

SENATE BILL 118

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1998 Regular Session
8r1182
CF 8r0487

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

Introduced and read first time: January 21, 1998
Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted with floor amendments
Read second time: February 20, 1998

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
16 through 32-6, and the various headings
17 Annotated Code of Maryland
18 (1997 Replacement Volume and 1997 Supplement)

19 BY adding to
20 Article 33 - Election Code
21 Section 1-101 through 8-701, 8-710 through 12-204, and 16-101 through
22 16-1001, and the various headings
23 Annotated Code of Maryland
24 (1997 Replacement Volume and 1997 Supplement)

1 BY repealing and reenacting, with amendments,
2 Article 33 - Election Code
3 Section 22-3 through 22-10, 26-1 through 26-21, 30-1 through 30-4, and 31-1
4 through 31-10, and the various headings
5 Annotated Code of Maryland
6 (1997 Replacement Volume and 1997 Supplement)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
8 MARYLAND, That Section(s) 1-1 through 22-2, 23-1 through 25-4, 27-1 through
9 27-14, and 32-1 through 32-6, and the various headings of Article 33 - Election Code
10 of the Annotated Code of Maryland be repealed.

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

13 **Article 33 - Election Code**

14 TITLE 1. DEFINITIONS AND GENERAL PROVISIONS.

15 SUBTITLE 1. DEFINITIONS.

16 1-101. DEFINITIONS.

17 (A) GENERALLY.

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

20 (B) ABSENTEE BALLOT.

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

22 (C) AUTHORIZED CANDIDATE CAMPAIGN COMMITTEE.

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

26 (D) BALLOT OR OFFICIAL BALLOT.

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

28 (I) AN ABSENTEE BALLOT;

29 (II) A DOCUMENT BALLOT; OR

30 (III) A VOTING MACHINE BALLOT.

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

1 (I) A SAMPLE BALLOT; OR

2 (II) A SPECIMEN BALLOT.

3 (E) BALLOT FACE.

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

6 (F) BALLOT ISSUE COMMITTEE.

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

10 (G) BALLOT STYLE.

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

14 (H) CAMPAIGN MANAGER.

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

18 (I) CANDIDATE.

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

21 (2) "CANDIDATE" INCLUDES:

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

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

27 (J) CONTEST.

28 (1) "CONTEST" MEANS:

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

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

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

3 (K) CONTRIBUTION.

4 (1) "CONTRIBUTION" MEANS THE GIFT OR TRANSFER, OR PROMISE OF
5 GIFT OR TRANSFER, OF MONEY OR OTHER THING OF VALUE TO A CANDIDATE, THE
6 CANDIDATE'S REPRESENTATIVE, OR A REPRESENTATIVE OF ANY POLITICAL PARTY
7 OR PARTISAN ORGANIZATION TO PROMOTE OR ASSIST IN THE PROMOTION OF THE
8 SUCCESS OR DEFEAT OF A CANDIDATE, POLITICAL PARTY, OR QUESTION.

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

11 (L) COUNTY.

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

13 (M) DOCUMENT BALLOT.

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

17 (2) "DOCUMENT BALLOT" INCLUDES:

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

20 (II) A HAND-COUNTED PAPER BALLOT.

21 (N) DRIVER'S LICENSE.

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

24 (O) ELDERLY.

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

26 (P) ELECTION.

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

30 (2) "ELECTION" INCLUDES, UNLESS OTHERWISE SPECIFICALLY
31 PROVIDED IN THIS ARTICLE, ALL GENERAL ELECTIONS, PRIMARY ELECTIONS, AND
32 SPECIAL ELECTIONS.

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

4 (Q) ELECTRONIC STORAGE FORMAT.

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

7 ~~(R)~~ ~~EXECUTIVE DIRECTOR.~~

8 ~~"EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE STATE~~
9 ~~BOARD.~~

10 ~~(S)~~ (R) EXPENDITURE.

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

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

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

18 ~~(T)~~ (S) HANDICAPPED.

19 "HANDICAPPED" MEANS HAVING A TEMPORARY OR PERMANENT PHYSICAL
20 DISABILITY.

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

22 "INDEPENDENT EXPENDITURE" MEANS AN EXPENDITURE BY A PERSON OR
23 POLITICAL COMMITTEE TO AID OR PROMOTE THE SUCCESS OR DEFEAT OF A
24 CANDIDATE THAT IS NOT MADE IN COORDINATION WITH, OR AT THE REQUEST OR
25 SUGGESTION OF, A CANDIDATE OR AUTHORIZED COMMITTEE OR AGENT OF THE
26 CANDIDATE.

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

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

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

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

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

1 "MAJORITY PARTY" MEANS THE POLITICAL PARTY TO WHICH THE INCUMBENT
 2 GOVERNOR BELONGS, IF THE INCUMBENT GOVERNOR IS A MEMBER OF A PRINCIPAL
 3 POLITICAL PARTY. IF THE INCUMBENT GOVERNOR IS NOT A MEMBER OF ONE OF THE
 4 TWO PRINCIPAL POLITICAL PARTIES, "MAJORITY PARTY" MEANS THE PRINCIPAL
 5 POLITICAL PARTY WHOSE CANDIDATE FOR GOVERNOR RECEIVED THE HIGHEST
 6 NUMBER OF VOTES OF ANY PARTY CANDIDATE AT THE LAST PRECEDING GENERAL
 7 ELECTION.

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

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

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

12 "POLITICAL COMMITTEE" MEANS A COMBINATION OF TWO OR MORE
 13 INDIVIDUALS THAT ASSISTS OR ATTEMPTS TO ASSIST IN PROMOTING THE SUCCESS
 14 OR DEFEAT OF A CANDIDATE, POLITICAL PARTY, OR QUESTION SUBMITTED TO A
 15 VOTE AT ANY ELECTION.

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

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

19 ~~(BB)~~ (AA) PRECINCT.

20 "PRECINCT" INCLUDES:

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

23 (2) AN ELECTION PRECINCT IN AN ELECTION DISTRICT THAT IS DIVIDED
 24 INTO PRECINCTS; OR

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

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

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

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

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

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

33 "PRINCIPAL POLITICAL PARTIES" MEANS THE MAJORITY PARTY AND THE
 34 PRINCIPAL MINORITY PARTY.

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

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

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

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

7 ~~(HH)~~ (GG) SLATE.

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

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

11 "SPECIMEN BALLOT" MEANS A FACSIMILE OF A BALLOT USED BY A LOCAL
12 BOARD TO PROVIDE NOTICE TO REGISTERED VOTERS OF THE CONTENTS OF THE
13 BALLOT.

14 (II) STATE ADMINISTRATOR.

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

16 (JJ) STATE BOARD.

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

18 (KK) TREASURER.

19 "TREASURER" MEANS AN INDIVIDUAL APPOINTED BY A CANDIDATE, POLITICAL
20 AGENT, POLITICAL COMMITTEE, POLITICAL PARTY, OR PARTISAN ORGANIZATION TO
21 RECEIVE OR DISBURSE MONEY OR OTHER THINGS OF VALUE TO PROMOTE OR ASSIST
22 IN THE PROMOTION OF THE SUCCESS OR DEFEAT OF A CANDIDATE, POLITICAL
23 PARTY, OR QUESTION SUBMITTED TO A VOTE AT AN ELECTION.

24 (LL) VOTING MACHINE.

25 "VOTING MACHINE" INCLUDES:

26 (1) A MECHANICAL LEVER MACHINE; AND

27 (2) A DIRECT RECORDING ELECTRONIC VOTING DEVICE.

28 (MM) VOTING MACHINE BALLOT.

29 "VOTING MACHINE BALLOT" MEANS A BALLOT POSTED ON OR IN THE VOTING
30 MACHINE AND REFERRED TO BY THE VOTER TO INDICATE THE VOTING LOCATIONS
31 FOR EACH CONTEST.

1 (NN) VOTING SYSTEM.

2 "VOTING SYSTEM" MEANS A METHOD OF CASTING AND TABULATING BALLOTS
3 OR VOTES.

4 (OO) WRITE-IN CANDIDATE.

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

8 (PP) WRITE-IN VOTE.

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

12 SUBTITLE 2. STATEMENT OF PURPOSE.

13 1-201. STATEMENT OF PURPOSE.

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

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

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

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

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

25 (5) CITIZEN CONVENIENCE IS EMPHASIZED IN ALL ASPECTS OF THE
26 ELECTION PROCESS;

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

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

31 SUBTITLE 3. GENERAL PROVISIONS.

32 1-301. COMPUTATION OF TIME.

33 (A) GENERALLY.

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

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

7 (B) EXCEPTION.

8 IF A COMPUTATION OF TIME WOULD REQUIRE AN ACT TO BE PERFORMED ON A
9 SATURDAY, SUNDAY, OR LEGAL HOLIDAY, THE ACT SHALL BE PERFORMED ON THE
10 NEXT REGULAR BUSINESS DAY FOLLOWING THAT SATURDAY, SUNDAY, OR LEGAL
11 HOLIDAY.

12 1-302. TRANSMITTAL OF DOCUMENT BY FACSIMILE.

13 (A) GENERALLY.

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

17 (B) EXCEPTION.

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

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

21 SUBTITLE 1. STATE BOARD.

22 2-101. IN GENERAL.

23 (A) MEMBERSHIP.

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

25 (B) OFFICE; STAFF.

26 THE STATE BOARD SHALL MAINTAIN ITS PRINCIPAL OFFICE IN ANNAPOLIS AND
27 HAVE STAFF, SUBJECT TO THE STATE PERSONNEL AND PENSIONS ARTICLE, AS
28 PROVIDED IN THE STATE BUDGET.

29 (C) APPOINTMENT.

30 EACH MEMBER OF THE STATE BOARD SHALL:

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

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

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

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

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

11 (D) OATH.

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

14 (E) POLITICAL PARTY AFFILIATION.

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

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

20 (F) TERM.

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

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

24 (3) A MEMBER MAY NOT SERVE MORE THAN THREE CONSECUTIVE
25 TERMS.

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

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

30 (G) VACANCY.

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

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

4 (H) CHAIRMAN.

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

7 (I) COMPENSATION.

8 EACH MEMBER SHALL RECEIVE:

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

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

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

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

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

23 2-102. POWERS AND DUTIES.

24 (A) GENERALLY.

25 THE STATE BOARD SHALL MANAGE AND SUPERVISE ELECTIONS IN THE STATE
26 AND ENSURE COMPLIANCE WITH THE REQUIREMENTS OF THIS ARTICLE AND ANY
27 APPLICABLE FEDERAL LAW BY ALL PERSONS INVOLVED IN THE ELECTIONS
28 PROCESS.

29 (B) SPECIFIC POWERS AND DUTIES.

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

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

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

- 1 (3) HAVE A STAFF SUFFICIENT TO PERFORM ITS FUNCTIONS;
- 2 (4) ADOPT REGULATIONS TO IMPLEMENT ITS POWERS AND DUTIES;
- 3 (5) RECEIVE, AND IN ITS DISCRETION AUDIT, THE CAMPAIGN FINANCE
4 REPORTS AND STATEMENTS REQUIRED UNDER TITLE 13 OF THIS ARTICLE;
- 5 (6) APPOINT ~~AN EXECUTIVE DIRECTOR~~ A STATE ADMINISTRATOR IN
6 ACCORDANCE WITH § 2-103 OF THIS SUBTITLE;
- 7 (7) MAXIMIZE THE USE OF TECHNOLOGY IN ELECTION
8 ADMINISTRATION, INCLUDING THE DEVELOPMENT OF A PLAN FOR A
9 COMPREHENSIVE COMPUTERIZED ELECTIONS MANAGEMENT SYSTEM;
- 10 (8) CANVASS AND CERTIFY THE RESULTS OF ELECTIONS AS
11 PRESCRIBED BY LAW;
- 12 (9) MAKE AVAILABLE TO THE GENERAL PUBLIC, IN A TIMELY AND
13 EFFICIENT MANNER, INFORMATION ON THE ELECTORAL PROCESS, INCLUDING A
14 PUBLICATION THAT INCLUDES THE TEXT OF THIS ARTICLE, RELEVANT PORTIONS OF
15 THE MARYLAND CONSTITUTION, AND INFORMATION GATHERED AND MAINTAINED
16 REGARDING ELECTIONS;
- 17 (10) RECEIVE, MAINTAIN, AND SERVE AS A DEPOSITORY FOR ELECTIONS
18 DOCUMENTS, MATERIALS, RECORDS, STATISTICS, REPORTS, CERTIFICATES,
19 PROCLAMATIONS, AND OTHER INFORMATION PRESCRIBED BY LAW OR REGULATION;
20 AND
- 21 (11) PRESCRIBE ALL FORMS REQUIRED UNDER THIS ARTICLE.

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

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

26 2-103. ~~EXECUTIVE DIRECTOR~~ STATE ADMINISTRATOR.

27 (A) GENERALLY.

28 ~~THERE IS AN EXECUTIVE DIRECTOR OF THE STATE BOARD~~ A STATE
29 ADMINISTRATOR OF ELECTIONS.

30 (B) SPECIFIC POWERS AND DUTIES.

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

- 32 (1) BE APPOINTED BY AND SERVE AT THE PLEASURE OF THE STATE
33 BOARD;
- 34 (2) RECEIVE A SALARY AS PROVIDED IN THE STATE BUDGET;

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

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

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

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

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

9 (6) BE SUBJECT TO REMOVAL BY THE AFFIRMATIVE VOTE OF FOUR
10 MEMBERS OF THE STATE BOARD FOR INCOMPETENCE, MISCONDUCT, OR OTHER
11 GOOD CAUSE; HOWEVER, PRIOR TO REMOVAL, THE STATE BOARD SHALL SET FORTH
12 WRITTEN CHARGES STATING THE GROUNDS FOR DISMISSAL AND AFFORD THE
13 ~~EXECUTIVE DIRECTOR~~ STATE ADMINISTRATOR NOTICE AND AN AMPLE
14 OPPORTUNITY TO BE HEARD; AND

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

18 (C) OATH OF OFFICE REQUIRED.

19 BEFORE TAKING OFFICE, THE APPOINTEE TO THE OFFICE OF STATE
20 ADMINISTRATOR SHALL TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE
21 MARYLAND CONSTITUTION.

22 2-104. STATEWIDE BIENNIAL PREELECTION MEETING.

23 (A) GENERALLY.

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

27 (B) MANDATORY ATTENDANCE; EXCEPTIONS.

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

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

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

35 (C) TIME; PLACE; PURPOSE.

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

4 (2) THE PURPOSE OF THE MEETING IS TO INSTRUCT THE MEMBERS OF
5 THE LOCAL BOARDS, THE ELECTION DIRECTORS, THE COUNSEL TO LOCAL BOARDS,
6 AND THE OTHER EMPLOYEES WHO ARE IN ATTENDANCE, CONCERNING THEIR
7 DUTIES IN THE CONDUCT OF ELECTIONS.

8 (D) REIMBURSEMENT OF EXPENSES.

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

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

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

17 2-105. JUDICIAL PROCEEDINGS; INTERVENTION BY STATE BOARD.

18 IN ANY JUDICIAL PROCEEDING IN WHICH A LOCAL BOARD IS A PARTY, THE
19 STATE BOARD:

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

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

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

26 2-106. RECORDS MANAGEMENT.

27 (A) GENERALLY.

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

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

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

SUBTITLE 2. LOCAL BOARDS.

2-201. ORGANIZATION.

(A) GENERALLY.

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

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

(B) MEMBERSHIP.

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

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

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

(C) APPOINTMENT.

EACH REGULAR AND SUBSTITUTE MEMBER OF A LOCAL BOARD SHALL:

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

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

(3) BE ELIGIBLE FOR REAPPOINTMENT.

(D) TERM.

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

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

1 (E) OATH.

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

4 (F) REMOVAL.

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

9 (G) APPOINTMENT PROCESS.

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

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

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

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

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

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

36 (H) FILLING OF VACANCIES.

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

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

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

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

11 (I) THE ADJOURNMENT OF THE NEXT SESSION OF THE GENERAL
12 ASSEMBLY; OR

13 (II) THE APPOINTMENT OF ANOTHER INDIVIDUAL TO FILL THE
14 SAME VACANCY.

15 (I) PRESIDENT OF LOCAL BOARD.

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

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

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

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

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

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

29 2-202. POWERS AND DUTIES.

30 (A) APPLICABILITY.

31 EXCEPT FOR THE CITY OF BALTIMORE, THE PROVISIONS OF THIS SECTION DO
32 NOT APPLY TO A MUNICIPAL CORPORATION IN THE STATE IN WHICH THE MUNICIPAL
33 OR CHARTER ELECTIONS ARE REGULATED BY THE PUBLIC LOCAL LAWS OF THE
34 STATE OR THE CHARTER OF THE MUNICIPAL CORPORATION.

35 (B) POWERS AND DUTIES.

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

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

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

10 (3) MAINTAIN AN OFFICE AND BE OPEN FOR BUSINESS AS PROVIDED IN
11 THIS ARTICLE, AND PROVIDE THE SUPPLIES AND EQUIPMENT NECESSARY FOR THE
12 PROPER AND EFFICIENT CONDUCT OF VOTER REGISTRATION AND ELECTION,
13 INCLUDING:

14 (I) SUPPLIES AND EQUIPMENT REQUIRED BY THE STATE BOARD;
15 AND

16 (II) OFFICE AND POLLING PLACE EQUIPMENT EXPENSES.

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

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

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

25 (7) PROVIDE TO THE GENERAL PUBLIC TIMELY INFORMATION AND
26 NOTICE, BY PUBLICATION OR MAIL, CONCERNING VOTER REGISTRATION AND
27 ELECTIONS;

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

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

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

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

1 (C) SPECIAL PROVISION -- GARRETT COUNTY.

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

4 (1) EVALUATE THE POPULATION OF THE COUNTY COMMISSIONER
5 DISTRICTS TO DETERMINE WHETHER THE DISTRICTS ARE OF SUBSTANTIALLY
6 EQUAL POPULATION; AND

7 (2) RECOMMEND TO THE GARRETT COUNTY DELEGATION TO THE
8 GENERAL ASSEMBLY ANY ADJUSTMENTS OF THE BOUNDARIES OF THOSE DISTRICTS
9 THAT ARE NECESSARY TO MAINTAIN DISTRICTS OF SUBSTANTIALLY EQUAL
10 POPULATION.

11 2-203. LOCAL GOVERNMENT FUNDING.

12 EACH COUNTY SHALL APPROPRIATE THE FUNDS ESSENTIAL FOR THE
13 OPERATIONS OF ITS LOCAL BOARD TO ENABLE THE LOCAL BOARD TO PAY THE
14 NECESSARY AND REASONABLE EXPENSES INCURRED BY THE LOCAL BOARD TO
15 EXERCISE THE POWERS AND PERFORM THE DUTIES PRESCRIBED FOR IT BY LAW,
16 INCLUDING:

17 (1) PERSONNEL EXPENSES, SUCH AS COMPENSATION, WORKERS'
18 COMPENSATION, AND UNEMPLOYMENT INSURANCE;

19 (2) POLLING PLACE OPERATION EXPENSES; AND

20 (3) SUPPLIES AND EQUIPMENT REQUIRED UNDER SUBSECTION (B)(3) OF
21 THIS SECTION.

22 2-204. COMPENSATION OF LOCAL BOARD MEMBERS.

23 (A) REGULAR MEMBERS.

24 EACH REGULAR MEMBER OF A LOCAL BOARD SHALL RECEIVE THE SALARY AND
25 REIMBURSEMENT OF EXPENSES PROVIDED IN THE COUNTY BUDGET, BUT IN NO
26 EVENT MAY THE ANNUAL COMPENSATION BE LESS THAN THE FOLLOWING
27 AMOUNTS:

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

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

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

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

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

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

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

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

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

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

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

13 (12) IN GARRETT COUNTY, THE AMOUNT SET BY THE COUNTY
14 COMMISSIONERS UNDER CHAPTER 91 OF THE PUBLIC LOCAL LAWS OF GARRETT
15 COUNTY;

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

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

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

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

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

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

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

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

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

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

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

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

3 (B) SUBSTITUTE MEMBERS.

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

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

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

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

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

17 2-205. COUNSEL TO LOCAL BOARD.

18 (A) GENERALLY.

19 EACH LOCAL BOARD MAY APPOINT OR RETAIN AS COUNSEL AN INDIVIDUAL
20 WHO IS:

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

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

23 (B) COMPENSATION.

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

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

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

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

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

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

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

6 (C) ADDITIONAL COMPENSATION.

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

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

13 2-206. ELECTION DIRECTOR.

14 (A) POWERS AND DUTIES.

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

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

18 (2) TRAIN JUDGES OF ELECTION;

19 (3) GIVE NOTICE OF ELECTIONS;

20 (4) SUBMIT VOTER REGISTRATION REPORTS TO THE STATE BOARD;

21 (5) SUBJECT TO SUBSECTION (B) OF THIS SECTION, ISSUE A TEMPORARY
22 CERTIFICATE OF REGISTRATION TO A VOTER ON ELECTION DAY;

23 (6) INITIATE AND CONDUCT ANY PROGRAM APPROVED BY THE STATE
24 BOARD TO IDENTIFY, NOTIFY, AND REMOVE FROM THE VOTER REGISTRATION ROLLS
25 ANY REGISTRANT WHO HAS BECOME INELIGIBLE DUE TO A CHANGE OF ADDRESS;

26 (7) UPON THE REQUEST OF AN ELDERLY OR HANDICAPPED VOTER
27 WHOSE POLLING PLACE IS NOT STRUCTURALLY BARRIER FREE, PROVIDE AN
28 ALTERNATE POLLING PLACE TO THE VOTER;

29 (8) ISSUE VOTER ACKNOWLEDGMENT NOTICES AND VOTER
30 NOTIFICATION CARDS;

31 (9) RECEIVE CERTIFICATES OF CANDIDACY;

32 (10) VERIFY NOMINATING PETITIONS;

33 (11) RECEIVE AND MAINTAIN CAMPAIGN FUND REPORTS;

1 (12) IN CONSULTATION WITH THE LOCAL BOARD, CONDUCT THE
2 CANVASS FOLLOWING AN ELECTION; AND

3 (13) SUBJECT TO SUBSECTION (B) OF THIS SECTION, PROCESS AND
4 REJECT ABSENTEE BALLOT APPLICATIONS.

5 (B) APPEAL TO LOCAL BOARD.

6 A VOTER MAY APPEAL A DECISION OF THE ELECTION DIRECTOR TO THE LOCAL
7 BOARD REGARDING:

8 (1) THE ISSUANCE OF A TEMPORARY CERTIFICATE OF REGISTRATION
9 ON ELECTION DAY UNDER SUBSECTION (A)(5) OF THIS SECTION; AND

10 (2) THE REJECTION OF AN ABSENTEE BALLOT APPLICATION UNDER
11 SUBSECTION (A)(13) OF THIS SECTION.

12 2-207. LOCAL BOARD EMPLOYEES.

13 (A) APPLICABILITY.

14 (1) THIS SECTION APPLIES TO EACH EMPLOYEE OF A LOCAL BOARD.

15 (2) THIS SECTION DOES NOT APPLY TO:

16 (I) LOCAL BOARD COUNSEL; OR

17 (II) AN ELECTION JUDGE.

18 (B) METHOD OF FUNDING NOT AFFECTED.

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

22 (C) PERSONNEL SYSTEM REQUIREMENTS.

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

25 (I) THE EMPLOYEES SHALL BE CLASSIFIED EMPLOYEES UNDER
26 THE COUNTY MERIT SYSTEM; AND

27 (II) THE EMPLOYEES MAY BE APPOINTED AND REMOVED SUBJECT
28 TO THE PERSONNEL REGULATIONS OF THE COUNTY IN WHICH THE LOCAL BOARD IS
29 LOCATED.

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

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

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

6 (D) VOTER REGISTRATION REQUIRED.

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

8 (E) RESTRICTIONS.

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

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

14 SUBTITLE 3. PROVISIONS GENERALLY APPLICABLE.

15 2-301. BAR TO POLITICAL ACTIVITIES.

16 (A) APPLICABILITY.

17 THIS SECTION APPLIES TO:

18 (1) A MEMBER OF THE STATE BOARD;

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

20 (3) THE STATE ADMINISTRATOR;

21 ~~(4)~~ (4) AN EMPLOYEE OF THE STATE BOARD OR OF A LOCAL BOARD;

22 ~~(4)~~ (5) COUNSEL APPOINTED UNDER § 2-205 OF THIS TITLE; AND

23 ~~(5)~~ (6) AN ELECTION JUDGE.

24 (B) GENERALLY.

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

27 (I) HOLD OR BE A CANDIDATE FOR ANY PUBLIC OR POLITICAL
28 PARTY OFFICE;

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

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

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

10 2-302. HOURS OF BUSINESS.

11 (A) STATE BOARD.

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

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

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

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

20 (B) LOCAL BOARDS.

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

22 (I) ON EACH DAY THAT IS A COUNTY GOVERNMENT WORKDAY IN
23 ITS COUNTY;

24 (II) ON EACH ELECTION DAY; AND

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

26 1. THE FILING OF A CERTIFICATE OF CANDIDACY FOR AN
27 ELECTION CONDUCTED IN THE COUNTY, IF A CERTIFICATE CAN BE FILED WITH THE
28 LOCAL BOARD;

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

31 3. THE FILING OF AN APPLICATION BY A VOTER FOR A
32 CHANGE IN PARTY AFFILIATION.

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

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

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

4 (II) FOR THE CONVENIENCE OF THE PUBLIC, MAY BE DIFFERENT
5 FROM THE REGULAR BUSINESS HOURS OF ITS COUNTY GOVERNMENT, EXCEPT THAT
6 THE NUMBER OF BUSINESS HOURS THE OFFICE IS OPEN EACH BUSINESS DAY MUST
7 BE AT LEAST EQUIVALENT TO THE NUMBER OF BUSINESS HOURS THAT THE COUNTY
8 GOVERNMENT IS OPEN.

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

11 2-303. PRECINCTS.

12 (A) GENERALLY.

13 AS IT DEEMS IT EXPEDIENT FOR THE CONVENIENCE OF VOTERS, A LOCAL
14 BOARD MAY:

15 (1) CREATE AND ALTER THE BOUNDARIES FOR PRECINCTS IN THE
16 COUNTY;

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

19 (3) COMBINE OR ABOLISH PRECINCTS.

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

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

25 (C) BOUNDARIES.

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

29 (D) NOTICE OF CHANGE.

30 WITHIN 5 DAYS OF CREATING A NEW PRECINCT OR CHANGING A PRECINCT
31 BOUNDARY, A LOCAL BOARD SHALL SEND TO THE ~~EXECUTIVE DIRECTOR STATE~~
32 ADMINISTRATOR A WRITTEN DESCRIPTION OF THE NEW BOUNDARY AND A MAP OF
33 THE AREA INVOLVED.

34 (E) CHANGES BEFORE AND AFTER DECENNIAL CENSUS.

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

6 (2) UPON RECEIPT OF THE WRITTEN DESCRIPTION AND MAP RELATING
7 TO A PRECINCT BOUNDARY ESTABLISHED DURING THE PERIOD DESCRIBED IN
8 PARAGRAPH (1) OF THIS SUBSECTION, THE ~~EXECUTIVE DIRECTOR STATE~~
9 ~~ADMINISTRATOR~~ SHALL IMMEDIATELY FORWARD THE DOCUMENTS TO THE
10 DIRECTOR OF THE OFFICE OF PLANNING AND THE EXECUTIVE DIRECTOR OF THE
11 DEPARTMENT OF LEGISLATIVE SERVICES.

12 (F) EMERGENCY CHANGES.

13 NOTWITHSTANDING ANY RESTRICTIONS IMPOSED BY THIS SECTION, SUBJECT
14 TO THE APPROVAL OF THE STATE BOARD, A LOCAL BOARD MAY CREATE A NEW
15 PRECINCT OR CHANGE A PRECINCT BOUNDARY IF THE LOCAL BOARD DETERMINES
16 THAT AN EMERGENCY EXISTS.

17 (G) REGULATIONS.

18 (1) THE REGULATIONS ADOPTED BY THE STATE BOARD SHALL INCLUDE
19 PROCEDURES FOR THE CREATION OF NEW PRECINCTS AND CHANGES TO PRECINCT
20 BOUNDARIES.

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

24 TITLE 3. VOTER REGISTRATION.

25 SUBTITLE 1. REGISTRATION - GENERALLY.

26 3-101. AUTHORITY.

27 (A) LOCAL BOARD AUTHORITY.

28 (1) THE LOCAL BOARD IN EACH COUNTY SHALL REGISTER VOTERS OF
29 THAT COUNTY.

30 (2) A LOCAL BOARD SHALL REVIEW EACH VOTER REGISTRATION
31 APPLICATION IT RECEIVES AND DETERMINE WHETHER THE APPLICANT MEETS THE
32 QUALIFICATIONS FOR VOTER REGISTRATION.

33 (B) CONTINUOUS REGISTRATION.

34 REGISTRATION SHALL BE CONDUCTED CONTINUOUSLY UNDER THE
35 SUPERVISION OF THE STATE BOARD AND IN ACCORDANCE WITH THE PROVISIONS OF

1 THIS TITLE, APPLICABLE FEDERAL LAW, AND REGULATIONS ADOPTED BY THE STATE
2 BOARD.

3 (C) VOTER REGISTRY.

4 THE LOCAL BOARD FOR EACH COUNTY SHALL MAINTAIN THE VOTER REGISTRY
5 FOR THAT COUNTY AND SHALL BE RESPONSIBLE FOR ITS ACCURACY AND
6 CURRENCY.

7 (D) REGISTRATION TO BE PERMANENT.

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

10 3-102. QUALIFICATIONS FOR VOTER REGISTRATION.

11 (A) GENERALLY.

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

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

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

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

19 (4) REGISTERS PURSUANT TO THIS TITLE.

20 (B) EXCEPTIONS.

21 AN INDIVIDUAL IS NOT QUALIFIED TO BE A REGISTERED VOTER IF THE
22 INDIVIDUAL:

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

25 (I) HAS BEEN PARDONED; OR

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

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

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

1 SUBTITLE 2. METHODS OF APPLICATION.

2 3-201. APPLYING TO REGISTER TO VOTE.

