparagraph (i) of this subsection.

18 (2) A treasurer who resigns shall do so on a form prescribed by the State
19 [Administrative] Board [of Election Laws] signed by him, filed with the board or
20 with the State [Administrative] Board [of Election Laws] where the original
21 appointment was filed. The candidate immediately shall appoint and file a new
22 treasurer in accordance with this section.

23 (3) A member of the State [Administrative] Board [of Election Laws],
24 or a member of any board, or any permanent, part-time, or temporary employee of
25 either may not be a candidate or campaign manager or treasurer or subtreasurer of
26 any candidate, combination of candidates, or political committee during any part of
27 his tenure in office or employment.

28 (4) (i) 1. In this paragraph "lobbyist" means a regulated lobbyist
29 who is described in § 15-701(a)(1), (2), or (3) of the State Government Article.

30 2. A lobbyist, or a person acting on behalf of a lobbyist, may
31 not organize or establish a political committee for the purpose of soliciting or
32 transmitting contributions or transfers from any person to the Governor, Lieutenant
33 Governor, Attorney General, Comptroller, or member of the General Assembly or
34 candidate for election to the office of Governor, Lieutenant Governor, Attorney
35 General, Comptroller, or member of the General Assembly.

36 (ii) This paragraph may not be construed to prohibit a lobbyist
37 from:

38 1. Being a candidate; or

39 2. Making a personal contribution within the limitations
40 established under this article.

1 (b) The form for appointment of a treasurer and the acceptance of such
2 appointment by the treasurer shall be on a form prescribed by the State
3 [Administrative] Board [of Election Laws].

4 (c) A person may not act as treasurer, subtreasurer, or campaign manager
5 unless the form required in subsection (b) of this section is filed with the board or
6 with the State [Administrative] Board [of Election Laws] with which the candidate
7 is required to file his certificate of candidacy. Nothing in this subtitle shall prevent
8 the treasurer, subtreasurer, or campaign manager of any candidate from being the
9 treasurer, subtreasurer, or campaign manager of another candidate or political
10 committee, but a candidate for public or party office or nomination to public or party
11 office may not designate himself as his own treasurer, or subtreasurer or act as the
12 campaign manager, treasurer, or subtreasurer of any other candidate or political
13 committee. However, those candidates for party office who are members of central
14 committees are not prohibited from being the treasurer of a central committee during
15 their candidacy. A person may not be appointed or act as treasurer or subtreasurer or
16 campaign manager in any election or primary election if he is not a citizen, resident,
17 and registered voter of the State of Maryland.

18 (d) The treasurer of a political committee or for a candidate may appoint a
19 separate subtreasurer for any county or political subdivision, which subtreasurer
20 shall deposit funds, disburse and account for the same in the same manner as herein
21 provided with respect to a treasurer. It shall be the duty of every such subtreasurer to
22 make a report on the form prescribed in [§ 26-12 of this article] § 13-402 OF THIS
23 TITLE to the treasurer appointing him. The subtreasurer's report shall be attached to
24 and the total amounts of contributions and expenditures contained therein
25 incorporated into the treasurer's report prescribed in said [§ 26-12 of this article] §
26 13-402 OF THIS TITLE and filed as required by [§ 26-11 of this article] § 13-401 OF
27 THIS TITLE.

28 (e) Any candidate, after filing the name of a treasurer as prescribed in
29 subsection (a) of this section, may choose, at any time after the filing to join a group,
30 combination or organization of candidates, commonly known as a "slate", at which
31 time the candidate shall notify the board of the county or Baltimore City, or the State
32 [Administrative] Board [of Election Laws], with which his certificate of candidacy
33 was filed in writing, of the fact that he has joined the slate and the date on which he
34 did so. The treasurer of the slate shall report in the same manner as the treasurer of
35 any political committee as prescribed in [§ 26-4(a) of this article] § 13-202 OF THIS
36 SUBTITLE.

37 [26-4.] 13-202. REQUIREMENTS OF COMMITTEES.

38 (a) Every central committee [, partisan organization,] or political committee,
39 as defined in [§§ 1-1(a)(4A), 1-1(a)(12), 1-1(a)(14) and 4D-1(a)] TITLE 1 of this
40 article, except political clubs, shall appoint and constantly maintain a chairman and
41 a treasurer, whose names and residence addresses, together with the names and
42 residence addresses of its other principal officers, shall be filed where campaign fund
43 reports are required to be filed pursuant to § [26-11] 13-401 OF THIS TITLE. The
44 chairman, treasurer, and other principal officers shall all be registered voters of the

1 State of Maryland. The treasurer shall receive, keep, and disburse all sums of money,
2 or other valuable things, which may be collected, received, or disbursed by the
3 committee [or organization] or by any of its members for any purposes for which the
4 committee [or organization] exists or acts. Unless the chairman, treasurer, and other
5 officers are appointed and filed as required in this subsection, it is unlawful and a
6 violation of this article for a central committee [, partisan organization,] or political
7 committee, or any of its members, to collect, or receive, or disburse money, or other
8 valuable things, for such purposes. A chairman or treasurer of a committee [or
9 organization] who resigns or otherwise ceases to be chairman or treasurer, as the
10 case may be, shall notify the board or the State [Administrative] Board [of Election
11 Laws] where the original appointment was filed on a form prescribed by the State
12 [Administrative] Board [of Election Laws] signed by him. A new appointment must
13 be made and filed immediately in accordance with this section. The treasurer and
14 chairman shall file campaign fund reports in accordance with subsection (b) of this
15 section and [§ 26-11 of this article] § 13-401 OF THIS TITLE.

16 (b) If any committee, including a political club, directly or indirectly, expends
17 fifty-one dollars (\$51.00) or more to aid or oppose the nomination or election of any
18 candidate, regardless of the purpose for which the committee is formed, the treasurer
19 of the committee, or in the case of a political club an officer thereof, shall report, on
20 the form prescribed in [§ 26-12 of this article] § 13-402 OF THIS TITLE, a statement of
21 contributions and expenditures to the treasurer appointed by the candidate being so
22 aided, which statement shall be included in, or attached to, the statement of
23 contributions and expenditures reported by the treasurer of the candidate as provided
24 in [§§ 26-11 and 26-12 of this article] §§ 13-401 AND 13-402 OF THIS TITLE, however,
25 a political club need only report that amount which is actually contributed to a
26 candidate. The provisions of this subsection shall apply to any committees located
27 outside of the State of Maryland with respect to any expenditures of funds within the
28 State of Maryland.

29 (c) (1) In addition to the other requirements of this section, each political
30 committee shall file with the election board where it is required to file campaign fund
31 reports under [§ 26-11 of this article] § 13-401 OF THIS TITLE:

32 (i) The name of the political committee; and

33 (ii) A statement of its purpose.

34 (2) The following requirements shall apply to the name of a political
35 committee:

36 (i) A committee may not use a name, the intent or effect of which is
37 to deceive people as to the true nature or character of the committee.

38 (ii) A committee established by and for a single candidate shall
39 disclose the name of the candidate within the name of the committee.

40 (iii) If a committee is sponsored by, or affiliated with, another entity
41 or group, the name shall include the identity of the other entity or group.

1 (3) The statement of purpose required to be filed under this subsection
2 shall contain:

3 (i) The name of the candidate or ballot question, if any, that the
4 committee was formed to promote or defeat; and

5 (ii) The identity of the special interests, including business or
6 occupation, if any, that the members of, or contributors to, the committee have in
7 common.

8 (4) The information required under paragraph (3) of this subsection shall
9 be updated if needed whenever the committee is required to file a report of
10 contributions and expenditures.

11 [26-5.] 13-203. APPOINTMENT AND REPORTS OF SUBTREASURER.

12 [(a)] The treasurer appointed by the central committee of any party, or the
13 treasurer appointed in any county or City of Baltimore by the members of the central
14 committee for such county or city of any party, or the treasurer appointed by the city
15 committee of Baltimore City of any party, may appoint one subtreasurer for each
16 voting precinct in the said county or city, as the case may be, which subtreasurer is
17 authorized to expend such money as may be placed in his hands by the treasurer
18 appointing him for such purposes as are lawful under the provisions of this article
19 and for no other purpose, and it shall be the duty of every such subtreasurer to make
20 a report in writing under oath to the treasurer appointing him, stating in detail the
21 amount of money placed in his hands by the said treasurer and for what purposes the
22 said money was expended by him and to whom paid on the form prescribed in [§
23 26-12 of this article] § 13-402 OF THIS TITLE and in accordance with [§ 26-11 of this
24 article] § 13-401 OF THIS TITLE; and it shall be the duty of every such treasurer to file
25 the report of every subtreasurer appointed by him along with and as a part of the
26 account and statement required to be filed by such treasurer and to incorporate into
27 such treasurer's report the total amount of contributions and expenditures contained
28 in every subtreasurer's report under the provisions of [§§ 26-11 and 26-12 of this
29 article] §§ 13-401 AND 13-402 OF THIS TITLE.

30 13-204. CAMPAIGN DEPOSITORIES AND PETTY CASH FUND.

31 [(b)] (A) Each candidate, political [committee] COMMITTEE, or central
32 committee shall designate a campaign depository or depositories and all funds and
33 contributions in furtherance of a candidacy, political committee or central committee
34 shall, after receipt, be deposited by the treasurer or subtreasurer in the designated
35 campaign depository in an account properly identifying the name of and the existence
36 of the political candidacy, political [committee] COMMITTEE, or central committee.

37 (B) Except as provided in subsection (c) OF THIS SECTION, a candidate,
38 campaign treasurer or subtreasurer may not pay any expense on behalf of a
39 candidate, directly or indirectly, and a political committee or central committee,
40 including political clubs, may not pay any expense of such organization except by
41 check from the designated depository.

1 (c) A separate book or ledger shall be maintained for any petty cash
2 expenditures. Expenditures from the petty cash fund shall be supported by vouchers
3 retained by the treasurer and reported by category on the appropriate campaign fund
4 report. The petty cash fund may not exceed \$250 at any given time and the fund may
5 be replenished only by check as provided in subsection (b) of this section. No more
6 than \$25 in the aggregate may be disbursed from the petty cash fund to any single
7 recipient in any primary or general election. This section does not authorize
8 expenditures for any purpose which is unlawful under this article.

9 [26-6.] 13-205. EXPENDITURES BY TREASURER.

10 (a) All contributions, money or other valuable things collected, [received]
11 RECEIVED, or disbursed by any candidate or committee for any purpose, shall be paid
12 over to and made to pass through the hands of the treasurer and, except as provided
13 in [§ 26-5(c) of this article] § 13-204 (C) OF THIS SUBTITLE, shall be disbursed by him.
14 It is unlawful for any candidate or any member or members of a committee, or for any
15 member or members of a political committee, to make any expenditure, to disburse or
16 expend money or any other valuable things, for any purposes until the money or other
17 valuable things so disbursed or expended has passed through the hands of the
18 treasurer.

19 (b) Any statement of moneys owing by a treasurer or subtreasurer shall be
20 presented for payment to the treasurer or subtreasurer within 30 days after the
21 election in connection with which the liability was incurred.

22 (c) The treasurer appointed and acting for or in connection with the State
23 central committee of the State or any political party may not expend or disburse any
24 money or valuable thing, or incur any liability whatsoever, except by the authority
25 and subject to the direction of the chairman of the State central committee of the
26 State for or in connection with which the treasurer may be appointed or acting.

27 [26-7.] 13-206. BOOKS, RECORDS, AND RECEIPTS.

28 (a) (1) Except as provided in paragraph (3) of this subsection, every
29 treasurer and every subtreasurer shall keep detailed, full and accurate accounts in a
30 proper book or books, to be called "account books", to be provided and preserved by the
31 treasurer or subtreasurer, of all contributions, [money] MONEY, or valuable things
32 received by or promised to, and of all expenditures, [disbursements]
33 DISBURSEMENTS, and promises of payment or disbursements of money or valuable
34 things made by any committee, or any of its officers or members, or by any person
35 acting under its authority, or on its behalf or by the treasurer or subtreasurer, and
36 setting forth in such statement and accounts the sum or valuable thing so received, or
37 disbursed, or promised, as the case may be, and the date when, the name and address
38 of the person from whom received or promised, or to whom paid or promised, as the
39 case may be, and the object and purposes for which the sum, or other valuable thing,
40 was received, or disbursed, or promised, as the case may be.

41 (2) Books and records may be destroyed or discarded at any time after
42 [two] 2 years from the date of filing the final report required by [§ 26-11] of this

1 article] § 13-401 OF THIS TITLE unless a court of competent jurisdiction orders their
2 retention for a longer period.

3 (3) Notwithstanding any law or regulation that prohibits an anonymous
4 contribution, a treasurer or subtreasurer may accept and is not required to identify in
5 the account books each sum of money given by each individual who purchases a spin
6 or chance on the paddle wheel or wheel of fortune authorized by law to be operated in
7 the State at a campaign fund-raising event if:

8 (i) The cost to purchase each spin or chance on the paddle wheel or
9 wheel of fortune does not exceed \$2;

10 (ii) The total contributions to a political committee or a partisan
11 organization from paddle wheels or wheels of fortune do not exceed \$2,500 per
12 election;

13 (iii) The net income to the sponsoring political committee or
14 partisan organization from a paddle wheel or wheel of fortune does not exceed \$1,500
15 in a 24-hour period at a single fund-raising event; and

16 (iv) The account books include the total net amount received and
17 the names and addresses of the individuals who attend the fund-raising event at
18 which the wheel is used.

19 (4) If a political committee [or partisan organization] raises or receives
20 contributions from a paddle wheel or wheel of fortune in excess of any of the
21 limitations established in paragraph (3) of this subsection, the political committee [or
22 partisan organization] shall:

23 (i) Donate the excess contributions to the charity of its choice; or

24 (ii) Identify in the account books each sum of money given by each
25 individual who purchases a spin or chance on the paddle wheel or wheel of fortune
26 authorized by law to be operated in the State at a campaign fund-raising event.

27 (5) The State [Administrative] Board [of Election Laws] shall adopt
28 regulations necessary to implement this subsection.

29 (b) (1) Upon receipt and before depositing a contribution, including the
30 proceeds of ticket sales, a "campaign contribution receipt", in a form prescribed by the
31 State [Administrative] Board [of Election Laws], shall be issued and delivered
32 either by mail or in person by the treasurer or subtreasurer (i) to each person or
33 treasurer of a committee, group, or organization in whose name a contribution or
34 contributions, other than the purchase of tickets, are made in the individual or
35 cumulative amount of \$51 or more; (ii) to each person or treasurer of a committee,
36 group, or organization in whose name a ticket or tickets are purchased for any dinner,
37 testimonial, cocktail party, barbecue, crab [feast] FEAST, or other campaign-related
38 function in the individual amount of \$51 or more or in the cumulative amount of \$251
39 or more. Upon request, a receipt must be given for any lesser amount.

1 (2) If such contribution is received by a subtreasurer, he shall forward
2 the contribution and a duplicate copy of the "campaign contribution receipt" with his
3 report to the treasurer of the candidate or committee for which he is subtreasurer, as
4 required by [§§ 26-11 and 26-12 of this article] §§ 13-401 AND 13-402 OF THIS TITLE.

5 (3) The treasurer shall retain all "campaign contribution receipts" with
6 his books and records as required by subsection (a) of this section and report the
7 information therein in the statement of contributions and expenditures required by
8 [§§ 26-11 and 26-12 of this article] §§ 13-401 AND 13-402 OF THIS TITLE.