3 AN INDIVIDUAL MAY APPLY TO BECOME A REGISTERED VOTER:

- 4 (1) AT A LOCAL BOARD OFFICE OR THE STATE BOARD OFFICE;
- 5 (2) AT A REGISTRATION SITE ADMINISTERED BY A LOCAL BOARD;
- 6 (3) BY MAIL;
- 7 (4) WHEN APPLYING TO THE MOTOR VEHICLE ADMINISTRATION FOR
8 THE ISSUANCE, RENEWAL, OR MODIFICATION OF A DRIVER'S LICENSE OR
9 IDENTIFICATION CARD;
- 10 (5) WHEN APPLYING FOR SERVICES AT A VOTER REGISTRATION
11 AGENCY; OR
- 12 (6) WITH THE ASSISTANCE OF A VOLUNTEER AUTHORIZED BY THE
13 STATE OR LOCAL BOARD.

14 3-202. VOTER REGISTRATION APPLICATIONS.

15 (A) STATEWIDE VOTER REGISTRATION APPLICATION.

16 (1) THE STATEWIDE VOTER REGISTRATION APPLICATION SHALL:

17 (I) STATE THE QUALIFICATIONS TO BECOME A REGISTERED
18 VOTER;19 (II) REQUIRE THE SIGNATURE OF THE APPLICANT, SUBJECT TO
20 THE PENALTIES OF PERJURY, BY WHICH THE APPLICANT SWEARS OR AFFIRMS THAT
21 THE INFORMATION CONTAINED IN THE REGISTRATION APPLICATION IS TRUE AND
22 THAT THE APPLICANT MEETS ALL OF THE QUALIFICATIONS TO BECOME A
23 REGISTERED VOTER;24 (III) STATE THE PENALTIES FOR THE SUBMISSION OF A FALSE
25 APPLICATION;26 (IV) STATE THAT IF AN INDIVIDUAL DECLINES TO REGISTER, THIS
27 FACT WILL REMAIN CONFIDENTIAL AND BE USED ONLY FOR VOTER REGISTRATION
28 PURPOSES;29 (V) STATE THAT IF AN INDIVIDUAL REGISTERS TO VOTE, THE
30 OFFICE AT WHICH THE APPLICATION IS SUBMITTED WILL REMAIN CONFIDENTIAL
31 AND WILL BE USED ONLY FOR VOTER REGISTRATION PURPOSES;32 (VI) NOTIFY THE APPLICANT THAT SUBMISSION OF THE FORM TO
33 AN INDIVIDUAL OTHER THAN AN OFFICIAL, EMPLOYEE, OR AGENT OF A LOCAL

1 BOARD DOES NOT ASSURE THAT THE FORM WILL BE FILED OR FILED IN A TIMELY
2 MANNER;

3 (VII) PROVIDE THE APPLICANT WITH THE OPPORTUNITY TO CANCEL
4 A CURRENT REGISTRATION; AND

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

7 (2) THE STATEWIDE VOTER REGISTRATION APPLICATION MAY NOT
8 REQUIRE:

9 (I) NOTARIZATION OR OTHER FORMAL AUTHENTICATION; OR

10 (II) ANY ADDITIONAL INFORMATION, OTHER THAN THE
11 INFORMATION NECESSARY TO ENABLE ELECTION OFFICIALS TO DETERMINE THE
12 ELIGIBILITY OF THE APPLICANT AND TO ADMINISTER VOTER REGISTRATION AND
13 OTHER PARTS OF THE ELECTION PROCESS.

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

16 (II) NO OTHER REGISTRATION FORM MAY BE USED FOR
17 REGISTRATION PURPOSES EXCEPT:

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

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

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

22 4. ANY OTHER FORM PRESCRIBED BY FEDERAL LAW FOR
23 VOTER REGISTRATION.

24 (B) NATIONAL VOTER REGISTRATION APPLICATION.

25 THE VOTER REGISTRATION APPLICATION FORM PRESCRIBED BY THE FEDERAL
26 ELECTION COMMISSION PURSUANT TO THE NATIONAL VOTER REGISTRATION ACT OF
27 1993 SHALL BE ACCEPTED BY THE APPROPRIATE ELECTION OFFICIAL FOR PURPOSES
28 OF VOTER REGISTRATION.

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

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

33 3-203. APPLICATION FOR REGISTRATION AT MOTOR VEHICLE ADMINISTRATION.

34 (A) IN GENERAL.

1 IF AN APPLICANT FOR ISSUANCE OR RENEWAL OF A DRIVER'S LICENSE OR AN
2 IDENTIFICATION CARD SIGNS THE VOTER REGISTRATION PORTION OF THE
3 APPLICATION, THE APPLICATION SHALL SERVE AS AN APPLICATION TO REGISTER TO
4 VOTE OR AS AN UPDATE OF A PREVIOUS VOTER REGISTRATION.

5 (B) APPLICATION; CONTENT.

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

10 (II) EXCEPT AS PROVIDED IN THIS SECTION, THE VOTER
11 REGISTRATION PORTION OF THE APPLICATION MAY NOT REQUIRE INFORMATION
12 THAT DUPLICATES INFORMATION REQUIRED IN THE DRIVER'S LICENSE OR
13 IDENTIFICATION CARD PORTION OF THE APPLICATION.

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

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

17 (II) REQUIRE ONLY THE MINIMUM AMOUNT OF INFORMATION
18 NECESSARY:

19 1. TO PREVENT DUPLICATE VOTER REGISTRATION; AND

20 2. TO ENABLE THE APPROPRIATE ELECTION OFFICIAL TO
21 ASSESS THE ELIGIBILITY OF AN APPLICANT AND TO ADMINISTER VOTER
22 REGISTRATION AND OTHER ASPECTS OF THE ELECTION PROCESS.

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

26 (C) CHANGE OF ADDRESS.

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

31 (2) THE CHANGE OF ADDRESS OR NAME FORM SHALL STATE CLEARLY
32 THAT:

33 (I) THE FORM MAY BE USED FOR VOTER REGISTRATION
34 PURPOSES; AND

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

1 (D) FORWARDING INFORMATION TO STATE ELECTION OFFICIALS.

2 WITHIN 5 DAYS OF THE RECEIPT OF THE APPLICATION, RENEWAL, OR CHANGE
3 OF ADDRESS OR NAME FORM, THE MOTOR VEHICLE ADMINISTRATION SHALL
4 FORWARD THE APPLICATION, RENEWAL, OR CHANGE OF ADDRESS OR NAME FORM
5 AS WELL AS A COPY OF THE RELEVANT PART OF THE LICENSE APPLICATION TO THE
6 APPROPRIATE ELECTION OFFICIAL.

7 (E) FAILURE TO REGISTER TO VOTE.

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

11 3-204. APPLICATION FOR REGISTRATION AT VOTER REGISTRATION AGENCY.

12 (A) DESIGNATION.

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

16 (2) THE STATE BOARD SHALL DESIGNATE THE FOLLOWING OFFICES AS
17 VOTER REGISTRATION AGENCIES:

18 (I) ALL OFFICES IN THE STATE THAT PROVIDE PUBLIC
19 ASSISTANCE; AND

20 (II) ALL OFFICES IN THE STATE THAT PROVIDE STATE-FUNDED
21 PROGRAMS PRIMARILY ENGAGED IN PROVIDING SERVICES TO INDIVIDUALS WITH
22 DISABILITIES.

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

27 (B) DUTIES OF AGENCIES; REGISTRATION DOCUMENTS.

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

30 (1) DISTRIBUTE A VOTER REGISTRATION APPLICATION APPROVED BY
31 THE STATE BOARD OR THE FEDERAL ELECTION COMMISSION WITH EACH
32 APPLICATION FOR SERVICE OR ASSISTANCE IT RENDERS AND WITH EACH
33 RECERTIFICATION, RENEWAL, OR CHANGE OF ADDRESS FORM RELATING TO SUCH
34 SERVICE OR ASSISTANCE;

35 (2) PROVIDE A DOCUMENT TO PROSPECTIVE REGISTRANTS THAT
36 INCLUDES:

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

4 (II) IF THE AGENCY PROVIDES PUBLIC ASSISTANCE, THE
5 STATEMENT, "APPLYING TO REGISTER OR DECLINING TO REGISTER TO VOTE WILL
6 NOT AFFECT THE AMOUNT OF ASSISTANCE THAT YOU WILL BE PROVIDED BY THIS
7 AGENCY.";

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

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

17 (V) THE STATEMENT, "IF YOU BELIEVE THAT SOMEONE HAS
18 INTERFERED WITH YOUR RIGHT TO REGISTER OR TO DECLINE TO REGISTER TO
19 VOTE, YOUR RIGHT TO PRIVACY IN DECIDING WHETHER TO REGISTER OR IN
20 APPLYING TO REGISTER TO VOTE, OR YOUR RIGHT TO CHOOSE YOUR OWN POLITICAL
21 PARTY OR OTHER POLITICAL PREFERENCE, YOU MAY FILE A COMPLAINT WITH THE
22 STATE BOARD OF ELECTIONS."; AND

23 (VI) THE ADDRESS AND TOLL FREE TELEPHONE NUMBER OF THE
24 STATE BOARD;

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

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

32 (C) RETURN OF REGISTRATION APPLICATION BY APPLICANT.

33 AN APPLICANT MAY MAIL THE VOTER REGISTRATION APPLICATION TO THE
34 APPROPRIATE STATE ELECTION OFFICIAL OR RETURN IT TO THE VOTER
35 REGISTRATION AGENCY FOR TRANSMITTAL TO THE APPROPRIATE ELECTION
36 OFFICIAL.

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

1 WITHIN 5 DAYS FROM THE ACCEPTANCE OF A VOTER REGISTRATION
2 APPLICATION, THE VOTER REGISTRATION AGENCY SHALL FORWARD THE
3 APPLICATION TO THE APPROPRIATE STATE ELECTION OFFICIAL.

4 (E) INDIVIDUALS WITH DISABILITIES.

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

9 (F) CONDUCT OF SERVICE PROVIDERS.

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

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

14 (II) DISPLAY ANY SUCH POLITICAL PREFERENCE OR PARTY
15 ALLEGIANCE; OR

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

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

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

28 (G) REGULATIONS.

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

34 DRAFTER'S NOTE: Former Art. 33, § 3-7 is deleted as obsolete. This section
35 allowed certain disabled individuals and individuals who reside overseas
36 (such as military personnel) to register by submitting an absentee ballot.
37 This section was added to the Code prior to the introduction of mail
38 registration and the requirements of the National Voter Registration Act.

1 Accordingly, the provisions are no longer necessary given the opportunities
2 for disabled individuals and overseas individuals to register using mail
3 registration as required by both Maryland law and Federal law.

4 SUBTITLE 3. ADMINISTRATION OF REGISTRATION.

5 3-301. PROCESSING VOTER REGISTRATION APPLICATIONS.

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

7 WHEN A VOTER REGISTRATION APPLICATION IS RECEIVED BY A LOCAL BOARD,
8 THE LOCAL BOARD SHALL:

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

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

13 (B) QUALIFIED APPLICANTS.

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

16 (C) NOTIFICATION OF VOTERS.

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

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

23 (II) 1. THE VOTER NOTIFICATION CARD SHALL CONTAIN THE
24 NAME AND ADDRESS OF THE VOTER, THE DATE OF ISSUE, AND THE DISTRICT OR
25 WARD AND PRECINCT OF THE VOTER.

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

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

31 3-302. REGISTRATION CLOSING.

32 (A) WHEN REGISTRATION IS CLOSED.

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

4 (B) RECEIPT OF APPLICATIONS AFTER REGISTRATION IS CLOSED -
5 GENERALLY.

6 A VOTER REGISTRATION APPLICATION RECEIVED WHEN REGISTRATION IS
7 CLOSED SHALL BE ACCEPTED AND RETAINED BY A LOCAL BOARD, BUT THE
8 REGISTRATION OF THE APPLICANT DOES NOT BECOME EFFECTIVE UNTIL
9 REGISTRATION REOPENS.

10 (C) SAME - EXCEPTIONS.

11 A VOTER REGISTRATION APPLICATION THAT IS RECEIVED BY THE LOCAL
12 BOARD AFTER THE CLOSE OF REGISTRATION SHALL BE CONSIDERED TIMELY
13 RECEIVED FOR THE NEXT ELECTION PROVIDED:

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

17 (I) THE FIFTH MONDAY BEFORE A PRIMARY, SPECIAL PRIMARY, OR
18 GENERAL ELECTION; OR

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

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

25 3-303. CHANGE OF PARTY AFFILIATION.

26 (A) GENERALLY.

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

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

1 (2) FROM AND INCLUDING THE DAY OF ISSUANCE OF A
2 GUBERNATORIAL PROCLAMATION CALLING A SPECIAL ELECTION, PURSUANT TO §
3 8-709 OF THIS ARTICLE, OR FROM 5 P.M. ON THE NEXT REGULAR BUSINESS DAY IF
4 THE DAY OF ISSUANCE IS A LEGAL HOLIDAY, UNTIL AND INCLUDING THE DAY ON
5 WHICH THAT SPECIAL ELECTION IS HELD.

6 (B) CHANGE OF RESIDENCE TO DIFFERENT COUNTY.

7 IF A REGISTERED VOTER CHANGES RESIDENCE FROM ONE COUNTY TO
8 ANOTHER WITHIN THE STATE, THE VOTER MAY CHANGE PARTY AFFILIATION OR
9 CHANGE TO OR FROM A DECLINE AT ANY TIME WHEN REGISTERING WITH THE NEW
10 COUNTY OF RESIDENCE.

11 (C) REREGISTRATION AFTER CANCELLATION IN SAME COUNTY.

12 AN INDIVIDUAL WHOSE REGISTRATION HAS BEEN CANCELED AT THE
13 INDIVIDUAL'S REQUEST WITHIN A PERIOD CLOSED TO CHANGES IN PARTY
14 AFFILIATION MAY NOT REREGISTER IN THE SAME COUNTY DURING THE SAME
15 PERIOD WITH A PARTY AFFILIATION OR NONAFFILIATION DIFFERENT FROM THE
16 PREVIOUS REGISTRATION.

17 3-304. CHANGE OF NAME OR ADDRESS.

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

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

21 (I) BY INFORMATION PROVIDED ON A VOTER REGISTRATION
22 APPLICATION BY THE SAME METHODS PROVIDED FOR REGISTRATION PURSUANT TO
23 SUBTITLE 2 OF THIS TITLE;

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

26 (III) BY MAKING APPLICATION IN PERSON AT THE OFFICE OF THE
27 LOCAL BOARD;

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

30 (V) BY CHANGING A NAME OR ADDRESS WITH THE MOTOR VEHICLE
31 ADMINISTRATION.

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

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

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

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

7 SUBTITLE 4. MUNICIPAL REGISTRATION.

8 3-401. DEFINITION.

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

14 3-402. APPLICABILITY.

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

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

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

19 (3) PROVIDES FOR THE LOCAL BOARD TO CONDUCT MUNICIPAL
20 ELECTIONS.

21 3-403. MUNICIPAL REGISTRATION PROCEDURE.

22 (A) GENERALLY.

23 A VOTER RESIDING IN A MUNICIPAL CORPORATION IS DEEMED TO BE
24 REGISTERED FOR ELECTIONS IN THAT MUNICIPAL CORPORATION IF THE VOTER IS
25 REGISTERED WITH THE LOCAL BOARD FOR THE COUNTY IN WHICH THE MUNICIPAL
26 CORPORATION IS LOCATED.

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

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

32 (2) THE APPLICATION SHALL INCLUDE THE NAME OF THE INDIVIDUAL
33 DESIGNATED AS THE MUNICIPAL CORPORATION LIAISON WHO IS RESPONSIBLE FOR
34 WORKING WITH THE LOCAL BOARD IN THE DEVELOPMENT OF THE PLAN AND THE
35 SCHEDULE FOR IMPLEMENTATION OF THE PLAN.

1 (C) DUTY OF LOCAL BOARD TO RESPOND.

2 WITHIN 10 DAYS AFTER RECEIPT OF THE APPLICATION, THE LOCAL BOARD
3 SHALL RESPOND TO THE MUNICIPAL CORPORATION LIAISON AND SHALL DESIGNATE
4 A LOCAL BOARD LIAISON.

5 (D) INITIAL MEETING.

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

10 (E) THE PLAN.

11 THE PLAN SHALL INCLUDE:

12 (1) PROCEDURES FOR IDENTIFYING BY GEOGRAPHICAL REFERENCE
13 THE MUNICIPAL BOUNDARIES, PRECINCTS, WARDS, OR DISTRICTS AND THE
14 METHODS FOR INCLUDING THIS INFORMATION IN THE COUNTY'S VOTER
15 REGISTRATION SYSTEM;

16 (2) INFORMATION ON WHETHER THE MUNICIPAL CORPORATION WANTS
17 THE EXCLUSION OR INCLUSION OF POLITICAL PARTY AFFILIATION ON THE VOTER
18 REGISTRY, AND WHETHER THE LOCAL BOARD CAN PROVIDE THE EXCLUSION OR
19 INCLUSION;

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

22 (4) INFORMATION ON WHETHER:

23 (I) THE DATES OF BIRTH ARE TO BE PRINTED ON THE CERTIFIED
24 REGISTRY;

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

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

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

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

35 (7) PROCEDURES FOR OBTAINING, UPDATING, AND MAINTAINING
36 CHANGES TO THE BOUNDARIES OF THE MUNICIPAL CORPORATION, THE PRECINCTS,

1 THE WARDS, OR THE DISTRICTS THAT RESULT FROM ANNEXATIONS, SUBDIVISION
2 DEVELOPMENT, STREET NAME CHANGES, OR STREET ABANDONMENTS.

3 (F) CERTIFIED LIST OF REGISTERED VOTERS.

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

8 (2) (I) ON REQUEST BY A MUNICIPAL CORPORATION, THE LOCAL
9 BOARD SHALL ALSO PROVIDE AT NO COST UPON A REQUEST OF A MUNICIPAL
10 CORPORATION A CERTIFIED LIST OF REGISTERED VOTERS WHO RESIDE WITHIN THE
11 BOUNDARIES OF THE MUNICIPAL CORPORATION 90 DAYS PRIOR TO THE MUNICIPAL
12 ELECTION. THE REQUEST FOR THIS PRELIMINARY LIST OF VOTERS SHALL BE MADE
13 TO THE BOARD BEFORE OR DURING THE NEGOTIATIONS AUTHORIZED IN
14 SUBSECTION (D) OF THIS SECTION.

15 (II) WITHIN 20 DAYS AFTER RECEIVING THE PRELIMINARY LIST OF
16 REGISTERED VOTERS, A MUNICIPAL CORPORATION SHALL NOTIFY THE LOCAL
17 BOARD OF ANY POTENTIAL ERRORS IN THE LIST OF REGISTERED VOTERS,
18 INCLUDING ERRORS IN THE RESIDENCY OF REGISTERED VOTERS.

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

23 (G) SUPPLEMENTAL LIST MAINTAINED BY MUNICIPAL CORPORATION.

24 THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT A MUNICIPAL
25 CORPORATION FROM ADMINISTERING AND MAINTAINING A SUPPLEMENTAL LIST OF
26 THOSE INDIVIDUALS WHO ARE NOT REGISTERED WITH THE COUNTY BOARD BUT
27 WHO MAY OTHERWISE BE QUALIFIED TO REGISTER TO VOTE WITH THE MUNICIPAL
28 CORPORATION.

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

30 (1) WHENEVER THE REGISTRATION OF ANY VOTER IS REMOVED FOR
31 ANY REASON FROM THE SUPPLEMENTAL VOTER REGISTRY MAINTAINED BY THE
32 MUNICIPAL CORPORATION, THE MUNICIPAL CORPORATION SHALL SEND A NOTICE
33 OF THIS ACTION AND THE REASON FOR THE ACTION TO THE LAST KNOWN ADDRESS
34 OF THE VOTER.

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

38 (3) IF THE VOTER WISHES TO REMAIN ON THE LIST AND CONTINUES TO
39 BE QUALIFIED UNDER THE MUNICIPAL CORPORATION'S VOTER REGISTRATION

1 REQUIREMENTS, THE VOTER'S NAME SHALL BE REINSTATED TO THE MUNICIPAL
2 CORPORATION'S SUPPLEMENTAL VOTER REGISTRY UPON WRITTEN REQUEST OF THE
3 VOTER.

4 (I) REIMBURSEMENT OF LOCAL BOARD.

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

8 (I) THE IDENTIFICATION OF THE APPROPRIATE BOUNDARIES;

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

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

13 (2) THE LOCAL BOARD SHALL REQUEST AND, SUBJECT TO THE
14 APPROVAL OF THE STATE BOARD, RECEIVE A REIMBURSEMENT FOR THESE COSTS
15 FROM A FUND ADMINISTERED BY THE STATE BOARD. THE INITIAL SET-UP COSTS
16 INCURRED DIRECTLY BY A MUNICIPAL CORPORATION MAY BE REIMBURSED FOR
17 CIRCUMSTANCES AUTHORIZED BY THE STATE BOARD.

18 (J) VOTER REGISTRATION FORMS.

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

21 (K) DUTY OF STATE BOARD TO COOPERATE.

22 THE STATE BOARD SHALL COOPERATE WITH THE LOCAL BOARDS AND
23 MUNICIPAL ELECTION OFFICIALS TO EFFECTUATE THE PROVISIONS OF THIS
24 SECTION.

25 SUBTITLE 5. VOTER REGISTRY.

26 3-501. CUSTODY OF VOTER REGISTRY.

27 EACH LOCAL BOARD, PURSUANT TO REGULATIONS ADOPTED BY THE STATE
28 BOARD, SHALL:

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

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

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

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

3 3-502. REMOVAL OF VOTERS FROM REGISTRY.

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

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

6 (I) SIGNED BY THE VOTER;

7 (II) AUTHENTICATED BY THE ELECTION DIRECTOR; AND

8 (III) IN A FORMAT ACCEPTABLE TO THE LOCAL BOARD OR ON A
9 CANCELLATION NOTICE PROVIDED BY THE VOTER ON A VOTER REGISTRATION
10 APPLICATION;

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

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

16 (II) THE VOTER IS DECEASED; OR

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

20 3-503. PROGRAMS TO IDENTIFY CHANGES OF ADDRESS.

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

23 (1) IS APPROVED BY THE STATE BOARD;

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

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

27 3-504. CHANGE OF ADDRESS INFORMATION; PROCEDURES.

28 (A) DEFINITIONS.

29 (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
30 INDICATED.

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

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

3 (B) CHANGE OF ADDRESS; SAME JURISDICTION.

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

7 (C) CHANGE OF ADDRESS OUTSIDE THE COUNTY.

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

14 (D) DUTY TO CORRECT.

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

18 (E) REMOVAL FROM REGISTRY.

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

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

24 (2) (I) THE VOTER HAS FAILED TO RESPOND TO THE CONFIRMATION
25 NOTICE; AND

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

30 (F) INACTIVE LIST.

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

35 (2) UPON WRITTEN AFFIRMATION THAT AN INACTIVE VOTER REMAINS A
36 RESIDENT OF THE SAME COUNTY, THE VOTER MAY BE ALLOWED TO VOTE EITHER AT

1 THE ELECTION DISTRICT OR PRECINCT FOR THE VOTER'S CURRENT RESIDENCE OR
2 THE VOTER'S PREVIOUS RESIDENCE, AS DETERMINED BY THE STATE BOARD, AND
3 SHALL BE RESTORED TO THE REGISTRY.

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

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

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

13 3-505. INFORMATION FROM OTHER AGENCIES.

14 (A) INFORMATION REPORTED TO STATE BOARD.

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

18 (II) THE COMMISSIONER OF HEALTH OF BALTIMORE CITY AND THE
19 HEALTH OFFICER OF EACH COUNTY SHALL REPORT THE NAMES AND RESIDENCE
20 ADDRESSES (IF KNOWN) OF ALL INDIVIDUALS AT LEAST 16 YEARS OF AGE REPORTED
21 DECEASED WITHIN THE CITY OR COUNTY SINCE THE DATE OF THE LAST SUCH
22 REPORT.

23 (III) THE CLERK OF THE CIRCUIT COURT FOR EACH COUNTY AND
24 THE ADMINISTRATIVE CLERK FOR EACH DISTRICT COURT SHALL REPORT THE
25 NAMES AND ADDRESSES OF ALL INDIVIDUALS CONVICTED, IN THE RESPECTIVE
26 COURT, OF THEFT OR INFAMOUS CRIMES SINCE THE DATE OF THE LAST SUCH
27 REPORT.

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

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

36 (B) INFORMATION REPORTED TO LOCAL BOARDS.

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

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

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

9 (4) A LOCAL BOARD MAY:

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

12 (II) PAY A REASONABLE FEE TO THE ENTITY FOR THE
13 INFORMATION.

14 3-506. INSPECTION OF REGISTRATION RECORDS.

15 (A) GENERALLY.

16 FOR THE PURPOSE OF PUBLIC INSPECTION, ORIGINAL VOTER REGISTRATION
17 RECORDS:

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

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

22 (I) ON ORDER OF A COURT; OR

23 (II) FOR TEMPORARY REMOVAL SOLELY FOR PURPOSES OF DATA
24 PROCESSING.

25 (B) REGULATIONS.

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

28 3-507. COPIES OF REGISTRATION LISTS.

29 (A) GENERALLY.

30 A COPY OF A VOTER REGISTRATION LIST SHALL BE PROVIDED TO A MARYLAND
31 REGISTERED VOTER UPON RECEIPT OF:

32 (1) A WRITTEN APPLICATION; AND

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

3 (I) COMMERCIAL SOLICITATION; OR

4 (II) ANY OTHER PURPOSE NOT RELATED TO THE ELECTORAL
5 PROCESS.

6 (B) ADOPTION OF REGULATIONS.

7 THE STATE BOARD SHALL ADOPT REGULATIONS, IN CONSULTATION WITH THE
8 LOCAL BOARDS, SPECIFYING:

9 (1) WHEN REGISTRATION LISTS SHALL BE PROVIDED;

10 (2) ANY AUTHORIZATION TO BE REQUIRED FOR PROVIDING
11 REGISTRATION LISTS;

12 (3) THE FEE FOR PROVIDING REGISTRATION LISTS;

13 (4) THE INFORMATION TO BE INCLUDED;

14 (5) THE FORMAT OF THE INFORMATION; AND

15 (6) THE MEDIUM OR MEDIA ON WHICH THE INFORMATION SHALL BE
16 SUPPLIED.

17 (C) PROHIBITED ACTS.

18 ANY INDIVIDUAL WHO KNOWINGLY ALLOWS A REGISTRATION LIST UNDER HIS
19 OR HER CONTROL TO BE USED FOR COMMERCIAL SOLICITATION OR ANY OTHER
20 PURPOSE NOT RELATED TO THE ELECTORAL PROCESS IS GUILTY OF A
21 MISDEMEANOR AND SHALL BE PUNISHED UNDER THE PROVISIONS OF TITLE 16 OF
22 THIS ARTICLE.

23 3-508. MAINTENANCE AND STORAGE OF VOTER REGISTRATION RECORDS.

24 (A) REGISTRATION RECORDS.

25 (1) THE STATE BOARD SHALL ADOPT REGULATIONS FOR THE
26 RETENTION AND STORAGE OF ORIGINAL VOTER REGISTRATION APPLICATIONS AND
27 OTHER RECORDS THE STATE BOARD CONSIDERS APPROPRIATE.

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

30 (B) RETENTION AND STORAGE OF RECORDS CONCERNING PROGRAMS FOR
31 REGISTRY ACCURACY AND CURRENCY.

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

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

9 3-509. REPORTS OF REGISTRATION BY LOCAL BOARDS; STATEMENT OF
10 REGISTRATION BY STATE BOARD.

11 (A) REPORTS OF REGISTRATION.

12 WITHIN 15 DAYS AFTER THE COMMENCEMENT OF THE PERIOD UNDER §
13 3-303(A) OF THIS TITLE IN WHICH REGISTERED VOTERS ARE NOT ALLOWED TO
14 CHANGE PARTY AFFILIATION OR CHANGE TO OR FROM A DECLINE, AND AT OTHER
15 TIMES AS DIRECTED BY THE STATE BOARD, EACH LOCAL BOARD SHALL SUBMIT TO
16 THE STATE BOARD A REPORT OF REGISTRATION SETTING FORTH THE FOLLOWING
17 INFORMATION, AS SHOWN ON THE REGISTRY OF THE RESPECTIVE LOCAL BOARD AS
18 OF THE DATE OF THE COMMENCEMENT OF THE PERIOD:

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

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

24 (B) STATEMENT OF REGISTRATION.

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

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

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

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

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

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

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

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

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

8 SUBTITLE 6. RESOLUTION OF REGISTRATION DISPUTES AND CHALLENGES.

9 3-601. TEMPORARY CERTIFICATE OF REGISTRATION.

10 (A) GENERALLY.

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

14 (B) ISSUANCE OF TEMPORARY CERTIFICATE.

15 A TEMPORARY CERTIFICATE OF REGISTRATION SHALL BE ISSUED IF:

16 (1) THE LOCAL BOARD IS ABLE TO ESTABLISH THAT THE VOTER IS
17 REGISTERED; OR

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

20 (C) PROCEDURES TO BE ADOPTED.

21 THE STATE BOARD SHALL ADOPT THE PROCEDURES THAT MUST BE FOLLOWED
22 BY THE LOCAL BOARD PRIOR TO AUTHORIZING A TEMPORARY CERTIFICATE OF
23 REGISTRATION, INCLUDING:

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

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

28 3-602. CHALLENGES.

29 (A) WHO MAY CHALLENGE.

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

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

4 (3) A MUNICIPAL CORPORATION MAY FILE A CHALLENGE WITH THE
5 APPROPRIATE LOCAL BOARD IF THE MUNICIPAL CORPORATION HAS REASON TO
6 BELIEVE THAT AN INDIVIDUAL HAS BEEN ERRONEOUSLY ADDED TO OR OMITTED
7 FROM THE MUNICIPAL CORPORATION REGISTRY.

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

12 (II) IF A LOCAL BOARD CORRECTS A CLERICAL ERROR ON THE
13 REGISTRY, THE LOCAL BOARD SHALL INFORM THE VOTER WHOSE REGISTRATION
14 INFORMATION WAS CHANGED.

15 (B) CHALLENGE PROCEDURES.

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

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

21 (C) CHALLENGE HEARINGS; NOTICE.

22 (1) WITHIN 5 DAYS OF A CHALLENGE BEING FILED PURSUANT TO
23 SUBSECTION (A)(1) OR (2) OF THIS SECTION, OR WITHIN 5 DAYS OF A DETERMINATION
24 BY A LOCAL BOARD THAT A REGISTRATION HAS BEEN ERRONEOUSLY ADDED OR
25 OMITTED, THE LOCAL BOARD SHALL:

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

29 (II) IF APPLICABLE, SEND A NOTICE OF THE HEARING BY
30 CERTIFIED MAIL TO THE CHALLENGER AND ADVISE THE CHALLENGER OF THE
31 REQUIREMENT TO APPEAR AT THE HEARING TO SUBSTANTIATE THE APPLICATION
32 OR OBJECTION BY AFFIRMATIVE PROOF; AND

33 (III) SEND A NOTICE OF THE HEARING, AND A STATEMENT OF THE
34 REASON FOR THE HEARING, TO THE INDIVIDUAL WHO IS THE SUBJECT OF THE
35 CHALLENGE.

36 (2) A NOTICE UNDER THIS SUBSECTION SHALL BE SENT BY CERTIFIED
37 MAIL.

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

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

6 (D) HEARING PROCEDURES.

7 (1) THE LOCAL BOARD SHALL CONDUCT THE HEARING ON EACH
8 CHALLENGE.

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

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

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

16 (E) HEARING DECISION.

17 (1) ALL CHALLENGES SHALL BE DECIDED PROMPTLY AFTER THE
18 HEARING.

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

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

27 3-603. APPEAL OF REGISTRATION DENIAL.

28 (A) JUDICIAL REVIEW.

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

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

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

1 (B) ROLE OF THE COURT.

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

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

7 (C) DETERMINATION OF RESIDENCY.

8 IN DETERMINING WHETHER AN INDIVIDUAL IS OR IS NOT A RESIDENT OF AN
9 ELECTION DISTRICT OR PRECINCT, THE PRESUMPTION SHALL BE THAT AN
10 INDIVIDUAL SHOWN TO HAVE ACQUIRED A RESIDENCE IN ONE LOCALITY RETAINS
11 THAT RESIDENCE UNTIL IT IS AFFIRMATIVELY SHOWN THAT THE INDIVIDUAL HAS
12 ACQUIRED A RESIDENCE ELSEWHERE.

13 (D) APPEAL TO COURT OF SPECIAL APPEALS.

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

16 (2) THE APPEAL SHALL BE TAKEN WITHIN 5 DAYS FROM THE DATE OF
17 THE DECISION BY THE CIRCUIT COURT AND THE APPEAL SHALL BE HEARD AND
18 DECIDED BY THE COURT OF SPECIAL APPEALS AS SOON AFTER THE TRANSMISSION
19 OF THE RECORD AS PRACTICABLE.

20 TITLE 4. POLITICAL PARTIES.

21 SUBTITLE 1. FORMATION OF POLITICAL PARTIES.

22 4-101. APPLICABILITY.

23 EXCEPT AS TO A MATTER OF COMPELLING STATE INTEREST, IF ANY PROVISION
24 OF THIS TITLE RELATING TO PARTY GOVERNANCE CONFLICTS WITH THE
25 CONSTITUTION AND BYLAWS OF A POLITICAL PARTY, THE CONSTITUTION AND
26 BYLAWS SHALL APPLY TO THE EXTENT OF THE CONFLICT.

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

30 4-102. NEW POLITICAL PARTIES.

31 (A) FORMATION.

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

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

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

6 (B) REQUIREMENTS OF PETITION.

7 (1) THE PETITION SHALL STATE:

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

10 (II) THE NAME OF THE PARTISAN ORGANIZATION;

11 (III) THE NAME AND SIGNATURE OF THE STATE CHAIRMAN OF THE
12 PARTISAN ORGANIZATION; AND

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

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

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

21 (C) FILING OF PETITION.

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

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

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

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

32 2. AFTER THE FIRST MONDAY IN AUGUST UNTIL
33 REGISTRATION REOPENS AFTER THE GENERAL ELECTION IN ACCORDANCE WITH §
34 3-302 (A) OF THIS ARTICLE;

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

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

8 1. AFTER THE FIFTH MONDAY BEFORE THE SPECIAL
9 PRIMARY ELECTION THROUGH THE TENTH DAY FOLLOWING THE SPECIAL PRIMARY
10 ELECTION; AND

11 2. AFTER THE FIFTH MONDAY BEFORE THE SPECIAL
12 ELECTION THROUGH THE FIFTEENTH DAY FOLLOWING THE SPECIAL ELECTION.

13 (D) ROLE AND RESPONSIBILITIES OF STATE BOARD.

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

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

20 1. REVIEW THE CONSTITUTION AND BYLAWS TO DETERMINE
21 WHETHER THE CONSTITUTION AND BYLAWS MEET THE REQUIREMENTS OF
22 SUBSECTION (E) OF THIS SECTION; AND

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

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

29 (I) THE STATE BOARD SHALL DECLARE THE PETITION
30 INSUFFICIENT;

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

33 (III) THE STATE BOARD SHALL PROMPTLY NOTIFY THE STATE
34 CHAIRMAN OF THE PARTISAN ORGANIZATION.

35 (E) CONSTITUTION AND BYLAWS.

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

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

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

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

13 (F) NOMINATION OF CANDIDATES.

14 UNLESS A NEW POLITICAL PARTY IS REQUIRED TO HOLD A PRIMARY ELECTION
15 TO NOMINATE ITS CANDIDATES UNDER TITLE 8 OF THIS ARTICLE, THE NEW
16 POLITICAL PARTY SHALL NOMINATE ITS CANDIDATES BY PETITION IN ACCORDANCE
17 WITH TITLE 5 OF THIS ARTICLE.

18 4-103. LOSS OF STATUS AS A POLITICAL PARTY.

19 (A) RETENTION OF STATUS.

20 IN ORDER FOR A PARTISAN ORGANIZATION TO RETAIN ITS STATUS AS A
21 POLITICAL PARTY UNDER THIS ARTICLE, AT THE GENERAL ELECTION THAT
22 FOLLOWS THE FIRST ONE IN WHICH THE PARTISAN ORGANIZATION QUALIFIES AS A
23 POLITICAL PARTY AND IN EACH ELECTION THEREAFTER:

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

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

29 (B) NOTIFICATION BY STATE BOARD.

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

32 (C) EFFECT OF LOSS OF STATUS.

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

1 SUBTITLE 2. POLITICAL PARTY GOVERNING BODIES.

2 4-201. POLITICAL PARTY STATE CENTRAL COMMITTEES.

3 (A) GENERALLY.

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

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

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

8 (B) SELECTION OF CHAIRMAN.

9 (1) A PARTY'S STATE CENTRAL COMMITTEE SHALL SELECT THE
10 CHAIRMAN OR CO-CHAIRMEN OF THE PARTY STATE CENTRAL COMMITTEE.11 (2) THE CHAIRMAN OR CO-CHAIRMEN SHALL BE RESIDENTS OF THE
12 STATE DURING THEIR TENURE IN OFFICE.

13 (C) RULES OF PROCEDURE.

14 A PARTY'S STATE CENTRAL COMMITTEE SHALL DETERMINE ITS OWN RULES OF
15 PROCEDURE, NOT INCONSISTENT WITH THE PROVISIONS OF THIS ARTICLE.16 4-202. COMPOSITION OF LOCAL CENTRAL COMMITTEES OF PRINCIPAL POLITICAL
17 PARTIES - GENERALLY.

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

19 (1) A PRINCIPAL POLITICAL PARTY SHALL ELECT THE MEMBERS OF THE
20 COUNTY CENTRAL COMMITTEE AT A PRIMARY ELECTION.21 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION OR § 4-203 OF
22 THIS SUBTITLE, THE CENTRAL COMMITTEE FOR A COUNTY SHALL CONSIST OF THE
23 NUMBER OF MEMBERS DETERMINED BY THE PARTY'S CONSTITUTION.

24 (B) SELECTION OF CHAIRMAN.

25 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE
26 PARTY CENTRAL COMMITTEE FOR EACH COUNTY SHALL SELECT THE CHAIRMAN OF
27 THAT COUNTY'S PARTY CENTRAL COMMITTEE.28 (2) IN BALTIMORE COUNTY, THE CHAIRMAN OF THE REPUBLICAN PARTY
29 CENTRAL COMMITTEE SHALL BE ELECTED AT LARGE.

30 (C) RESIDENCY OF MEMBERS.

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

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

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

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

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

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

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

20 (E) FILLING OF VACANCIES.

21 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A
22 VACANCY IN THE PARTY CENTRAL COMMITTEE FOR A COUNTY, OR FOR A
23 LEGISLATIVE DISTRICT OF BALTIMORE CITY, ANNE ARUNDEL COUNTY, OR
24 BALTIMORE COUNTY, SHALL BE FILLED BY THE REMAINING MEMBERS OF THE
25 COMMITTEE ELECTED FROM THAT COUNTY OR LEGISLATIVE DISTRICT.

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

29 (F) TENURE OF MEMBERS.

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

33 (I) BEGIN AT THE TIME THE RESULTS OF THAT ELECTION ARE
34 CERTIFIED; AND

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

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

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

7 4-203. COMPOSITION OF CENTRAL COMMITTEES - LOCAL PROVISIONS.

8 (A) ANNE ARUNDEL COUNTY.

9 IN ANNE ARUNDEL COUNTY, THE MEMBERS OF THE DEMOCRATIC AND
10 REPUBLICAN PARTY CENTRAL COMMITTEES FOR THE COUNTY SHALL BE ELECTED
11 AS FOLLOWS:

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

14 (2) ONE MEMBER SHALL BE ELECTED FROM THAT PORTION WITHIN
15 ANNE ARUNDEL COUNTY OF ANY LEGISLATIVE DISTRICT THAT IS PARTIALLY
16 CONTAINED WITHIN ANNE ARUNDEL COUNTY.

17 (B) BALTIMORE CITY.

18 (1) IN BALTIMORE CITY, THE MEMBERS OF THE DEMOCRATIC PARTY
19 CENTRAL COMMITTEE SHALL BE ELECTED FROM THE LEGISLATIVE DISTRICTS OF
20 BALTIMORE CITY AS FOLLOWS:

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

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

27 (2) (I) THE MEMBERS OF THE REPUBLICAN PARTY CENTRAL
28 COMMITTEE SHALL BE ELECTED FROM EACH CITY COUNCIL DISTRICT OF
29 BALTIMORE CITY.

30 (II) FOUR MEMBERS SHALL BE ELECTED FROM EACH CITY
31 COUNCIL DISTRICT.

32 (C) BALTIMORE COUNTY.

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

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

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

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

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

13 4. IN ANY LEGISLATIVE DISTRICT THAT IS DIVIDED INTO
14 DELEGATE DISTRICTS AND THE DELEGATE DISTRICTS ARE LOCATED ENTIRELY
15 WITHIN BALTIMORE COUNTY:

16 A. ONE MEMBER SHALL BE ELECTED FROM A SINGLE
17 MEMBER DELEGATE DISTRICT; AND

18 B. TWO MEMBERS SHALL BE ELECTED FROM A TWO MEMBER
19 DELEGATE DISTRICT.

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

21 (III) 1. THE NUMBER OF REPUBLICAN PARTY CENTRAL
22 COMMITTEE MEMBERS TO BE ELECTED FROM EACH LEGISLATIVE DISTRICT AND
23 EACH DELEGATE DISTRICT SHALL BE DETERMINED UPON COMPLETION OF EACH
24 LEGISLATIVE DISTRICTING.

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

28 (3) FOR THE DEMOCRATIC PARTY CENTRAL COMMITTEE:

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

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

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

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

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

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

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

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

11 (4) ONLY INDIVIDUALS AFFILIATED WITH THE DEMOCRATIC PARTY AND
12 WHO ARE REGISTERED TO VOTE IN BALTIMORE COUNTY MAY VOTE FOR THE
13 ELECTION OF MEMBERS TO THE BALTIMORE COUNTY DEMOCRATIC PARTY CENTRAL
14 COMMITTEE UNDER THIS SECTION.

15 (5) THE NUMBER OF DEMOCRATIC PARTY CENTRAL COMMITTEE
16 MEMBERS TO BE ELECTED FROM EACH LEGISLATIVE DISTRICT, OR PORTION OF
17 LEGISLATIVE DISTRICT, IN BALTIMORE COUNTY SHALL BE DETERMINED UPON
18 COMPLETION OF EACH LEGISLATIVE DISTRICTING.

19 (D) CALVERT COUNTY.

20 IN CALVERT COUNTY, THE DEMOCRATIC PARTY CENTRAL COMMITTEE
21 CONSISTS OF NINE MEMBERS ELECTED BY THE VOTERS OF THE COUNTY AT LARGE
22 AS FOLLOWS:

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

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

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

32 (4) THREE MEMBERS WHO RESIDE IN CALVERT COUNTY AND WHO
33 RECEIVE THE HIGHEST NUMBER OF VOTES CAST IN CALVERT COUNTY FOR THE
34 REMAINING CANDIDATES.

35 (E) CARROLL COUNTY.

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

3 (F) MONTGOMERY COUNTY.

4 (1) IN MONTGOMERY COUNTY:

5 (I) THE REPUBLICAN PARTY CENTRAL COMMITTEE CONSISTS OF
6 19 MEMBERS; AND

7 (II) THE DEMOCRATIC PARTY CENTRAL COMMITTEE CONSISTS OF
8 23 MEMBERS.

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

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

12 (II) ONE MEMBER IS ELECTED FROM THE MONTGOMERY COUNTY
13 PART OF EACH LEGISLATIVE DISTRICT WHICH IS PARTIALLY WITHIN MONTGOMERY
14 COUNTY; AND

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

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

19 (4) ANY REFERENCE TO THE DEMOCRATIC PARTY CENTRAL COMMITTEE
20 FOR MONTGOMERY COUNTY OR ANY PORTION OF IT MEANS THE ENTIRE
21 MEMBERSHIP OF THE MONTGOMERY COUNTY DEMOCRATIC PARTY CENTRAL
22 COMMITTEE, AND IN NO EVENT DO THE MEMBERS OF THE CENTRAL COMMITTEE
23 ELECTED FROM A DISTRICT COMPRISE A SEPARATE CENTRAL COMMITTEE.

24 (G) PRINCE GEORGE'S COUNTY.

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

27 1. MAY NOT RUN AT LARGE; AND

28 2. SHALL BE ELECTED FROM WITHIN LEGISLATIVE
29 DISTRICTS OF PRINCE GEORGE'S COUNTY OR WITHIN THAT PORTION OF ANY
30 LEGISLATIVE DISTRICT LYING WITHIN PRINCE GEORGE'S COUNTY.

31 (II) THE NUMBER OF MEMBERS OF THE REPUBLICAN PARTY
32 CENTRAL COMMITTEE SHALL CONSIST OF:

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

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

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

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

8 (III) ONE MEMBER SHALL RESIDE IN AND BE ELECTED BY THE
9 ELIGIBLE VOTERS OF THE PRINCE GEORGE'S COUNTY PORTION OF THE LEGISLATIVE
10 DISTRICT IN WHICH A MINORITY OF THE VOTERS RESIDE WITHIN PRINCE GEORGE'S
11 COUNTY.

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

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

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

23 4-204. CONSTITUTION AND BYLAWS.

24 (A) ADOPTION.

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

28 (B) REQUIRED PROVISIONS.

29 (1) THE CONSTITUTION AND BYLAWS OF EACH POLITICAL PARTY SHALL
30 PROVIDE:

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

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

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

36 (IV) FOR THE ESTABLISHMENT OF A QUORUM;

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

3 (VI) PROCEDURES FOR FILLING A VACANCY IN A NOMINATION FOR
4 PUBLIC OFFICE;

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

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

13 (IX) FOR THE ADOPTION OF RULES GOVERNING THE POLITICAL
14 PARTY.

15 (2) THE REPUBLICAN PARTY STATE CENTRAL COMMITTEE MAY ADOPT
16 PROVISIONS IN ITS CONSTITUTION AND BYLAWS PROVIDING FOR THE REMOVAL OF
17 MEMBERS OF THE REPUBLICAN STATE CENTRAL COMMITTEE WHO FAIL TO
18 DISCHARGE THE MINIMUM RESPONSIBILITIES OF A STATE CENTRAL COMMITTEE
19 MEMBER.

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

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

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

28 (D) FILING.

29 (1) WITHIN 30 DAYS AFTER THE ADOPTION OR AMENDMENT BY A
30 POLITICAL PARTY OF A CONSTITUTION, BYLAW, OR RULE, THE POLITICAL PARTY
31 SHALL FILE A COPY OF THE CONSTITUTION, BYLAW, OR RULE WITH THE STATE
32 BOARD.

33 (2) WITHIN 30 DAYS AFTER THE ADOPTION OR AMENDMENT BY A
34 CENTRAL COMMITTEE OF ANY COUNTY OF A CONSTITUTION, BYLAW, OR RULE, THE
35 LOCAL CENTRAL COMMITTEE SHALL FILE A COPY OF THE CONSTITUTION, BYLAW, OR
36 RULE WITH THE STATE CENTRAL COMMITTEE AND THE STATE BOARD.

37 (E) NEW POLITICAL PARTIES.

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

4 (2) IF A NEW POLITICAL PARTY DECIDES TO FORM LOCAL CENTRAL
5 COMMITTEES, THE POLITICAL PARTY SHALL NOTIFY THE STATE BOARD OF THE
6 NUMBER AND SIZE OF THE LOCAL CENTRAL COMMITTEES WITHIN 6 MONTHS AFTER
7 THE DATE THE STATE BOARD NOTIFIED THE POLITICAL PARTY THAT IT IS
8 CONSIDERED A STATE POLITICAL PARTY.

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

13 4-205. PROHIBITED PRACTICES.

14 (A) PROHIBITION ON INCORPORATION.

15 A POLITICAL PARTY IN THE STATE MAY NOT INCORPORATE UNDER THE
16 GENERAL LAWS OF THE STATE PROVIDING FOR THE FORMATION OF A
17 CORPORATION.

18 (B) EXCLUSIVE AUTHORITY OF PARTY CENTRAL COMMITTEE.

19 UNLESS IT IS THE PARTY STATE CENTRAL COMMITTEE, AN ORGANIZATION MAY
20 NOT REPRESENT THAT IT IS THE OFFICIAL ORGANIZATION OR GOVERNING BODY OF
21 ANY POLITICAL PARTY.

22 (C) PENALTY.

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

25 TITLE 5. CANDIDATES.

26 SUBTITLE 1. GENERAL PROVISIONS.

27 5-101. IN GENERAL.

28 (A) APPLICABILITY.

29 THIS SUBTITLE GOVERNS THE PROCESS BY WHICH AN INDIVIDUAL BECOMES A
30 CANDIDATE FOR A PUBLIC OR PARTY OFFICE IN AN ELECTION GOVERNED BY THIS
31 ARTICLE.

32 (B) COMPLIANCE REQUIRED.

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

4 SUBTITLE 2. QUALIFICATIONS.

5 5-201. IN GENERAL.

6 AN INDIVIDUAL MAY BECOME A CANDIDATE FOR A PUBLIC OR PARTY OFFICE
7 ONLY IF THE INDIVIDUAL SATISFIES THE QUALIFICATIONS FOR THAT OFFICE
8 ESTABLISHED BY LAW AND, IN THE CASE OF A PARTY OFFICE, BY PARTY
9 CONSTITUTION OR BYLAWS.

10 5-202. RESIDENCY REQUIREMENT.

11 A CANDIDATE FOR PUBLIC OR PARTY OFFICE MUST BE A REGISTERED VOTER AT
12 AN ADDRESS THAT SATISFIES ANY RESIDENCE REQUIREMENT FOR THE OFFICE
13 THAT IS IMPOSED BY LAW AND, IN THE CASE OF A PARTY OFFICE, BY PARTY RULES.
14 5-203. VOTER REGISTRATION AND PARTY AFFILIATION.

15 (A) VOTER REGISTRATION REQUIRED.

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

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

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

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

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

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

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

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

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

29 (1) A JUDICIAL OFFICE; OR

30 (2) A COUNTY BOARD OF EDUCATION.

1 5-204. CANDIDACY FOR MORE THAN ONE OFFICE.

2 (A) PUBLIC OFFICE.

3 AN INDIVIDUAL SIMULTANEOUSLY MAY NOT BE A CANDIDATE FOR MORE THAN
4 ONE PUBLIC OFFICE.

5 (B) PARTY OFFICE.

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

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

9 UNLESS OTHERWISE PROHIBITED BY RULE OF THE APPLICABLE POLITICAL
10 PARTY, AN INDIVIDUAL SIMULTANEOUSLY MAY BE A CANDIDATE FOR A PARTY
11 OFFICE AND A PUBLIC OFFICE.

12 5-205. GOVERNOR AND LIEUTENANT GOVERNOR UNIT.

13 (A) DESIGNATION.

14 IN ACCORDANCE WITH ARTICLE II OF THE MARYLAND CONSTITUTION, WHEN A
15 CANDIDATE FOR NOMINATION FOR GOVERNOR FILES FOR THAT OFFICE, THE
16 CANDIDATE SHALL DESIGNATE A CANDIDATE FOR LIEUTENANT GOVERNOR.

17 (B) FILING AS A UNIT.

18 THE CANDIDATES FOR NOMINATION FOR GOVERNOR AND LIEUTENANT
19 GOVERNOR EACH SHALL FILE FOR NOMINATION AND BE CONSIDERED A UNIT FOR
20 NOMINATION TO THE OFFICES OF GOVERNOR AND LIEUTENANT GOVERNOR.

21 (C) LISTING ON THE BALLOT.

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

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

26 SUBTITLE 3. CERTIFICATE OF CANDIDACY.

27 5-301. IN GENERAL.

28 (A) IN GENERAL.

29 AN INDIVIDUAL MAY BECOME A CANDIDATE FOR A PUBLIC OR PARTY OFFICE
30 ONLY IF:

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

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

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

4 THE APPROPRIATE BOARD SHALL DETERMINE THAT AN INDIVIDUAL FILING A
5 CERTIFICATE OF CANDIDACY MEETS THE REQUIREMENTS OF THIS ARTICLE,
6 INCLUDING:

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

9 (2) THE CAMPAIGN FINANCE REPORTING REQUIREMENTS UNDER TITLE
10 13 OF THIS ARTICLE.

11 (C) LISTING OF NAME ON BALLOT.

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

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

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

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

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

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

28 (D) PETITION CANDIDATES.

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

31 (E) WRITE-IN CANDIDATES.

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

34 (F) EXCEPTION FOR APPELLATE JUDGES.

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

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

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

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

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

21 (G) EXCEPTION FOR CANDIDATES NOMINATED BY NATIONAL PARTY
22 PRESIDENTIAL NOMINATING CONVENTION.

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

26 5-302. FILING.

27 (A) ON FORM.

28 A CERTIFICATE OF CANDIDACY SHALL BE FILED UNDER OATH ON THE
29 PRESCRIBED FORM.

30 (B) FILING WITH STATE BOARD.

31 THE CERTIFICATE OF CANDIDACY SHALL BE FILED WITH THE STATE BOARD IF
32 THE CANDIDACY IS FOR:

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

35 (2) THE GENERAL ASSEMBLY OF MARYLAND;

36 (3) REPRESENTATIVE IN CONGRESS;

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

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

4 (C) FILING WITH LOCAL BOARD.

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

8 5-303. WHEN FILED.

9 (A) GENERALLY.

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

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

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

20 (B) SPECIAL ELECTION.

21 A CERTIFICATE OF CANDIDACY FOR AN OFFICE TO BE FILLED BY A SPECIAL
22 ELECTION UNDER THIS ARTICLE SHALL BE RECEIVED AND FILED IN THE OFFICE OF
23 THE APPROPRIATE BOARD NOT LATER THAN 5 P.M. ON THE MONDAY THAT IS 3
24 WEEKS OR 21 DAYS PRIOR TO THE DATE FOR THE SPECIAL PRIMARY ELECTION
25 SPECIFIED BY THE GOVERNOR IN THE PROCLAMATION FOR THE SPECIAL PRIMARY
26 ELECTION.

27 (C) WRITE-IN CANDIDATE.

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

30 (1) 7 DAYS AFTER A TOTAL EXPENDITURE OF AT LEAST \$51 IS MADE TO
31 PROMOTE THE CANDIDACY BY THE CANDIDATE OR A POLITICAL COMMITTEE
32 AUTHORIZED BY THE CANDIDATE; OR

33 (2) 5 P.M. ON THE WEDNESDAY PRECEDING THE DAY OF THE ELECTION
34 FOR WHICH THE CERTIFICATE IS FILED.

1 5-304. MANNER OF FILING.

2 (A) MANNER OF FILING.

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

4 (I) IN PERSON; OR

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

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

10 (B) FILING OTHER THAN IN PERSON.

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

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

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

19 (C) CONTENT.

20 ON THE CERTIFICATE OF CANDIDACY FORM PRESCRIBED BY THE STATE
21 BOARD, THE CANDIDATE SHALL SPECIFY:

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

24 (2) THE YEAR OF THE ELECTION;

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

26 (4) THE ADDRESS ON THE VOTER REGISTRY OR THE CURRENT ADDRESS
27 OF THAT INDIVIDUAL;

28 (5) A STATEMENT THAT THE INDIVIDUAL SATISFIES THE
29 REQUIREMENTS OF LAW FOR CANDIDACY FOR THE OFFICE FOR WHICH THE
30 CERTIFICATE IS BEING FILED; AND

31 (6) ANY INFORMATION REQUESTED BY THE STATE BOARD TO VERIFY
32 THE ACCURACY OF THE INFORMATION PROVIDED BY THE INDIVIDUAL UNDER THIS
33 SUBSECTION.

1 (D) ADDITIONAL REQUIREMENTS.

2 THE CERTIFICATE OF CANDIDACY SHALL BE ACCOMPANIED BY:

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

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

8 (3) EVIDENCE THAT THE INDIVIDUAL HAS FILED:

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

12 (II) ANY OTHER FINANCIAL DISCLOSURE REPORT REQUIRED BY
13 LAW; AND

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

15 (E) ACCEPTANCE BY APPROPRIATE BOARD.

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

18 SUBTITLE 4. FILING FEES.

19 5-401. AMOUNT.

20 (A) IN GENERAL.

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

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

25 (B) SPECIFIC AMOUNT.

26 THE FILING FEE SHALL BE AS FOLLOWS:

27	(1)	PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES	NO FEE
28	(2)	GOVERNOR OR LIEUTENANT GOVERNOR	\$290 EACH
29	(3)	COMPTROLLER OF THE TREASURY	\$290
30	(4)	ATTORNEY GENERAL	\$290

1	(5)	UNITED STATES SENATOR	\$290
2	(6)	REPRESENTATIVE IN CONGRESS	\$100
3	(7)	MEMBER OF THE GENERAL ASSEMBLY	\$50
4	(8)	MAYOR OF THE CITY OF BALTIMORE	\$150
5	(9)	COMPTROLLER OF THE CITY OF BALTIMORE	\$150
6	(10)	CITY COUNCIL OF BALTIMORE:	
7	(I)	PRESIDENT	\$150
8	(II)	MEMBER AT LARGE VOTED ON BY THE VOTERS OF THE	
9		ENTIRE CITY OF BALTIMORE	\$150
10	(III)	MEMBER VOTED ON BY LESS THAN THE ENTIRE	
11		CITY OF BALTIMORE	\$50
12	(11)	OFFICES OF THE CITY OF BALTIMORE, NOT SPECIFIED IN	
13		PARAGRAPHS (8), (9), AND (10), THAT ARE VOTED ON BY THE VOTERS OF THE ENTIRE	
14		CITY OF BALTIMORE	\$150
15	(12)	ANY OTHER PUBLIC OFFICE	\$25
16	(13)	MEMBER OF A PARTY CENTRAL COMMITTEE	\$10

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

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

24 (C) WAIVER OF FILING FEE.

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

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

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

1 (I) THE NATURE, EXTENT, AND LIQUIDITY OF THE CANDIDATE'S
2 ASSETS; AND

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

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

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

11 5-402. RETURN OF FILING FEES.

12 (A) CANDIDATE ENTERING MILITARY SERVICE.

13 UPON REQUEST, A CANDIDATE WHO PAYS A FILING FEE IS ENTITLED TO A
14 RETURN OF THE FILING FEE UPON THE FILING OF THE CERTIFICATE OF
15 WITHDRAWAL ON THE FORM PRESCRIBED BY THE STATE BOARD IF THE CANDIDATE
16 ENTERS INTO ACTIVE DUTY WITH THE ARMED SERVICES OF THE UNITED STATES
17 DURING THE PERIOD BETWEEN THE LAST DATE ALLOWED FOR THE WITHDRAWAL OF
18 CANDIDACY AND THE PRINTING OF THE BALLOTS.

19 (B) RETURN FOR GOOD CAUSE.

20 SUBJECT TO THE APPROVAL OF THE STATE BOARD, THE FILING FEE PAID BY A
21 CANDIDATE MAY BE RETURNED TO THE CANDIDATE FOR GOOD CAUSE.

22 5-403. DISPOSITION OF FILING FEES.

23 (A) GENERALLY.

24 FILING FEES PAID BY CANDIDATES UNDER § 5-401 OF THIS SUBTITLE SHALL BE
25 DISTRIBUTED AS SPECIFIED IN THIS SECTION.

26 (B) FEES RECEIVED BY LOCAL BOARD.

27 FILING FEES RECEIVED BY A LOCAL BOARD SHALL BE TRANSFERRED TO THE
28 GOVERNING BODY OF THE COUNTY.

29 (C) FEES RECEIVED BY STATE BOARD.

30 FILING FEES RECEIVED BY THE STATE BOARD SHALL BE DIVIDED AND
31 DISTRIBUTED:

32 (1) WITH RESPECT TO CANDIDATES FOR STATEWIDE OFFICE:

33 (I) \$60 TO THE BALTIMORE CITY BOARD OF SUPERVISORS OF
34 ELECTIONS; AND

1 (II) \$10 EACH TO EACH OTHER LOCAL BOARD;

2 (2) WITH RESPECT TO CANDIDATES FOR ANY OTHER PUBLIC OR PARTY
3 OFFICE IN A MULTICOUNTY DISTRICT, IN EQUAL AMOUNTS TO THE LOCAL BOARD OF
4 EACH COUNTY THAT CONTAINS PART OF THE DISTRICT TO WHICH THE CANDIDACY
5 RELATES; AND

6 (3) WITH RESPECT TO A CANDIDATE FOR A PUBLIC OR PARTY OFFICE IN
7 A DISTRICT WHOLLY CONTAINED WITHIN ONE COUNTY, TO THE LOCAL BOARD OF
8 THAT COUNTY.