9 (4) The "campaign contribution receipt" issued to a contributor shall
10 serve as evidence of a contribution by such contributor.

11 (c) Except as provided in subsection (a) of this section, any money or other
12 thing of value received from any unknown person or source by any treasurer or any
13 subtreasurer, or other persons or committee authorized to incur obligations or to pay
14 or defray obligations or expenses under the provisions of this article, shall not be used
15 for any political purpose whatsoever, but shall be paid by the treasurer, subtreasurer,
16 or other persons or committee so receiving the same, to the Treasurer of the State of
17 Maryland.

18 (d) Prior to the time of filing the final report required by [§ 26-11 of this
19 article] § 13-401 OF THIS TITLE, any surplus funds remaining after payment of all
20 campaign expenditures shall be:

21 (1) Returned, pro rata, to the contributors by the treasurer;

22 (2) Paid to the State central committee of the party of which the
23 candidate is a member or for which the political committee is acting;

24 (3) Paid to a central committee of the party of which the candidate is a
25 member or for which the political committee is acting so long as the central committee
26 is located in a county in which the candidate resides or seeks to represent;

27 (4) Paid to the local board of education or to a recognized nonprofit
28 organization providing services or funds for the benefit of pupils or teachers;

29 (5) Paid to a charitable organization registered or exempt from
30 registration under the Maryland Charitable Solicitations Act; or

31 (6) Paid to any public or private institution of higher education in this
32 State that possesses a certificate of approval from the Maryland Higher Education
33 Commission, to be used by that institution to award scholarships, grants, or loans to
34 students attending the institution.

35 [26-8.] 13-207. PERSONAL CONTRIBUTIONS AND LOANS.

36 [(a)] The contributions or loans of a candidate or the candidate's spouse to the
37 candidate's own campaign are not subject to the limitations of [§ 26-9(d)] § 13-212 OF
38 THIS SUBTITLE, but must pass through the hands of the candidate's treasurer and be

1 reported as required in other provisions in this subtitle. Personal expenses of the
2 candidate for filing fees, telegrams, telephoning, travel, and board, shall not be
3 considered contributions if paid for by the candidate or the candidate's spouse.

4 13-208. LOANS - GENERALLY.

5 [(b) (1)] (A) No loan may be made to the campaign of a candidate, or
6 accepted on behalf of the campaign, without the express written consent of the
7 candidate. Written consent constitutes the personal guarantee of the candidate for
8 repayment of the loan only if it expressly so provides. A copy of the consent shall be
9 furnished to the lender at the time of the loan and attached to the appropriate
10 campaign fund report required by [§§ 26-11 and 26-12 of this article] §§ 13-401 AND
11 13-402 OF THIS TITLE.

12 [(2)] (B) The terms of any loan to a candidate or political committee
13 shall:

14 [(i)] (1) Be in writing;

15 [(ii)] (2) Include the lender's name, address, and signature;

16 [(iii)] (3) State the schedule for repayment of the loan;

17 [(iv)] (4) State the interest rate of the loan; and

18 [(v)] (5) Be attached to the appropriate campaign fund report.

19 [(3)] (C) A loan to a candidate or political committee shall be considered
20 a contribution in the amount of the outstanding principal balance of the loan unless:

21 [(i)] (1) The loan is from a financial institution or other entity in
22 the business of making loans; or

23 [(ii)] (2) The loan is to a candidate or a candidate's campaign
24 committee, its repayment is personally guaranteed by the candidate, and the loan is
25 repaid by the end of the next election cycle.

26 [(4)] (D) If interest on a loan is not charged or is charged at a rate less
27 than the prime rate on the day that the loan is made, the amount of the interest
28 computed at the prime rate less the amount of the interest actually charged shall
29 constitute a contribution that is subject to the reporting requirements and limitations
30 of this subtitle.

31 [26-9.1.] 13-209. WALK-AROUND SERVICES.

32 (a) No candidate, slate of candidates, political committee, political party, or
33 any person acting on behalf of any of the foregoing, may at any time, directly or
34 indirectly pay, or incur any obligation to pay, nor may any person receive, directly or
35 indirectly any sum of money or thing of value in return for a political endorsement or

1 for walk-around services or any other services as a poll worker or distributor of
2 sample ballots, performed on the day of the election.

3 (b) For the purpose of this section walk-around services include any of the
4 following activities when performed for money on the day of the election, while the
5 polls are open:

6 (1) [distributing] DISTRIBUTING to any person any item enumerated in
7 [§ 26-16(a)(7) of this article] § 13-602 OF THIS TITLE;

8 (2) [communicating] COMMUNICATING a voting preference or choice in
9 any manner;

10 (3) [stationing] STATIONING any person or object in the path of any
11 voter; or

12 (4) [electioneering] ELECTIONEERING or canvassing within the
13 meaning of [§ 24-23(a)(4) of this article] § 16-206 OF THIS ARTICLE.

14 (c) This section does not apply to:

15 (1) Meals, [beverages] BEVERAGES, and refreshments served to
16 campaign workers;

17 (2) Salaries of regularly employed personnel in campaign headquarters;

18 (3) Media advertising including but not limited to newspaper, radio,
19 television, billboard, or aerial advertising;

20 (4) Rent and regular office expenses; or

21 (5) Cost of phoning voters or transporting voters to and from polling
22 places.

23 [26-9.] 13-210. CONTRIBUTIONS - GENERALLY.

24 (a) Except as provided in [subsections (b) and (c)] § 13-211 OF THIS SUBTITLE
25 AND SUBSECTION (B) of this section, no person other than a candidate shall, to aid or
26 promote the success or defeat of any political party or principle or of any proposition
27 submitted to vote at any public election, or of any candidate for nomination for, or
28 election to public or party office, make a payment or contribution of money or
29 property or incur any liability or promise any valuable thing to any person other than
30 to the treasurer or subtreasurer of a candidate or treasurer of a political committee in
31 their official capacity.

32 (b) (1) A contribution may be made directly to a candidate provided the
33 candidate shall report the contribution to the candidate's treasurer.

34 (2) Nothing contained in this subtitle shall limit or affect the right of any
35 person to volunteer the time or personal vehicle of the person for transportation

1 incident to any election or to expend money for proper legal expenses in maintaining
2 or contesting the results of any election.

3 13-211. EMPLOYEE CONTRIBUTIONS MADE BY PAYROLL DEDUCTION.

4 [(c) (1)] (A) An employer may accumulate in a separate, segregated account
5 the combined, voluntary, and periodic contributions of employees made by payroll
6 deduction.

7 [(2)] (B) An employer shall keep and maintain detailed, full, and
8 accurate records of all payroll deductions made under [paragraph (1) of this]
9 subsection (A) OF THIS SECTION, including:

- 10 [(i)] (1) The names of the individual contributors;
11 [(ii)] (2) The day on which each contribution is withheld;
12 [(iii)] (3) The amount of each contribution withheld from an
13 employee's paycheck; and
14 [(iv)] (4) The disposition of the amounts withheld.

15 [(3)] (C) An employer may not accumulate the contributions withheld in
16 accordance with this subsection for more than 3 months before the employer shall
17 transfer the accumulated contributions to a treasurer or subtreasurer, in their official
18 capacity, of a candidate or a political committee, together with the information
19 recorded in accordance with the provisions of [paragraph (2) of this] subsection (B) OF
20 THIS SECTION.

21 [(4)] (D) In soliciting an employee for any contribution by means of a
22 payroll deduction, an employer shall inform the employee:

- 23 [(i)] (1) Of the political purposes of the account; and
24 [(ii)] (2) Of the employee's right to refuse to contribute to the
25 account without reprisal.

26 [(5)] (E) For purposes of a payroll deduction for any contribution, an
27 employer may not receive, accumulate, transfer, or utilize money or anything of value
28 secured by:

- 29 [(i)] (1) Physical force;
30 [(ii)] (2) Job discrimination;
31 [(iii)] (3) Financial reprisals;
32 [(iv)] (4) The threat of force, job [discrimination] DISCRIMINATION,
33 or financial reprisal;
34 [(v)] (5) Money obtained in any commercial transaction; or

- 1 [(vi)] (6) Dues, fees, or other money required as a condition of:
2 [1.] (I) Membership in a labor organization; or
3 [2.] (II) Employment.

4 13-212. LIMITATIONS ON CONTRIBUTIONS.

5 [(d)] (A) (1) Except as provided in [subsections (e) and (e-1) of this section]
6 §§ 13-213 AND 13-214 OF THIS SUBTITLE, it is unlawful for any individual, association,
7 unincorporated association, corporation, or any other entity either directly or
8 indirectly, to contribute any money or thing of value greater than \$4,000 to any
9 candidate or political committee or to contribute money in excess of \$100 except by
10 check in any 4-year election cycle. Contributions may be made by credit card, not to
11 exceed \$100 per transaction, to any candidate or political committee under this
12 subsection. Total contributions by a contributor under this subsection shall not exceed
13 \$10,000 in any 4-year election cycle.

14 (2) Notwithstanding any other provision of this article, the limit on
15 contributions during a 4-year election cycle by the governing body for a political party
16 or local central committee shall be as follows:

17 (i) For a statewide governing body for a political party, not more
18 than \$1 for every two registered voters in the State, regardless of party affiliation, as
19 of January 1 following the preceding gubernatorial election; and

20 (ii) For the governing body of a local central committee for a
21 political party, not more than \$1 for every two registered voters in the county,
22 regardless of party affiliation, as of January 1 following the preceding gubernatorial
23 election.

24 (3) (i) The limitations set forth in paragraph (1) of this subsection and
25 [subsection (e)(1) of this section] § 13-213 OF THIS SUBTITLE shall apply to each
26 4-year election cycle beginning on January 1 following the gubernatorial election and
27 continuing until December 31 that is 4 years later.

28 (ii) Without regard to when a contribution or transfer is expended
29 or used, the contribution or transfer shall be charged against the limitation for the
30 election cycle in which:

- 31 1. The check is written or dated; or
32 2. The cash or other thing of value is received.

33 [(g)] (B) Except as otherwise provided by law, an individual, association,
34 unincorporated association, corporation, or other entity may make contributions in
35 accordance with the limitations on contributions set forth in this section, provided
36 that, for the purpose of determining the maximum amount that a corporation may
37 contribute, a contribution by a corporation and any wholly owned subsidiary of the

1 corporation or 2 or more corporations owned by the same stockholders shall be
2 considered as being made by 1 contributor.

3 13-213. LIMITATIONS ON TRANSFERS.

4 [26-9.

5 (e) (1)] (A) In this subsection, "political committee" includes a political
6 committee registered under § [26-4] 13-202 of this subtitle and an out-of-state
7 political committee.

8 [(2)] (B) Except as provided in [paragraph (3) of this] subsection (C) OF
9 THIS SECTION, during a 4-year election cycle the treasurer of a political committee or
10 the treasurer of a candidate may not directly or indirectly transfer any money greater
11 than \$6,000 to the treasurer or political committee of a candidate or any other
12 political committee.

13 [(3)] (C) The limitations on transfers and the provisions on affiliations
14 set forth in this subsection may not apply to:

15 [(i)] (1) Transfers between and among political committees that
16 are State or local committees of the same political party;

17 [(ii)] (2) Transfers between and among a slate and its candidate
18 members; and

19 [(iii)] (3) Transfers between a campaign committee authorized by a
20 candidate and that candidate's treasurer.

21 [(4)] (D) In applying the limitations of this subsection, all affiliated
22 political committees are treated as a single transferor. Political committees are
23 "affiliated" if they are organized and operated in coordination and cooperation with
24 each other or otherwise conduct their operations and make their contribution
25 decisions under the control of the same individual or entity.

26 [(5)] (E) The limitations on transfers to the treasurer or political
27 committee of a candidate set forth in [paragraph (2) of this subsection] SUBSECTION
28 (B) OF THIS SECTION shall apply to the individual regardless of the number of offices
29 for which that individual files a certificate of candidacy within a 4-year election cycle.

30 [(6)] (F) No transfer of any kind, in any amount, is permitted if it is
31 intended to conceal the true identity of the actual contributor or the identity of the
32 intended recipient.

33 13-214. EXCEPTION TO LIMITATIONS.

34 [(e-1)] The limitations on transfers and contributions set forth in
35 [subsections (d) and (e) of this section] §§ 13-212 AND 13-213 OF THIS SUBTITLE do not
36 apply to a contribution or transfer made by any person to a ballot issue committee.

1 [26-10.] 13-215. LIMITATIONS ON FUNDRAISING.

2 (a) Except as provided in subsection (b) of this section, during a regular
3 session of the General Assembly, the Governor, the Lieutenant Governor, the Attorney
4 General, the Comptroller, a member of the General Assembly, or a person acting on
5 behalf of any of these officeholders, may not:

6 (1) Receive a contribution for any candidate for federal, State, or local
7 office, any authorized candidate campaign committee, or any political committee
8 organized under [§ 26-4 of this article] § 13-202 OF THIS SUBTITLE and operated in
9 coordination with a candidate;

10 (2) Conduct any fund-raising event in order to receive a contribution for
11 any candidate for federal, State, or local office, any authorized candidate campaign
12 committee, or any political committee organized under [§ 26-4 of this article] § 13-202
13 OF THIS SUBTITLE and operated in coordination with a candidate;

14 (3) Solicit or sell a ticket to any fund-raising event for any candidate for
15 federal, State, or local office, any authorized candidate campaign committee, or any
16 political committee organized under [§ 26-4 of this article] § 13-202 OF THIS
17 SUBTITLE and operated in coordination with a candidate; or

18 (4) Deposit any contribution received before the convening of the regular
19 session for any candidate for federal, State, or local office, any authorized candidate
20 campaign committee, or any political committee organized under [§ 26-4 of this
21 article] § 13-202 OF THIS SUBTITLE and operated in coordination with a candidate.

22 (b) (1) (i) This paragraph applies to an individual who is serving as
23 Governor, Lieutenant Governor, Attorney General, Comptroller, or a member of the
24 General Assembly and who has properly filed as a candidate for an elective federal or
25 local government office.

26 (ii) An individual subject to this paragraph, or a person acting on
27 behalf of that individual, may:

28 1. Accept and deposit a contribution solely for purposes
29 relating to the election of the individual to a federal or local government office;

30 2. Conduct a fund-raising event in order to receive a
31 contribution solely for a purpose that relates to the election of the individual to a
32 federal or local government office; and

33 3. Solicit or sell a ticket to a fund-raising event solely for a
34 purpose that relates to the election of the individual to a federal or local government
35 office.

36 (2) (i) This paragraph applies to an eligible candidate who has applied
37 for and accepts a public contribution from the Fair Campaign Financing Fund under
38 the Fair Campaign Financing Act.

1 (ii) During the year of the election only, an eligible candidate
 2 subject to this paragraph may accept an eligible private contribution and any
 3 disbursement of funds by the State [Administrative] Board [of Election Laws] that
 4 are based on the eligible private contributions.

5 (c) (1) If a person violates any of the provisions of this section, the person's
 6 committee is liable for a civil penalty as provided in this subsection.

7 (2) For any violation of this section, the State Board, represented by the
 8 State Prosecutor, may institute a civil action in the circuit court for any county
 9 seeking the civil penalty provided in paragraph (3) of this subsection.

10 (3) For any contribution received in violation of this section, the
 11 committee that received the contribution shall:

12 (i) Refund the contribution to the contributor; and

13 (ii) Pay a civil penalty of \$1,000 and the amount of the contribution.

14 SUBTITLE 3. LOCAL PROVISIONS.

15 13-301. SPECIAL PROVISIONS - PRINCE GEORGE'S COUNTY.

16 [(f) (1) (i)] (A) (1) In this [subsection] SECTION the following words have
 17 the meanings indicated.

18 [(ii)] (2) "Candidate" means a candidate for election to the County
 19 Council of Prince George's County who becomes a member.

20 [(iii)] (3) "Continuing political committee" means a committee
 21 specifically created to promote the candidacy of a member running for any elective
 22 office.

23 [(iv)] (4) "Contributor" means a person or business entity that
 24 makes a payment.

25 [(v)] (5) "Member" means a member of the County Council of
 26 Prince George's County.

27 [(vi)] (6) "Payment" means any payment or contribution of money
 28 or property or the incurring of any liability or promise of anything of value to a
 29 treasurer of a candidate or of a continuing political committee.

30 [(vii)] (7) "Political action committee" means a political committee
 31 that is not:

32 [1.] (I) A political party;

33 [2.] (II) A central committee;

34 [3.] (III) A slate; or

1 [4.] (IV) A political committee organized and operated by, and
 2 solely on behalf of:

3 [A.] 1. An individual running for any elective office; or

4 [B.] 2. A slate.

5 [(viii)] (8) "Slate" means a group, combination, or
 6 organization of candidates created pursuant to the provisions of this article.

7 [(ix)] (9) "Treasurer" includes a subtreasurer.

8 [(2)] (B) Except as provided in [paragraph (3) of this subsection]
 9 SUBSECTION (C) OF THIS SECTION, a contributor, member, or political action
 10 committee is subject to the provisions of Title 15, Subtitle 8, Part IV of the State
 11 Government Article if a payment is made by the contributor, or a transfer is made by
 12 the political action committee, to the treasurer of the candidate or the treasurer of the
 13 candidate's continuing political committee.

14 [(3)] (C) Title 15, Subtitle 8, Part IV of the State Government Article
 15 does not apply to:

16 [(i)] (1) Any payment or transfer to a slate, unless the slate is
 17 composed solely of candidates or members;

18 [(ii)] (2) Any transfer to the continuing political committee of a
 19 candidate or member by the continuing political committee of another individual
 20 running for elective office; or

21 [(iii)] (3) A payment or transfer to the Prince George's County
 22 Central Committee, or State Central Committee, of a political party, even if the
 23 Central Committee supports a candidate.

24 [(4)] (D) A person may not make a payment in violation of § 15-831 of
 25 the State Government Article.

26 13-302. SPECIAL PROVISIONS - MONTGOMERY COUNTY.

27 [(f-1) (1) (i)] (A) (1) In this [subsection] SECTION the following words have
 28 the meanings indicated.

29 [(ii)] (2) "Candidate" means an individual who wins an election to
 30 the office of County Executive or County Council of Montgomery County.

31 [(iii) 1.] (3) (I) "Contribution" means any payment or transfer
 32 of money or property of \$500 or more, calculated cumulatively during a 4-year
 33 election cycle, or the incurring of any liability or promise of anything of value of \$500
 34 or more, calculated cumulatively during a 4-year election cycle, to the treasurer of
 35 either a candidate or a political committee.

1 [2.] (II) "Contribution" includes a payment or transfer to a
2 slate with which a candidate is associated.

3 [3.] (III) Except as provided in [paragraph (4) of this
4 subsection] SUBPARAGRAPH (IV) OF THIS PARAGRAPH, the \$500 cumulative
5 threshold contribution is calculated separately as to each candidate or elected official.

6 [4.] (IV) For purposes of this subsection, a cumulative
7 contribution of \$500 or more to a slate is fully attributed to each candidate on the
8 slate.

9 [(iv)] (4) "Contributor" means an individual or business entity that
10 makes a contribution.

11 [(v)] (5) "Elected official" means an individual who holds the office
12 of County Executive or member of the County Council of Montgomery County.

13 [(vi)] (6) "Political action committee" means a political committee
14 that is not:

15 [1.] (I) A political party;

16 [2.] (II) A central committee;

17 [3.] (III) A slate; or

18 [4.] (IV) A political committee organized and operated by, and
19 solely on behalf of, an individual running for any elective office or a slate.

20 [(vii)] (7) "Political committee" means any combination of two
21 or more persons appointed by a candidate or any other person or formed in any other
22 manner which assists or attempts to assist in any manner the promotion of the
23 success or defeat of any candidate, candidates, political party, principle, or proposition
24 submitted to a vote at any election.

25 [(viii)] (8) "Slate" means a political committee of two or more
26 candidates who join together to conduct and pay for joint activities. A slate does not
27 include a political party or a central committee.

28 [(ix)] (9) "Treasurer" includes a subtreasurer.

29 [(2)] (B) Except as provided in [paragraph (3) of this] subsection (C) OF
30 THIS SECTION, a contributor is subject to the provisions of Title 15, Subtitle 8, Part V
31 of the State Government Article if a contributor makes a contribution to the treasurer
32 of:

33 [(i)] (1) A candidate;

34 [(ii)] (2) A slate; or

35 [(iii)] (3) A candidate's political committee.

1 [(iii)] (3) The candidate's political committee.

2 [(3)] (C) Title 15, Subtitle 8, Part VII of the State Government Article
3 does not apply to a transfer by a political action committee to the treasurer of a
4 candidate or a treasurer of the candidate's continuing political committee.

5 SUBTITLE 4. REPORTING REQUIREMENTS.

6 [26-11.] 13-401. GENERALLY.

7 (a) A candidate for nomination or election to public or party office, including
8 write-in candidates, and the treasurer designated by that candidate shall file the
9 report or statement of contributions and expenditures as prescribed in accordance
10 with [§ 26-12 of this article] § 13-402 OF THIS SUBTITLE with the board at which the
11 candidate filed his certificate of candidacy. All reports or statements of contributions
12 and expenditures shall be filed in duplicate except those filed with the State
13 [Administrative] Board [of Election Laws]. Election reports as specified below are
14 required by all candidates for public or party office whether or not the candidate's
15 name appears on the primary ballot, or the candidate withdraws subsequent to filing
16 his certificate of candidacy, or the candidate is unsuccessful in the election. Each
17 report filed shall contain all contributions received and expenditures made in
18 furtherance of the candidate's nomination or election by the candidate himself or,
19 with the knowledge of the candidate, by any other person or groups of persons, which
20 shall be complete, except as otherwise provided in this section through and including
21 the seventh day immediately preceding the day by which that report is to be filed. The
22 initial report filed shall contain all contributions so received and expenditures so
23 made since the date of the last preceding election to fill the office for which he is a
24 candidate. Each subsequent report shall contain all contributions so received and
25 expenditures so made since the end of the period for which the last preceding report
26 is filed. Even if no contributions or expenditures have been made since the end of the
27 period for which the last preceding report was filed, a statement to that effect must be
28 filed on the forms prescribed pursuant to [§ 26-12 of this article] § 13-402 OF THIS
29 SUBTITLE under the circumstances and at the times specified in this section. The
30 initial and subsequent reports shall be consecutively filed as follows:

31 (1) No later than the fourth Tuesday immediately preceding any primary
32 election; and

33 (2) No later than the second Friday immediately preceding any election
34 which shall be complete through and including the preceding Sunday; and

35 (3) No later than the third Tuesday after the general election; and

36 (4) If a cash balance exists or if any unpaid bills or deficits remain to be
37 paid as of the end of the period for which the report or statement in paragraph (3) of
38 this subsection is filed, six months after the general election; and

1 (5) If a cash balance exists or if any unpaid bills or deficits remain to be
2 paid as of the end of the period for which the report or statement in paragraph (4) of
3 this subsection is filed, one year after the general election; and

4 (6) If a cash balance exists or if any unpaid bills or deficits remain to be
5 paid as of the end of the period for which the report or statement in paragraph (5) of
6 this subsection or any subsequent report or statement is filed, annually on the
7 anniversary of the general election until no cash balance, unpaid bill, or deficit
8 remains; and

9 (7) If a cash balance or outstanding debts or deficits were reflected on
10 the last preceding report, but have all been eliminated by the date on which the next
11 report is due, then a report clearly marked as "final" shall be filed on or before such
12 date showing all transactions since the last report; and

13 (8) If a candidate does not intend to receive contributions or make
14 expenditures of \$1,000 or more, exclusive of his filing fee, he and his treasurer may
15 jointly execute an affidavit to that effect on a form prescribed by the State
16 [Administrative] Board [of Election Laws]. If he does not in fact receive
17 contributions or make expenditures of \$1,000 or more, no further reports need be filed
18 pursuant to this section. The affidavit shall be filed not later than the date by which
19 the first report is due. If at any time the cumulative contributions to or expenditures
20 by a candidate who has filed such an affidavit equal or exceed \$1,000, he and his
21 treasurer shall thereafter file all reports required by this section and failure to do so
22 constitutes a failure to file and the commission of a misdemeanor subject to the
23 penalties prescribed in [§ 26-20 of this article] § 13-603 OF THIS TITLE.

24 (b) (1) Except as provided in paragraph (2) of this subsection, the candidate
25 and treasurer, or, in the case of a political committee, the chairman and treasurer, of
26 an entity subject to the reporting requirements of this section and which is not
27 designated as a continuing committee, as that term is defined by the State
28 [Administrative] Board [of Election Laws], also shall file an annual report of
29 contributions and expenditures at the place designated under this section on
30 November 8 of each year.

31 (2) The annual report required under paragraph (1) of this subsection
32 need not be filed in any year in which the entity is required to file reports in
33 accordance with the schedule prescribed under subsection (a) of this section.

34 (c) It is the responsibility of the candidate and treasurer, jointly and severally,
35 if it is the statement of a candidate, and the chairman and treasurer, jointly and
36 severally, if it is the statement of a committee, to file all reports or statements in full
37 and accurate detail.

38 (d) (1) The chairman and the treasurer of any central committee and the
39 chairman and the treasurer of any political committee which continues in existence
40 from year to year, excluding the chairmen and treasurers of political clubs, shall file
41 the report or statement of contributions and expenditures as prescribed in accordance
42 with [§ 26-12 of this article] § 13-402 OF THIS SUBTITLE with the State

1 [Administrative] Board [of Election Laws] at each of the times and for the respective
2 periods specified in subsection (a)(1), (2), and (3) of this section and, in a year in which
3 a general election is not held, on the anniversary of the date of the last general
4 election.

5 (2) (i) In any election year, on or before the dates specified in
6 subsection (a) of this section, in lieu of the scheduled reports required to be filed
7 under that subsection, a political committee which continues in existence from year to
8 year may file an affidavit stating that since the date covered by the last report the
9 committee has not been involved in raising or spending, and does not intend to raise
10 or spend, money for that election.

11 (ii) A political committee which continues in existence from year to
12 year that files an affidavit under this paragraph shall also file an annual report on
13 the anniversary date of the last general election giving a statement of all
14 contributions received and expenditures made since the end of the period for which
15 the last preceding report is filed, as prescribed in [§ 26-12 of this article] § 13-402 OF
16 THIS SUBTITLE, with the State [Administrative] Board [of Election Laws].

17 (iii) If, subsequent to the filing of the affidavit provided in this
18 paragraph, a political committee which continues in existence from year to year
19 receives contributions or makes expenditures in connection with the election for
20 which it filed the affidavit, the committee shall notify the State [Administrative]
21 Board [of Election Laws] in writing within 14 days after the receipt of the
22 contributions or the making of the expenditures that the committee has resumed
23 receiving contributions or making expenditures, and thereafter shall file all
24 scheduled reports on the dates specified in subsection (a) of this section. If the
25 committee fails to file the notice required by this subparagraph, or thereafter fails to
26 file the scheduled reports on the dates specified in subsection (a) of this section, the
27 candidate and the treasurer of the committee are subject to the penalties prescribed
28 in [§§ 26-13 and § 26-12] §§ 13-402 AND 13-403 of this subtitle.

29 (iv) The [State Administrator of Election Laws] ~~EXECUTIVE~~
30 ~~DIRECTOR STATE ADMINISTRATOR~~ shall establish by regulations the form of the
31 affidavit to be filed under this paragraph.

32 (e) The chairmen and the treasurers of all other committees shall file the
33 report or statement of contributions and expenditures, as prescribed in accordance
34 with [§ 26-12 of this article] § 13-402 OF THIS SUBTITLE, at each of the times and for
35 the respective periods specified in subsection (a) of this section. Each report, filed in
36 accordance with paragraphs (1) and (2) of this subsection, shall be filed in duplicate.
37 This report or statement shall be filed with:

38 (1) The local board of the county or Baltimore City at which a candidate
39 supported or opposed by a committee has filed his certificate of candidacy; and

40 (2) The local board of the county or Baltimore City in which the
41 committee has promoted the success or defeat of a local principle or local proposition
42 submitted to a vote at an election only in that county or Baltimore City; and

1 (3) The State [Administrative] Board [of Election Laws] if a candidate
2 supported or opposed by a committee has filed his certificate of candidacy with the
3 State Administrative Board of Election Laws; and

4 (4) The State [Administrative] Board [of Election Laws] if the
5 committee has promoted the success or defeat of a political party, statewide principle,
6 statewide proposition, or other principle or proposition submitted to a vote at an
7 election in a county or Baltimore City and all or part of another county or counties;
8 and

9 (5) The local board of the county or Baltimore City and the State
10 [Administrative]Board [of Election Laws] if the committee supported or opposed
11 candidates filing their certificates of candidacy with both the local board and the
12 State Administrative Board of Election Laws; and

13 (6) The local board and the State [Administrative] Board [of Election
14 Laws] if the committee has promoted the success or defeat of a local principle or local
15 proposition submitted to a vote at an election in that county or Baltimore City and
16 has promoted the success or defeat of a political party, statewide principle, statewide
17 proposition, or other principle or proposition submitted to a vote at an election in
18 more than one county or Baltimore City.

19 (f) Each candidate, the treasurer of each candidate, and the chairman and
20 treasurer of each committee shall be notified by the elections board with which that
21 person files reports under this section, by first-class mail and no more than 20 nor
22 less than 10 days prior to the applicable filing date, of each report that person is
23 required to file. The notice shall include the filing date, the place for filing, the
24 penalty for failure to file a timely report, and the telephone number and business
25 hours of the office where the report is to be filed.

26 (g) Any report shall be considered timely if it is mailed on or before the filing
27 deadline, regardless of when it is actually received, if the United States Postal Service
28 has provided verification of that fact by affixing a mark so indicating on either the
29 envelope or any receipt therefor. Unless a report is mailed, the boards and the State
30 [Administrative] Board [of Election Laws] shall provide a receipt for each report
31 received.

32 (h) The provisions of this section shall apply to all committees and treasurers
33 for candidates for public or party office located outside of the geographic boundaries of
34 the State with respect to all expenditures of funds within the State of Maryland.

35 (i) For purposes of this section, the failure to provide all of the information
36 required by the forms prescribed in accordance with [§ 26-12 of this article] § 13-402
37 OF THIS SUBTITLE, to the extent applicable, is a failure to file.

38 (j) Within ten days after the deadline for the filing of any report which is
39 required to be filed with the State [Administrative] Board [of Election Laws], the
40 STATE Board shall compile a list of every candidate or committee which failed to file
41 the report and shall distribute the list to the appropriate local election boards. Within
42 [ten] 10 days after the deadline for the filing of any report which is required to be

1 filed with a local election board, the local board shall compile a list of every candidate
2 or committee which failed to file the report and shall send the list to the State
3 [Administrative] Board [of Election Laws].