9 SUBTITLE 5. WITHDRAWAL OF CANDIDACY AFTER FILING BUT BEFORE PRIMARY
10 ELECTION.

11 5-501. SCOPE.

12 AN INDIVIDUAL WHO HAS FILED A CERTIFICATE OF CANDIDACY MAY
13 WITHDRAW THE CANDIDACY BY FILING A CERTIFICATE OF WITHDRAWAL AS
14 PROVIDED IN THIS SUBTITLE.

15 5-502. TIME FOR WITHDRAWAL.

16 (A) GENERALLY.

17 SUBJECT TO § 5-402 OF THIS TITLE, AN INDIVIDUAL WHO HAS FILED A
18 CERTIFICATE OF CANDIDACY MAY WITHDRAW THE CANDIDACY BY FILING A
19 CERTIFICATE OF WITHDRAWAL ON THE FORM PRESCRIBED BY THE STATE BOARD
20 WITHIN 10 DAYS AFTER THE FILING DATE ESTABLISHED UNDER § 5-303 OF THIS
21 TITLE.

22 (B) SPECIAL ELECTIONS.

23 AN INDIVIDUAL WHO HAS FILED A CERTIFICATE OF CANDIDACY FOR THE
24 SPECIAL ELECTION TO FILL A VACANCY FOR REPRESENTATIVE IN CONGRESS MAY
25 WITHDRAW THE CERTIFICATE ON THE PRESCRIBED FORM WITHIN 2 DAYS AFTER
26 THE FILING DATE ESTABLISHED IN THE PROCLAMATION ISSUED BY THE GOVERNOR.
27 5-503. PLACE AND MANNER OF WITHDRAWAL.

28 (A) GENERALLY.

29 EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE CERTIFICATE
30 OF WITHDRAWAL SHALL BE FILED WITH THE APPROPRIATE BOARD WITH WHICH THE
31 INDIVIDUAL FILED THE CERTIFICATE OF CANDIDACY.

32 (B) SPECIAL ELECTIONS.

33 THE PROCLAMATION ISSUED BY THE GOVERNOR UNDER § 8-710 OF THIS
34 ARTICLE FOR A SPECIAL ELECTION TO FILL A VACANCY FOR REPRESENTATIVE IN
35 CONGRESS SHALL ALLOW ANY INDIVIDUAL WHO HAS FILED A CERTIFICATE OF

1 CANDIDACY TO WITHDRAW THE CANDIDACY AS PROVIDED UNDER THE TERMS OF
2 THE PROCLAMATION.

3 5-504. EFFECT OF WITHDRAWAL OF CANDIDACY.

4 (A) GENERALLY.

5 IF A CERTIFICATE OF WITHDRAWAL IS FILED UNDER THIS SUBTITLE:

6 (1) THE CERTIFICATE OF CANDIDACY TO WHICH THE CERTIFICATE OF
7 WITHDRAWAL RELATES IS VOID;

8 (2) THE NAME OF THE CANDIDATE MAY NOT BE SUBMITTED TO THE
9 VOTERS FOR NOMINATION AND ELECTION TO THE OFFICE TO WHICH THE
10 CERTIFICATE RELATES UNLESS THE INDIVIDUAL FILES A NEW CERTIFICATE OF
11 CANDIDACY WITHIN THE TIME LIMIT PRESCRIBED FOR FILING; AND

12 (3) EXCEPT AS PROVIDED IN § 5-402 OF THIS ARTICLE, THE FILING FEE
13 FOR THE CERTIFICATE OF CANDIDACY MAY NOT BE REFUNDED.

14 (B) NAME TO APPEAR ON BALLOT; EXCEPTION.

15 EXCEPT FOR THE OFFICES OF GOVERNOR AND LIEUTENANT GOVERNOR, THE
16 NAME OF ANY INDIVIDUAL WHO FILES A CERTIFICATE OF CANDIDACY AND DOES
17 NOT WITHDRAW SHALL APPEAR ON THE PRIMARY ELECTION BALLOT UNLESS, BY
18 THE 10TH DAY PRIOR TO THE FILING DEADLINE SPECIFIED UNDER § 5-303 OF THIS
19 ARTICLE, THE INDIVIDUAL'S DEATH OR DISQUALIFICATION IS KNOWN TO THE
20 APPLICABLE BOARD WITH WHICH THE CERTIFICATE OF CANDIDACY WAS FILED.

21 SUBTITLE 6. QUALIFICATION FOR PRIMARY ELECTION BALLOT.

22 5-601. CANDIDATES QUALIFYING.

23 THE NAME OF A CANDIDATE SHALL REMAIN ON THE BALLOT AND BE
24 SUBMITTED TO THE VOTERS AT A PRIMARY ELECTION IF:

25 (1) THE CANDIDATE HAS FILED A CERTIFICATE OF CANDIDACY IN
26 ACCORDANCE WITH THE REQUIREMENTS OF § 5-301 OF THIS TITLE AND HAS
27 SATISFIED ANY OTHER REQUIREMENTS OF THIS ARTICLE RELATING TO THE OFFICE
28 FOR WHICH THE INDIVIDUAL IS A CANDIDATE, PROVIDED THE CANDIDATE:

29 (I) HAS NOT WITHDRAWN THE CANDIDACY IN ACCORDANCE WITH
30 SUBTITLE 5 OF THIS TITLE;

31 (II) HAS NOT DIED OR BECOME DISQUALIFIED, AND THAT FACT IS
32 KNOWN TO THE APPLICABLE BOARD BY THE DEADLINE PRESCRIBED IN § 5-504(B) OF
33 THIS TITLE;

34 (III) DOES NOT SEEK NOMINATION BY PETITION PURSUANT TO THE
35 PROVISIONS OF § 5-703 OF THIS TITLE; OR

1 (IV) IS NOT A WRITE-IN CANDIDATE; OR

2 (2) THE CANDIDATE HAS QUALIFIED TO HAVE THE CANDIDATE'S NAME
3 SUBMITTED TO THE VOTERS IN A PRESIDENTIAL PRIMARY ELECTION UNDER TITLE 8,
4 SUBTITLE 5 OF THIS ARTICLE.

5 SUBTITLE 7. NOMINATION.

6 5-701. IN GENERAL.

7 NOMINATIONS FOR PUBLIC OFFICES THAT ARE FILLED BY ELECTIONS
8 GOVERNED BY THIS ARTICLE SHALL BE MADE:

9 (1) BY PARTY PRIMARY, FOR CANDIDATES OF A PRINCIPAL POLITICAL
10 PARTY; OR

11 (2) BY PETITION FOR:

12 (I) CANDIDATES OF A POLITICAL PARTY THAT DOES NOT
13 NOMINATE BY PRIMARY; OR

14 (II) CANDIDATES NOT AFFILIATED WITH ANY POLITICAL PARTY.

15 5-702. NOMINATION BY PRIMARY ELECTION.

16 A CANDIDATE FOR PUBLIC OFFICE OF A POLITICAL PARTY SHALL BE
17 NOMINATED IN ACCORDANCE WITH THE REQUIREMENTS OF SUBTITLES 2 THROUGH
18 4 OF THIS TITLE UNLESS THE CANDIDATE IS:

19 (1) NOMINATED BY PETITION UNDER § 5-703 OF THIS SUBTITLE; OR

20 (2) A WRITE-IN CANDIDATE UNDER § 5-704 OF THIS SUBTITLE.

21 5-703. NOMINATION BY PETITION.

22 (A) SCOPE.

23 EXCEPT FOR A CANDIDATE FOR A COUNTY BOARD OF EDUCATION, THIS
24 SECTION APPLIES TO ANY CANDIDATE FOR PUBLIC OFFICE SUBJECT TO THIS TITLE.

25 (B) IN GENERAL.

26 A CANDIDATE FOR A PUBLIC OFFICE MAY BE NOMINATED BY PETITION UNDER
27 THIS SUBTITLE IF THE CANDIDATE DOES NOT SEEK NOMINATION THROUGH A PARTY
28 PRIMARY.

29 (C) DECLARATION OF INTENT.

30 (1) A CANDIDATE FOR PUBLIC OFFICE WHO SEEKS NOMINATION BY
31 PETITION SHALL FILE A DECLARATION OF INTENT TO SEEK NOMINATION BY
32 PETITION.

1 (2) THE DECLARATION OF INTENT SHALL BE FILED WITH THE BOARD AT
2 WHICH THE CANDIDATE FILES A CERTIFICATE OF CANDIDACY UNDER SUBTITLE 3 OF
3 THIS TITLE.

4 (3) THE DECLARATION OF INTENT SHALL BE FILED AS FOLLOWS:

5 (I) IN A YEAR IN WHICH THE GOVERNOR IS ELECTED, BY THE DATE
6 AND TIME SPECIFIED FOR A CANDIDATE TO FILE A CERTIFICATE OF CANDIDACY;

7 (II) IN A YEAR IN WHICH THE PRESIDENT IS ELECTED, BY JULY 1;
8 AND

9 (III) FOR A SPECIAL ELECTION TO FILL A VACANCY FOR
10 REPRESENTATIVE IN CONGRESS, BY THE DATE AND TIME SPECIFIED FOR A
11 CANDIDATE TO FILE A CERTIFICATE OF CANDIDACY IN THE GOVERNOR'S
12 PROCLAMATION.

13 (4) A CANDIDATE WHO SEEKS NOMINATION BY PETITION MAY NOT BE
14 CHARGED A FEE FOR FILING THE DECLARATION OF INTENT.

15 (D) CERTIFICATE OF CANDIDACY.

16 (1) A CANDIDATE FOR PUBLIC OFFICE WHO SEEKS NOMINATION BY
17 PETITION SHALL FILE A CERTIFICATE OF CANDIDACY NOT LATER THAN 5 P.M. ON
18 THE FIRST MONDAY IN AUGUST IN THE YEAR OF THE GENERAL ELECTION FOR THE
19 OFFICE.

20 (2) EXCEPT FOR THE TIME OF FILING, THE CERTIFICATE OF CANDIDACY
21 FOR A CANDIDATE WHO SEEKS NOMINATION BY PETITION SHALL COMPLY WITH THE
22 REQUIREMENTS FOR A CERTIFICATE OF CANDIDACY UNDER SUBTITLE 3 OF THIS
23 TITLE.

24 (E) PETITION SIGNATURES REQUIREMENTS.

25 (1) A CANDIDATE WHO SEEKS NOMINATION BY PETITION MAY NOT
26 HAVE THE CANDIDATE'S NAME PLACED ON THE GENERAL ELECTION BALLOT
27 UNLESS THE CANDIDATE FILES WITH THE APPROPRIATE BOARD PETITIONS SIGNED
28 BY:

29 (I) IN THE CASE OF AN OFFICE VOTED ON BY THE VOTERS OF THE
30 ENTIRE STATE, NOT LESS THAN 1% OF THE TOTAL NUMBER OF REGISTERED VOTERS
31 WHO ARE ELIGIBLE TO VOTE IN THE STATE; AND

32 (II) IN THE CASE OF AN OFFICE NOT VOTED ON BY THE VOTERS OF
33 THE ENTIRE STATE, NOT LESS THAN 3% OF THE REGISTERED VOTERS WHO ARE
34 ELIGIBLE TO VOTE FOR THE OFFICE FOR WHICH THE NOMINATION BY PETITION IS
35 SOUGHT.

36 (2) THE PETITIONS SHALL BE FILED AS REQUIRED IN TITLE 6 OF THIS
37 ARTICLE.

1 (3) THE NUMBER OF REGISTERED VOTERS REQUIRED TO SATISFY THE
2 REQUIREMENTS OF PARAGRAPH (1) OF THIS SECTION SHALL BE DETERMINED AS OF
3 THE DEADLINE FOR CHANGING PARTY AFFILIATION BEFORE THE PRIMARY
4 ELECTION FOR WHICH THE NOMINATION IS SOUGHT.

5 (F) TIME AND PLACE FOR FILING PETITION SIGNATURES.

6 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A
7 PETITION THAT CONTAINS THE REQUIRED NUMBER OF SIGNATURES SPECIFIED
8 UNDER SUBSECTION (E)(1) OF THIS SECTION SHALL BE FILED WITH THE
9 APPROPRIATE BOARD BY 5 P.M. ON THE FIRST MONDAY IN AUGUST IN THE YEAR IN
10 WHICH THE GENERAL ELECTION IS HELD.

11 (2) IN A SPECIAL ELECTION TO FILL A VACANCY IN THE OFFICE OF
12 REPRESENTATIVE IN CONGRESS, A PETITION THAT CONTAINS THE REQUIRED
13 NUMBER OF SIGNATURES SHALL BE FILED WITH THE STATE BOARD BY 5 P.M. ON THE
14 DAY OF THE SPECIAL PRIMARY ELECTION.

15 5-704. WRITE-IN CANDIDATES.

16 AN INDIVIDUAL WHO SEEKS ELECTION AS A WRITE-IN CANDIDATE SHALL FILE
17 A CERTIFICATE OF CANDIDACY AS REQUIRED UNDER § 5-303 OF THIS TITLE.

18 5-705. CERTIFICATE OF NOMINATION OR ELECTION AFTER PRIMARY ELECTION.

19 (A) IN GENERAL.

20 A CERTIFICATE OF NOMINATION THAT ENTITLES A CANDIDATE FOR PUBLIC
21 OFFICE TO HAVE THE CANDIDATE'S NAME LISTED ON THE GENERAL ELECTION
22 BALLOT AND SUBMITTED TO THE VOTERS AT THE GENERAL ELECTION SHALL BE
23 ISSUED IN ACCORDANCE WITH THIS SECTION.

24 (B) ISSUANCE OF CERTIFICATES OF NOMINATION.

25 (1) THE STATE BOARD SHALL ISSUE A CERTIFICATE OF NOMINATION TO
26 EACH CANDIDATE WHO FILES A CERTIFICATE OF CANDIDACY WITH THE STATE
27 BOARD AND WHO QUALIFIES FOR THE NOMINATION.

28 (2) THE LOCAL BOARD WITH WHICH A CANDIDATE FILES A CERTIFICATE
29 OF CANDIDACY SHALL ISSUE A CERTIFICATE OF NOMINATION TO EACH CANDIDATE
30 WHO QUALIFIES FOR THE NOMINATION.

31 (3) A POLITICAL PARTY MAY HAVE ONLY ONE CANDIDATE AS ITS
32 NOMINEE FOR ANY POSITION TO BE FILLED IN A GENERAL ELECTION.

33 (4) A CERTIFICATE OF NOMINATION MAY NOT CONTAIN THE NAME OF
34 MORE THAN ONE NOMINEE FOR EACH OFFICE TO BE FILLED AT THE ELECTION.

35 (C) ISSUANCE OF CERTIFICATE OF ELECTION.

1 FOLLOWING THE CERTIFICATION OF THE PRIMARY ELECTIONS RETURNS BY
2 THE BOARD RESPONSIBLE FOR THE CERTIFICATION OF THE RESULTS OF THAT
3 ELECTION, THAT BOARD SHALL ISSUE A CERTIFICATE OF ELECTION TO:

4 (1) EACH CANDIDATE FOR DELEGATE TO A NATIONAL PARTY
5 CONVENTION WHO IS CERTIFIED BY THE STATE BOARD TO HAVE BEEN ELECTED IN
6 ACCORDANCE WITH THE PARTY'S RULES; AND

7 (2) EACH CANDIDATE TO A PARTY CENTRAL COMMITTEE WHO IS
8 CERTIFIED BY THE LOCAL BOARD TO HAVE BEEN ELECTED TO THAT POSITION.

9 5-706. CANDIDATE DEFEATED IN PRIMARY ELECTION.

10 (A) SCOPE.

11 THIS SECTION DOES NOT APPLY TO:

12 (1) A CANDIDATE FOR THE OFFICE OF JUDGE OF THE CIRCUIT COURT;

13 (2) A CANDIDATE SELECTED BY A POLITICAL PARTY TO FILL A VACANCY
14 IN NOMINATION UNDER SUBTITLE 9 OR SUBTITLE 10 OF THIS TITLE; OR

15 (3) A CANDIDATE DEFEATED IN A PRESIDENTIAL PREFERENCE
16 PRIMARY.

17 (B) CANDIDACY NOT ALLOWED.

18 THE NAME OF A CANDIDATE WHO IS DEFEATED FOR THE NOMINATION FOR A
19 PUBLIC OFFICE MAY NOT APPEAR ON THE BALLOT AT THE NEXT SUCCEEDING
20 GENERAL ELECTION AS A CANDIDATE FOR ANY OFFICE.

21 SUBTITLE 8. DECLINATION OF NOMINATION.

22 5-801. DECLINATION OF NOMINATION.

23 (A) IN GENERAL.

24 A NOMINEE MAY DECLINE THE NOMINATION BY FILING A CERTIFICATE OF
25 DECLINATION ON THE PRESCRIBED FORM.

26 (B) WHEN AND WHERE FILED.

27 THE CERTIFICATE OF DECLINATION SHALL BE UNDER OATH AND FILED:

28 (1) WITH THE BOARD AT WHICH THE CERTIFICATE OF CANDIDACY WAS
29 FILED; AND

30 (2) (I) IN THE YEAR OF A GUBERNATORIAL ELECTION OR THE YEAR
31 OF AN ELECTION FOR THE MAYOR OF THE CITY OF BALTIMORE, WITHIN 2 DAYS
32 AFTER THE ELECTION RESULTS ARE CERTIFIED; OR

1 (II) IN THE YEAR OF A PRESIDENTIAL ELECTION, BY THE 70TH DAY
2 PRECEDING THE GENERAL ELECTION.

3 (C) EFFECT OF DECLINATION.

4 IF A CERTIFICATE OF DECLINATION IS FILED UNDER THIS SECTION:

5 (1) THE CERTIFICATE OF NOMINATION TO WHICH THE CERTIFICATE OF
6 DECLINATION RELATES IS VOID;

7 (2) A VACANCY IN NOMINATION IS CREATED TO BE FILLED IN
8 ACCORDANCE WITH THE PROVISIONS OF SUBTITLE 10 OF THIS TITLE;

9 (3) THE NAME OF THE INDIVIDUAL WHO DECLINED THE NOMINATION
10 MAY NOT APPEAR ON THE BALLOT UNLESS THE INDIVIDUAL IS SELECTED TO FILL
11 THAT VACANCY; AND

12 (4) THE FILING FEE FOR THE CERTIFICATE OF CANDIDACY OF THAT
13 INDIVIDUAL MAY NOT BE REFUNDED.

14 SUBTITLE 9. VACANCIES IN CANDIDACY OCCURRING BEFORE A PRIMARY
15 ELECTION.

16 5-901. OFFICES OTHER THAN GOVERNOR AND LIEUTENANT GOVERNOR - NO FILED
17 CANDIDATE.

18 (A) IN GENERAL.

19 THIS SECTION DOES NOT APPLY TO VACANCY IN NOMINATION IN THE OFFICE
20 OF A GOVERNOR AND LIEUTENANT GOVERNOR UNIT.

21 (B) SCOPE.

22 THIS SECTION APPLIES TO A VACANCY IN CANDIDACY FOR A PRIMARY
23 ELECTION THAT OCCURS BECAUSE NO CANDIDATE FOR THE POLITICAL PARTY FILES
24 A CERTIFICATE OF CANDIDACY FOR THE ELECTION.

25 (C) HOW FILLED - OFFICES COVERING MORE THAN ONE COUNTY.

26 (1) EXCEPT FOR A VACANCY IN CANDIDACY FOR THE ELECTION OF A
27 MEMBER OF THE SENATE OF MARYLAND OR THE HOUSE OF DELEGATES AS
28 PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE VACANCY IN CANDIDACY
29 FOR A POLITICAL PARTY THAT IS ENTITLED TO HAVE A CANDIDATE ON THE BALLOT
30 FOR AN OFFICE ELECTED BY THE VOTERS OF MORE THAN ONE COUNTY SHALL BE
31 FILLED BY THE STATE CENTRAL COMMITTEE OR GOVERNING BODY OF THAT
32 POLITICAL PARTY.

33 (2) (I) IN A STATE LEGISLATIVE DISTRICT OR A STATE DELEGATE
34 DISTRICT COMPRISING MORE THAN ONE COUNTY, A VACANCY IN CANDIDACY FOR A
35 POLITICAL PARTY THAT IS ENTITLED TO HAVE A CANDIDATE ON THE BALLOT SHALL

1 BE FILLED BY A VOTE OF THE CENTRAL COMMITTEE IN THE COUNTIES IN THE
2 DISTRICT.

3 (II) IN FILLING THE VACANCY IN CANDIDACY UNDER
4 SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE CENTRAL COMMITTEE OF EACH
5 COUNTY WHERE THE VACANCY OCCURS SHALL CAST A VOTE PROPORTIONATE TO ITS
6 SHARE OF THE POPULATION OF THE DISTRICT AS REPORTED IN THE MOST RECENT
7 DECENNIAL CENSUS OF THE UNITED STATES.

8 (III) IF NO PERSON RECEIVES A MAJORITY OF THE VOTES CAST
9 UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, OR IF THERE IS A TIE VOTE BY THE
10 CENTRAL COMMITTEES, THE VACANCY IN CANDIDACY SHALL BE FILLED BY THE
11 STATE CENTRAL COMMITTEE OF THE POLITICAL PARTY.

12 (D) OTHER OFFICES.

13 FOR ANY PUBLIC OR PARTY OFFICE NOT DESCRIBED IN SUBSECTION (C) OF
14 THIS SECTION, A VACANCY IN CANDIDACY UNDER THIS SECTION SHALL BE FILLED
15 BY THE CENTRAL COMMITTEE OF THE POLITICAL PARTY IN THAT COUNTY.

16 (E) CERTIFICATE OF DESIGNATION REQUIRED FROM CENTRAL COMMITTEE.

17 A CENTRAL COMMITTEE AUTHORIZED TO FILL A VACANCY IN CANDIDACY FOR
18 AN OFFICE UNDER THIS SECTION SHALL FILE A CERTIFICATE OF DESIGNATION OF
19 CANDIDACY WITH THE APPROPRIATE BOARD DESIGNATED TO RECEIVE THE
20 CERTIFICATE OF CANDIDACY FOR THAT OFFICE BY THE FIFTH DAY AFTER THE DATE
21 ON WHICH A CANDIDATE MAY WITHDRAW A CERTIFICATE OF CANDIDACY BEFORE
22 THE PRIMARY ELECTION.

23 (F) CERTIFICATES OF CANDIDACY REQUIRED OF NOMINEE TO FILL VACANCY.

24 THE INDIVIDUAL DESIGNATED BY A CENTRAL COMMITTEE UNDER SUBSECTION
25 (E) OF THIS SECTION TO FILL A VACANCY SHALL FILE A CERTIFICATE OF CANDIDACY
26 IN ACCORDANCE WITH SUBTITLE 3 OF THIS TITLE WITH THE APPROPRIATE BOARD
27 BY THE DATE SPECIFIED FOR THE APPLICABLE CENTRAL COMMITTEE TO FILE A
28 CERTIFICATE OF DESIGNATION UNDER SUBSECTION (E) OF THIS SECTION.

29 5-902. GOVERNOR AND LIEUTENANT GOVERNOR - VACANCY IN CANDIDACY BEFORE
30 THE FILING DEADLINE.

31 (A) GENERALLY.

32 IF EITHER OF THE CANDIDATES OF A GOVERNOR AND LIEUTENANT GOVERNOR
33 UNIT DIES, WITHDRAWS THE CANDIDACY, OR BECOMES DISQUALIFIED FOR ANY
34 REASON PRIOR TO THE DEADLINE FOR FILING A CERTIFICATE OF CANDIDACY FOR A
35 PRIMARY ELECTION UNDER § 5-303 OF THIS TITLE, THE REMAINING CANDIDATE
36 MAY:

37 (1) DESIGNATE A SUCCESSOR CANDIDATE WHO SHALL FILE A
38 CERTIFICATE OF CANDIDACY BEFORE THE LATER OF:

1 (I) THE DEADLINE SPECIFIED UNDER § 5-303 OF THIS TITLE; OR

2 (II) THE FIFTH DAY FOLLOWING THE DEATH, WITHDRAWAL, OR
3 DISQUALIFICATION OF THE FORMER CANDIDATE;

4 (2) WITHDRAW UNDER SUBTITLE 5 OF THIS TITLE; OR

5 (3) AFTER WITHDRAWING UNDER PARAGRAPH (2) OF THIS SUBSECTION,
6 FORM A SUCCESSOR UNIT FOR THE CANDIDACY FOR THE OFFICES OF GOVERNOR
7 AND LIEUTENANT GOVERNOR BY FILING A CERTIFICATE OF CANDIDACY BY THE
8 DATE SPECIFIED UNDER SUBSECTION (B) OF THIS SECTION.

9 (B) TIME OF FILING.

10 THE CANDIDATES OF THE SUCCESSOR UNIT FOR GOVERNOR AND LIEUTENANT
11 GOVERNOR FORMED UNDER SUBSECTION (A)(3) OF THIS SECTION EACH SHALL FILE
12 A CERTIFICATE OF CANDIDACY AS A SUCCESSOR UNIT BEFORE THE LATER OF:

13 (1) THE DEADLINE FOR FILING A CERTIFICATE OF CANDIDACY FOR THE
14 PRIMARY ELECTION UNDER § 5-303 OF THIS TITLE; OR

15 (2) THE FIFTH DAY FOLLOWING THE DEATH, WITHDRAWAL, OR
16 DISQUALIFICATION OF THE FORMER CANDIDATE.

17 5-903. LIEUTENANT GOVERNOR - VACANCY IN CANDIDACY OCCURRING AFTER THE
18 FILING DEADLINE.

19 (A) DESIGNATION OF SUCCESSOR CANDIDATE.

20 (1) IF A CANDIDATE FOR LIEUTENANT GOVERNOR DIES, WITHDRAWS
21 THE CANDIDACY, OR BECOMES DISQUALIFIED FOR ANY REASON AFTER THE
22 DEADLINE FOR FILING A CERTIFICATE OF CANDIDACY FOR A PRIMARY ELECTION
23 UNDER § 5-303 OF THIS TITLE, THE REMAINING CANDIDATE FOR GOVERNOR OF THAT
24 UNIT MAY DESIGNATE A SUCCESSOR CANDIDATE FOR LIEUTENANT GOVERNOR.

25 (2) PROVIDED THE SUCCESSOR CANDIDATE FOR LIEUTENANT
26 GOVERNOR FILES A CERTIFICATE OF CANDIDACY IN ACCORDANCE WITH
27 SUBSECTION (B) OF THIS SECTION, THE NAME OF THE SUCCESSOR CANDIDATE FOR
28 LIEUTENANT GOVERNOR SHALL APPEAR ON THE BALLOT.

29 (B) CERTIFICATE OF CANDIDACY REQUIRED.

30 (1) THE SUCCESSOR CANDIDATE FOR LIEUTENANT GOVERNOR
31 DESIGNATED BY THE CANDIDATE FOR GOVERNOR UNDER SUBSECTION (A) OF THIS
32 SECTION SHALL FILE A CERTIFICATE OF CANDIDACY WITH THE STATE BOARD.

33 (2) THE CERTIFICATE OF CANDIDACY SHALL BE FILED:

34 (I) BY THE FIFTH DAY FOLLOWING THE WITHDRAWAL DEADLINE
35 SPECIFIED UNDER § 5-502 OF THIS TITLE, IF THE FORMER LIEUTENANT GOVERNOR
36 CANDIDATE FILES A CERTIFICATE OF WITHDRAWAL;

1 (II) BY THE FIFTH DAY FOLLOWING THE DEATH OR
2 DISQUALIFICATION OF THE FORMER LIEUTENANT GOVERNOR CANDIDATE, IF THAT
3 FORMER CANDIDATE DIES OR IS DISQUALIFIED LESS THAN 45 DAYS BEFORE THE
4 DAY OF THE PRIMARY ELECTION; OR

5 (III) NOT LATER THAN 40 DAYS BEFORE THE DAY OF THE PRIMARY,
6 IF THE FORMER LIEUTENANT GOVERNOR CANDIDATE DIES OR IS DISQUALIFIED 45
7 DAYS OR MORE BEFORE THE DAY OF THE PRIMARY ELECTION.

8 (3) A CERTIFICATE OF CANDIDACY FOR A SUCCESSOR CANDIDATE FOR
9 LIEUTENANT GOVERNOR UNDER SUBSECTION (B)(2)(II) OF THIS SECTION MAY NOT
10 BE FILED LESS THAN 10 DAYS BEFORE THE DAY OF THE PRIMARY ELECTION.

11 (C) DEATH OR DISQUALIFICATION OCCURRING LESS THAN 10 DAYS BEFORE
12 THE PRIMARY - EFFECT.

13 IF THE DEATH OR DISQUALIFICATION OF A FORMER LIEUTENANT GOVERNOR
14 CANDIDATE OCCURS LESS THAN 10 DAYS BEFORE THE DAY OF THE PRIMARY
15 ELECTION, THE EXISTING GOVERNOR AND LIEUTENANT GOVERNOR UNIT WHOSE
16 FILING IS COMPLETE:

17 (1) SHALL REMAIN ON THE BALLOT; AND

18 (2) IF NOMINATED, A VACANCY IN THE NOMINATION OF THE
19 CANDIDATE FOR LIEUTENANT GOVERNOR SHALL BE DECLARED AND BE FILLED
20 UNDER § 5-1004(B) OF THIS TITLE AS IF THE DEATH OR DISQUALIFICATION HAD
21 OCCURRED AFTER THE PRIMARY ELECTION.

22 5-904. GOVERNOR - VACANCY IN CANDIDACY AFTER THE FILING DEADLINE WHEN
23 MORE THAN ONE GOVERNOR AND LIEUTENANT GOVERNOR UNIT FILES FOR
24 NOMINATION.

25 (A) SCOPE.