4 (k) The provisions of this section are not applicable to a candidate or
5 candidates for election or elected to a public office of the United States. This
6 candidate or candidates shall file all reports and statements according to federal laws
7 or regulations.

8 (l) (1) A candidate and treasurer designated by that candidate, the
9 chairman and treasurer of a candidate's committee, or a slate of candidates, who are
10 required to file reports or statements under subsection (a), (d)(1), or (e)(3) of this
11 section with the State [Administrative] Board [of Election Laws], shall also file a
12 single copy of all reports, statements, and affidavits required under this section with
13 the local election board of the county or Baltimore City where the candidate resides.
14 The report to the local board:

15 (i) Shall be filed according to the schedule set forth in subsections
16 (a) and (d) of this section;

17 (ii) Before the full implementation of electronic filing under [§
18 26-12(d) of this article] § 13-402 (D) OF THIS SUBTITLE, may be in the electronic
19 storage format authorized by the State [Administrative] Board [of Election Laws]
20 under [§ 26-12 (c) of this article] § 13-402(C) OF THIS SUBTITLE or in paper copy, as
21 directed by the local board; and

22 (iii) Is not subject to the requirements relating to the assessment of
23 a late filing fee provided under [§ 26-13 of this article] § 13-403 OF THIS SUBTITLE.

24 (2) This subsection does not apply to candidates for the offices of
25 Governor, Lieutenant Governor, Comptroller, Attorney General, or judge of an
26 appellate court.

27 [26-12.] 13-402. FORMAT AND REQUIREMENTS OF CAMPAIGN FINANCE REPORTS.

28 (a) The forms for the "Report or Statement of Campaign and Election
29 Contributions and Expenditures" and the "Schedule of Receipts and Disbursements"
30 shall be prescribed by the State [Administrative] Board [of Election Laws].

31 (b) A candidate or candidates for election or elected to a public office of the
32 United States shall file a copy of each statement required by federal laws or
33 regulations with the State [Administrative] Board [of Election Laws]. Additional
34 campaign report filings by the candidate are not required.

35 (c) (1) (i) Except as provided in subparagraph (ii) of this paragraph,
36 beginning with the campaign finance report that is due in November 1997, all
37 campaign finance reports required under [§ 26-11 of this article] § 13-401 OF THIS
38 SUBTITLE which must be filed with the State [Administrative] Board [of Election
39 Laws] may be submitted to and maintained by the State Board in an electronic
40 storage format.

1 (ii) Beginning with the campaign finance report that is due in
2 November 1997, all campaign finance reports that are required under [§ 26-11 of this
3 article] § 13-401 OF THIS SUBTITLE which must be filed with the State Board by a
4 statewide candidate and any political committee affiliated with the candidate shall be
5 submitted to and maintained by the State Board in an electronic storage format.

6 (2) (i) The State [Administrative] Board [of Election Laws] shall
7 accept any campaign finance report that is submitted in an electronic storage format
8 which meets the criteria developed by the State Board under subsection (f) of this
9 section.

10 (ii) Beginning in November 1997, the State Board shall make the
11 campaign finance information that is submitted in an electronic storage format
12 available to the public by making the computer disk submitted by the candidate or
13 committee available for duplication.

14 (d) (1) Beginning with the campaign finance report due in November 1999,
15 all campaign finance reports required under [§ 26-11 of this article] § 13-401 OF THIS
16 SUBTITLE which must be filed with the State Board shall be submitted and
17 maintained by the State Board in an electronic storage format.

18 (2) Beginning in November 1999, upon request, the State
19 [Administrative] Board [of Election Laws] shall supply to a person who is required
20 to file reports in an electronic storage format the computer software and the disks or
21 other media on which the campaign finance information is to be entered.

22 (3) Beginning in November 1999, the State [Administrative] Board [of
23 Election Laws] shall make the campaign finance information that is filed with and
24 maintained by the State Board in an electronic storage format widely and easily
25 accessible to the public, utilizing any existing public or private systems for data
26 dissemination, and on terms that the State Board considers consistent with the
27 purposes and requirements of this article.

28 (e) The State Board may refuse to accept or process any campaign finance
29 report that is incomplete or not submitted in accordance with the requirements of this
30 section.

31 (f) The State [Administrative] Board [of Election Laws] shall:

32 (1) Develop specifications for the submission of campaign finance reports
33 in an electronic storage format; and

34 (2) Adopt regulations necessary to implement the requirements of this
35 section.

36 [26-13.] 13-403. LATE FILING FEES.

37 (a) There is a late filing fee for each report or statement of expenditures and
38 contributions which is not filed within the time prescribed in [§ 26-11] § 13-401 OF
39 THIS SUBTITLE. The fee is \$10 for each day or part of a day, excluding Saturdays,

1 Sundays and holidays, that a report is overdue. An additional fee of \$10 is due for
2 each of the first six days, excluding Saturdays, Sundays and holidays, that a
3 preelection report is overdue pursuant to [§§ 26-11(a)(1) and (2), 26-11(c) and 26-
4 11(d)] § 13-401(A)(1) AND (2), (C), AND (D) OF THIS SUBTITLE. The maximum fee
5 payable with respect to any single report is \$250. A board or its officer shall receive an
6 overdue report or statement even if any late filing fee due has not been paid but the
7 report or statement shall not be considered officially filed until all fees have been
8 paid. Upon the receipt by the board of an overdue report or statement, no further late
9 filing fees shall be incurred, notwithstanding the fact that the report or statement is
10 not considered officially filed. The late filing fee is the joint and several personal
11 liability of the candidate and treasurer as to the report of a candidate, or of the
12 chairman and treasurer as to the report of a committee. A late filing fee may not be
13 paid, directly or indirectly, from contributions to the candidate or committee and,
14 when paid, may not be treated as a contribution or an expenditure for purposes of this
15 article.

16 (b) A person may not become a candidate for public or party office in any
17 election in this State, a certificate of candidacy may not be accepted on his behalf, and
18 he may not become a treasurer for a candidate or committee unless (1) the person has
19 filed or had filed on his behalf all reports or statements required by [§ 26-11 of this
20 article] § 13-401 OF THIS SUBTITLE and subsection (d) of this section to be filed by
21 him, as a candidate, chairman, or treasurer, during the five calendar years preceding
22 the election in which the person seeks to become a candidate or treasurer, and (2) any
23 late filing fees due in connection with such reports and statements have been paid.

24 (c) Each board shall promptly notify the State [Administrative] Board [of
25 Election Laws] of any report or statement required by [§ 26-11] § 13-401 OF THIS
26 SUBTITLE to be filed which is more than 30 days overdue. Whenever it learns that a
27 required report or statement is more than 30 days overdue, the State
28 [Administrative] Board [of Election Laws] shall issue a notice to the candidate and
29 treasurer, if the report is the statement of a candidate, or to the chairman and
30 treasurer if the report is that of a committee, to show cause why the appropriate
31 State's Attorney should not be requested to prosecute them as provided in [§ 26-20]
32 § 13-603 OF THIS TITLE for violation of the provisions of this subtitle, unless the
33 failure to file is remedied and late filing fees paid within 30 days of service of the
34 notice. Any candidate, chairman, or treasurer who fails to file the report or statement
35 and pay the late filing fee due within 30 days after service of the show cause notice is
36 guilty of a misdemeanor and subject to the penalties prescribed in [§ 26-20 of this
37 article] § 13-603 OF THIS TITLE.

38 (d) For the purposes of this section, the failure to provide all of the information
39 called for on the forms prescribed pursuant to [§ 26-12] § 13-402 OF THIS SUBTITLE,
40 to the extent applicable, is a failure to file if the State [Administrative] Board [of
41 Election Laws] has notified the candidate and treasurer, or chairman and treasurer,
42 in writing, of the particular deficiencies and a properly corrected report has not been
43 filed within 30 days of service of such notice. After the 30th day, and in the absence of
44 a filed corrected report, daily late filing fees are thereafter payable, and all sanctions
45 provided for herein and in [§ 26-20] § 13-603 OF THIS TITLE shall be fully applicable

1 without the necessity of further notice to the candidate, chairman, or treasurer under
2 this subsection or subsection (c) of this section.

3 (e) A person may not be deemed elected to any public or party office under the
4 laws of this State, or enter upon the duties of the office or receive any salary or
5 emoluments therefrom until all of the reports and statements of contributions and
6 expenditures required to be filed by the person pursuant to [§ 26-11(a) of this article
7 and subsection (d) of this section] § 13-401 (A) OF THIS SUBTITLE AND SUBSECTION (D)
8 OF THIS SECTION and due before the person may take office, have been filed. A
9 candidate may not be sworn in until the State [Administrative] Board [of Election
10 Laws] certifies that all the reports and statements required by [§ 26-11(a) of this
11 article and subsection (d) of this section] § 13-401(A) OF THIS SUBTITLE AND
12 SUBSECTION (D) OF THIS SECTION have been filed. An official of the State or any of its
13 political subdivisions may not issue a commission or administer an oath of office to a
14 candidate until that official has received this certification from the State
15 [Administrative] Board [of Election Laws].

16 (f) If any person elected to public office has been notified pursuant to
17 subsection (c) or (d) OF THIS SECTION and has failed to file a report or statement
18 required by [§ 26-11(a) of this article and subsection (d) or (i) of this section] §
19 13-401(A) OF THIS SUBTITLE AND SUBSECTION (D) OR (I) OF THIS SECTION in the time
20 required, failed to file a report under subsection (i) of this section, or failed to pay any
21 late filing fee due, the board shall cause an investigation to be undertaken and shall
22 notify the elected official and afford him the opportunity to be heard. If the board
23 determines, after hearing, that a report or statement required by [§ 26-11(a) of this
24 article and subsection (d) or (i) of this section] § 13-401 (A) OF THIS SUBTITLE AND
25 SUBSECTION (D) OR (I) OF THIS SECTION was not timely filed, that the official was
26 notified pursuant to subsection (c) or (d) OF THIS SECTION, and that the failure to file
27 has not been corrected and late filing fees have not been paid, then it shall direct the
28 appropriate financial officers to withhold the salary of the elected official until the
29 report or statement is filed and all late fees paid and to withhold from future salary
30 payments a sum or sums which equal any amount previously paid to the elected
31 official for a period during which his report or statement was in default.

32 (g) All late filing fees paid shall be treated as a special fund and shall be paid
33 and distributed as follows:

34 (1) Fees pertaining to reports or statements required to be filed with the
35 State [Administrative] Board [of Election Laws] shall be first applied to pay the
36 expenses of collection and of any audits of financial reports and statements performed
37 at the direction of the [State Administrator] ~~EXECUTIVE DIRECTOR STATE~~
38 ADMINISTRATOR. Any balance remaining at the end of each fiscal year shall be
39 remitted to the State treasury as part of the general funds of the State; and

40 (2) Fees pertaining to reports or statements required to be filed only
41 with a county board shall be paid to the county board which shall, in turn, pay over all
42 amounts received to the county.

1 (h) (1) The provisions of this section, and the provisions of [§ 26-11] § 13-401
2 OF THIS SUBTITLE with respect to the filing of reports or statements, are mandatory
3 and not directory. However, no sanctions may be imposed for failure to file a report or
4 statement or to pay a late filing fee if the failure is found by a court of competent
5 jurisdiction to be for just cause.

6 (2) In addition, upon request of the person required to file, a late filing
7 fee may be waived for just cause by the [State Administrator of Election Laws]
8 ~~EXECUTIVE DIRECTOR STATE ADMINISTRATOR~~ subject to the approval of the State
9 [Administrative] Board [of Election Laws].

10 (3) (i) The decision of the [State Administrator] ~~EXECUTIVE~~
11 ~~DIRECTOR STATE ADMINISTRATOR~~ to waive or not to waive a late filing fee shall be in
12 writing and shall set forth the circumstances surrounding the late filing and the
13 reasons for the decision.

14 (ii) The decision to waive or not to waive may be made without
15 notice or hearing.

16 (i) (1) There is a \$10 late filing fee for each day or part of a day that a report
17 required by the provisions of [§ 26-18.1 of this subtitle] § 13-503 OF THIS TITLE is
18 overdue, excluding a Saturday, Sunday, or holiday.

19 (2) The maximum fee payable on an overdue report is \$250.

20 (3) An incumbent is liable personally for payment of a late fee assessed
21 under this subsection.

22 [26-14.] 13-404. RETENTION OF DOCUMENTS.

23 Every officer or board shall receive, file and preserve all reports, statements,
24 and accounts relating to campaign contributions and expenditures which are required
25 to be filed by this article. These reports, statements, and accounts shall be kept as
26 part of the records of the officer or board for a period not to exceed five years or for at
27 least one year beyond the length of the term of the public or party office for which
28 every candidate to whom these reports, statements, or accounts apply, has offered
29 himself for nomination or election, regardless if the candidate is successful,
30 unsuccessful, or resigns, or for a longer period if ordered by a court of competent
31 jurisdiction. These reports, statements, and accounts shall be subject and open to
32 inspection by any citizen of this State during the hours in which the office in which
33 the reports, statements, and accounts are kept is open. Thereafter, the reports,
34 statements, and accounts shall be transferred to the State Archives. Before
35 transferring any reports, statements or accounts to the State Archives, the officer or
36 board with whom they were filed shall make a permanent record of all election
37 reports required to have been filed by [§ 26-11] § 13-401 OF THIS SUBTITLE but which
38 have not been filed. The permanent record shall include the name of the candidate or
39 the committee, the treasurer, an identification of the missing report, and, if a final
40 report, a notation of the amount of any outstanding balance, bills or deficits as shown
41 on the last report filed. The officer or board shall file a copy of this permanent record
42 with the State [Administrative] Board [of Election Laws] and with the State

1 Archives. Copies of these reports, statements and accounts certified by the principal
2 administrative officer in whose office they are kept under the seal of his office shall be
3 evidence in any court to the same extent as the original report, statement or account
4 would be if produced and proved.

5
6 SUBTITLE 5. CAMPAIGN MATERIALS.

6 [26-17.] 13-501. CAMPAIGN MATERIALS - GENERALLY.

7 (a) (1) IN THIS SUBSECTION, "CAMPAIGN MATERIAL" INCLUDES MATERIAL
8 TRANSMITTED BY OR APPEARING ON AN ELECTRONIC MEDIUM, SUCH AS THE
9 INTERNET.

10 [(1)] (2) (i) Except as provided in subparagraphs (ii) and (iii) of this
11 paragraph, each item of campaign material shall contain, set apart from any other
12 printing on it, an authority line containing the name and address of the person,
13 candidate, treasurer, chairman, or campaign manager responsible for the campaign
14 material. The material shall also include, if applicable, the name of the candidate or
15 committee responsible for the campaign material.

16 (ii) If the address required under subparagraph (i) of this
17 paragraph is on file with the appropriate board or the State [Administrative] Board
18 [of Election Laws], the campaign material need not contain the address.

19 (iii) If the campaign material is too small to permit the inclusion of
20 all required information in a legible manner, the material need only contain the name
21 of the person, candidate, treasurer, chairman, or campaign manager responsible for
22 the material.

23 [(2)] (3) Each campaign advertisement shall contain, set apart from the
24 message, the information required under paragraph [(1)](2)(i) and (ii) of this
25 subsection, except that the name of more than one responsible individual or entity
26 may not be required.

27 (b) No person or corporation within the State, publishing a newspaper or other
28 periodical, shall charge a candidate for State or local public office for political
29 advertising a rate in excess of the regular local rate regularly charged by such person
30 or corporation for commercial advertising except that when such political advertising
31 is placed with the person or corporation through the medium of an advertising or
32 press agency, then the regular national rate regularly charged by such person or
33 corporation for commercial advertising may be charged.

34 [26-17.1.] 13-502. SAMPLE COPIES OF CAMPAIGN MATERIALS.

35 (a) (1) Each candidate or treasurer or subtreasurer and every person who
36 publishes or distributes or causes to be published or distributed any pamphlet,
37 circular, card, sample ballot, dodger, poster, advertisement, buttons, matchbooks, nail
38 files, balloons, or any other printed, multigraphed, photographed, typewritten,
39 written matter or statement or any matter or statement which may be copied by any
40 device or method or which may hereafter be used for making copies of printed or

1 written matter in any form whatever for publication or distribution, relating to or
2 concerning any candidate or prospective candidate for public or party office or for the
3 acceptance or defeat of any proposition, shall maintain for a period of one year
4 following each election a complete file of sample copies of all matter printed,
5 published, or distributed by his authority.

6 (2) FOR EACH ITEM OF CAMPAIGN MATERIAL DISSEMINATED THROUGH
7 THE INTERNET:

8 (I) A PAPER FACSIMILE SHALL BE RETAINED AS THE SAMPLE
9 COPY; OR

10 (II) A SAMPLE COPY SHALL BE RETAINED ON AN ELECTRONIC
11 MEDIUM THAT, ON REQUEST, SHALL BE PRODUCED AS A PAPER FACSIMILE.

12 (b) "Distributor" includes any person or persons, partnership, or corporation
13 engaged in the distribution of circulars, pamphlets, and other advertisements by
14 hand delivery or direct mail for profit but does not include salaried employees, agents,
15 or volunteers of the person or persons, partnerships, or corporations.

16 (c) A person subject to the requirements of subsection (a) is not required to
17 maintain sample copies of billboards and placards.

18 DRAFTER'S NOTE: Subsection (a)(2) of this section is new language to
19 recognize the proliferation of campaign materials disseminated through
20 the Internet.

21 [26-18.1.] 13-503. LEGISLATIVE NEWSLETTERS.

22 (a) (1) In this section the following words have the meanings indicated.

23 (2) "Incumbent" means a member of the General Assembly.

24 (3) "Legislative newsletter" means an unsolicited document that
25 provides a forum for the dissemination of information concerning:

26 (i) An incumbent's performance in legislative office; or

27 (ii) An issue or issues of public importance chosen by the incumbent
28 or candidate.

29 (4) "Publication expense" means an expenditure relating to writing,
30 publishing, printing, issuing, mailing, or distributing a legislative newsletter to a
31 voter, potential voter, or constituent.

32 (b) An incumbent who has not filed a certificate of candidacy may pay the
33 publication expenses of a legislative newsletter from either:

34 (1) The incumbent's campaign treasury if the incumbent complies with
35 all other requirements of this subtitle regarding expenditures and campaign
36 literature; or

1 (2) The personal funds of the incumbent or the spouse of the incumbent
2 if:

3 (i) The incumbent signs and files a report with the Board that:

4 1. Contains a detailed list of publication expenses;

5 2. Contains an affidavit that no funds for the legislative
6 newsletter have been solicited or received from another source to supplement the
7 personal funds;

8 3. Is on a form that the Board provides; and

9 4. Is filed within 10 days of the first mailing or distribution
10 of each issue; and

11 (ii) Each issue of the legislative newsletter contains a statement
12 that it is disseminated at the personal expense of the incumbent.

13 (c) An individual who has filed a certificate of candidacy shall pay the
14 publication expenses of a legislative newsletter only from the individual's campaign
15 treasury and not from public funds.

16 (d) The provisions of this section do not restrict the use of any funds
17 appropriated in the State budget for the General Assembly.

18 [26-9.2.] 13-504. INDEPENDENT EXPENDITURES.

19 (a) Provided that a person complies with the requirement set forth in
20 subsection (b) of this section, this subtitle may not be construed to prohibit a person
21 from expressing personal views on any subject or from spending personal funds to
22 purchase any campaign advertisement or campaign material.

23 (b) In any campaign advertisement or campaign material purchased by an
24 independent expenditure or an expenditure that has not been authorized by a
25 candidate, the following language shall be included:

26 "This message has been authorized and paid for by (name of committee or any
27 affiliated organization of the committee), (name and title of treasurer or president).
28 This message has not been authorized or approved by any candidate."

29 SUBTITLE 6. PROHIBITED PRACTICES AND PENALTIES.

30 [26-15.] 13-601. FALSE STATEMENTS.

31 Any [wilfully] WILLFULLY false, fraudulent, or misleading statement or entry
32 made by any candidate for office, treasurer, or subtreasurer, or by any member or
33 officer of any political committee, in any statement or account under oath required by
34 this article, shall constitute the crime of perjury, and be punishable as such according
35 to the laws of this State.

1 [26-16.] 13-602. PROHIBITED PRACTICES.

2 (a) The following persons shall be guilty of prohibited practices and shall be
3 punished in accordance with the provisions of this section:

4 (1) Offering Bribe, etc. Every person who shall, directly or indirectly, by
5 himself or by another, give or offer or promise to any person any money, gift,
6 advantage, preferment, aid, emolument or any valuable thing whatever, for the
7 purpose of inducing or procuring any person to vote, or refrain from voting, for or
8 against any person, or for or against any measure or proposition at any election or
9 political convention or for or against the election of any officer by the General
10 Assembly of Maryland.

11 (2) Accepting or Soliciting Bribe, etc. Every person who shall, directly or
12 indirectly, receive, accept, request or solicit from any person, candidate, committee,
13 association, organization or corporation, any money, gift, advantage, preferment, aid,
14 emolument, or any valuable thing whatsoever, for the purpose of inducing or
15 procuring any person to vote, or refrain from voting, for or against any person, or for
16 or against any measure or proposition at any election or political convention.

17 (3) Acting on Bribe, etc. Every person who, in consideration of any
18 money, gift, advantage, preferment, aid, emolument, or any valuable thing
19 whatsoever, paid, received, accepted, or promised to the advantage of himself or any
20 other person, shall vote or refrain from voting for or against any person, or for or
21 against any measure at any such election or political convention.

22 (4) Making Contribution Other Than to Treasurer or Subtreasurer.

23 (i) Except as provided in subparagraph (ii) of this paragraph, every
24 person who shall, directly or indirectly, pay, give, contribute or promise any money or
25 other valuable thing, to defray, or towards defraying the costs or expenses of any
26 campaign or election, to any person, committee, company, organization or association,
27 other than to a treasurer or a subtreasurer.

28 (ii) Subparagraph (i) of this paragraph may not apply to:

29 1. Dues regularly paid for membership in any political club if
30 all money expended by the club or in connection with the costs or expenses of any
31 campaign or election shall be paid out by it only through a treasurer or subtreasurer
32 as provided in this article;

33 2. Volunteered time or personal vehicles or personal
34 advertising or costs and expenses incident to the expression of personal views in
35 accordance with the provisions of [§ 26-9(a) of this article] § 13-211 OF THIS TITLE; or

36 3. An employer's accumulation of employee contributions in
37 accordance with [§ 26-9(c) of this article] § 13-211 OF THIS TITLE.

38 (5) Political Contributions in False Name. Every person who shall,
39 directly or indirectly, by himself or through another person, make a payment, or

1 promise of payment, to a treasurer or subtreasurer, or candidate, in any other name
2 than his own, and every treasurer or subtreasurer or candidate who shall knowingly
3 receive a payment, or promise of payment, and enter the same or cause the same to be
4 entered in his accounts in any other name than that of the person by whom such
5 payment or promise of payment is made.

6 (6) Coercing Employees. Every person who, being an employer, pays his
7 employees the salary or wages due in "pay envelopes," upon which there is written or
8 printed or in which there is enclosed any political motto, device or argument
9 containing threats, express or implied, intended or calculated to influence the
10 political opinions or actions of such employees, or within ninety days of an election
11 puts, or otherwise exhibits in the establishment or place where his employees are
12 engaged in labor, any handbill or placard containing any threat, notice or information
13 that if any particular ticket or candidate is elected or defeated, work in his place or
14 establishment, will cease, in whole or in part, his establishment be closed up or the
15 wages of his employees reduced, or other threats, express or implied, intended or
16 calculated to influence the political opinions or actions of his employees.

17 (7) Campaign Literature. Every person who publishes or distributes or
18 causes to be published or distributed any campaign advertisement or campaign
19 material that violates [§ 26-17 of this article] § 13-501 OF THIS TITLE.

20 (8) Contribution or Expenditure in Violation of [§ 26-8] § 13-207 OF THIS
21 TITLE. Every person who, being a candidate, makes any payment, contribution,
22 expenditure or promotes or incurs any liability to pay, contribute or expend from his
23 own personal financial resources any money or thing in value in a manner not
24 authorized by [§ 26-8 of this article] § 13-207 OF THIS TITLE.

25 (b) Every person who shall be guilty of any prohibited practices described in
26 this section shall be fined not more than \$1,000 or be imprisoned for not more than
27 [one] 1 year, or both, and shall be ineligible for any public or party office, for the
28 period of [four] 4 years from and after the time of the commission of such offense.

29 (c) (1) It shall be the duty of the State's Attorney of Baltimore City and of
30 the State's Attorney of each county of this State to prosecute, by the regular course of
31 criminal procedure, any person whom the State's Attorney believes to be guilty of
32 having [wilfully] WILLFULLY violated any of the provisions of this section within the
33 city or county for which said State's Attorney may be acting as such.

34 (2) The State prosecutor may prosecute, by the regular course of criminal
35 procedure, in any jurisdiction of the State, any person whom the State prosecutor
36 believes to be guilty of having willfully violated any of the provisions of this section.

37 [26-20.] 13-603. CRIMINAL PENALTIES.

38 (a) Except as provided in [§ 26-15] § 13-601 of this subtitle, any person who
39 knowingly and willfully violates any of the provisions of this [subtitle] TITLE is guilty
40 of a misdemeanor, and upon conviction shall be fined not more than \$25,000, or be
41 imprisoned for not more than 1 year, or both, in the discretion of the court.

1 (b) If a different penalty is specifically prescribed for violation of any section
2 in this subtitle and expressly set forth therein, the specific penalty applies and the
3 penalty set forth in this section does not apply.

4 [26-20A.] 13-604. CIVIL PENALTIES.

5 (a) (1) Any person who, without knowledge of the illegality of the act,
6 violates any provision of this [subtitle] TITLE shall pay a civil fine in accordance with
7 the procedures established under subsections (b) through (g) of this section.

8 (2) The amount of the fine imposed under this section may not exceed
9 \$5,000.

10 (3) An infraction under this section is a civil offense.

11 (4) If a different penalty is specifically prescribed for violation of any
12 section in this subtitle and expressly set forth therein, the specific penalty applies
13 and the penalty set forth in this section does not apply.

14 (b) (1) When the State Prosecutor or the State's Attorney for a county, or
15 both, determine that a person has unintentionally, and without criminal intent,
16 violated a provision of this [subtitle] TITLE, the State Prosecutor or the State's
17 Attorney, or both, shall cause to be issued a civil citation to each person who
18 committed the offense. The citation shall contain:

19 (i) The name and address of the person charged;

20 (ii) The nature of the violation and the time, place, and manner in
21 which it occurred;

22 (iii) The maximum fine for the violation that occurred;

23 (iv) The manner, location, and time in which the fine may be paid;
24 and

25 (v) A statement that the person receiving the citation has a right to
26 a trial in the District Court of Maryland.

27 (2) The original of a citation shall be filed in the District Court having
28 proper venue.

29 (c) The citation shall be served upon the person named in the citation by mail
30 or by personal service by a sheriff or a competent private person 18 years old or older.

31 (d) The sheriff or person who serves the citation shall make a prompt return of
32 service to the court that shows the date, time, and place of service.

33 (e) (1) On receipt of the return of service, the District Court shall schedule
34 the case for trial and notify the person named in the citation of the trial date.

1 (2) The trial in the District Court shall be prosecuted in the same
2 manner and to the same extent as set forth for municipal infractions under Article
3 23A, § 3(b)(8) through (15) of the Code.

4 (3) All late fees collected by the District Court shall be remitted to the
5 State [Administrative] Board [of Election Laws].

6 (4) An adjudication of a violation under this subsection:

7 (i) Is not a criminal conviction; and

8 (ii) Does not impose any of the civil disabilities ordinarily imposed
9 by a criminal conviction.

10 (f) If a person is found to have committed the violation set forth in the
11 citation, the person shall be liable for the costs of the proceedings in the District
12 Court.

13 (g) (1) If a person who has been served with a citation fails to appear for
14 trial, the court, at the request of the prosecutor, may either dismiss the citation or
15 grant a civil judgment against the person named in the citation in favor of the State
16 [Administrative] Board [of Election Laws] in accordance with the Maryland Rules
17 [of Procedure].

18 (2) The amount of a judgment under this subsection may not exceed the
19 total of the maximum fine set forth in subsection (a) of this section and any late fees
20 owed to the State [Administrative] Board [of Election Laws].

21 [26-21.] 13-605. INJUNCTION.

22 The Secretary of State may seek an immediate injunction against any violation
23 of the provisions of this [subtitle] TITLE. Anyone violating the injunction is guilty of
24 criminal contempt and upon conviction shall be sentenced to not more than [thirty]
25 30 days in jail and fined not more than two hundred and fifty dollars (\$250.00).

26 TITLE 14. DISCLOSURE BY PERSONS DOING PUBLIC BUSINESS.

27 [30-1.] 14-101. DEFINITIONS.

28 (a) In this [subtitle] TITLE, the following words have the meanings indicated.

29 (b) (1) "Business" means any one or combination of sales, purchases, leases,
30 or contracts, involving consideration of \$100,000 or more on a cumulative basis
31 entered into during the twelve months immediately preceding the end of the
32 reporting period for which the statement required under this [subtitle] TITLE is filed.
33 If an agreement calls for the consideration to be paid over a period extending beyond
34 one reporting period, the total ascertainable consideration to be paid under the
35 agreement shall be included as business done during the period in which the
36 agreement was entered into. Business of less than \$100,000 with an agency or

1 governmental entity shall be reported if the aggregate business done with all agencies
2 and governmental entities amounts to more than \$100,000.

3 (2) [Business] "BUSINESS" does not include salaries paid by the State, a
4 county, [an incorporated municipality] A MUNICIPAL CORPORATION, or other
5 political subdivision of the State.

6 (c) "Business entity" includes a firm, corporation, trust, unincorporated
7 association, or other organization, whether or not conducted for profit.

8 (d) "Candidate" includes an incumbent office holder and a political committee
9 for a candidate.

10 (e) (1) "Contribution" means any gift, donation, or payment of money in
11 excess of \$500.

12 (2) [It] "CONTRIBUTION" includes the purchase of a ticket or tickets, or
13 payment for admission to a dinner, barbecue, fish fry, or other like event.

14 (3) [It] "CONTRIBUTION" does not include a bona fide gift by a spouse or
15 relative within the third degree of consanguinity, or to honorary memberships in a
16 social, service, or fraternal organization presented as a courtesy by the organization.

17 [(f) "County" includes the City of Baltimore.]

18 [(g) (F) "Person" includes an individual and a business entity.

19 [(h) (G) "State", "county", and ["incorporated municipality"] "MUNICIPAL
20 CORPORATION" include agencies of them.

21 [(i) (H) "Subsidiary" means a firm or corporation of which a parent firm or
22 corporation owns or controls 30% or more of the equity.