26 THIS SECTION DOES NOT APPLY IF ONLY ONE GOVERNOR AND LIEUTENANT
27 GOVERNOR UNIT FILES A CERTIFICATE OF CANDIDACY FOR THE NOMINATION OF A
28 POLITICAL PARTY FOR THOSE OFFICES IN A PRIMARY ELECTION.

29 (B) IN GENERAL.

30 (1) IF A CANDIDATE FOR GOVERNOR DIES, WITHDRAWS THE
31 CANDIDACY, OR BECOMES DISQUALIFIED FOR ANY REASON AFTER THE DEADLINE
32 FOR FILING A CERTIFICATE OF CANDIDACY FOR A PRIMARY ELECTION UNDER § 5-303
33 OF THIS TITLE, THE REMAINING CANDIDATE FOR LIEUTENANT GOVERNOR OF THAT
34 UNIT MAY:

35 (I) DESIGNATE THE LIEUTENANT GOVERNOR CANDIDATE AS THE
36 SUCCESSOR CANDIDATE FOR GOVERNOR AND APPOINT A SUCCESSOR CANDIDATE
37 FOR LIEUTENANT GOVERNOR; OR

1 (II) DESIGNATE A SUCCESSOR CANDIDATE FOR GOVERNOR.

2 (2) THE NAMES OF ANY GOVERNOR AND LIEUTENANT GOVERNOR
3 CANDIDATE UNIT THAT IS DESIGNATED UNDER PARAGRAPH (1) OF THIS SUBSECTION
4 SHALL BE LISTED JOINTLY ON THE PRIMARY ELECTION BALLOT.

5 (C) CERTIFICATE OF CANDIDACY REQUIRED.

6 (1) THE SUCCESSOR CANDIDATE FOR GOVERNOR DESIGNATED BY THE
7 LIEUTENANT GOVERNOR CANDIDATE UNDER SUBSECTION (B)(1)(II) OF THIS
8 SECTION, OR THE FORMER CANDIDATE FOR LIEUTENANT GOVERNOR WHO
9 SUBSEQUENTLY IS DESIGNATED AS THE CANDIDATE FOR GOVERNOR TOGETHER
10 WITH THE CANDIDATE APPOINTED AS THE SUCCESSOR CANDIDATE FOR
11 LIEUTENANT GOVERNOR UNDER SUBSECTION (B)(1)(I) OF THIS SECTION, EACH
12 SHALL FILE A CERTIFICATE OF CANDIDACY WITH THE STATE BOARD.

13 (2) THE CERTIFICATE OF CANDIDACY SHALL BE FILED:

14 (I) BY THE FIFTH DAY FOLLOWING THE WITHDRAWAL DEADLINE
15 SPECIFIED UNDER § 5-502 OF THIS TITLE, IF THE FORMER CANDIDATE FOR
16 GOVERNOR FILES A CERTIFICATE OF WITHDRAWAL;

17 (II) BY THE FIFTH DAY FOLLOWING THE DAY OF THE DEATH OR
18 DISQUALIFICATION OF THE FORMER CANDIDATE FOR GOVERNOR, IF THAT FORMER
19 CANDIDATE DIES OR IS DISQUALIFIED LESS THAN 45 DAYS BEFORE THE DAY OF THE
20 PRIMARY ELECTION; OR

21 (III) NOT LATER THAN 40 DAYS BEFORE THE DAY OF THE PRIMARY
22 ELECTION, IF THE FORMER CANDIDATE FOR GOVERNOR DIES OR IS DISQUALIFIED 45
23 DAYS OR MORE BEFORE THE DAY OF THE PRIMARY ELECTION.

24 (3) A CERTIFICATE OF CANDIDACY MAY NOT BE FILED UNDER
25 SUBSECTION (C)(2)(II) OF THIS SECTION LESS THAN 10 DAYS BEFORE THE DAY OF THE
26 PRIMARY ELECTION.

27 (D) DEATH OR DISQUALIFICATION OF CANDIDATE FOR GOVERNOR
28 OCCURRING LESS THAN 10 DAYS BEFORE THE PRIMARY ELECTION.

29 IF THE DEATH OR DISQUALIFICATION OF A FORMER CANDIDATE FOR
30 GOVERNOR OCCURS LESS THAN 10 DAYS BEFORE THE DAY OF THE PRIMARY
31 ELECTION, THE EXISTING GOVERNOR AND LIEUTENANT GOVERNOR UNIT WHOSE
32 FILING IS COMPLETE:

33 (1) SHALL REMAIN ON THE BALLOT; AND

34 (2) IF NOMINATED, A VACANCY IN THE OFFICE OF GOVERNOR SHALL BE
35 DECLARED AND FILLED UNDER § 5-1004 OF THIS TITLE AS IF THE DEATH OR
36 DISQUALIFICATION HAD OCCURRED AFTER THE PRIMARY ELECTION.

1 5-905. GOVERNOR AND LIEUTENANT GOVERNOR -- VACANCY IN CANDIDACY AFTER
2 THE FILING DEADLINE WHEN ONLY ONE GOVERNOR AND LIEUTENANT GOVERNOR
3 UNIT FILES FOR NOMINATION.

4 (A) IN GENERAL.

5 IF ONLY A SINGLE GOVERNOR AND LIEUTENANT GOVERNOR UNIT FILES FOR
6 THE NOMINATION OF A POLITICAL PARTY, AND THE CANDIDATE FOR GOVERNOR
7 DIES, WITHDRAWS THE CANDIDACY, OR IS DISQUALIFIED FOR ANY REASON AFTER
8 THE FILING DEADLINE SPECIFIED UNDER § 5-303 OF THIS ARTICLE, THE REMAINING
9 CANDIDATE FOR LIEUTENANT GOVERNOR IS DISQUALIFIED.

10 (B) DESIGNATION OF SUCCESSOR CANDIDATE BY STATE CENTRAL
11 COMMITTEE.

12 (1) IN THE EVENT OF A VACANCY IN NOMINATION UNDER SUBSECTION
13 (A) OF THIS SECTION, THE STATE CENTRAL COMMITTEE OF THE POLITICAL PARTY TO
14 WHICH THE CANDIDATES BELONG SHALL SELECT A SUCCESSOR CANDIDATE FOR
15 GOVERNOR.

16 (2) THE STATE CENTRAL COMMITTEE SHALL MAKE ITS SELECTION BY
17 THE 10TH DAY FOLLOWING THE DEATH, WITHDRAWAL, OR DISQUALIFICATION OF
18 THE GUBERNATORIAL CANDIDATE.

19 (3) THE CANDIDATE DISQUALIFIED FOR THE OFFICE OF LIEUTENANT
20 GOVERNOR UNDER SUBSECTION (A) OF THIS SECTION IS ELIGIBLE TO BE CHOSEN AS
21 THE SUCCESSOR CANDIDATE FOR GOVERNOR.

22 (C) SELECTION OF SUCCESSOR NOMINEE FOR LIEUTENANT GOVERNOR.

23 (1) THE SUCCESSOR CANDIDATE FOR GOVERNOR SELECTED BY THE
24 STATE CENTRAL COMMITTEE UNDER SUBSECTION (B) OF THIS SECTION PROMPTLY
25 SHALL SELECT A SUCCESSOR CANDIDATE FOR LIEUTENANT GOVERNOR.

26 (2) IF THE FORMER CANDIDATE FOR LIEUTENANT GOVERNOR IS NOT
27 SELECTED AS THE SUCCESSOR CANDIDATE FOR GOVERNOR, THAT INDIVIDUAL IS
28 ELIGIBLE TO BE SELECTED AGAIN AS THE CANDIDATE FOR LIEUTENANT GOVERNOR.

29 (D) CERTIFICATES OF DESIGNATION AND CANDIDACY REQUIRED.

30 BY THE DEADLINE DATE SPECIFIED UNDER SUBSECTION (B)(2) OF THIS
31 SECTION FOR THE SELECTION OF THE SUCCESSOR CANDIDATE FOR GOVERNOR BY
32 THE APPROPRIATE STATE CENTRAL COMMITTEE, IN ACCORDANCE WITH SUBTITLE 3
33 OF THIS TITLE:

34 (1) THE STATE CENTRAL COMMITTEE MAKING THE SELECTION SHALL
35 FILE A CERTIFICATE OF DESIGNATION FOR THOSE OFFICES WITH THE STATE BOARD
36 FOR:

37 (I) ITS SUCCESSOR CANDIDATE FOR GOVERNOR; AND

1 (II) THE SUCCESSOR CANDIDATE FOR LIEUTENANT GOVERNOR
2 DESIGNATED UNDER SUBSECTION (C)(1) OF THIS SECTION; AND

3 (2) THE SUCCESSOR CANDIDATES FOR GOVERNOR AND LIEUTENANT
4 GOVERNOR EACH SHALL FILE A CERTIFICATE OF CANDIDACY FOR THOSE OFFICES
5 WITH THE STATE BOARD.

6 SUBTITLE 10. FILLING VACANCIES IN NOMINATION AFTER A PRIMARY ELECTION.

7 5-1001. CERTIFICATE OF NOMINATION TO FILL VACANCIES.

8 (A) LOCAL BOARDS.

9 WHEN A LOCAL BOARD RECEIVES A CERTIFICATE OF DESIGNATION AND A
10 CERTIFICATE OF CANDIDACY TO FILL A VACANCY IN NOMINATION UNDER THIS
11 SUBTITLE, IT SHALL NOTIFY THE STATE BOARD OF THE CHANGE BY THE END OF THE
12 NEXT BUSINESS DAY FOLLOWING THE RECEIPT OF THE CERTIFICATES.

13 (B) STATE BOARD.

14 WHEN THE STATE BOARD IS NOTIFIED BY A LOCAL BOARD OF A CHANGE IN
15 NOMINATION UNDER SUBSECTION (A) OF THIS SECTION OR WHEN A CERTIFICATE OF
16 DESIGNATION AND A CERTIFICATE OF CANDIDACY TO FILL A VACANCY IN
17 NOMINATION IS FILED DIRECTLY WITH THE STATE BOARD UNDER THIS SUBTITLE,
18 THE STATE BOARD SHALL:

19 (1) CERTIFY THE NOMINATION AND SUBSTITUTE INSTEAD, FOR THE
20 NAME OF THE ORIGINAL NOMINEE, THE NAME OF THE INDIVIDUAL WHO HAS BEEN
21 DESIGNATED AND DETERMINED TO BE QUALIFIED TO HAVE THAT INDIVIDUAL'S
22 NAME PLACED ON THE BALLOT AS A SUCCESSOR NOMINEE; AND

23 (2) CERTIFY THE NEW NOMINATION TO THE APPROPRIATE LOCAL
24 BOARDS.

25 (C) STATE BOARD TO NOTIFY LOCAL BOARDS.

26 IF THE STATE BOARD HAS ALREADY ISSUED A CERTIFICATE OF NOMINATION
27 FOR A NOMINEE UNDER THIS SECTION, IT PROMPTLY SHALL CERTIFY TO THE
28 APPROPRIATE LOCAL BOARDS:

29 (1) THE NAME AND RESIDENCE OF THE INDIVIDUAL DESIGNATED BY
30 THE STATE CENTRAL COMMITTEE OF THE POLITICAL PARTY AS THE SUCCESSOR
31 NOMINEE TO FILL THE VACANCY;

32 (2) THE OFFICE FOR WHICH THE SUCCESSOR NOMINEE IS NOMINATED;

33 (3) THE POLITICAL PARTY THE SUCCESSOR NOMINEE REPRESENTS; AND

34 (4) THE NAME OF THE INDIVIDUAL FOR WHOM THE SUCCESSOR
35 NOMINEE IS SUBSTITUTED.

1 (D) PRIOR CERTIFICATE VOID.

2 IF A SUCCESSOR NOMINEE TO FILL A VACANCY IN OFFICE IS CERTIFIED BY THE
3 STATE BOARD UNDER THIS SECTION, THE CERTIFICATE OF NOMINATION FOR THE
4 PRIOR NOMINEE IS VOID.

5 5-1002. STATEWIDE OFFICES.

6 (A) SCOPE.

7 THIS SECTION APPLIES ONLY TO A NOMINEE FOR STATEWIDE OFFICE, EXCEPT
8 FOR A GOVERNOR AND LIEUTENANT GOVERNOR UNIT.

9 (B) FILLED BY STATE CENTRAL COMMITTEE.

10 (1) A VACANCY IN NOMINATION THAT OCCURS BECAUSE A NOMINEE
11 DIES, DECLINES THE NOMINATION, OR IS DISQUALIFIED FOR ANY CAUSE SHALL BE
12 FILLED BY THE STATE CENTRAL COMMITTEE OF THE POLITICAL PARTY TO WHICH
13 THE NOMINEE BELONGS.

14 (2) BY THE LATER OF THE FORTIETH DAY BEFORE THE GENERAL
15 ELECTION OR THE FIFTH DAY FOLLOWING THE DEATH, DECLINATION, OR
16 DISQUALIFICATION OF THE FORMER NOMINEE:

17 (I) THE STATE CENTRAL COMMITTEE SHALL FILE A CERTIFICATE
18 OF DESIGNATION FOR THE NOMINEE WITH THE STATE BOARD; AND

19 (II) THE SUCCESSOR NOMINEE DESIGNATED BY THE STATE
20 CENTRAL COMMITTEE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL FILE A
21 CERTIFICATE OF CANDIDACY WITH THE STATE BOARD.

22 5-1003. SHARED DISTRICT CANDIDATES - MORE THAN ONE COUNTY IN A
23 CONGRESSIONAL OR GENERAL ASSEMBLY DISTRICT.

24 (A) SCOPE.

25 THIS SECTION APPLIES TO A VACANCY IN NOMINATION FOR REPRESENTATIVE
26 IN CONGRESS, STATE SENATOR, OR MEMBER OF THE HOUSE OF DELEGATES, IF THE
27 DISTRICT INCLUDES MORE THAN ONE COUNTY.

28 (B) IN GENERAL - FILLING THE VACANCY.

29 (1) A VACANCY IN NOMINATION UNDER THIS SECTION THAT OCCURS
30 BECAUSE THE NOMINEE DIES, WITHDRAWS THE CANDIDACY, OR IS DISQUALIFIED
31 FOR ANY REASON SHALL BE FILLED BY A VOTE OF THE CENTRAL COMMITTEE OF
32 THE POLITICAL PARTY IN EACH OF THE COUNTIES INCLUDED IN THE DISTRICT OF
33 THAT NOMINEE.

34 (2) THE CENTRAL COMMITTEE OF EACH COUNTY SHALL CAST A VOTE
35 THAT IS PROPORTIONATE TO ITS SHARE OF THE POPULATION IN THAT DISTRICT AS

1 REPORTED IN THE MOST RECENT DECENNIAL CENSUS OF THE UNITED STATES AND
2 PROMPTLY NOTIFY ITS STATE CENTRAL COMMITTEE OF THE RESULTS OF ITS VOTE.

3 (3) (I) IF NO PERSON RECEIVES A MAJORITY OF THE VOTES CAST
4 UNDER PARAGRAPH (2) OF THIS SUBSECTION, OR IF THERE IS A TIE VOTE BY THE
5 CENTRAL COMMITTEES, THE VACANCY IN NOMINATION SHALL BE FILLED BY THE
6 STATE CENTRAL COMMITTEE.

7 (II) IN THE EVENT OF A TIE VOTE, THE NOMINEE SELECTED BY THE
8 STATE CENTRAL COMMITTEE SHALL BE ONE OF THE CANDIDATES INVOLVED IN THE
9 TIE.

10 (4) BY THE LATER OF THE FORTIETH DAY BEFORE THE GENERAL
11 ELECTION OR THE FIFTH DAY FOLLOWING THE DEATH, DECLINATION, OR
12 DISQUALIFICATION OF THE NOMINEE:

13 (I) THE STATE CENTRAL COMMITTEE SHALL FILE A CERTIFICATE
14 OF DESIGNATION FOR THE NOMINEE WITH THE STATE BOARD; AND

15 (II) THE SUCCESSOR NOMINEE DESIGNATED BY THE STATE
16 CENTRAL COMMITTEE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL FILE A
17 CERTIFICATE OF CANDIDACY WITH THE STATE BOARD.

18 5-1004. LOCAL OFFICES AND DISTRICTS ENTIRELY WITHIN ONE COUNTY.

19 (A) IN GENERAL.

20 A VACANCY IN NOMINATION FOR AN OFFICE THAT IS ENTIRELY IN ONE COUNTY
21 SHALL BE FILLED AS PROVIDED IN THIS SECTION.

22 (B) TIME FOR FILLING.

23 IF A NOMINEE FOR AN OFFICE THAT IS ENTIRELY IN ONE COUNTY DIES,
24 DECLINES THE NOMINATION, BECOMES DISQUALIFIED, OR GAINS A TIE VOTE WITH
25 ANOTHER CANDIDATE IN A PRIMARY ELECTION, THE VACANCY IN NOMINATION
26 SHALL BE FILLED BY THE LATER OF:

27 (1) THE FORTIETH DAY BEFORE THE GENERAL ELECTION; OR

28 (2) THE FIFTH DAY FOLLOWING THE DEATH, DECLINATION, OR
29 DISQUALIFICATION OF THE NOMINEE.

30 (C) HOW FILLED.

31 (1) THE VACANCY SHALL BE FILLED BY THE CENTRAL COMMITTEE OF
32 THE SAME POLITICAL PARTY AS THE INDIVIDUAL VACATING THE NOMINATION.

33 (2) IF THE OFFICE IS TO BE VOTED ON BY THE VOTERS OF THE ENTIRE
34 COUNTY, THE VACANCY SHALL BE FILLED BY THE CENTRAL COMMITTEE OF THAT
35 COUNTY.

1 (3) IF THE OFFICE IS VOTED ON ONLY BY THE VOTERS OF ONE
2 LEGISLATIVE DISTRICT AND THE CENTRAL COMMITTEE IS ELECTED BY LEGISLATIVE
3 DISTRICT, THE VACANCY SHALL BE FILLED BY THE MEMBERS OF THE CENTRAL
4 COMMITTEE OF THAT LEGISLATIVE DISTRICT.

5 (4) IF THE OFFICE IS FOR REPRESENTATIVE IN CONGRESS AND IS A
6 DISTRICT THAT IS WHOLLY WITHIN ONE COUNTY, THE VACANCY SHALL BE FILLED
7 BY THE CENTRAL COMMITTEE FOR THAT COUNTY.

8 (5) BY THE DEADLINE PRESCRIBED IN SUBSECTION (B) OF THIS
9 SECTION:

10 (I) THE APPLICABLE CENTRAL COMMITTEE SHALL FILE A
11 CERTIFICATE OF DESIGNATION WITH THE LOCAL BOARD; AND

12 (II) THE SUCCESSOR NOMINEE DESIGNATED BY THE APPLICABLE
13 CENTRAL COMMITTEE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL FILE A
14 CERTIFICATE OF CANDIDACY WITH THE APPLICABLE BOARD.

15 (D) TIE VOTES.

16 IF THE VACANCY RESULTS BECAUSE OF A TIE VOTE BETWEEN TWO OR MORE
17 CANDIDATES, THE NOMINEE SELECTED BY THE CENTRAL COMMITTEE UNDER THIS
18 SECTION SHALL BE ONE OF THOSE CANDIDATES.

19 5-1005. GOVERNOR AND LIEUTENANT GOVERNOR.

20 (A) SCOPE.

21 THIS SECTION APPLIES:

22 (1) TO THE NOMINEES OF A GOVERNOR AND LIEUTENANT GOVERNOR
23 UNIT; AND

24 (2) WHETHER OR NOT A CERTIFICATE OF NOMINATION HAS BEEN
25 ISSUED TO THE NOMINEES BY THE STATE BOARD.

26 (B) LIEUTENANT GOVERNOR - VACANCY IN NOMINATION - DESIGNATION OF
27 SUCCESSOR NOMINEE FOR LIEUTENANT GOVERNOR.

28 (1) IF, AFTER THE PRIMARY ELECTION, A CANDIDATE FOR LIEUTENANT
29 GOVERNOR DIES, DECLINES THE NOMINATION, OR BECOMES DISQUALIFIED, THE
30 REMAINING NOMINEE FOR GOVERNOR OF THAT UNIT MAY DESIGNATE A SUCCESSOR
31 NOMINEE FOR LIEUTENANT GOVERNOR.

32 (2) BY THE FIFTH DAY FOLLOWING THE DAY OF THE DEATH,
33 DECLINATION, OR DISQUALIFICATION OF THE NOMINEE FOR LIEUTENANT
34 GOVERNOR:

1 (I) THE NOMINEE FOR GOVERNOR SHALL DESIGNATE THE
2 SUCCESSOR NOMINEE FOR LIEUTENANT GOVERNOR AND NOTIFY THE STATE
3 CENTRAL COMMITTEE OF THE APPLICABLE POLITICAL PARTY OF THE SELECTION;

4 (II) THE STATE CENTRAL COMMITTEE OF THE POLITICAL PARTY OF
5 THE NOMINEE SHALL FILE A CERTIFICATE OF DESIGNATION WITH THE STATE
6 BOARD; AND

7 (III) THE SUCCESSOR NOMINEE FOR LIEUTENANT GOVERNOR
8 SHALL FILE A CERTIFICATE OF CANDIDACY WITH THE STATE BOARD.

9 (C) GOVERNOR - VACANCY IN NOMINATION - DISQUALIFICATION OF
10 LIEUTENANT GOVERNOR NOMINEE AND SELECTION OF SUCCESSOR NOMINEE FOR
11 GOVERNOR.

12 (1) IF A NOMINEE FOR GOVERNOR DIES, DECLINES THE NOMINATION,
13 OR BECOMES DISQUALIFIED AFTER THE PRIMARY ELECTION, THE REMAINING
14 NOMINEE FOR LIEUTENANT GOVERNOR IS DISQUALIFIED, EXCEPT AS OTHERWISE
15 PROVIDED IN THIS SECTION.

16 (2) (I) THE STATE CENTRAL COMMITTEE OF THE POLITICAL PARTY OF
17 THE NOMINEE FOR LIEUTENANT GOVERNOR DISQUALIFIED UNDER PARAGRAPH (1)
18 OF THIS SUBSECTION SHALL SELECT A SUCCESSOR NOMINEE FOR GOVERNOR.

19 (II) THE DISQUALIFIED NOMINEE FOR LIEUTENANT GOVERNOR IS
20 ELIGIBLE TO BE CHOSEN AS THE NOMINEE FOR GOVERNOR.

21 (3) (I) THE SUCCESSOR NOMINEE FOR GOVERNOR PROMPTLY SHALL
22 SELECT A SUCCESSOR NOMINEE FOR LIEUTENANT GOVERNOR AND NOTIFY THE
23 STATE CENTRAL COMMITTEE OF THE APPLICABLE POLITICAL PARTY OF THE
24 SELECTION.

25 (II) THE DISQUALIFIED NOMINEE FOR LIEUTENANT GOVERNOR IS
26 ELIGIBLE TO BE SELECTED AGAIN AS THE NOMINEE FOR LIEUTENANT GOVERNOR.

27 (4) EXCEPT AS PROVIDED UNDER PARAGRAPH (5) OF THIS SUBSECTION,
28 BY THE FIFTH DAY FOLLOWING THE DEATH, DECLINATION, OR DISQUALIFICATION
29 OF THE FORMER NOMINEE FOR GOVERNOR:

30 (I) THE STATE CENTRAL COMMITTEE SHALL FILE A CERTIFICATE
31 OF DESIGNATION FOR THE SUCCESSOR NOMINEE FOR GOVERNOR AND THE
32 SUCCESSOR NOMINEE FOR LIEUTENANT GOVERNOR WITH THE STATE BOARD; AND

33 (II) EACH OF THE SUCCESSOR NOMINEES SHALL FILE A
34 CERTIFICATE OF CANDIDACY WITH THE STATE BOARD.

35 (5) A STATE CENTRAL COMMITTEE MAY NOT FILE A CERTIFICATE OF
36 DESIGNATION FOR A SUCCESSOR NOMINEE FOR GOVERNOR UNDER THIS
37 SUBSECTION WITHIN 10 DAYS OF THE DAY OF THE GENERAL ELECTION.

1 (6) A GOVERNOR AND LIEUTENANT GOVERNOR UNIT SHALL REMAIN ON
2 THE BALLOT FOR THE GENERAL ELECTION IF:

3 (I) A NOMINEE FOR GOVERNOR DIES, DECLINES THE
4 NOMINATION, OR IS DISQUALIFIED LESS THAN 15 DAYS BEFORE THE GENERAL
5 ELECTION; AND

6 (II) A CERTIFICATE OF DESIGNATION AND CERTIFICATES OF
7 CANDIDACY FOR SUCCESSOR NOMINEES FOR GOVERNOR AND LIEUTENANT
8 GOVERNOR ARE NOT FILED IN ACCORDANCE WITH THIS SECTION.

9 (7) IF A GOVERNOR AND LIEUTENANT GOVERNOR UNIT COMPRISED OF
10 A NOMINEE FOR GOVERNOR WHO HAS DIED, DECLINED THE NOMINATION, OR
11 BECOME DISQUALIFIED REMAINS ON THE BALLOT AS PROVIDED UNDER PARAGRAPH
12 (6) OF THIS SUBSECTION AND IS ELECTED, THE VACANCY RESULTING FROM THE
13 DEATH, DECLINATION, OR DISQUALIFICATION SHALL BE FILLED AS IF IT HAD
14 OCCURRED AFTER THE GENERAL ELECTION IN ACCORDANCE WITH APPLICABLE
15 LAW.

16 SUBTITLE 11. VACANCIES IN CANDIDACY FOR PETITION CANDIDATES.

17 5-1101. GOVERNOR AND LIEUTENANT GOVERNOR UNITS.

18 (A) IN GENERAL.

19 THIS SECTION APPLIES TO PETITION CANDIDATES FOR THE OFFICE OF
20 GOVERNOR AND LIEUTENANT GOVERNOR.

21 (B) VACANCY OCCURRING PRIOR TO THE FILING DEADLINE FOR THE PRIMARY
22 ELECTION.

23 (1) IF EITHER OF THE CANDIDATES OF A GOVERNOR AND LIEUTENANT
24 GOVERNOR UNIT NOMINATED BY PETITION UNDER § 5-703 OF THIS TITLE DIES,
25 WITHDRAWS A CERTIFICATE OF CANDIDACY, OR BECOMES DISQUALIFIED PRIOR TO
26 THE DEADLINE FOR FILING A CERTIFICATE OF CANDIDACY FOR A PRIMARY
27 ELECTION UNDER § 5-303 OF THIS TITLE, THE REMAINING CANDIDATE MAY:

28 (I) SELECT A SUCCESSOR CANDIDATE AND:

29 1. FILE A CERTIFICATE OR DESIGNATION WITH THE STATE
30 BOARD; AND

31 2. HAVE THE INDIVIDUAL DESIGNATED FILE A CERTIFICATE
32 OF CANDIDACY WITH THE STATE BOARD IN ACCORDANCE WITH PARAGRAPH (2) OF
33 THIS SUBSECTION; OR

34 (II) WITHDRAW THE CERTIFICATE OF CANDIDACY AND FORM A
35 NEW UNIT FOR GOVERNOR AND LIEUTENANT GOVERNOR.

1 (2) EACH MEMBER OF THE SUCCESSOR UNIT FOR GOVERNOR AND
2 LIEUTENANT GOVERNOR FORMED UNDER THIS SECTION SHALL FILE A CERTIFICATE
3 OF CANDIDACY BEFORE THE LATER OF:

4 (I) THE DEADLINE SPECIFIED UNDER § 5-303 OF THIS TITLE; OR

5 (II) THE FIFTH DAY FOLLOWING THE DEATH, WITHDRAWAL, OR
6 DISQUALIFICATION OF THE FORMER NOMINEE.

7 (C) VACANCY IN NOMINATION OCCURRING AFTER THE DEADLINE FOR FILING
8 FOR A PRIMARY ELECTION.

9 (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF EITHER OF THE
10 NOMINEES OF A GOVERNOR AND LIEUTENANT GOVERNOR UNIT NOMINATED BY
11 PETITION DIES, WITHDRAWS A CERTIFICATE OF CANDIDACY, OR BECOMES
12 DISQUALIFIED AFTER THE DEADLINE FOR FILING A CERTIFICATE OF CANDIDACY
13 FOR A PRIMARY ELECTION UNDER § 5-303 OF THIS TITLE, THE REMAINING NOMINEE
14 MAY:

15 (I) DESIGNATE ANOTHER NOMINEE AS THE SUCCESSOR NOMINEE
16 FOR THE VACANCY IN NOMINATION; OR

17 (II) ASSUME THE VACANCY IN NOMINATION OF THE PRIOR
18 NOMINEE AND DESIGNATE ANOTHER NOMINEE FOR THE POSITION IN THE UNIT
19 THAT FORMERLY WAS HELD BY THE SUCCESSOR NOMINEE WHO ASSUMED THE
20 VACANCY CREATED BY THE DEATH, WITHDRAWAL, OR DISQUALIFICATION OF THE
21 PRIOR NOMINEE.

22 (2) (I) THE SUCCESSOR NOMINEES OR THE NOMINEE WHO EXERCISES
23 THE OPTION TO ASSUME A POSITION IN THE GOVERNOR AND LIEUTENANT
24 GOVERNOR UNIT PREVIOUSLY HELD BY A NOMINEE WHO DIES, WITHDRAWS A
25 CERTIFICATE OF CANDIDACY, OR BECOMES DISQUALIFIED SHALL FILE WITH THE
26 STATE BOARD EITHER:

27 1. A CERTIFICATE OF CANDIDACY, IF NO CERTIFICATE WAS
28 FILED PREVIOUSLY; OR

29 2. A CHANGE OF CANDIDACY, IF THE NOMINEE IS A
30 CANDIDATE FOR A DIFFERENT OFFICE AS A PART OF THE SUCCESSOR UNIT.

31 (II) THE CERTIFICATE OF CANDIDACY:

32 1. SHALL BE FILED BY THE FIFTH DAY FOLLOWING THE
33 DEATH, WITHDRAWAL, OR DISQUALIFICATION OF A PRIOR NOMINEE AFTER THE
34 DEADLINE SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION; AND

35 2. MAY NOT BE FILED WITHIN 10 DAYS OF THE DAY OF THE
36 GENERAL ELECTION.

1 (D) LATE VACANCY - GOVERNOR AND LIEUTENANT GOVERNOR UNIT TO
2 REMAIN ON THE BALLOT.