23 [30-2.] 14-102. STATEMENT OF CONTRIBUTIONS.

24 (a) The statement required by this [subtitle] TITLE shall be filed with the
25 State [Administrative] Board [of Election Laws]:

26 (1) Prior to the completion of any sale, purchase, lease, or contract by the
27 State, a county, or [an incorporated municipality] A MUNICIPAL CORPORATION of the
28 State and shall cover the reporting period which consists of the preceding [two] 2
29 calendar years; and

30 (2) If the contribution is made after the completion of a sale, purchase,
31 lease, or contract subject to this [subtitle] TITLE, then, semiannually, throughout the
32 term of the contract, on:

33 (i) February 5, to cover the 6-month period ending January 31;
34 and

35 (ii) August 5, to cover the 6-month period ending July 31.

1 (b) Every person who has done business with the State, [or with] a county,
2 [incorporated municipality] MUNICIPAL CORPORATION, or other political subdivision
3 of the State during a reporting period specified under subsection (a) of this section
4 shall file the statement required by this [subtitle] TITLE if during the reporting
5 period he made or caused to be made a contribution to a candidate for an elective
6 office of the State or for an elective office of a county or [incorporated municipality]
7 MUNICIPAL CORPORATION of the State in any primary or general election.

8 (c) The statement shall be under oath and shall contain:

9 (1) The names of all candidates to whom a contribution was made or
10 caused to be made during the reporting period and, if not reported previously, during
11 the preceding reporting period and the office for which the candidate sought election;

12 (2) The amount of the aggregate contributions made to each candidate;

13 (3) The name of each agency of the State, a county, [incorporated
14 municipality] MUNICIPAL CORPORATION, or other political subdivision with which
15 the person did business during the reporting period. However, this information may
16 be omitted upon the written approval of the Attorney General. The Attorney General
17 may grant approval if [he] THE ATTORNEY GENERAL finds that it would be unduly
18 burdensome to require this information, that the public interest would not be
19 substantially impaired by its omission, and that the person submitting the statement
20 stipulates that [he] THE PERSON has done the requisite business in the amount of
21 \$100,000 or more during the period in question;

22 (4) The nature and amount of business done with each agency. However,
23 information concerning the amount of business done with each agency may be
24 omitted upon the written approval of the Attorney General. The Attorney General
25 may grant approval if [he] THE ATTORNEY GENERAL finds that it would be unduly
26 burdensome to require this information, that the public interest would not be
27 substantially impaired by its omission, and that the person submitting the statement
28 stipulates that [he] THE PERSON has done the requisite business in the amount of
29 \$100,000 or more during the period in question; and

30 (5) If the business was done or the contribution was made by another
31 person and is attributed to the person filing the statement under [§ 30-3] § 14-103 OF
32 THIS TITLE, the name of the person who did the business or made the contribution,
33 and the relationship of that person to the person filing the statement.

34 (d) (1) The statement shall be filed with the State [Administrative] Board
35 [of Election Laws] and shall be retained as a public record for at least two years from
36 the date of its receipt.

37 (2) The State [Administrative] Board [of Election Laws] shall make the
38 statements available for examination and copying by the public during normal office
39 hours, subject to such reasonable fees and administrative procedures as it may
40 establish from time to time.

1 (e) The State [Administrative] Board [of Election Laws] shall prepare and
2 make available forms for the statements required by this [subtitle] TITLE.

3 [30-3.] 14-103. CONTRIBUTIONS REQUIRED TO BE INCLUDED IN STATEMENT.

4 (a) Except as provided in subsection (e) of this section, each officer, director,
5 and partner of a business entity who makes or causes to be made a contribution
6 which, if made by the business entity, would have to be disclosed under this [subtitle]
7 TITLE, shall report the contribution to the chief executive officer of the business entity
8 so that it may be included in the statement filed by the business entity.

9 (b) Each employee, agent, or other person who makes or causes to be made a
10 contribution at the suggestion or direction of a business entity shall report the
11 contribution to the chief executive officer of the business entity so that it may be
12 included in the statement filed by the business entity.

13 (c) For the purposes of this [subtitle] TITLE, and except as provided in
14 subsection (e) of this section, a contribution made by an officer, director, or partner of
15 a business entity, and a contribution made by an employee, agent, or other person at
16 the suggestion or direction of a business entity, shall be attributed to the business
17 entity and shall be included in the statement filed by the business entity as though
18 made directly by it.

19 (d) Business done with the State, [or] a county, [incorporated municipality]
20 MUNICIPAL CORPORATION, or other political subdivision of the State by a subsidiary
21 business entity shall be attributed to the parent and shall be included in the
22 statement filed by the parent. Contributions made by, caused to be made by, or
23 attributed to a subsidiary shall for purposes of this [subtitle] TITLE be attributed to
24 the parent and shall be included in the statement filed by the parent.

25 (e) Unless the contribution is made on the recommendation of the
26 not-for-profit organization or unless the individual is paid by the organization:

27 (1) An individual who serves as a trustee or member of the board of
28 directors of a not-for-profit organization is not required to report a contribution to
29 the chief executive officer of the organization as otherwise required under this
30 [subtitle] TITLE; and

31 (2) A contribution made by an individual who serves as a trustee or
32 member of the board of directors of a not-for-profit organization is not, for purposes
33 of this [subtitle] TITLE:

34 (i) Attributable to the organization; or

35 (ii) Required to be included in the statement of contributions filed
36 by the organization under this [subtitle] TITLE.

1 [30-4.] 14-104. PENALTY; LIBERAL CONSTRUCTION OF TITLE; FIRST REPORT.

2 (a) Any person who knowingly and willfully fails to comply with the
3 requirements of this [subtitle] TITLE is guilty of a misdemeanor, and, upon
4 conviction, is subject to a fine of not more than \$1,000 or imprisonment for not more
5 than [one] 1 year, or both. If the person is a business entity and not a natural person,
6 each officer and partner of the business entity who knowingly authorized or
7 participated in the violation is guilty of a misdemeanor and, upon conviction, is
8 subject to the same penalties as the business entity.

9 (b) This [subtitle] TITLE shall be liberally construed to require full disclosure.

10 TITLE 15. ~~PUBLIC FAIR CAMPAIGN~~ PUBLIC FINANCING ACT.

11 [31-1.] 15-101. PURPOSE.

12 The General Assembly of Maryland, recognizing that our system of
13 representative government depends in part on guaranteeing that election campaigns
14 are funded by the people and for the people and on eliminating the corrupting and
15 undemocratic effects of large private contributions, finds and declares that an
16 equitable means of public campaign financing is necessary in these times for the
17 continued effective functioning of representative democracy.

18 [31-2.] 15-102. DEFINITIONS.

19 (a) In this [subtitle] TITLE the following terms have the meanings indicated
20 unless otherwise provided.

21 (b) "Candidate" means a Governor-Lieutenant Governor unit.

22 (c) "Comptroller" means the State Comptroller of the treasury.

23 (d) "Eligible candidate" means a candidate who has qualified to receive a
24 public contribution.

25 (e) "Eligible private contribution" means that portion of a monetary or in kind
26 campaign contribution, or series of contributions, from an individual that does not
27 exceed \$250.

28 (f) "Fund" means the "Fair Campaign Financing Fund".

29 (g) "Public contribution" means a sum disbursed from the Fair Campaign
30 Financing Fund to a candidate according to the provisions of this [subtitle] TITLE.

31 (h) "Seed money" means a sum of lawfully raised eligible private contributions
32 that is 10 percent of the maximum campaign expenditure limit provided under [§
33 31-3] § 15-103 OF THIS TITLE for an election.

34 (i) ["State Administrator" means the State Administrator of Election Laws.

1 (j) "State Board" means the State Administrative Board of Election Laws.

2 (k) "Treasurer" includes a campaign subtreasurer.

3 [31-3.] 15-103. LIMITATIONS ON CAMPAIGN EXPENDITURES.

4 (a) (1) A candidate who applies for and accepts a public contribution from
5 the Fair Campaign Financing Fund may not expend, in the applicable election, an
6 amount in excess of the product of 30 cents multiplied by the population of the State
7 adjusted annually, beginning January 1, 1997, in accordance with the Consumer Price
8 Index.

9 (2) Expenditures made on behalf of the candidate by State or local
10 partisan central committees are not subject to the terms of paragraph (1) of this
11 subsection.

12 (b) For purposes of this section, the population of the State shall be
13 determined on January 1 of the year in which the election is to be held in accordance
14 with the most recent decennial United States census, or a more recent population
15 estimate prepared for the State by the State Department of Health and Mental
16 Hygiene if this is available.

17 (c) The candidate, and any chairman or treasurer associated with the
18 expenditure, are jointly and severally liable civilly and criminally for any expenditure
19 made in violation of this section.

20 [31-4.] 15-104. FAIR CAMPAIGN FINANCING FUND.

21 (a) (1) There is established the "Fair Campaign Financing Fund" which
22 shall be administered by the Comptroller in accordance with the provisions of [§
23 31-9] § 15-109 of this [subtitle] TITLE.

24 (2) The Comptroller shall credit to the Fund all money collected
25 pursuant to these provisions.

26 (b) Subject to the other requirements of this [subtitle] TITLE, the State Board
27 shall begin to distribute one-half of the money in the Fund not later than February 1
28 of the year of the election to eligible candidates in the primary election on a
29 continuing basis and the remaining money in the Fund promptly after the primary
30 election to eligible candidates in the general election.

31 (c) [No later than January 1, 1996, the State Administrator] ~~THE EXECUTIVE~~
32 ~~DIRECTOR~~ *STATE ADMINISTRATOR* shall [promulgate] *ADOPT* comprehensive
33 regulations to carry out the purposes and requirements of this [subtitle] TITLE. The
34 regulations shall include provisions regarding:

35 (1) The manner and date by which candidates shall notify the State
36 Board that they intend to qualify for public contributions;

- 1 (2) The deadline for candidates to submit requests for public
2 contributions;
- 3 (3) The dates upon which the State Board is to order, and the
4 Comptroller is to make, disbursements of public contributions to candidates in
5 accordance with this [subtitle] TITLE;
- 6 (4) Pro rata distributions if there is not, or may not be, sufficient money
7 in the Fund;
- 8 (5) A formula for distributing supplementary public contributions to the
9 other eligible candidates if, because an eligible candidate fails to request a public
10 contribution, withdraws as a candidate, becomes disqualified, or dies, additional
11 funds become available;
- 12 (6) The standards by which expenditures by political committees and
13 slates with which an eligible candidate is affiliated are applied to the expenditure
14 limit of the candidate as specified in [§ 31-3] § 15-103 of this [subtitle] TITLE;
- 15 (7) The specification of thresholds for in-kind contributions that will not
16 be deemed contributions or expenditures for the purposes of this [subtitle] TITLE;
- 17 (8) Distributions to:
- 18 (i) Unopposed candidates;
- 19 (ii) Candidates who are not members of the [2] TWO principal
20 political parties; and
- 21 (iii) Write-in candidates; and
- 22 (9) The purposes for which public contributions may not be used.
- 23 (d) If the State Board determines that there is not, or may not be, sufficient
24 money in the Fund to provide a full public contribution to all eligible candidates in
25 either the primary or general election, the State Board then shall allocate the
26 available money so that all eligible candidates in that election will receive a pro rata
27 share of the full public contribution to which they would otherwise be entitled.
- 28 (e) (1) The State Board may request the assistance of the Comptroller in the
29 administration of this [subtitle] TITLE.
- 30 (2) The Comptroller shall submit a statement of the Fund's balance to
31 the State Board at the State Board's request and on May 15 of each year.
- 32 (f) (1) The Comptroller shall disburse public contributions to a single
33 campaign depository of an eligible candidate, as provided in [§ 26-5(b)] § 13-204(A) of
34 this article.
- 35 (2) The State Board has the sole right and responsibility for ordering a
36 disbursement from the Fund.

1 [31-5.] 15-105. PUBLIC CONTRIBUTION - GENERALLY.

2 (a) On the date specified by regulation pursuant to [§ 31-4(c)] § 15-104(C) of
3 this [article] TITLE, a candidate is entitled to a public contribution if:

4 (1) The required seed money has been raised;

5 (2) The seed money is refundable only in the event of the withdrawal of
6 the candidate's name from the ballot; and

7 (3) As certified by the candidate's treasurer, on forms prescribed by the
8 State Board, the seed money was raised in accordance with the provisions of this
9 [subtitle] TITLE and received subsequent to March 1 of the year immediately
10 preceding the year of the election.

11 (b) (1) The State Board shall order disbursement of funds, designated for
12 disbursement in the primary, as provided in this subsection.

13 (2) Candidates who are opposed in the primary shall receive \$1 in public
14 contributions for every \$1 in eligible private contributions.

15 (3) Candidates who are unopposed in the primary shall receive \$1 in
16 public contributions for every \$3 in eligible private contributions.

17 (c) (1) The State Board shall order disbursement in the general election of
18 all money remaining in the Fund, including money remaining from the portion
19 designated for the primary, as provided in this subsection.

20 (2) All eligible candidates who are nominees shall receive equal shares of
21 the Fund.

22 (3) If a candidate is unopposed on the general election ballot, the
23 candidate shall receive no public contributions.

24 (4) An eligible candidate who did not receive public contributions in the
25 primary, but is a nominee in the general election, may only receive public
26 contributions in the general election if the candidate did not spend more than the
27 maximum expenditure limit in the primary.

28 (5) The State Board shall disburse public contributions promptly after
29 the certification of primary results.

30 [31-6.] 15-106. SAME - LIMITATIONS ON EXPENDITURES; RETURN OR REPAYMENT.

31 (a) A public contribution may be expended only:

32 (1) With the authority of the candidate or his treasurer;

33 (2) To further the candidate's nomination or election;

1 (3) For expenses incurred not later than 30 days after the election for
2 which these were made; and

3 (4) For purposes that are not violative of State law.

4 (b) Any unspent portion of a public contribution shall be repaid to the
5 Comptroller for redeposit in the Fund not later than 60 days following the election for
6 which the public contribution was granted. When computing whether there is an
7 unspent part of a public contribution, all private contributions to the candidate shall
8 be presumed as spent prior to any expenditure of the public contribution.

9 (c) A candidate and his treasurer are jointly and severally personally liable for
10 repaying to the Comptroller any part of a public contribution which was unspent or
11 which is spent in violation of subsection (a) of this section.

12 [31-7.] 15-107. PENALTY FOR VIOLATION.

13 On conviction of each violation of this [subtitle] TITLE, the violator shall be
14 fined not more than \$5,000 or imprisoned for not more than one year, or both.

15 [31-8.] 15-108. DISPOSITION OF REMAINING MONEY.

16 Any money remaining in the Fund after disbursements to candidates in a
17 gubernatorial election shall be recredited to the Fund for the purposes provided in
18 this [subtitle] TITLE.

19 [31-9.] 15-109. CONTINUED ADMINISTRATION OF FUND BY COMPTROLLER.

20 (a) (1) For [the taxable year beginning January 1, 1995 and each taxable
21 year thereafter, for] every individual other than a nonresident alien filing a personal
22 State income tax return, the Comptroller shall establish, FOR EACH TAXABLE YEAR, a
23 tax add-on system that allows contributions to the Fair Campaign Financing Fund
24 not to exceed \$500 per tax filer.

25 (2) In accordance with the provisions of this [subtitle] TITLE, the
26 Comptroller shall:

27 (i) Credit to the Fund all money collected pursuant to these
28 provisions; and

29 (ii) Make disbursements from the Fund promptly upon receipt of an
30 authorized request from the State [Administrative] Board [of Election Laws].

31 (b) The Comptroller shall administer the Fund and invest the money in the
32 Fund, subject to the usual investing procedures for State funds.

33 [31-10.] 15-110. SHORT TITLE.

34 This [subtitle] TITLE may be cited as the ~~Fair Campaign~~ **PUBLIC PUBLIC**
35 Financing Act.

1 TITLE 16. OFFENSES AND PENALTIES.

2 SUBTITLE 1. VOTER REGISTRATION.

3 16-101. OFFENSES RELATING TO REGISTRATION.

4 (A) GENERALLY.

5 A PERSON MAY NOT WILLFULLY AND KNOWINGLY:

6 (1) IMPERSONATE A VOTER OR OTHER PERSON IN ORDER TO REGISTER
7 OR ATTEMPT TO REGISTER IN THE NAME OF THE VOTER OR OTHER PERSON;

8 (2) REGISTER TO VOTE MORE THAN ONCE;

9 (3) FALSIFY RESIDENCE IN AN ATTEMPT TO REGISTER IN THE WRONG
10 LOCATION;

11 (4) SECURE REGISTRATION THROUGH ANY UNLAWFUL MEANS;

12 (5) CAUSE BY UNLAWFUL MEANS THE NAME OF A QUALIFIED VOTER TO
13 BE STRICKEN FROM A REGISTRY OF VOTERS;

14 (6) PREVENT, HINDER, OR DELAY A PERSON HAVING A LAWFUL RIGHT
15 TO REGISTER FROM REGISTERING, THROUGH THE USE OF FORCE, THREAT, MENACE,
16 INTIMIDATION, BRIBERY, REWARD, OR OFFER OF REWARD;

17 (7) FALSIFY ANY NAME ON A REGISTRATION;

18 (8) MISREPRESENT ANY FACT RELATING TO REGISTRATION; OR

19 (9) INDUCE OR ATTEMPT TO INDUCE A PERSON TO VIOLATE ANY
20 PROHIBITION IN ITEMS (1) THROUGH (8) OF THIS SUBSECTION.

21 (B) PENALTY.

22 A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A FINE OF NOT MORE
23 THAN \$1,000 OR IMPRISONMENT IN THE PENITENTIARY FOR NOT MORE THAN 5
24 YEARS OR BOTH.

25 SUBTITLE 2. VOTING AND ELECTORAL OPERATIONS.

26 16-201. OFFENSES RELATING TO VOTING.

27 (A) GENERALLY.

28 A PERSON MAY NOT WILLFULLY AND KNOWINGLY:

29 (1) (I) IMPERSONATE ANOTHER PERSON IN ORDER TO VOTE OR
30 ATTEMPT TO VOTE; OR

1 (II) VOTE OR ATTEMPT TO VOTE UNDER A FALSE NAME;

2 (2) VOTE MORE THAN ONCE FOR A CANDIDATE FOR THE SAME OFFICE
3 OR FOR THE SAME BALLOT QUESTION;

4 (3) VOTE OR ATTEMPT TO VOTE MORE THAN ONCE IN THE SAME
5 ELECTION, OR VOTE IN MORE THAN ONE ELECTION DISTRICT OR PRECINCT;

6 (4) VOTE IN AN ELECTION DISTRICT OR PRECINCT WITHOUT THE LEGAL
7 AUTHORITY TO VOTE IN THAT ELECTION DISTRICT OR PRECINCT; OR

8 (5) INFLUENCE OR ATTEMPT TO INFLUENCE A VOTER'S VOTING
9 DECISION THROUGH THE USE OF FORCE, THREAT, MENACE, INTIMIDATION,
10 BRIBERY, REWARD, OR OFFER OF REWARD.

11 (B) PENALTIES.

12 A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A FINE OF NOT MORE
13 THAN \$2,500 OR IMPRISONMENT IN THE PENITENTIARY FOR NOT MORE THAN 5
14 YEARS OR BOTH.

15 16-202. VOTING BY PERSON CONVICTED OF INFAMOUS CRIME.

16 (A) GENERALLY.

17 A PERSON WHO HAS BEEN CONVICTED OF AN INFAMOUS CRIME, AND HAS BEEN
18 RENDERED INELIGIBLE TO VOTE PURSUANT TO § 3-102(B) OF THIS ARTICLE, MAY NOT
19 VOTE OR ATTEMPT TO VOTE DURING THE TIME THAT THE PERSON IS RENDERED
20 INELIGIBLE TO VOTE.

21 (B) PENALTIES.

22 A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND IS
23 SUBJECT TO IMPRISONMENT IN THE PENITENTIARY FOR NOT LESS THAN 1 YEAR NOR
24 MORE THAN 5 YEARS.

25 16-203. DISOBEYING LAWFUL COMMAND OF ELECTION OFFICIAL.

26 (A) GENERALLY.

27 A PERSON MAY NOT WILLFULLY DISOBEY THE LAWFUL COMMAND OF AN
28 ELECTION OFFICIAL AT A POLLING PLACE ON ELECTION DAY.

29 (B) PENALTIES.

30 A PERSON WHO VIOLATES THIS SECTION SHALL BE GUILTY OF A MISDEMEANOR
31 AND SHALL BE SUBJECT TO A FINE OF NOT LESS THAN \$10 NOR MORE THAN \$250 OR
32 IMPRISONMENT FOR NOT LESS THAN 30 DAYS NOR MORE THAN 6 MONTHS OR BOTH.

1 16-204. DISTURBING THE PEACE.

2 (A) GENERALLY.

3 A PERSON MAY NOT HINDER OR IMPEDE THE CONDUCT OF OFFICIAL
4 ELECTORAL ACTIVITIES BY:

5 (1) BREACH OF THE PEACE;

6 (2) DISORDER; OR

7 (3) VIOLENCE OR THREAT OF VIOLENCE.

8 (B) PENALTIES.

9 A PERSON WHO VIOLATES THIS SECTION SHALL BE GUILTY OF A MISDEMEANOR
10 AND SHALL BE SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 30 DAYS NOR MORE
11 THAN 1 YEAR OR BY A FINE OF NOT LESS THAN \$50 NOR MORE THAN \$1,000 OR BOTH.

12 16-205. INTERFERING WITH ELECTION OFFICIALS.

13 (A) GENERALLY.

14 (1) A PERSON MAY NOT INTERFERE WITH AN ELECTION OFFICIAL IN
15 THE PERFORMANCE OF THE OFFICIAL DUTIES OF THE ELECTION OFFICIAL.

16 (2) A PERSON MAY NOT INTERFERE WITH AN INDIVIDUAL LAWFULLY
17 PRESENT AT A POLLING PLACE OR AT THE CANVASS OF VOTES.

18 (B) PENALTIES.

19 A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND IS
20 SUBJECT TO A FINE OF NOT LESS THAN \$50 NOR MORE THAN \$1,000 OR
21 IMPRISONMENT FOR NOT LESS THAN 3 MONTHS NOR MORE THAN 1 YEAR OR BOTH.

22 16-206. OFFENSES AS TO BALLOTS AND BALLOTING IN GENERAL.

23 (A) GENERALLY.

24 A PERSON MAY NOT:

25 (1) PLACE ANY DISTINGUISHING MARK ON THE PERSON'S OWN OR
26 ANOTHER PERSON'S BALLOT FOR THE PURPOSE OF IDENTIFYING THE BALLOT;

27 (2) MISREPRESENT THE PERSON'S ABILITY TO MARK A BALLOT OR
28 OPERATE VOTING EQUIPMENT;

29 (3) INTERFERE OR ATTEMPT TO INTERFERE WITH A VOTER WHILE THE
30 VOTER IS INSIDE THE POLLING ROOM, MARKING A BALLOT, OR OPERATING VOTING
31 EQUIPMENT;

1 (4) INDUCE OR ATTEMPT TO INDUCE A VOTER TO MARK THE VOTER'S
2 BALLOT IN A CERTAIN WAY;

3 (5) EXCEPT FOR SERVICING BY AN AUTHORIZED PERSON, UNLOCK ANY
4 LOCKED COMPARTMENT OF A VOTING DEVICE UNLESS INSTRUCTED TO DO SO BY
5 THE ELECTION DIRECTOR;

6 (6) DESTROY OR DEFACE A BALLOT;

7 (7) REMOVE A BALLOT FROM A BUILDING IN WHICH VOTING OCCURS,
8 EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE;

9 (8) DELAY THE DELIVERY OF A BALLOT;

10 (9) POSSESS ON OR BEFORE THE DAY OF ELECTION AN OFFICIAL
11 BALLOT PRINTED FOR THE ELECTION, UNLESS THE POSSESSION OF THE BALLOT IS
12 NECESSARY AND APPROPRIATE FOR CARRYING OUT THE ELECTION PROCESS; OR

13 (10) CANVASS, ELECTIONEER, OR POST ANY CAMPAIGN MATERIAL IN THE
14 POLLING PLACE OR BEYOND A LINE ESTABLISHED BY SIGNS POSTED IN
15 ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION.

16 DRAFTER'S NOTE: The provision of Former Art. 33, § 24-22 (a)(1), which
17 prohibits a person from allowing his ballot to be seen by another, has been
18 repealed.

19 (B) ELECTIONEERING BOUNDARY.

20 (1) AT EACH POLLING PLACE, ONE ELECTION JUDGE FROM EACH
21 PRINCIPAL POLITICAL PARTY SHALL BE DESIGNATED BY THE LOCAL BOARD AND,
22 ACTING JOINTLY, SHALL POST SIGNS DELINEATING A LINE AROUND THE ENTRANCE
23 AND EXIT OF THE BUILDING THAT ARE CLOSEST TO THAT PART OF THE BUILDING IN
24 WHICH VOTING OCCURS.

25 (2) THE LINE SHALL BE LOCATED AS NEAR AS PRACTICABLE TO 100
26 FEET FROM THE ENTRANCE AND EXIT AND SHALL BE ESTABLISHED AFTER
27 CONSIDERATION OF THE CONFIGURATION OF THE ENTRANCE AND THE EFFECT OF
28 PLACEMENT ON PUBLIC SAFETY AND THE FLOW OF PEDESTRIAN AND VEHICULAR
29 TRAFFIC.

30 (3) THE SIGNS SHALL CONTAIN THE WORDS "NO ELECTIONEERING
31 BEYOND THIS POINT".

32 (C) PENALTIES.

33 A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND IS
34 SUBJECT TO A FINE OF NOT LESS THAN \$50 NOR MORE THAN \$500 OR IMPRISONMENT
35 FOR NOT MORE THAN 60 DAYS OR BOTH.

1 16-207. USE OF ALCOHOLIC BEVERAGES AT A POLLING PLACE.

2 (A) DEFINITION.

3 IN THIS SECTION, "ALCOHOLIC BEVERAGES" HAS THE MEANING PROVIDED IN
4 ARTICLE 2B, § 1-102 OF THE CODE.

5 (B) GENERALLY.

6 A PERSON MAY NOT BRING, SEND, OR ATTEMPT TO BRING OR SEND ANY
7 ALCOHOLIC BEVERAGES INTO A POLLING PLACE DURING THE HOURS THAT THE
8 POLLING PLACE IS OPEN.

9 (C) PENALTIES.

10 A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND IS
11 SUBJECT TO A FINE OF NOT LESS THAN \$10 NOR MORE THAN \$100.

12 SUBTITLE 3. CONDUCT OF ELECTION OFFICIALS.

13 16-301. NEGLECT OF DUTIES; CORRUPT OR FRAUDULENT ACTS.

14 (A) GENERALLY.

15 AN ELECTION OFFICIAL OR AN OFFICIAL OF A POLITICAL PARTY MAY NOT
16 WILLFULLY NEGLECT OFFICIAL DUTIES UNDER THIS ARTICLE OR ENGAGE IN
17 CORRUPT OR FRAUDULENT ACTS IN THE PERFORMANCE OF OFFICIAL DUTIES
18 UNDER THIS ARTICLE.

19 (B) PENALTIES.

20 A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A FINE OF NOT LESS
21 THAN \$50 NOR MORE THAN \$1,000 OR IMPRISONMENT FOR NOT LESS THAN 30 DAYS
22 NOR MORE THAN 3 YEARS OR BOTH.

23 16-302. TAMPERING WITH ELECTION RECORDS.

24 (A) GENERALLY.

25 A PERSON MAY NOT FRAUDULENTLY TAMPER WITH ELECTION RECORDS OF
26 ANY KIND, WHETHER ON PAPER OR IN ANY OTHER MEDIUM.

27 (B) PENALTIES.

28 A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND IS
29 SUBJECT TO IMPRISONMENT IN THE PENITENTIARY FOR NOT LESS THAN 1 YEAR NOR
30 MORE THAN 5 YEARS.

31 16-303. OPERATION OF POLLING PLACE.

32 (A) GENERALLY.

1 AN ELECTION JUDGE, WHILE PERFORMING OFFICIAL DUTIES AT A POLLING
2 PLACE, MAY NOT WILLFULLY AND KNOWINGLY:

3 (1) INTERFERE IN ANY WAY WITH THE CASTING OF A VOTE BY A PERSON
4 WHO THE ELECTION JUDGE KNOWS IS LAWFULLY ENTITLED TO VOTE AT AN
5 ELECTION;

6 (2) FAIL TO CHALLENGE A PERSON WHO THE ELECTION JUDGE HAS
7 REASON TO BELIEVE IS NOT ENTITLED TO VOTE;

8 (3) REFUSE TO FOLLOW THE INSTRUCTIONS OF THE ELECTION
9 DIRECTOR WITH RESPECT TO THE QUALIFICATION OF VOTERS, THE USE OF VOTING
10 EQUIPMENT, OR THE CASTING OF VOTES; OR

11 (4) OBSTRUCT THE VIEW AT ANY TIME OF ANY PERSON, LAWFULLY
12 PRESENT IN THE POLLING PLACE, WHO WISHES TO SEE THE BALLOT BOX OR VOTING
13 EQUIPMENT USED DURING AN ELECTION.

14 (B) PENALTIES.

15 AN ELECTION JUDGE WHO VIOLATES THIS SECTION IS SUBJECT TO
16 IMPRISONMENT IN THE PENITENTIARY FOR NOT LESS THAN 3 MONTHS NOR MORE
17 THAN 2 YEARS.

18 DRAFTER'S NOTE: The prohibition on distributing a listing of persons who
19 have or have not voted is deleted from the law.

20 16-304. ADDING OR DELETING VOTES.

21 (A) BY ELECTION JUDGES.

22 IN A POLLING PLACE ON ELECTION DAY, AN ELECTION JUDGE MAY NOT
23 WILLFULLY AND KNOWINGLY:

24 (1) PERMIT A BALLOT OR BALLOTS TO BE PLACED INTO A BALLOT BOX
25 PRIOR TO THE TIME FOR VOTING; OR

26 (2) PLACE A BALLOT IN A BALLOT BOX UNLESS THE BALLOT IS OFFERED
27 BY A PROPERLY REGISTERED VOTER.

28 (B) BY ANY PERSON.

29 A PERSON MAY NOT:

30 (1) CAUSE OR PERMIT A VOTE TO BE CAST OR A BALLOT TO BE
31 DEPOSITED IN A BALLOT BOX OR A VOTING DEVICE, OTHER THAN BY A PERSON
32 PROPERLY QUALIFIED TO CAST A BALLOT; OR

33 (2) SUBSTITUTE, ALTER, ADD, OR REMOVE A VOTED BALLOT FROM A
34 BALLOT BOX OR A VOTING DEVICE, EXCEPT WHEN INSTRUCTED TO DO SO BY THE
35 ELECTION DIRECTOR.