3 IF A NOMINEE FOR GOVERNOR OR LIEUTENANT GOVERNOR SUBJECT TO THIS
4 SECTION DIES, WITHDRAWS A CERTIFICATE OF CANDIDACY, OR BECOMES
5 DISQUALIFIED LESS THAN 15 DAYS BEFORE THE DAY OF THE GENERAL ELECTION
6 AND THE CERTIFICATE OF CANDIDACY REQUIRED BY SUBSECTION (B) OF THIS
7 SECTION IS NOT FILED WITH THE STATE BOARD, THE UNIT:

8 (1) SHALL REMAIN ON THE BALLOT; AND

9 (2) IF ELECTED, THE VACANCY RESULTING FROM THE DEATH,
10 DECLINATION, OR DISQUALIFICATION SHALL BE FILLED AS IF IT HAD OCCURRED
11 AFTER THE GENERAL ELECTION, IN ACCORDANCE WITH THIS ARTICLE OR OTHER
12 APPLICABLE PROVISIONS OF LAW.

13 (E) CERTIFICATE OF NOMINATION.

14 (1) THE CERTIFICATE FOR NOMINATION BY PETITION FOR A NOMINEE
15 SUBJECT TO THIS SECTION SHALL BE ISSUED BY THE STATE BOARD UNDER § 5-703
16 OF THIS TITLE.

17 (2) NO ADDITIONAL PETITIONS ARE REQUIRED IF ONE OF THE
18 MEMBERS OF THE ORIGINAL GOVERNOR AND LIEUTENANT GOVERNOR UNIT
19 REMAINS A NOMINEE OF THE SUCCESSOR UNIT.

20 5-1102. CANDIDATES OTHER THAN GOVERNOR AND LIEUTENANT GOVERNOR.

21 (A) IN GENERAL.

22 THIS SECTION APPLIES ONLY TO A PETITION CANDIDATE, OTHER THAN
23 GOVERNOR AND LIEUTENANT GOVERNOR, OF A NONQUALIFIED PARTY THAT DOES
24 NOT NOMINATE ITS CANDIDATES BY PARTY PRIMARY.

25 (B) FILLING A VACANCY IN NOMINATION.

26 A VACANCY IN NOMINATION OF A PETITION CANDIDATE SUBJECT TO THIS
27 SECTION THAT OCCURS BECAUSE THE CANDIDATE DIES, DECLINES THE
28 NOMINATION, OR IS DISQUALIFIED FOR ANY CAUSE SHALL BE FILLED BY THE PARTY
29 GOVERNING BODY OF THE NONQUALIFIED PARTY TO WHICH THE VACATING
30 CANDIDATE BELONGS.

31 (C) FILING OF CERTIFICATES.

32 WITHIN 5 DAYS OF THE DEATH, DECLINATION, OR DISQUALIFICATION OF A
33 PETITION CANDIDATE SUBJECT TO THIS SECTION:

34 (1) THE APPLICABLE PARTY GOVERNING BODY SHALL FILE A
35 CERTIFICATE OF DESIGNATION WITH THE APPROPRIATE BOARD; AND

1 (2) THE SUCCESSOR CANDIDATE SHALL FILE A CERTIFICATE OF
2 CANDIDACY WITH THE APPROPRIATE BOARD.

3 SUBTITLE 12. MISCELLANEOUS PROVISIONS.

4 5-1201. EFFECT OF FAILURE TO DESIGNATE SUCCESSOR CANDIDATE AND FILE
5 CERTIFICATE.

6 (A) GOVERNOR AND LIEUTENANT GOVERNOR CANDIDATES.

7 (1) EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED IN THIS TITLE, IF
8 EITHER NOMINEE OF A GOVERNOR AND LIEUTENANT GOVERNOR UNIT DIES,
9 DECLINES THE NOMINATION, OR IS DISQUALIFIED, THE REMAINING NOMINEE
10 SHALL CEASE TO BE A CANDIDATE IF:

11 (I) A SUCCESSOR NOMINEE IS NOT DESIGNATED OR SELECTED
12 UNDER THIS SUBTITLE; AND

13 (II) THE CERTIFICATE OF DESIGNATION AND CERTIFICATE OF
14 CANDIDACY REQUIRED UNDER THIS SUBTITLE ARE NOT FILED IN A TIMELY
15 MANNER.

16 (2) IF A SUCCESSOR NOMINEE FOR GOVERNOR OR LIEUTENANT
17 GOVERNOR IS NOT DESIGNATED OR SELECTED AS REQUIRED UNDER THIS SUBTITLE,
18 THE NAME OF THE REMAINING NOMINEE MAY NOT APPEAR ON THE BALLOT.

19 (B) CANDIDATES FOR OTHER OFFICES.

20 IF AN INDIVIDUAL DESIGNATED AS A SUCCESSOR NOMINEE FOR AN OFFICE
21 OTHER THAN GOVERNOR OR LIEUTENANT GOVERNOR DOES NOT FILE THE
22 CERTIFICATE OF CANDIDACY REQUIRED UNDER THIS SUBTITLE OR OTHERWISE
23 FAILS TO COMPLY WITH THE REQUIREMENTS OF THIS TITLE, THE NAME OF THAT
24 INDIVIDUAL MAY NOT APPEAR ON THE BALLOT.

25 5-1202. CERTIFICATE OF CANDIDACY AND PAYMENT OF FILING FEE REQUIRED OF
26 SUCCESSOR CANDIDATES.

27 AN INDIVIDUAL SELECTED OR DESIGNATED TO FILL A VACANCY IN CANDIDACY
28 OR NOMINATION UNDER THIS TITLE SHALL:

29 (1) FILE A CERTIFICATE OF CANDIDACY WITH THE APPROPRIATE BOARD
30 IN ACCORDANCE WITH SUBTITLE 3 OF THIS TITLE; AND

31 (2) UNLESS EXEMPTED UNDER THIS TITLE, PAY THE FILING FEE
32 SPECIFIED UNDER § 5-401 OF THIS TITLE.

33 5-1203. QUALIFYING FOR GENERAL ELECTION BALLOT.

34 (A) IN GENERAL.

1 AT EACH GENERAL ELECTION, THE NAMES OF THE FOLLOWING NOMINEES
2 SHALL BE SUBMITTED TO THE VOTERS:

3 (1) EACH CANDIDATE NOMINATED UNDER THIS TITLE WHO HAS
4 SATISFIED THE REQUIREMENTS OF THIS ARTICLE OR OTHER PROVISIONS OF LAW,
5 PROVIDED THE CANDIDATE HAS NOT:

6 (I) DECLINED THE NOMINATION; OR

7 (II) DIED OR BECAME DISQUALIFIED AND THE PROVISIONS OF THIS
8 ARTICLE DO NOT REQUIRE THAT THE NAME OF THE NOMINEE NONETHELESS BE
9 SUBMITTED TO THE VOTERS;

10 (2) EACH NOMINEE WHO HAS QUALIFIED FOR A PRESIDENTIAL
11 ELECTION UNDER TITLE 8, SUBTITLE 5 OF THIS ARTICLE; AND

12 (3) EACH INCUMBENT JUDGE OF THE COURT OF APPEALS OR THE
13 COURT OF SPECIAL APPEALS WHOSE NAME IS REQUIRED TO BE SUBMITTED TO THE
14 VOTERS FOR CONTINUANCE IN OFFICE UNDER ARTICLE IV, § 5A OF THE MARYLAND
15 CONSTITUTION.

16 (B) CERTIFICATION OF NOMINEES TO THE BALLOT.

17 IN ACCORDANCE WITH TITLE 9, SUBTITLE 2 OF THIS ARTICLE, THE STATE
18 BOARD SHALL CERTIFY TO EACH LOCAL BOARD THE NAME OF EACH NOMINEE WHO
19 HAS QUALIFIED FOR THE GENERAL ELECTION BALLOT AS THE NOMINEE'S NAME IS
20 TO APPEAR ON THE BALLOTS IN THAT COUNTY.

21 5-1204. REVISING THE BALLOT.

22 (A) SUFFICIENT TIME.

23 IF A VACANCY IN CANDIDACY IS PROPERLY FILLED AND CERTIFIED TO THE
24 APPROPRIATE BOARD WITHIN THE TIME PRESCRIBED UNDER THIS TITLE AND THE
25 ~~EXECUTIVE DIRECTOR~~ STATE ADMINISTRATOR, IN CONSULTATION WITH THE
26 ELECTION DIRECTOR OF THE LOCAL BOARD, DETERMINES THAT THERE IS
27 SUFFICIENT TIME FOR THE LOCAL BOARD TO REPRINT THE BALLOTS WITH THE
28 CORRECT NAMES, THE LOCAL BOARD SHALL REPRINT THE BALLOTS.

29 (B) INSUFFICIENT TIME.

30 IF A VACANCY IN CANDIDACY IS PROPERLY FILLED AND CERTIFIED TO THE
31 APPROPRIATE BOARD WITHIN THE TIME PRESCRIBED UNDER THIS TITLE AND THE
32 VOTING SYSTEM UTILIZES A SEPARATE BALLOT FOR EACH VOTER AND THE
33 ~~EXECUTIVE DIRECTOR~~ STATE ADMINISTRATOR OF THE STATE BOARD, IN
34 CONSULTATION WITH THE ELECTION DIRECTOR OF THE LOCAL BOARD,
35 DETERMINES THAT THERE IS NOT SUFFICIENT TIME FOR THE LOCAL BOARD TO
36 REPRINT THE BALLOTS WITH THE CORRECT NAMES, THE LOCAL BOARD SHALL TAKE
37 APPROPRIATE MEASURES TO NOTIFY THE VOTERS OF:

1 (1) THE CHANGE IN THE BALLOT;

2 (2) THE PROCEDURE TO BE USED BY THE VOTER TO RECORD THE
3 VOTER'S VOTE; AND

4 (3) THE PROCEDURE TO BE USED BY THE LOCAL BOARD TO CONDUCT
5 THE CANVASS.

6 (C) USE OF STICKERS ON VOTING MACHINE.

7 IF A VACANCY IN CANDIDACY IS PROPERLY FILLED AND CERTIFIED TO THE
8 APPROPRIATE BOARD WITHIN THE TIME PRESCRIBED UNDER THIS TITLE AND THE
9 VOTING SYSTEM UTILIZES EITHER A MECHANICAL LEVER MACHINE OR A DIRECT
10 RECORDING ELECTRONIC MACHINE AND THE ~~EXECUTIVE DIRECTOR~~ STATE
11 ADMINISTRATOR, IN CONSULTATION WITH THE ELECTION DIRECTOR OF THE LOCAL
12 BOARD, DETERMINES THAT THERE IS NOT SUFFICIENT TIME FOR THE LOCAL BOARD
13 TO REPRINT THE BALLOTS WITH THE CORRECT NAMES, THE LOCAL BOARD
14 IMMEDIATELY SHALL:

15 (1) HAVE PRINTED A SUFFICIENT QUANTITY OF STICKERS WITH THE
16 NAME OF THE SUBSTITUTE CANDIDATE FOR THE PRECINCTS IN WHICH THAT
17 CANDIDACY APPEARS ON THE BALLOT; AND

18 (2) DELIVER THE STICKERS TO THE APPROPRIATE LOCAL BOARD
19 PERSONNEL IN THE AFFECTED PRECINCTS, ALONG WITH INSTRUCTIONS FOR
20 AFFIXING THE STICKERS TO THE BALLOT POSTED ON THE MACHINE.

21 SUBTITLE 13. LATE VACANCIES BEFORE THE GENERAL ELECTION.

22 5-1301. APPLICABLE TO OFFICES OTHER THAN GOVERNOR OR LIEUTENANT
23 GOVERNOR.

24 (A) SCOPE.

25 EXCEPT FOR A CANDIDATE OR NOMINEE TO FILL A VACANCY FOR THE OFFICE
26 OF GOVERNOR OR LIEUTENANT GOVERNOR, THIS SUBTITLE APPLIES TO A
27 CANDIDATE OR NOMINEE TO FILL A VACANCY FOR ANY PUBLIC OFFICE SUBJECT TO
28 THIS TITLE.

29 (B) NOT APPLICABLE TO GOVERNOR AND LIEUTENANT GOVERNOR.

30 A NOMINEE TO FILL A VACANCY FOR GOVERNOR OR LIEUTENANT GOVERNOR IS
31 SUBJECT TO THE REQUIREMENTS OF SUBTITLE 10 OF THIS TITLE.

32 5-1302. DEADLINE FOR FILING CERTIFICATE OF DESIGNATION AND CONSEQUENCE
33 OF VACANCY OCCURRING AFTER DEADLINE.

34 (A) DEADLINE.

1 A CERTIFICATE OF DESIGNATION MAY NOT BE FILED LATER THAN 10 DAYS
2 BEFORE THE DAY OF THE GENERAL ELECTION.

3 (B) VACANCY CREATED.

4 IF THE NAME OF A NOMINEE WHO HAS DIED, DECLINED THE NOMINATION, OR
5 BEEN DISQUALIFIED APPEARS ON THE BALLOT AND RECEIVES A NUMBER OF VOTES
6 THAT WOULD HAVE BEEN SUFFICIENT FOR ELECTION IF THE NOMINEE HAD NOT
7 DIED, DECLINED, OR BEEN DISQUALIFIED FOR THE NOMINATION, THE VACANCY
8 THEREBY CREATED SHALL BE:

9 (1) DEEMED TO HAVE OCCURRED AFTER THE DAY OF THE GENERAL
10 ELECTION; AND

11 (2) FILLED IN ACCORDANCE WITH THIS ARTICLE OR OTHER PROVISIONS
12 OF LAW.

13 5-1303. CANVASS AND CERTIFICATION OF VOTES WHEN LATE VACANCY OCCURS.

14 (A) VACANCY AFTER PRIMARY ELECTION.

15 (1) IF A NOMINEE DIES, DECLINES THE NOMINATION, OR IS
16 DISQUALIFIED AFTER THE PRIMARY ELECTION BUT BEFORE A CERTIFICATE OF
17 NOMINATION IS ISSUED BY THE APPROPRIATE BOARD WITH WHICH CANDIDATES
18 FOR THAT OFFICE MUST FILE A CERTIFICATE OF CANDIDACY UNDER § 5-302 OF THIS
19 TITLE, THE CANVASS AND CERTIFICATION OF THE PRIMARY ELECTION RESULTS
20 SHALL PROCEED AS THOUGH THE CANDIDATE HAD NOT DIED, DECLINED THE
21 NOMINATION, OR BEEN DISQUALIFIED.

22 (2) IF, FOLLOWING THE CANVASS AND CERTIFICATION, THE
23 INDIVIDUAL WHO IS CERTIFIED AS THE NOMINEE HAS DIED, DECLINED THE
24 NOMINATION, OR BEEN DISQUALIFIED, A SUCCESSOR NOMINEE MAY BE NAMED IN
25 THE MANNER PROVIDED BY LAW.

26 (B) VACANCY AFTER GENERAL ELECTION.

27 (1) IF A WINNING CANDIDATE DIES, DECLINES THE OFFICE, OR
28 BECOMES DISQUALIFIED AFTER THE GENERAL ELECTION BUT BEFORE THE
29 CERTIFICATION OF THE GENERAL ELECTION RESULTS, THE CANVASS AND
30 CERTIFICATION SHALL PROCEED AS THOUGH THE CANDIDATE HAD NOT DIED,
31 DECLINED THE OFFICE, OR BEEN DISQUALIFIED.

32 (2) IF, FOLLOWING THE CANVASS AND CERTIFICATION OF THE
33 GENERAL ELECTION RESULTS, THE INDIVIDUAL WHO IS DECLARED ELECTED HAS
34 DIED, DECLINED THE OFFICE, OR BEEN DISQUALIFIED, THE OFFICE SHALL BE
35 DECLARED VACANT AND FILLED IN THE MANNER PROVIDED BY LAW.

1

TITLE 6. PETITIONS.

2

SUBTITLE 1. DEFINITIONS AND GENERAL PROVISIONS.

3 6-101. DEFINITIONS.

4 (A) GENERALLY.

5 IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

6 (B) AFFIDAVIT.

7 "AFFIDAVIT" MEANS A STATEMENT EXECUTED UNDER PENALTY OF PERJURY.

8 (C) CHIEF ELECTION OFFICIAL.

9 "CHIEF ELECTION OFFICIAL" MEANS:

10 (1) AS TO THE STATE BOARD, THE ~~EXECUTIVE DIRECTOR~~ STATE
11 ADMINISTRATOR; OR

12 (2) AS TO A LOCAL BOARD, THE ELECTION DIRECTOR.

13 (D) CIRCULATOR.

14 "CIRCULATOR" MEANS AN INDIVIDUAL WHO ATTESTS TO ONE OR MORE
15 SIGNATURES AFFIXED TO A PETITION.

16 (E) ELECTION AUTHORITY.

17 "ELECTION AUTHORITY" MEANS:

18 (1) THE STATE BOARD; OR

19 (2) AS TO A LOCAL PETITION, THE LOCAL BOARD FOR THAT COUNTY.

20 (F) LEGAL AUTHORITY.

21 "LEGAL AUTHORITY" MEANS:

22 (1) THE ATTORNEY GENERAL; OR

23 (2) AS TO A LOCAL PETITION, THE COUNTY ATTORNEY OR LAW
24 DEPARTMENT FOR THAT COUNTY.

25 (G) LOCAL PETITION.

26 "LOCAL PETITION" MEANS A PETITION:

27 (1) ON WHICH THE SIGNATURES FROM ONLY ONE COUNTY MAY BE
28 COUNTED; AND

1 (2) THAT DOES NOT SEEK TO:

2 (I) REFER A PUBLIC GENERAL LAW ENACTED BY THE GENERAL
3 ASSEMBLY; OR

4 (II) NOMINATE AN INDIVIDUAL FOR AN OFFICE FOR WHICH A
5 CERTIFICATE OF CANDIDACY IS REQUIRED TO BE FILED WITH THE STATE BOARD.

6 (H) PAGE.

7 "PAGE" MEANS A PIECE OF PAPER COMPRISING A PART OF A PETITION.

8 (I) PETITION.

9 "PETITION" MEANS ALL OF THE ASSOCIATED PAGES NECESSARY TO FULFILL
10 THE REQUIREMENTS OF A PROCESS ESTABLISHED BY THE LAW BY WHICH
11 INDIVIDUALS AFFIX THEIR SIGNATURES AS EVIDENCE OF SUPPORT FOR:

12 (1) PLACING THE NAME OF AN INDIVIDUAL, THE NAMES OF
13 INDIVIDUALS, OR A QUESTION ON THE BALLOT AT ANY ELECTION;

14 (2) THE CREATION OF A NEW POLITICAL PARTY; OR

15 (3) THE APPOINTMENT OF A CHARTER BOARD UNDER ARTICLE XI-A, § 1A
16 OF THE MARYLAND CONSTITUTION.

17 (J) SPONSOR.

18 "SPONSOR" MEANS THE PERSON WHO COORDINATES THE COLLECTION OF
19 SIGNATURES FOR A PETITION AND WHO, IF THE PETITION IS FILED, IS NAMED ON
20 THE INFORMATION PAGE AS REQUIRED BY § 6-201 OF THIS TITLE.

21 6-102. APPLICABILITY.

22 (A) GENERALLY.

23 EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THIS TITLE
24 APPLIES TO ANY PETITION AUTHORIZED BY LAW TO PLACE THE NAME OF AN
25 INDIVIDUAL OR A QUESTION ON THE BALLOT OR TO CREATE A NEW POLITICAL
26 PARTY.

27 (B) NOT APPLICABLE TO MUNICIPAL PETITIONS.

28 THIS TITLE DOES NOT APPLY TO A PETITION FILED PURSUANT TO ARTICLE 23A
29 OF THE CODE.

30 (C) TITLE CONSTRUED CONSISTENT WITH MARYLAND CONSTITUTION.

31 THIS TITLE MAY NOT BE INTERPRETED TO CONFLICT WITH ANY PROVISION
32 RELATING TO PETITIONS SPECIFIED IN THE MARYLAND CONSTITUTION.

1 6-103. REGULATIONS; GUIDELINES; FORMS.

2 (A) REGULATIONS.

3 (1) THE STATE BOARD SHALL ADOPT REGULATIONS, CONSISTENT WITH
4 THIS TITLE, TO CARRY OUT THE PROVISIONS OF THIS TITLE.

5 (2) THE REGULATIONS SHALL:

6 (I) PRESCRIBE THE FORM AND CONTENT OF PETITIONS;

7 (II) SPECIFY PROCEDURES FOR THE CIRCULATION OF PETITIONS
8 FOR SIGNATURES;

9 (III) SPECIFY PROCEDURES FOR THE VERIFICATION AND COUNTING
10 OF SIGNATURES; AND

11 (IV) PROVIDE ANY OTHER PROCEDURAL OR TECHNICAL
12 REQUIREMENTS THAT THE STATE BOARD CONSIDERS APPROPRIATE.

13 (B) GUIDELINES, INSTRUCTIONS, AND FORMS.

14 (1) THE STATE BOARD SHALL:

15 (I) PREPARE GUIDELINES AND INSTRUCTIONS RELATING TO THE
16 PETITION PROCESS; AND

17 (II) DESIGN AND ARRANGE TO HAVE PRINTED SAMPLE FORMS
18 CONFORMING TO THIS SUBTITLE FOR EACH PURPOSE FOR WHICH A PETITION IS
19 AUTHORIZED BY LAW.

20 (2) THE GUIDELINES, INSTRUCTIONS, AND FORMS SHALL BE PROVIDED
21 TO THE PUBLIC, ON REQUEST, WITHOUT CHARGE.

22 SUBTITLE 2. CONTENT AND PROCESS OF PETITIONS.

23 6-201. CONTENT OF PETITIONS.

24 (A) GENERALLY.

25 A PETITION SHALL CONTAIN:

26 (1) AN INFORMATION PAGE; AND

27 (2) SIGNATURE PAGES CONTAINING NOT LESS THAN THE TOTAL
28 NUMBER OF SIGNATURES REQUIRED BY LAW TO BE FILED.

29 (B) INFORMATION PAGE.

30 THE INFORMATION PAGE SHALL CONTAIN:

1 (1) A DESCRIPTION OF THE SUBJECT AND PURPOSE OF THE PETITION,
2 CONFORMING TO THE REQUIREMENTS OF REGULATIONS;

3 (2) IDENTIFICATION OF THE SPONSOR AND, IF THE SPONSOR IS AN
4 ORGANIZATION, OF THE INDIVIDUAL DESIGNATED TO RECEIVE NOTICES UNDER
5 THIS SUBTITLE;

6 (3) THE REQUIRED INFORMATION RELATING TO THE SIGNATURES
7 CONTAINED IN THE PETITION;

8 (4) THE REQUIRED AFFIDAVIT MADE AND EXECUTED BY THE SPONSOR
9 OR, IF THE SPONSOR IS AN ORGANIZATION, BY AN INDIVIDUAL RESPONSIBLE TO AND
10 DESIGNATED BY THE ORGANIZATION; AND

11 (5) ANY OTHER INFORMATION REQUIRED BY REGULATION.

12 (C) SIGNATURE PAGE.

13 EACH SIGNATURE PAGE SHALL CONTAIN:

14 (1) A DESCRIPTION OF THE SUBJECT AND PURPOSE OF THE PETITION,
15 CONFORMING TO THE REQUIREMENTS OF REGULATIONS;

16 (2) IF THE PETITION SEEKS TO PLACE A QUESTION ON THE BALLOT,
17 EITHER:

18 (I) A FAIR AND ACCURATE SUMMARY OF THE SUBSTANTIVE
19 PROVISIONS OF THE PROPOSAL; OR

20 (II) THE FULL TEXT OF THE PROPOSAL;

21 (3) A STATEMENT, TO WHICH EACH SIGNER SUBSCRIBES, THAT:

22 (I) THE SIGNER SUPPORTS THE PURPOSE OF THAT PETITION
23 PROCESS; AND

24 (II) BASED ON THE SIGNER'S INFORMATION AND BELIEF, THE
25 SIGNER IS A REGISTERED VOTER IN THE COUNTY SPECIFIED ON THE PAGE AND IS
26 ELIGIBLE TO HAVE HIS OR HER SIGNATURE COUNTED;

27 (4) SPACES FOR SIGNATURES AND THE REQUIRED INFORMATION
28 RELATING TO THE SIGNERS;

29 (5) A SPACE FOR THE NAME OF THE COUNTY IN WHICH EACH OF THE
30 SIGNERS OF THAT PAGE IS A REGISTERED VOTER;

31 (6) A SPACE FOR THE REQUIRED AFFIDAVIT MADE AND EXECUTED BY
32 THE CIRCULATOR; AND

33 (7) ANY OTHER INFORMATION REQUIRED BY REGULATION.

1 (D) PETITION RELATING TO QUESTIONS.

2 IF THE PETITION SEEKS TO PLACE A QUESTION ON THE BALLOT AND THE
3 SPONSOR ELECTS TO PRINT A SUMMARY OF THE PROPOSAL ON EACH SIGNATURE
4 PAGE AS PROVIDED IN SUBSECTION (C)(2)(I) OF THIS SECTION:

5 (1) THE CIRCULATOR SHALL HAVE THE FULL TEXT OF THE PROPOSAL
6 PRESENT AT THE TIME AND PLACE THAT EACH SIGNATURE IS AFFIXED TO THE PAGE;
7 AND

8 (2) THE SIGNATURE PAGE SHALL STATE THAT THE FULL TEXT IS
9 AVAILABLE FROM THE CIRCULATOR.

10 (E) SIGNATURE PAGE TO MEET REQUIREMENTS AT ALL TIMES.

11 A SIGNATURE PAGE SHALL SATISFY THE REQUIREMENTS OF SUBSECTIONS (C)
12 AND (D)(2) OF THIS SECTION BEFORE ANY SIGNATURE IS AFFIXED TO IT AND AT ALL
13 RELEVANT TIMES THEREAFTER.

14 6-202. ADVANCE DETERMINATIONS.

15 (A) GENERALLY.

16 THE FORMAT OF THE PETITION PREPARED BY A SPONSOR MAY BE SUBMITTED
17 TO THE CHIEF ELECTION OFFICIAL OF THE APPROPRIATE ELECTION AUTHORITY, IN
18 ADVANCE OF FILING THE PETITION, FOR A DETERMINATION OF ITS SUFFICIENCY.

19 (B) ADVICE OF LEGAL AUTHORITY.

20 IN MAKING THE DETERMINATION, THE CHIEF ELECTION OFFICIAL MAY SEEK
21 THE ADVICE OF THE LEGAL AUTHORITY.

22 6-203. SIGNERS; INFORMATION PROVIDED BY SIGNERS.

23 (A) GENERALLY.

24 TO SIGN A PETITION, AN INDIVIDUAL SHALL:

25 (1) SIGN THE INDIVIDUAL'S NAME AS IT APPEARS ON THE
26 REGISTRATION LIST OR THE INDIVIDUAL'S SURNAME OF REGISTRATION AND AT
27 LEAST ONE FULL GIVEN NAME AND THE INITIALS OF ANY OTHER NAMES; AND

28 (2) INCLUDE THE FOLLOWING INFORMATION, PRINTED OR TYPED, IN
29 THE SPACES PROVIDED:

30 (I) THE SIGNER'S NAME AS IT WAS SIGNED;

31 (II) THE SIGNER'S ADDRESS;

32 (III) THE DATE OF SIGNING; AND

1 (IV) OTHER INFORMATION REQUIRED BY REGULATIONS ADOPTED
2 BY THE STATE BOARD.

3 (B) VALIDATION AND COUNTING.

4 THE SIGNATURE OF AN INDIVIDUAL SHALL BE VALIDATED AND COUNTED IF:

5 (1) THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION HAVE
6 BEEN SATISFIED;

7 (2) THE INDIVIDUAL IS A REGISTERED VOTER IN THE COUNTY
8 SPECIFIED ON THE SIGNATURE PAGE AND, IF APPLICABLE, IN A PARTICULAR
9 GEOGRAPHIC AREA OF THE COUNTY;

10 (3) THE INDIVIDUAL HAS NOT PREVIOUSLY SIGNED THE SAME
11 PETITION;

12 (4) THE SIGNATURE IS ATTESTED BY AN AFFIDAVIT APPEARING ON THE
13 PAGE ON WHICH THE SIGNATURE APPEARS;

14 (5) THE DATE ACCOMPANYING THE SIGNATURE IS NOT LATER THAN
15 THE DATE OF THE AFFIDAVIT ON THE PAGE; AND

16 (6) IF APPLICABLE, THE SIGNATURE WAS AFFIXED WITHIN THE
17 REQUISITE PERIOD OF TIME, AS SPECIFIED BY LAW.

18 (C) REMOVAL OF SIGNATURE.

19 (1) A SIGNATURE MAY BE REMOVED:

20 (I) BY THE SIGNER UPON WRITTEN APPLICATION TO THE
21 ELECTION AUTHORITY WITH WHICH THE PETITION WILL BE FILED IF THE
22 APPLICATION IS RECEIVED BY THE ELECTION AUTHORITY PRIOR TO THE FILING OF
23 THAT SIGNATURE; OR

24 (II) PRIOR TO THE FILING OF THAT SIGNATURE, BY THE
25 CIRCULATOR WHO ATTESTED TO THAT SIGNATURE OR BY THE SPONSOR OF THE
26 PETITION, IF IT IS CONCLUDED THAT THE SIGNATURE DOES NOT SATISFY THE
27 REQUIREMENTS OF THIS TITLE.

28 (2) A SIGNATURE REMOVED PURSUANT TO PARAGRAPH (1)(II) OF THIS
29 SUBSECTION MAY NOT BE INCLUDED IN THE NUMBER OF SIGNATURES STATED ON
30 THE INFORMATION PAGE INCLUDED IN THE PETITION.

31 6-204. CIRCULATORS; AFFIDAVIT OF THE CIRCULATOR.

32 (A) GENERALLY.

33 EACH SIGNATURE PAGE SHALL CONTAIN AN AFFIDAVIT MADE AND EXECUTED
34 BY THE INDIVIDUAL IN WHOSE PRESENCE ALL OF THE SIGNATURES ON THAT PAGE
35 WERE AFFIXED AND WHO OBSERVED EACH OF THOSE SIGNATURES BEING AFFIXED.

1 (B) REQUIREMENTS.

2 THE AFFIDAVIT SHALL CONTAIN THE STATEMENTS, REQUIRED BY
3 REGULATION, DESIGNED TO ASSURE THE VALIDITY OF THE SIGNATURES AND THE
4 FAIRNESS OF THE PETITION PROCESS.

5 (C) AGE OF CIRCULATOR.

6 A CIRCULATOR MUST BE AT LEAST 18 YEARS OLD AT THE TIME ANY OF THE
7 SIGNATURES COVERED BY THE AFFIDAVIT ARE AFFIXED.

8 6-205. FILING OF PETITIONS.

9 (A) GENERALLY.

10 (1) UNLESS OTHERWISE REQUIRED BY THE MARYLAND CONSTITUTION,
11 A PETITION SHALL BE FILED, IN PERSON BY OR ON BEHALF OF THE SPONSOR, IN THE
12 OFFICE OF THE APPROPRIATE ELECTION AUTHORITY.

13 (2) IF THE MARYLAND CONSTITUTION PROVIDES THAT A PETITION
14 SHALL BE FILED WITH THE SECRETARY OF STATE, THE SECRETARY OF STATE SHALL
15 DELIVER THE PETITION TO THE STATE BOARD WITHIN 24 HOURS.

16 (3) IF THE MARYLAND CONSTITUTION PROVIDES THAT A PETITION
17 SHALL BE FILED WITH AN OFFICIAL OR GOVERNMENTAL BODY OF A COUNTY, THE
18 OFFICIAL OR GOVERNMENTAL BODY, AFTER DETERMINING THAT THE PETITION IS IN
19 CONFORMANCE WITH THE REQUIREMENTS OF LAW, SHALL DISPATCH THE PETITION
20 TO THE LOCAL BOARD FOR THAT COUNTY WITHIN 24 HOURS.

21 (4) A PETITION FORWARDED UNDER PARAGRAPH (2) OR (3) OF THIS
22 SUBSECTION SHALL BE PROCESSED UNDER THIS SUBTITLE AS IF IT HAD BEEN FILED
23 WITH THE ELECTION AUTHORITY.

24 (B) REGULATIONS.

25 THE REGULATIONS ADOPTED BY THE STATE BOARD MAY PROVIDE THAT THE
26 SIGNATURE PAGES OF A PETITION REQUIRED TO BE FILED WITH THE STATE BOARD
27 BE DELIVERED BY THE SPONSOR, OR AN INDIVIDUAL AUTHORIZED BY THE SPONSOR,
28 TO THE APPROPRIATE LOCAL BOARD OR BOARDS FOR VERIFICATION AND COUNTING
29 OF SIGNATURES.

30 (C) ACCEPTANCE OF PETITION.

31 A PETITION MAY NOT BE ACCEPTED FOR FILING UNLESS THE INFORMATION
32 PAGE INDICATES THAT THE PETITION SATISFIES ANY REQUIREMENTS ESTABLISHED
33 BY LAW FOR THE TIME OF FILING AND FOR THE NUMBER AND GEOGRAPHIC
34 DISTRIBUTION OF SIGNATURES.

35 (D) ADDITIONAL SIGNATURES.

1 SUBSEQUENT TO THE FILING OF A PETITION UNDER THIS SUBTITLE, BUT PRIOR
2 TO THE DEADLINE FOR FILING THE PETITION, ADDITIONAL SIGNATURES MAY BE
3 ADDED TO THE PETITION BY FILING AN AMENDED INFORMATION PAGE AND
4 ADDITIONAL SIGNATURE PAGES CONFORMING TO THE REQUIREMENTS OF THIS
5 SUBTITLE.

6 6-206. DETERMINATIONS AT TIME OF FILING.

7 (A) REVIEW BY CHIEF ELECTION OFFICIAL.

8 PROMPTLY UPON THE FILING OF A PETITION WITH AN ELECTION AUTHORITY,
9 THE CHIEF ELECTION OFFICIAL OF THE ELECTION AUTHORITY SHALL REVIEW THE
10 PETITION.

11 (B) DETERMINATIONS.

12 UNLESS A DETERMINATION OF DEFICIENCY IS MADE UNDER SUBSECTION (C)
13 OF THIS SECTION, THE CHIEF ELECTION OFFICIAL SHALL:

14 (1) MAKE A DETERMINATION THAT THE PETITION, AS TO MATTERS
15 OTHER THAN THE VALIDITY OF SIGNATURES, IS SUFFICIENT; OR

16 (2) DEFER A DETERMINATION OF SUFFICIENCY PENDING FURTHER
17 REVIEW.

18 (C) DECLARATION OF DEFICIENCY.

19 THE CHIEF ELECTION OFFICIAL SHALL DECLARE THAT THE PETITION IS
20 DEFICIENT IF THE CHIEF ELECTION OFFICIAL DETERMINES THAT:

21 (1) THE PETITION WAS NOT TIMELY FILED;

22 (2) AFTER PROVIDING THE SPONSOR AN OPPORTUNITY TO CORRECT
23 ANY CLERICAL ERRORS, THE INFORMATION PROVIDED BY THE SPONSOR INDICATES
24 THAT THE PETITION DOES NOT SATISFY ANY REQUIREMENTS OF LAW FOR THE
25 NUMBER OR GEOGRAPHIC DISTRIBUTION OF SIGNATURES;

26 (3) AN EXAMINATION OF UNVERIFIED SIGNATURES INDICATES THAT
27 THE PETITION DOES NOT SATISFY ANY REQUIREMENTS OF LAW FOR THE NUMBER
28 OR GEOGRAPHIC DISTRIBUTION OF SIGNATURES;

29 (4) THE REQUIREMENTS RELATING TO THE FORM OF THE PETITION
30 HAVE NOT BEEN SATISFIED;

31 (5) BASED ON THE ADVICE OF THE LEGAL AUTHORITY:

32 (I) THE USE OF A PETITION FOR THE SUBJECT MATTER OF THE
33 PETITION IS NOT AUTHORIZED BY LAW; OR

34 (II) THE PETITION SEEKS:

1 1. THE ENACTMENT OF A LAW THAT WOULD BE
2 UNCONSTITUTIONAL OR THE ELECTION OR NOMINATION OF AN INDIVIDUAL TO AN
3 OFFICE FOR WHICH THAT INDIVIDUAL IS NOT LEGALLY QUALIFIED TO BE A
4 CANDIDATE; OR

5 2. A RESULT THAT IS OTHERWISE PROHIBITED BY LAW; OR

6 (6) THE PETITION HAS FAILED TO SATISFY SOME OTHER REQUIREMENT
7 ESTABLISHED BY LAW.

8 (D) CONSISTENCY WITH ADVANCE DETERMINATION.

9 A DETERMINATION UNDER THIS SECTION MAY NOT BE INCONSISTENT WITH AN
10 ADVANCE DETERMINATION MADE UNDER § 6-202 OF THIS SUBTITLE.

11 (E) NOTICE.

12 NOTICE OF A DETERMINATION UNDER THIS SECTION SHALL BE PROVIDED IN
13 ACCORDANCE WITH § 6-210 OF THIS SUBTITLE.

14 6-207. VERIFICATION OF SIGNATURES.

15 (A) GENERALLY.

16 UPON THE FILING OF A PETITION, AND UNLESS IT HAS BEEN DECLARED
17 DEFICIENT UNDER § 6-206 OF THIS SUBTITLE, THE STAFF OF THE ELECTION
18 AUTHORITY SHALL PROCEED TO VERIFY THE SIGNATURES AND COUNT THE
19 VALIDATED SIGNATURES CONTAINED IN THE PETITION.

20 (B) STATE BOARD TO ESTABLISH PROCESS.

21 THE STATE BOARD, BY REGULATION, SHALL ESTABLISH THE PROCESS TO BE
22 FOLLOWED BY ALL ELECTION AUTHORITIES FOR VERIFYING AND COUNTING
23 SIGNATURES ON PETITIONS.

24 (C) RANDOM SAMPLE VERIFICATION.

25 (1) THE PROCESS ESTABLISHED UNDER SUBSECTION (B) OF THIS
26 SECTION SHALL PROVIDE FOR OPTIONAL VERIFICATION OF A RANDOM SAMPLE OF
27 SIGNATURES CONTAINED IN A PETITION.

28 (2) VERIFICATION BY RANDOM SAMPLE MAY ONLY BE USED, WITH THE
29 APPROVAL OF THE STATE BOARD:

30 (I) FOR A SINGLE-COUNTY PETITION CONTAINING MORE THAN 500
31 SIGNATURES; OR

32 (II) IN THE CASE OF A MULTICOUNTY PETITION, BY A LOCAL
33 BOARD THAT RECEIVES SIGNATURE PAGES CONTAINING MORE THAN 500
34 SIGNATURES.

1 (3) VERIFICATION UNDER THIS SUBSECTION SHALL REQUIRE THE
2 RANDOM SELECTION AND VERIFICATION OF 500 SIGNATURES OR 5% OF THE TOTAL
3 SIGNATURES ON THE PETITION, WHICHEVER NUMBER IS GREATER, TO DETERMINE
4 WHAT PERCENTAGE OF THE RANDOM SAMPLE IS COMPOSED OF SIGNATURES THAT
5 ARE AUTHORIZED BY LAW TO BE COUNTED. THAT PERCENTAGE SHALL BE APPLIED
6 TO THE TOTAL NUMBER OF SIGNATURES IN THE PETITION TO ESTABLISH THE
7 NUMBER OF VALID SIGNATURES FOR THE PETITION.

8 (4) (I) IF THE RANDOM SAMPLE VERIFICATION ESTABLISHES THAT
9 THE TOTAL NUMBER OF VALID SIGNATURES DOES NOT EQUAL 95% OR MORE OF THE
10 TOTAL NUMBER REQUIRED, THE PETITION SHALL BE DEEMED TO HAVE AN
11 INSUFFICIENT NUMBER OF SIGNATURES.

12 (II) IF THE RANDOM SAMPLE VERIFICATION ESTABLISHES THAT
13 THE TOTAL NUMBER OF VALID SIGNATURES EXCEEDS 105% OF THE TOTAL NUMBER
14 REQUIRED, THE PETITION SHALL BE DEEMED TO HAVE A SUFFICIENT NUMBER OF
15 SIGNATURES.

16 (III) IF THE RANDOM SAMPLE VERIFICATION ESTABLISHES THAT
17 THE TOTAL NUMBER OF VALID SIGNATURES IS AT LEAST 95% BUT NOT MORE THAN
18 105% OF THE TOTAL NUMBER REQUIRED, A VERIFICATION OF ALL THE SIGNATURES
19 IN THE PETITION SHALL BE CONDUCTED.

20 6-208. CERTIFICATION.

21 (A) GENERALLY.

22 AT THE CONCLUSION OF THE VERIFICATION AND COUNTING PROCESSES, THE
23 CHIEF ELECTION OFFICIAL OF THE ELECTION AUTHORITY SHALL:

24 (1) DETERMINE WHETHER THE VALIDATED SIGNATURES CONTAINED IN
25 THE PETITION ARE SUFFICIENT TO SATISFY ALL REQUIREMENTS ESTABLISHED BY
26 LAW RELATING TO THE NUMBER AND GEOGRAPHICAL DISTRIBUTION OF
27 SIGNATURES; AND

28 (2) IF IT HAS NOT DONE SO PREVIOUSLY, DETERMINE WHETHER THE
29 PETITION HAS SATISFIED ALL OTHER REQUIREMENTS ESTABLISHED BY LAW FOR
30 THAT PETITION AND IMMEDIATELY NOTIFY THE SPONSOR OF THAT
31 DETERMINATION, INCLUDING ANY SPECIFIC DEFICIENCIES FOUND.

32 (B) CERTIFICATION.

33 IF THE CHIEF ELECTION OFFICIAL DETERMINES THAT A PETITION HAS
34 SATISFIED ALL REQUIREMENTS ESTABLISHED BY LAW RELATING TO THAT
35 PETITION, THE CHIEF ELECTION OFFICIAL SHALL CERTIFY THAT THE PETITION
36 PROCESS HAS BEEN COMPLETED AND SHALL:

37 (1) WITH RESPECT TO A PETITION SEEKING TO PLACE THE NAME OF AN
38 INDIVIDUAL OR A QUESTION ON THE BALLOT, CERTIFY THAT THE NAME OR
39 QUESTION HAS QUALIFIED TO BE PLACED ON THE BALLOT;

1 (2) WITH RESPECT TO A PETITION SEEKING TO CREATE A NEW
2 POLITICAL PARTY, CERTIFY THE SUFFICIENCY OF THE PETITION TO THE CHAIRMAN
3 OF THE GOVERNING BODY OF THE PARTISAN ORGANIZATION; AND

4 (3) WITH RESPECT TO THE CREATION OF A CHARTER BOARD UNDER
5 ARTICLE XI-A, § 1A OF THE MARYLAND CONSTITUTION, CERTIFY THAT THE PETITION
6 IS SUFFICIENT.

7 (C) NOTICE.

8 NOTICE OF A DETERMINATION UNDER THIS SECTION SHALL BE PROVIDED IN
9 ACCORDANCE WITH § 6-210 OF THIS SUBTITLE.

10 6-209. JUDICIAL REVIEW.

11 (A) GENERALLY.

12 (1) A PERSON AGGRIEVED BY A DETERMINATION MADE UNDER § 6-202, §
13 6-206, OR § 6-208(A)(2) OF THIS SUBTITLE MAY SEEK JUDICIAL REVIEW:

14 (I) IN THE CASE OF A STATEWIDE PETITION, OR A PETITION FOR A
15 CONGRESSIONAL OR GENERAL ASSEMBLY CANDIDACY, IN THE CIRCUIT COURT FOR
16 ANNE ARUNDEL COUNTY; OR

17 (II) AS TO ANY OTHER PETITION, IN THE CIRCUIT COURT FOR THE
18 COUNTY IN WHICH THE PETITION IS FILED.

19 (2) THE COURT MAY GRANT RELIEF AS IT CONSIDERS APPROPRIATE TO
20 ASSURE THE INTEGRITY OF THE ELECTORAL PROCESS.

21 (3) JUDICIAL REVIEW SHALL BE EXPEDITED BY EACH COURT THAT
22 HEARS THE CAUSE TO THE EXTENT NECESSARY IN CONSIDERATION OF THE
23 DEADLINES ESTABLISHED BY LAW.

24 (B) DECLARATION RELIEF.

25 PURSUANT TO THE MARYLAND UNIFORM DECLARATORY JUDGMENTS ACT AND
26 UPON THE COMPLAINT OF ANY REGISTERED VOTER, THE CIRCUIT COURT OF THE
27 COUNTY IN WHICH A PETITION HAS BEEN OR WILL BE FILED MAY GRANT
28 DECLARATORY RELIEF AS TO ANY PETITION WITH RESPECT TO THE PROVISIONS OF
29 THIS TITLE OR OTHER PROVISIONS OF LAW.

30 6-210. SCHEDULE OF PROCESS.

31 (A) REQUEST FOR ADVANCE DETERMINATION.

32 (1) A REQUEST FOR AN ADVANCE DETERMINATION UNDER § 6-202 OF
33 THIS SUBTITLE SHALL BE SUBMITTED AT LEAST 30 DAYS, BUT NOT MORE THAN 2
34 YEARS AND 1 MONTH, PRIOR TO THE DEADLINE FOR THE FILING OF THE PETITION.

1 (2) WITHIN 5 BUSINESS DAYS OF RECEIVING THE REQUEST FOR AN
2 ADVANCE DETERMINATION, THE ELECTION AUTHORITY SHALL MAKE THE
3 DETERMINATION.

4 (B) NOTICE.

5 WITHIN 2 BUSINESS DAYS AFTER AN ADVANCE DETERMINATION UNDER § 6-202
6 OF THIS SUBTITLE, OR A DETERMINATION OF DEFICIENCY UNDER § 6-206 OR § 6-208
7 OF THIS SUBTITLE, THE CHIEF ELECTION OFFICIAL OF THE ELECTION AUTHORITY
8 SHALL NOTIFY THE SPONSOR OF THE DETERMINATION.

9 (C) VERIFICATION AND COUNTING.

10 THE VERIFICATION AND COUNTING OF VALIDATED SIGNATURES ON A
11 PETITION SHALL BE COMPLETED WITHIN 20 DAYS AFTER THE FILING OF THE
12 PETITION.

13 (D) CERTIFICATION.

14 WITHIN 2 BUSINESS DAYS OF THE COMPLETION OF THE VERIFICATION AND
15 COUNTING PROCESSES, OR, IF JUDICIAL REVIEW IS PENDING, WITHIN 2 BUSINESS
16 DAYS AFTER A FINAL JUDICIAL DECISION, THE APPROPRIATE ELECTION OFFICIAL
17 SHALL MAKE THE CERTIFICATIONS REQUIRED BY § 6-208 OF THIS SUBTITLE.

18 (E) JUDICIAL REVIEW.

19 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ANY
20 JUDICIAL REVIEW OF A DETERMINATION, AS PROVIDED IN § 6-209 OF THIS SUBTITLE,
21 SHALL BE SOUGHT BY THE 10TH DAY FOLLOWING THE DETERMINATION TO WHICH IT
22 RELATES.

23 (2) IF THE PETITION SEEKS TO PLACE THE NAME OF AN INDIVIDUAL OR
24 A QUESTION ON THE BALLOT AT ANY ELECTION, JUDICIAL REVIEW SHALL BE
25 SOUGHT BY THE DAY SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION OR THE
26 63RD DAY PRECEDING THAT ELECTION, WHICHEVER DAY IS EARLIER.

27 6-211. PROHIBITED PRACTICES AND PENALTIES.

28 OFFENSES AND PENALTIES RELATING TO THE PETITION PROCESS SHALL BE AS
29 PROVIDED IN TITLE 16 OF THIS ARTICLE.

30 TITLE 7. QUESTIONS.

31 7-101. APPLICABILITY.

32 THIS TITLE APPLIES TO THE FOLLOWING TYPES OF BALLOT QUESTIONS:

33 (1) A QUESTION RELATING TO:

1 (I) THE CREATION OR ADOPTION OF A NEW CONSTITUTION OR THE
2 CALLING OF A CONSTITUTIONAL CONVENTION; OR

3 (II) AN AMENDMENT PURSUANT TO ARTICLE XIV OF THE
4 MARYLAND CONSTITUTION;

5 (2) REFERRAL OF AN ENACTMENT OF THE GENERAL ASSEMBLY
6 PURSUANT TO ARTICLE XVI OF THE MARYLAND CONSTITUTION;

7 (3) A QUESTION PURSUANT TO ARTICLE XI-A OF THE MARYLAND
8 CONSTITUTION RELATING TO:

9 (I) THE CREATION OF A CHARTER HOME RULE COUNTY
10 GOVERNMENT;

11 (II) THE APPROVAL OF A COUNTY CHARTER; OR

12 (III) THE AMENDMENT OF A COUNTY CHARTER;

13 (4) A QUESTION RELATING TO THE CREATION OF A CODE HOME RULE
14 COUNTY GOVERNMENT PURSUANT TO ARTICLE XI-F OF THE MARYLAND
15 CONSTITUTION;

16 (5) A QUESTION RELATING TO THE ALTERATION OF COUNTY
17 BOUNDARIES OR THE CREATION OF A NEW COUNTY PURSUANT TO ARTICLE XIII OF
18 THE MARYLAND CONSTITUTION;

19 (6) A QUESTION REFERRED TO THE VOTERS PURSUANT TO AN
20 ENACTMENT OF THE GENERAL ASSEMBLY;

21 (7) A QUESTION ON AN ENACTMENT OF A CHARTER COUNTY PURSUANT
22 TO ARTICLE 25A, § 8 OF THE CODE OR A CODE COUNTY PURSUANT TO ARTICLE 25B, §
23 10 OF THE CODE;

24 (8) A QUESTION RELATING TO THE INCORPORATION OF A NEW
25 MUNICIPALITY PURSUANT TO ARTICLE 23A, § 21 OF THE CODE;

26 (9) A QUESTION ON THE ISSUANCE OF A BOND PURSUANT TO § 9-934 OF
27 THE ENVIRONMENT ARTICLE; AND

28 (10) ANY OTHER QUESTION THAT WILL BE VOTED ON IN AN ELECTION
29 CONDUCTED PURSUANT TO THIS ARTICLE.

30 DRAFTER'S NOTE: This section is new language added to clarify the
31 applicability of this title. The section creates no substantive change in the
32 law.

33 7-102. QUALIFICATION OF QUESTIONS.

34 (A) CONSTITUTIONAL CONVENTIONS AND AMENDMENTS.

1 (1) A QUESTION RELATING TO THE HOLDING OF A CONSTITUTIONAL
2 CONVENTION QUALIFIES FOR THE BALLOT AUTOMATICALLY EVERY 20 YEARS
3 PURSUANT TO ARTICLE XIV, § 2 OF THE MARYLAND CONSTITUTION.

4 (2) A QUESTION RELATING TO THE ADOPTION OF A NEW OR ALTERED
5 CONSTITUTION QUALIFIES UPON ITS ADOPTION BY A DULY CONSTITUTED
6 CONVENTION PURSUANT TO ARTICLE XIV, § 2 OF THE MARYLAND CONSTITUTION.

7 (3) AN AMENDMENT TO THE CONSTITUTION QUALIFIES UPON ITS
8 PASSAGE BY THE GENERAL ASSEMBLY PURSUANT TO ARTICLE XIV, § 1 OF THE
9 MARYLAND CONSTITUTION.

10 (B) ACT OF THE GENERAL ASSEMBLY.

11 A QUESTION ON AN ACT OF THE GENERAL ASSEMBLY PURSUANT TO ARTICLE
12 XVI OF THE MARYLAND CONSTITUTION QUALIFIES UPON THE CERTIFICATION
13 UNDER TITLE 6 OF THIS ARTICLE, THAT THE PETITION HAS SATISFIED ALL THE
14 REQUIREMENTS ESTABLISHED BY ARTICLE XVI.

15 (C) COUNTY CHARTER; CODE HOME RULE.

16 (1) A QUESTION RELATING TO THE CREATION OF A HOME RULE COUNTY
17 GOVERNMENT QUALIFIES UPON EITHER:

18 (I) A DETERMINATION BY THE APPROPRIATE LOCAL AUTHORITY
19 THAT THE APPLICABLE PETITION HAS SATISFIED ALL THE REQUIREMENTS
20 ESTABLISHED BY LAW RELATING TO THE CREATION OF A CHARTER BOARD; OR

21 (II) THE ADOPTION BY THE GOVERNING BODY OF A COUNTY OF AN
22 ENACTMENT PROPOSING THAT THE COUNTY BECOME A CODE COUNTY.

23 (2) A QUESTION RELATING TO THE APPROVAL OF A COUNTY CHARTER
24 QUALIFIES UPON THE ADOPTION OF A PROPOSED CHARTER BY A CHARTER BOARD
25 PURSUANT TO THE REQUIREMENTS PRESCRIBED BY ARTICLE XI-A OF THE
26 MARYLAND CONSTITUTION.

27 (3) A QUESTION RELATING TO THE AMENDMENT OF A COUNTY
28 CHARTER SHALL QUALIFY EITHER UPON:

29 (I) THE PASSAGE BY THE GOVERNING BODY OF THE COUNTY OF A
30 RESOLUTION PROPOSING THE AMENDMENT; OR

31 (II) A DETERMINATION BY THE GOVERNING BODY OF THE COUNTY
32 THAT A PETITION SUBMITTED HAS SATISFIED ALL THE REQUIREMENTS
33 ESTABLISHED BY LAW RELATING TO PETITIONS INITIATING CHARTER
34 AMENDMENTS.

35 (D) CREATION OF A NEW COUNTY OR ALTERATION OF COUNTY BOUNDARIES.

1 A QUESTION RELATING TO THE CREATION OF A NEW COUNTY OR THE
2 ALTERATION OF COUNTY BOUNDARIES QUALIFIES UPON THE ENACTMENT OF THE
3 IMPLEMENTING PUBLIC GENERAL LAW.

4 (E) QUESTIONS REFERRED BY THE GENERAL ASSEMBLY.

5 A QUESTION REFERRED TO THE VOTERS AS PROVIDED IN AN ENACTMENT OF
6 THE GENERAL ASSEMBLY QUALIFIES UPON THE ENACTMENT OF THE LAW CALLING
7 FOR THE QUESTION.

8 (F) COUNTY ENACTMENTS.

9 (1) A QUESTION ON AN ENACTMENT BY A CHARTER COUNTY QUALIFIES
10 PURSUANT TO LOCAL LAW AND ARTICLE 25A, § 8 OF THE CODE.

11 (2) A QUESTION ON AN ENACTMENT BY A CODE COUNTY QUALIFIES
12 PURSUANT TO LOCAL LAW AND ARTICLE 25B, § 10 OF THE CODE.

13 (G) INCORPORATION OF A NEW MUNICIPAL CORPORATION.

14 A QUESTION RELATING TO THE INCORPORATION OF A NEW MUNICIPAL
15 CORPORATION QUALIFIES UPON THE DETERMINATION BY THE COUNTY GOVERNING
16 BODY THAT THE APPLICABLE PETITION HAS SATISFIED ALL THE REQUIREMENTS
17 ESTABLISHED BY LAW FOR THAT PETITION.

18 (H) BOND.

19 A REFERENDUM ON A QUESTION OF ISSUANCE OF A BOND PURSUANT TO § 9-934
20 OF THE ENVIRONMENT ARTICLE QUALIFIES UPON SUBMISSION OF THE QUESTION
21 TO THE APPROPRIATE LOCAL BOARD.

22 7-103. CERTIFICATION OF QUESTIONS.

23 (A) CERTIFICATION OF LOCAL QUESTIONS; TIME REQUIREMENTS.

24 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE
25 BOARD OF COUNTY COMMISSIONERS, THE COUNTY COUNCIL, OR THE TREASURER OF
26 BALTIMORE CITY, AS APPROPRIATE, SHALL CERTIFY TO THE LOCAL BOARD, NOT
27 LATER THAN THE THIRD MONDAY IN AUGUST, A QUESTION TO BE SUBMITTED TO
28 THE VOTERS OF ONE COUNTY OR PART OF ONE COUNTY.

29 (2) (I) A QUESTION THAT HAS BEEN REFERRED TO THE VOTERS OF
30 ONE COUNTY OR PART OF ONE COUNTY PURSUANT TO THE REQUIREMENTS OF AN
31 ENACTMENT OF THE GENERAL ASSEMBLY SHALL BE CERTIFIED TO THE
32 APPROPRIATE LOCAL BOARD, NOT LATER THAN THE THIRD MONDAY IN AUGUST, BY
33 THE STATE BOARD.

34 (II) A QUESTION THAT HAS BEEN REFERRED TO THE VOTERS OF
35 ONE COUNTY OR PART OF THAT COUNTY PURSUANT TO A PETITION FILED UNDER
36 ARTICLE XVI OF THE MARYLAND CONSTITUTION SHALL BE CERTIFIED TO THE

1 APPROPRIATE LOCAL BOARD, NOT LATER THAN THE THIRD MONDAY IN AUGUST, BY
2 THE SECRETARY OF STATE.

3 (3) IF THE CERTIFYING AUTHORITY HAS NOT CERTIFIED A QUESTION BY
4 THE THIRD MONDAY IN AUGUST, THE CLERK OF THE CIRCUIT COURT FOR THE
5 COUNTY SHALL CERTIFY THE QUESTION TO THE LOCAL BOARD NOT LATER THAN
6 THE FOURTH MONDAY IN AUGUST.

7 (B) CERTIFICATION BY STATE BOARD.

8 THE STATE BOARD SHALL CERTIFY BALLOT QUESTIONS TO THE LOCAL BOARDS
9 IN ACCORDANCE WITH TITLE 9, SUBTITLE 2 OF THIS ARTICLE.

10 DRAFTER'S NOTE: In subsection (a)(3) of this section, a provision previously
11 applicable only in Howard County has been made statewide.

12 7-104. TEXT OF QUESTIONS.

13 (A) GENERAL GUIDELINES.

14 EACH QUESTION SHALL APPEAR ON THE BALLOT CONTAINING THE
15 FOLLOWING INFORMATION:

16 (1) A QUESTION NUMBER OR LETTER AS DETERMINED UNDER
17 SUBSECTION (C) OF THIS SECTION;

18 (2) A BRIEF DESIGNATION OF THE TYPE OR SOURCE OF THE QUESTION;

19 (3) A BRIEF DESCRIPTIVE TITLE IN BOLDFACE TYPE;

20 (4) A CONDENSED STATEMENT OF THE PURPOSE OF THE QUESTION;
21 AND

22 (5) THE VOTING CHOICES THAT THE VOTER WILL HAVE.

23 (B) DUTY TO PREPARE QUESTION.

24 (1) THE SECRETARY OF STATE SHALL CERTIFY TO THE STATE BOARD
25 THE INFORMATION REQUIRED UNDER SUBSECTION (A) OF THIS SECTION, FOR ALL
26 STATEWIDE BALLOT QUESTIONS AND ALL QUESTIONS RELATING TO AN ENACTMENT
27 OF THE GENERAL ASSEMBLY WHICH IS PETITIONED TO REFERENDUM.

28 (2) EACH QUESTION TO BE VOTED ON IN A SINGLE COUNTY OR PART OF
29 A COUNTY, EXCEPT A QUESTION RELATING TO AN ENACTMENT OF THE GENERAL
30 ASSEMBLY WHICH HAS BEEN PETITIONED TO REFERENDUM, SHALL BE PREPARED
31 AS REQUIRED UNDER SUBSECTION (A) OF THIS SECTION, BY THE COUNTY ATTORNEY
32 OF THE COUNTY UNLESS SOME OTHER PROCESS IS MANDATED BY LAW.

33 (C) NUMBERING OR LETTERING.

1 (1) EACH STATEWIDE QUESTION SHALL BE ASSIGNED A NUMERICAL
2 IDENTIFIER IN THE FOLLOWING ORDER:

3 (I) BY YEARS OF SESSIONS OF THE GENERAL ASSEMBLY AT WHICH
4 ENACTED; AND

5 (II) FOR EACH SUCH SESSION, BY CHAPTER NUMBERS OF THE
6 SESSION LAWS OF THAT SESSION.