1 (C) PENALTIES.

2 A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND IS
3 SUBJECT TO IMPRISONMENT IN THE PENITENTIARY FOR NOT LESS THAN 1 YEAR NOR
4 MORE THAN 5 YEARS.

5 SUBTITLE 4. PETITIONS.

6 16-401. OFFENSES RELATING TO PETITIONS.

7 (A) GENERALLY.

8 A PERSON MAY NOT WILLFULLY AND KNOWINGLY:

9 (1) GIVE, TRANSFER, PROMISE, OR OFFER ANYTHING OF VALUE FOR THE
10 PURPOSE OF INDUCING ANOTHER PERSON TO SIGN OR NOT SIGN ANY PETITION;

11 (2) REQUEST, RECEIVE, OR AGREE TO RECEIVE, ANYTHING OF VALUE AS
12 AN INDUCEMENT TO SIGN OR NOT TO SIGN ANY PETITION;

13 (3) MISREPRESENT ANY FACT FOR THE PURPOSE OF INDUCING
14 ANOTHER PERSON TO SIGN OR NOT TO SIGN ANY PETITION;

15 (4) SIGN THE NAME OF ANY OTHER PERSON TO A PETITION;

16 (5) FALSIFY ANY SIGNATURE OR PURPORTED SIGNATURE TO A
17 PETITION;

18 (6) OBTAIN, OR ATTEMPT TO OBTAIN, ANY SIGNATURE TO A PETITION BY
19 FRAUD, DURESS, OR FORCE;

20 (7) CIRCULATE, CAUSE TO BE CIRCULATED, OR FILE WITH AN ELECTION
21 AUTHORITY A PETITION THAT CONTAINS ANY FALSE, FORGED, OR FICTITIOUS
22 SIGNATURES;

23 (8) SIGN A PETITION THAT THE PERSON IS NOT LEGALLY QUALIFIED TO
24 SIGN;

25 (9) SIGN A PETITION MORE THAN ONCE; OR

26 (10) ALTER ANY PETITION AFTER IT IS FILED WITH THE ELECTION
27 AUTHORITY.

28 (B) EACH VIOLATION A SEPARATE OFFENSE.

29 EACH VIOLATION OF THIS SECTION SHALL BE CONSIDERED A SEPARATE
30 OFFENSE.

31 (C) PENALTY.

1 A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND IS
2 SUBJECT TO THE PENALTIES PROVIDED IN SUBTITLE 10 OF THIS TITLE.

3 SUBTITLE 5. OATHS.

4 16-501. FALSE OATH OR AFFIRMATION.

5 (A) GENERALLY.

6 A PERSON MAY NOT WILLFULLY AND FALSELY TAKE AN OATH OR AFFIRMATION
7 PRESCRIBED:

8 (1) BY THE STATE BOARD; OR

9 (2) PURSUANT TO THIS ARTICLE.

10 (B) SUBORNATION.

11 A PERSON MAY NOT WILLFULLY INDUCE OR PROCURE, OR OFFER TO INDUCE
12 OR PROCURE, ANOTHER PERSON TO WILLFULLY AND FALSELY TAKE AN OATH OR
13 AFFIRMATION PRESCRIBED:

14 (1) BY THE STATE BOARD; OR

15 (2) PURSUANT TO THIS ARTICLE.

16 (C) PENALTY FOR PERJURY.

17 ANY PERSON WHO VIOLATES SUBSECTION (A) OF THIS SECTION IS GUILTY OF
18 PERJURY AND SHALL BE PUNISHED ACCORDING TO THE LAWS OF THE STATE FOR
19 PERJURY.

20 (D) PENALTY FOR SUBORNATION OF PERJURY.

21 ANY PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY OF
22 SUBORNATION OF PERJURY AND SHALL BE PUNISHED ACCORDING TO THE LAWS OF
23 THE STATE FOR SUBORNATION OF PERJURY.

24 SUBTITLE 6. CANVASSING.

25 16-601. FALSE REPORTS.

26 (A) GENERALLY.

27 AN ELECTION JUDGE OR OTHER ELECTION OFFICIAL MAY NOT WILLFULLY AND
28 KNOWINGLY:

29 (1) MAKE, SIGN, PUBLISH, OR DELIVER A FALSE CERTIFICATE OR
30 STATEMENT OF THE RESULT OF THE ELECTION OR ANY OTHER FALSE REPORT OF
31 ANY KIND; OR

1 (2) DEFACE, DESTROY, OR CONCEAL ANY STATEMENT, TALLY,
2 CERTIFICATE, OR OTHER DOCUMENT ENTRUSTED TO THE OFFICIAL'S CARE AND
3 CUSTODY.

4 (B) PENALTIES.

5 A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND IS
6 SUBJECT TO IMPRISONMENT IN THE PENITENTIARY FOR NOT LESS THAN 1 YEAR NOR
7 MORE THAN 10 YEARS.

8 SUBTITLE 7. ELECTION RECORDS AND DOCUMENTS.

9 16-701. DEFACING OR REMOVING RECORDS.

10 (A) PERSON WITH CUSTODY OF RECORDS.

11 A PERSON WITH CUSTODY OF ELECTION RECORDS MAY NOT WILLFULLY AND
12 KNOWINGLY:

13 (1) DESTROY, DEFACE, FALSIFY, REMOVE, OR CONCEAL ANY RECORD
14 RELATED TO VOTING;

15 (2) MAKE A FRAUDULENT ENTRY OR ALTERATION, OR PERMIT ANOTHER
16 PERSON TO MAKE A FRAUDULENT ENTRY OR ALTERATION, OF ANY RECORD
17 RELATED TO VOTING; OR

18 (3) ALLOW ANY OTHER PERSON TO DO THE ACTS PROHIBITED IN ITEMS
19 (1) AND (2) OF THIS SUBSECTION.

20 (B) PERSON NOT IN CUSTODY OF RECORDS.

21 ANY PERSON WHO DOES NOT HAVE CUSTODY OVER ELECTION ITEMS MAY NOT:

22 (1) DO AN ACT PROHIBITED BY SUBSECTION (A) OF THIS SECTION; OR

23 (2) ADVISE, PROCURE, OR ABET THE COMMISSION OF AN ACT
24 PROHIBITED BY SUBSECTION (A) OF THIS SECTION.

25 (C) EXCEPTION.

26 THIS SECTION DOES NOT APPLY TO THE DISPOSITION OF OBSOLETE RECORDS
27 IN THE ORDINARY COURSE OF THE OPERATION OF THE STATE BOARD OR A LOCAL
28 BOARD.

29 (D) EACH VIOLATION A SEPARATE OFFENSE.

30 EACH VIOLATION OF THIS SECTION IS A SEPARATE OFFENSE.

31 (E) PENALTIES.

1 A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND IS
2 SUBJECT TO IMPRISONMENT IN THE PENITENTIARY FOR NOT LESS THAN 1 YEAR NOR
3 MORE THAN 10 YEARS.

4 SUBTITLE 8. VOTING EQUIPMENT.

5 16-801. DESTRUCTION OF VOTING EQUIPMENT.

6 (A) GENERALLY.

7 A PERSON MAY NOT WILLFULLY:

8 (1) CONCEAL, DAMAGE, OR DESTROY VOTING EQUIPMENT USED OR
9 INTENDED TO BE USED ON THE DAY OF ELECTION; OR

10 (2) REMOVE VOTING EQUIPMENT FROM THE CUSTODY OF THE
11 ELECTION JUDGES OR OTHER ELECTION OFFICIALS.

12 (B) PENALTIES.

13 A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND IS
14 SUBJECT TO IMPRISONMENT IN THE PENITENTIARY FOR NOT LESS THAN 1 YEAR NOR
15 MORE THAN 5 YEARS.

16 16-802. TAMPERING WITH VOTING EQUIPMENT.

17 (A) GENERALLY.

18 A PERSON MAY NOT WILLFULLY AND KNOWINGLY:

19 (1) TAMPER WITH, DAMAGE, OR ATTEMPT TO DAMAGE ANY VOTING
20 EQUIPMENT THAT IS USED OR WILL BE USED IN AN ELECTION; OR

21 (2) PREVENT OR ATTEMPT TO PREVENT THE CORRECT OPERATION OF
22 ANY VOTING EQUIPMENT THAT IS USED OR WILL BE USED ON THE DAY OF
23 ELECTION.

24 (B) VOTING EQUIPMENT KEY.

25 AN UNAUTHORIZED PERSON MAY NOT MAKE OR HAVE IN THE PERSON'S
26 POSSESSION A KEY TO ANY VOTING EQUIPMENT THAT IS USED OR WILL BE USED ON
27 THE DAY OF ELECTION.

28 (C) PENALTIES.

29 A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND IS
30 SUBJECT TO A FINE OF NOT MORE THAN \$1,000 OR IMPRISONMENT FOR NOT MORE
31 THAN 1 YEAR OR BOTH.

1 16-803. REMOVAL OR DESTRUCTION OF EQUIPMENT OR SUPPLIES.

2 (A) GENERALLY.

3 A PERSON MAY NOT REMOVE, DEFACE, OR DESTROY EQUIPMENT OR SUPPLIES
4 PLACED IN A POLLING PLACE BY ELECTION OFFICIALS DURING AN ELECTION.

5 (B) PENALTIES.

6 A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A FINE OF NOT MORE
7 THAN \$500 OR IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR BOTH.

8 16-804. TAMPERING WITH ELECTRONIC VOTING SYSTEM.

9 (A) GENERALLY.

10 WHEN AN ELECTRONIC VOTING SYSTEM IS USED, A PERSON MAY NOT
11 WILLFULLY AND KNOWINGLY:

12 (1) ACCESS THE SYSTEM UNLESS AUTHORIZED TO DO SO BY THE
13 APPROPRIATE ELECTION AUTHORITY; OR

14 (2) TAMPER WITH OR ALTER THE HARDWARE, SYSTEM COMPONENTS,
15 OR SOFTWARE UTILIZED BY THE VOTING SYSTEM, FOR THE PURPOSE OF AFFECTING
16 THE VOTE COUNT.

17 (B) PENALTIES.

18 A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND SHALL
19 BE SUBJECT TO A FINE OF NOT MORE THAN \$50,000 OR IMPRISONMENT FOR NOT
20 MORE THAN 10 YEARS OR BOTH.

21 DRAFTER'S NOTE: This section is a new offense, added to provide a higher
22 penalty for those who could attempt to corrupt an entire electronic voting
23 system.

24 SUBTITLE 9. OTHER OFFENSES.

25 16-901. OFFENSES RELATING TO CERTIFICATES OF CANDIDACY OR NOMINATION.

26 (A) GENERALLY.

27 A PERSON MAY NOT FALSELY OR FRAUDULENTLY:

28 (1) MAKE, DEFACE, OR DESTROY A CERTIFICATE OF CANDIDACY OR
29 CERTIFICATE OF NOMINATION OR ANY PART OF THE CERTIFICATE; OR

30 (2) FILE OR SUPPRESS A CERTIFICATE OF CANDIDACY OR CERTIFICATE
31 OF NOMINATION THAT HAS BEEN DULY FILED.

32 (B) PENALTIES.

1 A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A FINE OF NOT LESS
2 THAN \$100 NOR MORE THAN \$1,000 OR IMPRISONMENT FOR NOT MORE THAN 3 YEARS
3 OR BOTH.

4 16-902. WAGERS ON ELECTIONS.

5 (A) GENERALLY.

6 A PERSON MAY NOT MAKE A BET OR WAGER ON THE OUTCOME OF AN ELECTION
7 HELD UNDER THIS ARTICLE.

8 (B) PENALTIES.

9 A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND IS
10 SUBJECT TO A FINE OF NOT MORE THAN \$50 NOR MORE THAN \$500 TO BE PAID TO
11 THE STATE.

12 (C) DISPOSITION OF MONEY.

13 ANY DEPOSIT OF MONEY AS A BET OR A WAGER ON THE OUTCOME OF AN
14 ELECTION SHALL BE FORFEITED AND PAID TO THE GOVERNING BODY OF THE
15 COUNTY WHERE THE MONEY IS DEPOSITED.

16 SUBTITLE 10. GENERAL PENALTY PROVISIONS.

17 16-1001. GENERAL PENALTY PROVISIONS.

18 (A) MISDEMEANOR FOR WHICH NO PENALTY IS SPECIFIED.

19 A PERSON CONVICTED OF A MISDEMEANOR UNDER THIS ARTICLE FOR WHICH
20 NO PENALTY IS SPECIFICALLY PROVIDED IS SUBJECT TO A FINE OF NOT LESS THAN
21 \$10 NOR MORE THAN \$250 OR IMPRISONMENT FOR NOT LESS THAN 30 DAYS NOR
22 MORE THAN 6 MONTHS OR BOTH.

23 (B) DISQUALIFICATION TO BE ELECTION OFFICIAL OR EMPLOYEE.

24 A PERSON WHO IS CONVICTED OF ANY CRIMINAL VIOLATION OF THIS ARTICLE
25 SHALL BE DISQUALIFIED PERMANENTLY FROM SERVING AS AN ELECTION JUDGE,
26 BOARD MEMBER, OR AN EMPLOYEE OF A BOARD.

27 DRAFTER'S NOTE: The former law contained a 4-year disqualification. This
28 has been changed to a permanent disqualification.

29 (C) DISQUALIFICATION OF CANDIDATE FOUND IN VIOLATION.

30 A CANDIDATE WHO IS CONVICTED OF ANY PRACTICE PROHIBITED BY THIS
31 ARTICLE SHALL BE INELIGIBLE TO BE ELECTED OR APPOINTED TO ANY PUBLIC
32 OFFICE OR EMPLOYMENT FOR A PERIOD OF 5 YEARS FOLLOWING THE DATE OF THE
33 ELECTION.

1 DRAFTER'S NOTE: This disqualification has been increased from 4 years to 5
2 years, to make certain that it will apply to the next following election cycle.

3 SECTION 3. AND BE IT FURTHER ENACTED, That the publisher of the
4 Annotated Code, in consultation with the Department of Legislative Services, shall
5 correct any references in the Code that are rendered obsolete by this Act.

6 SECTION 4. AND BE IT FURTHER ENACTED, That, for the purpose of
7 implementing staggered terms, the terms of members of the State Board of Elections
8 appointed on July 1, 1999 shall expire as follows:

9 (1) One member representing the majority party and one member
10 representing the principal minority party in 2003;

11 (2) One member representing the majority party in 2002;

12 (3) One member representing the principal minority party in 2001; and

13 (4) One member representing the majority party in 2000.

14 SECTION 5. AND BE IT FURTHER ENACTED, That the individual serving as
15 State Administrator of Election Laws immediately prior to the effective date of this
16 Act shall serve as the ~~Executive Director of the State Board of Elections~~ State
17 Administrator of Elections until July 1, 1999, subject to the removal authority of the
18 State Board under Article 33, § 2-103, as enacted by this Act. That individual is
19 eligible to be appointed as ~~Executive Director~~ State Administrator by the State Board
20 on or after July 1, 1999.

21 SECTION 6. AND BE IT FURTHER ENACTED, That the drafter's notes and
22 catchlines contained in this Act are not law and may not be considered to have been
23 enacted as a part of this Act.

24 SECTION 7. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 January 1, 1999.