7 (2) QUESTIONS CERTIFIED BY THE LOCAL GOVERNING AUTHORITY
8 SHALL BE ASSIGNED AN ALPHABETICAL IDENTIFIER IN AN ORDER ESTABLISHED BY
9 THE LOCAL GOVERNING AUTHORITY, CONSISTENT WITH AND FOLLOWING THE
10 QUESTIONS CERTIFIED BY THE STATE BOARD.

11 DRAFTER'S NOTE: Subsection (a) of this section combines several sections
12 and a new provision to provide a comprehensive listing of the components
13 of the text of a question for placement on the ballot and for publication.
14 The new provision requires a description of the type or source of the
15 question. Currently, SABEL requires inclusion of a description such as
16 "Constitutional Amendment" or "Charter Amendment", but there is no
17 requirement for this in the Code.

18 7-105. PETITIONS RELATING TO QUESTIONS.

19 (A) CHARTER BOARD.

20 A PETITION FOR THE ELECTION OF A CHARTER BOARD MAY NOT BE FILED
21 UNLESS ALL OF THE SIGNATURES ATTACHED TO THE PETITION HAVE BEEN
22 WRITTEN BY THE SIGNERS WITHIN 6 MONTHS OF THE DATE WHEN THE PETITION IS
23 PRESENTED TO THE BOARD.

24 (B) FILING.

25 A PETITION RELATING TO A QUESTION ARISING UNDER ARTICLE XI-A OF THE
26 MARYLAND CONSTITUTION SHALL BE FILED WITH THE APPROPRIATE
27 GOVERNMENTAL BODY OR OFFICER NOT LATER THAN THE SECOND MONDAY IN
28 AUGUST IN THE YEAR OF THE ELECTION AT WHICH THE QUESTION IS TO BE VOTED
29 ON.

30 (C) STATEMENT OF CONTRIBUTIONS AND EXPENDITURES.

31 (1) AT THE TIME OF FILING A PETITION UNDER THE PROVISIONS OF
32 ARTICLE XI-A OR ARTICLE XVI OF THE MARYLAND CONSTITUTION, THE PERSON WHO
33 FILES THE PETITION SHALL ALSO FILE A SIGNED STATEMENT, UNDER PENALTY OF
34 PERJURY, SHOWING THE CONTRIBUTIONS AND EXPENDITURES FOR THE PETITION
35 INCLUDING:

36 (I) THE NAME AND POST OFFICE ADDRESS OF EVERY
37 CONTRIBUTOR TO THE EXPENSE OF THE PETITION;

1 (II) THE AMOUNT CONTRIBUTED BY EACH CONTRIBUTOR; AND

2 (III) THE NAME AND ADDRESS OF EACH PERSON TO WHOM ANY
3 MONEY WAS PAID OR PROMISED FOR PROVIDING A SERVICE RELATED TO THE
4 PETITION.

5 (2) IF THE STATEMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION IS
6 NOT FILED WITH THE PETITION, THE PETITION MAY NOT BE CERTIFIED UNDER §
7 6-208 OF THIS ARTICLE.

8 (3) (I) THE INDIVIDUAL WHO SIGNED THE STATEMENT REQUIRED
9 UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE A PARTY TO ANY
10 PROCEEDING TO TEST THE VALIDITY OF THE PETITION.

11 (II) THE PROCEEDING SHALL BE FILED IN THE COUNTY WHERE
12 THE PERSON OR ASSOCIATION RESIDES OR MAINTAINS ITS PRINCIPAL PLACE OF
13 BUSINESS.

14 7-106. PUBLICATION OF QUESTIONS.

15 (A) GENERALLY.

16 (1) THE SECRETARY OF STATE SHALL PROVIDE FOR THE PUBLICATION
17 OF NOTICE OF A QUESTION SUBMITTED UNDER ARTICLE XIV OR XVI OF THE
18 MARYLAND CONSTITUTION ONCE A WEEK DURING THE ~~2~~ 3 WEEKS IMMEDIATELY
19 PRECEDING THE GENERAL ELECTION AT WHICH A QUESTION WILL APPEAR ON THE
20 BALLOT.

21 (2) FOR PURPOSES OF NEWSPAPER PUBLICATION EACH QUESTION
22 SHALL CONTAIN THE INFORMATION SPECIFIED IN § 7-104(A) OF THIS TITLE AND A
23 BRIEF STATEMENT, PREPARED IN CLEAR AND CONCISE LANGUAGE, DEVOID OF
24 TECHNICAL AND LEGAL TERMS TO THE EXTENT PRACTICABLE, SUMMARIZING THE
25 QUESTION.

26 (3) THE STATEMENT REQUIRED UNDER PARAGRAPH (2) OF THIS
27 SUBSECTION SHALL BE PREPARED BY THE DEPARTMENT OF LEGISLATIVE SERVICES
28 AND APPROVED BY THE ATTORNEY GENERAL FOR EACH STATEWIDE BALLOT
29 QUESTION AND EACH QUESTION RELATING TO AN ENACTMENT OF THE GENERAL
30 ASSEMBLY UNLESS:

31 (I) THE STATEMENT IS CONTAINED IN AN ENACTMENT BY THE
32 GENERAL ASSEMBLY, AND THE ENACTMENT CLEARLY SPECIFIES THAT THE
33 STATEMENT IS TO BE USED ON THE BALLOTS; OR

34 (II) SOME OTHER PROCESS IS MANDATED BY THE MARYLAND
35 CONSTITUTION.

36 (B) PUBLICATION.

1 (1) PUBLICATION OF A STATEWIDE QUESTION SHALL BE IN
2 ACCORDANCE WITH REGULATIONS ADOPTED BY THE STATE BOARD, CONSISTENT
3 WITH THE REQUIREMENTS OF ARTICLE XIV OR XVI OR THE MARYLAND
4 CONSTITUTION.

5 (2) IN THE CASE OF A QUESTION REFERRED BY THE GENERAL
6 ASSEMBLY TO THE VOTERS IN ONLY ONE COUNTY, PUBLICATION SHALL BE IN
7 ACCORDANCE WITH REGULATIONS ADOPTED BY THE STATE BOARD, CONSISTENT
8 WITH THE REQUIREMENTS OF ARTICLE XVI OF THE MARYLAND CONSTITUTION.

9 (C) COST OF PUBLICATION.

10 THE COST OF PUBLISHING NOTICE REQUIRED UNDER ARTICLE XVI OF THE
11 MARYLAND CONSTITUTION SHALL BE PAID AS FOLLOWS:

12 (1) IF THE QUESTION IS SUBMITTED TO THE VOTERS OF THE ENTIRE
13 STATE, BY THE STATE BOARD; AND

14 (2) IF THE QUESTION IS SUBMITTED TO THE VOTERS OF A SINGLE
15 COUNTY, BY THE GOVERNING BODY OF THE COUNTY.

16 (D) POSTING TEXT; FURNISHING COPIES.

17 (1) THE COMPLETE TEXT OF A QUESTION SHALL BE POSTED OR
18 AVAILABLE FOR PUBLIC INSPECTION IN THE OFFICE OF THE STATE BOARD AND
19 EACH APPLICABLE LOCAL BOARD FOR 30 DAYS PRIOR TO THE GENERAL ELECTION.

20 (2) COPIES OF THE COMPLETE TEXT OF ALL STATEWIDE QUESTIONS
21 SHALL BE FURNISHED BY THE STATE BOARD TO THE LOCAL BOARDS IN QUANTITIES
22 AS DETERMINED BY THE STATE BOARD, INCLUDING QUANTITIES SUFFICIENT TO
23 PROVIDE ONE COPY OF EACH FOR POSTING IN EACH POLLING PLACE AND IN EACH
24 LOCAL BOARD OFFICE.

25 (3) AN INDIVIDUAL MAY RECEIVE WITHOUT CHARGE A COPY OF THE
26 COMPLETE TEXT OF ALL CONSTITUTIONAL AMENDMENTS AND QUESTIONS FROM A
27 LOCAL BOARD, EITHER IN PERSON OR BY MAIL.

28 TITLE 8. ELECTIONS.

29 SUBTITLE 1. ELECTIONS GENERALLY.

30 8-101. CONDUCT AND UNIFORMITY OF ELECTIONS.

31 (A) CONDUCT OF ELECTIONS.

32 UNDER THE SUPERVISION OF THE STATE BOARD, AND IN ACCORDANCE WITH
33 REGULATIONS AND PROCEDURES ADOPTED BY THE STATE BOARD, A LOCAL BOARD
34 SHALL CONDUCT ALL ELECTIONS HELD UNDER THIS ARTICLE IN THE COUNTY IN
35 WHICH THE BOARD IS LOCATED.

1 (B) UNIFORMITY OF ELECTIONS.

2 EXCEPT WHERE IT WOULD BE INAPPROPRIATE, OR AS OTHERWISE PROVIDED IN
3 THIS ARTICLE, THE ELECTORAL PROCESS FOR PRIMARY ELECTIONS, GENERAL
4 ELECTIONS, AND SPECIAL ELECTIONS SHALL BE UNIFORM .

5 8-102. NOTICE OF ELECTIONS.

6 (A) METHODS OF NOTICE.

7 EXCEPT AS REQUIRED UNDER SUBSECTIONS (D) AND (F) OF THIS SECTION, A
8 LOCAL BOARD SHALL PROVIDE NOTICE OF EACH ELECTION IN ITS COUNTY TO THE
9 REGISTERED VOTERS OF THE COUNTY BY EITHER:

10 (1) SPECIMEN BALLOT MAILED AT LEAST 1 WEEK BEFORE THE
11 ELECTION; OR

12 (2) PUBLICATION OR DISSEMINATION BY MASS COMMUNICATION
13 DURING THE CALENDAR WEEK PRECEDING THE ELECTION.

14 (B) CONTENT OF NOTICE.

15 THE NOTICE SHALL INCLUDE:

16 (1) THE TIME AND PLACE OF THE ELECTION; AND

17 (2) THE OFFICES, CANDIDATE NAMES, AND QUESTIONS CONTAINED ON
18 THE BALLOT.

19 (C) SPECIMEN BALLOTS.

20 (1) IF A LOCAL BOARD PROVIDES NOTICE BY MAILING SPECIMEN
21 BALLOTS, A SPECIMEN BALLOT SHALL BE MAILED TO ALL REGISTERED VOTERS IN
22 THE COUNTY WHO ARE ELIGIBLE TO VOTE IN THE ELECTION.

23 (2) THE SPECIMEN BALLOT SHALL BE A FACSIMILE OF THE BALLOT
24 THAT THE VOTER IS ENTITLED TO VOTE IN THE ELECTION.

25 (D) SPECIMEN BALLOT FOR GENERAL ELECTION IN PRINCE GEORGE'S
26 COUNTY.

27 (1) IN PRINCE GEORGE'S COUNTY FOR THE GENERAL ELECTION, THE
28 BOARD SHALL:

29 (I) PROVIDE NOTICE BY MAILING SPECIMEN BALLOTS; AND

30 (II) MAIL A SPECIMEN BALLOT TO THE HOUSEHOLD OF EACH
31 REGISTERED VOTER IN THE COUNTY.

1 (2) THE COSTS FOR MAILING SPECIMEN BALLOTS IN PRINCE GEORGE'S
2 COUNTY SHALL BE INCLUDED IN THE COUNTY'S ANNUAL BUDGET APPROPRIATION
3 TO THE LOCAL BOARD.

4 (E) MASS MEDIA PUBLICATION.

5 (1) UNLESS A LOCAL BOARD MAILES A SPECIMEN BALLOT TO ITS
6 REGISTERED VOTERS IN ACCORDANCE WITH SUBSECTION (C) OR (D) OF THIS
7 SECTION, THE LOCAL BOARD SHALL GIVE NOTICE OF THE ELECTION BY NEWSPAPER
8 PUBLICATION OR OTHER MEANS OF MASS COMMUNICATION.

9 (2) THE NOTICE OF ELECTION UNDER THIS SUBSECTION SHALL BE
10 ARRANGED, IF PRACTICABLE, IN THE SAME ORDER AND FORM AS THE BALLOT.

11 (3) (I) IF NEWSPAPER PUBLICATION IS USED IN A COUNTY, THE
12 NOTICE SHALL BE ADVERTISED IN AT LEAST TWO NEWSPAPERS OF GENERAL
13 CIRCULATION THAT ARE PUBLISHED IN THE COUNTY.

14 (II) IN A COUNTY IN WHICH ONLY ONE NEWSPAPER IS PUBLISHED,
15 THE NOTICE SHALL BE PUBLISHED IN THAT NEWSPAPER.

16 (F) SPECIAL PROVISION FOR BALTIMORE CITY.

17 (1) IN THE CITY OF BALTIMORE, THE LOCAL BOARD:

18 (I) SHALL GIVE NOTICE OF AN ELECTION BY ADVERTISEMENT IN
19 EACH DAILY NEWSPAPER PUBLISHED IN THE CITY; AND

20 (II) MAY GIVE NOTICE IN ANY WEEKLY OR SEMIWEEKLY
21 NEWSPAPER THAT HAS A CIRCULATION OF 20,000 OR MORE SUBSCRIBERS.

22 (2) A NEWSPAPER MAY NOT CHARGE THE LOCAL BOARD FOR
23 BALTIMORE CITY A FEE FOR AN ADVERTISEMENT UNDER THIS PARAGRAPH THAT
24 EXCEEDS ITS RATE FOR COMMERCIAL ADVERTISING.

25 8-103. EMERGENCIES.

26 (A) DECLARED STATE OF EMERGENCY.

27 IN THE EVENT OF A STATE OF EMERGENCY, DECLARED BY THE GOVERNOR IN
28 ACCORDANCE WITH THE PROVISIONS OF LAW, THAT INTERFERES WITH THE
29 ELECTORAL PROCESS, THE EMERGENCY PROCLAMATION MAY:

30 (1) PROVIDE FOR THE POSTPONEMENT, UNTIL A SPECIFIC DATE, OF THE
31 ELECTION IN PART OR ALL OF THE STATE;

32 (2) SPECIFY ALTERNATE VOTING LOCATIONS; OR

33 (3) SPECIFY ALTERNATE VOTING SYSTEMS.

34 (B) OTHER EMERGENCY CIRCUMSTANCES.

1 (1) IF EMERGENCY CIRCUMSTANCES, NOT CONSTITUTING A DECLARED
2 STATE OF EMERGENCY, INTERFERE WITH THE ELECTORAL PROCESS, THE STATE
3 BOARD OR A LOCAL BOARD, AFTER CONFERRING WITH THE STATE BOARD, MAY
4 PETITION A CIRCUIT COURT TO TAKE ANY ACTION THE COURT CONSIDERS
5 NECESSARY TO PROVIDE A REMEDY THAT IS IN THE PUBLIC INTEREST AND
6 PROTECTS THE INTEGRITY OF THE ELECTORAL PROCESS.

7 (2) THE STATE BOARD SHALL DEVELOP GUIDELINES CONCERNING
8 METHODS FOR ADDRESSING POSSIBLE EMERGENCY SITUATIONS.

9 DRAFTER'S NOTE: This section is new language added to address the
10 potential problem of a wide range of "emergencies". It is consistent with
11 the Attorney General's guidelines for emergency situations. The
12 Governor's emergency powers are found primarily in Article 16A of the
13 Code.

14 SUBTITLE 2. PRIMARY ELECTIONS.

15 8-201. DATE OF THE PRIMARY.

16 (A) GENERALLY.

17 (1) THERE SHALL BE A STATEWIDE PRIMARY ELECTION IN EVERY
18 EVEN-NUMBERED YEAR.

19 (2) A PRIMARY ELECTION SHALL BE HELD:

20 (I) IN THE YEAR IN WHICH THE GOVERNOR IS ELECTED, ON THE
21 SECOND TUESDAY AFTER THE FIRST MONDAY IN SEPTEMBER; AND

22 (II) IN THE YEAR IN WHICH THE PRESIDENT OF THE UNITED
23 STATES IS ELECTED, ON THE FIRST TUESDAY IN MARCH.

24 (B) BALTIMORE CITY MUNICIPAL PRIMARY.

25 IN BALTIMORE CITY, THERE SHALL BE A PRIMARY ELECTION FOR MUNICIPAL
26 OFFICES ON THE SECOND TUESDAY FOLLOWING THE FIRST MONDAY IN SEPTEMBER
27 IN THE YEAR FOLLOWING THE ELECTION OF THE GOVERNOR.

28 8-202. POLITICAL PARTIES USING THE PRIMARY.

29 (A) GENERALLY.

30 A PRINCIPAL POLITICAL PARTY, AS DETERMINED BY THE STATEMENT OF
31 REGISTRATION ISSUED BY THE STATE BOARD UNDER § 3-509(B) OF THIS ARTICLE:

32 (1) SHALL USE THE PRIMARY ELECTION TO:

33 (I) NOMINATE ITS CANDIDATES FOR PUBLIC OFFICE; AND

1 (II) ELECT ALL MEMBERS OF THE LOCAL CENTRAL COMMITTEES
2 OF THE POLITICAL PARTY; AND

3 (2) MAY USE THE PRIMARY ELECTION IN THE YEAR OF A PRESIDENTIAL
4 ELECTION TO ELECT DELEGATES TO A NATIONAL PRESIDENTIAL NOMINATING
5 CONVENTION.

6 (B) REQUIREMENTS FOR NOMINEES.

7 EXCEPT FOR A NOMINEE FOR PRESIDENT OR VICE PRESIDENT, THE NAME OF A
8 NOMINEE OF A PRINCIPAL POLITICAL PARTY MAY NOT APPEAR ON THE BALLOT IN A
9 GENERAL ELECTION IF THE INDIVIDUAL HAS NOT:

10 (1) BEEN NOMINATED IN THE PRIMARY ELECTION; OR

11 (2) BEEN DESIGNATED TO FILL A VACANCY IN NOMINATION IN
12 ACCORDANCE WITH SUBTITLE 5 OF THIS TITLE.

13 8-203. CERTIFICATION OF CANDIDATES.

14 (A) GENERALLY.

15 EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, IN ACCORDANCE
16 WITH TITLE 9, SUBTITLE 2 OF THIS ARTICLE, THE STATE BOARD SHALL CERTIFY TO
17 THE LOCAL BOARD OF A COUNTY THE NAMES OF CANDIDATES ON THE PRIMARY
18 ELECTION BALLOTS IN THAT COUNTY.

19 (B) NOT APPLICABLE TO SPECIAL PRIMARY ELECTIONS FOR CONGRESS.

20 THIS SECTION DOES NOT APPLY TO A SPECIAL PRIMARY ELECTION FOR THE
21 OFFICE OF REPRESENTATIVE IN CONGRESS.

22 8-204. UNOPPOSED CANDIDATES.

23 IF A CANDIDATE QUALIFIES FOR THE PRIMARY ELECTION BALLOT IN
24 ACCORDANCE WITH § 5-601 OF THIS ARTICLE, AND IS UNOPPOSED FOR THE
25 NOMINATION, THE WORD "UNOPPOSED" SHALL BE PLACED NEXT TO THE
26 CANDIDATE'S NAME.

27 8-205. WRITE-IN VOTES PROHIBITED.

28 A VOTER MAY NOT CAST A WRITE-IN VOTE IN A PRIMARY ELECTION.

29 SUBTITLE 3. GENERAL ELECTIONS.

30 8-301. DATE OF GENERAL ELECTION.

31 (A) GENERALLY.

32 (1) THERE SHALL BE A STATEWIDE GENERAL ELECTION IN EACH EVEN-
33 NUMBERED YEAR.

1 (2) A STATEWIDE GENERAL ELECTION SHALL BE HELD ON THE
2 TUESDAY FOLLOWING THE FIRST MONDAY IN NOVEMBER.

3 (B) BALTIMORE CITY MUNICIPAL ELECTION.

4 IN BALTIMORE CITY, THERE SHALL BE A GENERAL ELECTION FOR MUNICIPAL
5 OFFICES ON THE TUESDAY FOLLOWING THE FIRST MONDAY IN NOVEMBER IN THE
6 YEAR FOLLOWING THE ELECTION OF THE GOVERNOR.

7 SUBTITLE 4. SPECIAL ELECTIONS.

8 8-401. TIME OF SPECIAL ELECTIONS.

9 (A) GENERALLY.

10 A SPECIAL PRIMARY ELECTION AND A SPECIAL GENERAL ELECTION MAY BE
11 HELD AT A TIME OTHER THAN THE DATE OF A REGULAR PRIMARY ELECTION AND A
12 REGULAR GENERAL ELECTION:

13 (1) TO FILL A VACANCY IN THE OFFICE OF REPRESENTATIVE IN
14 CONGRESS; OR

15 (2) TO FILL A VACANCY IN THE COUNTY COUNCIL IF THE CHARTER OF
16 THAT COUNTY PROVIDES FOR SUCH SPECIAL ELECTIONS.

17 (B) TIME OF SPECIAL ELECTION.

18 (1) SPECIAL ELECTIONS TO FILL A VACANCY IN THE OFFICE OF
19 REPRESENTATIVE IN CONGRESS SHALL BE HELD AT THE TIME SPECIFIED IN
20 SUBTITLE 7 OF THIS TITLE.

21 (2) SPECIAL ELECTIONS TO FILL VACANCIES IN A COUNTY COUNCIL
22 SHALL BE HELD AS PROVIDED IN THE COUNTY CHARTER.

23 (C) TIME OF SPECIAL ELECTION - UNITED STATES SENATE.

24 AN ELECTION TO FILL A VACANCY IN THE OFFICE OF UNITED STATES SENATOR
25 SHALL BE HELD CONCURRENTLY WITH A REGULAR ELECTION AS PROVIDED IN
26 SUBTITLE 6 OF THIS TITLE.

27 SUBTITLE 5. PRESIDENTIAL ELECTIONS.

28 8-501. SELECTION OF CONVENTION DELEGATES AND ALTERNATE DELEGATES.

29 (A) PROCESS IN ACCORDANCE WITH PARTY RULES.

30 DELEGATES AND ALTERNATE DELEGATES TO THE NATIONAL PRESIDENTIAL
31 NOMINATING CONVENTION OF A POLITICAL PARTY SHALL BE SELECTED AS
32 PROVIDED IN THE NATIONAL PARTY RULES OF THE PARTY.

33 (B) CERTIFICATION TO STATE BOARD.

1 THE STATE CENTRAL COMMITTEE OF EACH POLITICAL PARTY SHALL CERTIFY
2 TO THE STATE BOARD, NOT LATER THAN JANUARY 1 IN THE YEAR OF THE ELECTION:

3 (1) THE NUMBER OF DELEGATES AND ALTERNATE DELEGATES TO BE
4 SELECTED IN THE STATE AND THE MODE OR MODES OF SELECTION; AND

5 (2) IN THE CASE OF A PRINCIPAL POLITICAL PARTY:

6 (I) IF DELEGATES ARE TO BE ELECTED BY DISTRICT, THE NUMBER
7 OF DELEGATES TO BE ELECTED FROM EACH DISTRICT;

8 (II) PROVISIONS FOR PLACING ON THE BALLOT THE NAME OF A
9 PRESIDENTIAL CANDIDATE, OR THE WORD "UNCOMMITTED", ADJACENT TO THE
10 NAME OF EACH CANDIDATE FOR DELEGATE; AND

11 (III) ANY OTHER PROVISIONS OF THE NATIONAL PARTY RULES OF
12 THE PARTY THAT RELATE TO THE ELECTION OF DELEGATES OR ALTERNATE
13 DELEGATES AT THE PRIMARY ELECTION.

14 DRAFTER'S NOTE: Provisions of the former law relating to the selection
15 process for delegates to the Republican and Democratic national
16 conventions have been eliminated. The parties will provide the necessary
17 information to the State Board under this section, and any changes in a
18 party's process would not need a statutory change.

19 8-502. CANDIDATES FOR PRESIDENT - PRIMARY ELECTION.

20 (A) APPLICABILITY.

21 THIS SECTION APPLIES TO THE PLACEMENT ON THE BALLOT IN THE PRIMARY
22 ELECTION OF THE NAMES OF INDIVIDUALS WHO ARE CANDIDATES FOR NOMINATION
23 BY PRINCIPAL POLITICAL PARTIES TO THE OFFICE OF PRESIDENT OF THE UNITED
24 STATES.

25 (B) PROCEDURE.

26 AN INDIVIDUAL WHO DESIRES TO RUN IN THE PRIMARY ELECTION MAY BE
27 PLACED ON THE BALLOT ONLY:

28 (1) BY DIRECTION OF THE SECRETARY OF STATE IN ACCORDANCE WITH
29 SUBSECTION (C) OF THIS SECTION; OR

30 (2) BY FILING, IN ACCORDANCE WITH SUBSECTION (D) OF THIS
31 SECTION, A PETITION CONTAINING THE SIGNATURES OF AT LEAST 400 REGISTERED
32 VOTERS FROM EACH CONGRESSIONAL DISTRICT IN THE STATE.

33 (C) SELECTION BY SECRETARY OF STATE.

34 (1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
35 PARAGRAPH, THE SECRETARY OF STATE SHALL CERTIFY TO THE STATE BOARD THE
36 NAMES OF CANDIDATES FOR NOMINATION BY A PRINCIPAL POLITICAL PARTY

1 DURING THE PERIOD BEGINNING 90 DAYS BEFORE THE PRIMARY ELECTION AND
2 ENDING 70 DAYS BEFORE THE PRIMARY ELECTION.

3 (II) THE SECRETARY OF STATE SHALL CERTIFY TO THE STATE
4 BOARD THE NAMES OF CANDIDATES FOR THE DEMOCRATIC PARTY NOMINATION ON
5 THE FIRST BUSINESS DAY IN THE YEAR OF THE ELECTION.

6 (2) THE SECRETARY OF STATE SHALL CERTIFY THE NAME OF A
7 PRESIDENTIAL CANDIDATE ON THE BALLOT WHEN THE SECRETARY HAS
8 DETERMINED, IN THE SECRETARY'S SOLE DISCRETION AND CONSISTENT WITH
9 PARTY RULES, THAT THE CANDIDATE'S CANDIDACY IS GENERALLY ADVOCATED OR
10 RECOGNIZED IN THE NEWS MEDIA THROUGHOUT THE UNITED STATES OR IN
11 MARYLAND, UNLESS THE CANDIDATE EXECUTES AND FILES WITH THE SECRETARY
12 OF STATE AN AFFIDAVIT STATING WITHOUT QUALIFICATION THAT HE OR SHE IS NOT
13 AND DOES NOT INTEND TO BECOME A CANDIDATE FOR THE OFFICE IN THE
14 MARYLAND PRIMARY ELECTION.

15 (D) PETITION PROCESS.

16 (1) A CANDIDATE WHO SEEKS TO BE PLACED ON THE BALLOT BY THE
17 PETITION PROCESS SPECIFIED IN SUBSECTION (B)(2) OF THIS SECTION SHALL FILE
18 THE PETITION, IN THE FORM PRESCRIBED BY THE STATE BOARD, AS FOLLOWS:

19 (I) FOR CANDIDATES FOR THE NOMINATION OF THE DEMOCRATIC
20 PARTY, NOT LATER THAN 9 P.M. ON THE DAY THAT IS 1 WEEK LATER THAN THE FIRST
21 BUSINESS DAY OF THE YEAR OF THE ELECTION; AND

22 (II) FOR CANDIDATES FOR THE NOMINATION OF ANY OTHER
23 PRINCIPAL POLITICAL PARTY, AT LEAST 70 DAYS BEFORE THE DAY OF THE ELECTION.

24 (2) A PETITION FILED UNDER THIS SECTION IS NOT SUBJECT TO TITLE 4
25 OR TITLE 5 OF THIS ARTICLE.

26 (E) DEMOCRATIC PRIMARY - PREFERENCE FOR "UNCOMMITTED".

27 THE STATE BOARD SHALL ESTABLISH A PROCEDURE FOR THE DEMOCRATIC
28 PRESIDENTIAL PRIMARY THROUGH WHICH VOTES MAY BE CAST AS UNCOMMITTED
29 TO ANY PRESIDENTIAL CANDIDATE.

30 (F) CERTIFICATION OF CANDIDATES.

31 THE NAMES OF THE CANDIDATES FOR PRESIDENT QUALIFYING UNDER THIS
32 SECTION SHALL BE CERTIFIED TO THE LOCAL BOARDS BY THE STATE BOARD AND
33 SHALL BE PRINTED ON ALL BALLOTS USED FOR THE PRIMARY ELECTION.

34 8-503. PRESIDENTIAL ELECTORS - NOMINATION.

35 (A) NOMINATION IN ACCORDANCE WITH PARTY RULES.

1 EACH POLITICAL PARTY SHALL NOMINATE OR PROVIDE FOR THE NOMINATION
2 OF CANDIDATES FOR PRESIDENTIAL ELECTOR OF THE PARTY IN ACCORDANCE WITH
3 PARTY RULES.

4 (B) NUMBER OF NOMINEES.

5 THE NUMBER OF CANDIDATES NOMINATED BY EACH POLITICAL PARTY SHALL
6 BE THE NUMBER THAT THIS STATE IS ENTITLED TO ELECT.

7 (C) CERTIFICATION TO THE STATE BOARD.

8 (1) THE NAMES OF INDIVIDUALS NOMINATED AS CANDIDATES FOR
9 PRESIDENTIAL ELECTOR BY A POLITICAL PARTY SHALL BE CERTIFIED TO THE STATE
10 BOARD BY THE PRESIDING OFFICERS OF THE POLITICAL PARTY.

11 (2) THE NAMES OF INDIVIDUALS NOMINATED AS CANDIDATES FOR
12 PRESIDENTIAL ELECTOR BY A CANDIDATE FOR PRESIDENT OF THE UNITED STATES
13 WHO IS NOMINATED BY PETITION SHALL BE CERTIFIED TO THE STATE BOARD BY
14 THE CANDIDATE ON A FORM PRESCRIBED BY THE STATE BOARD.

15 8-504. PRESIDENTIAL ELECTORS - ELECTION.

16 (A) GENERALLY.

17 AT THE GENERAL ELECTION FOR PRESIDENT AND VICE PRESIDENT OF THE
18 UNITED STATES THERE SHALL BE ELECTED, IN ACCORDANCE WITH SUBSECTION (B)
19 OF THIS SECTION, THE NUMBER OF PRESIDENTIAL ELECTORS TO WHICH THIS STATE
20 IS ENTITLED. PRESIDENTIAL ELECTORS SHALL BE ELECTED AT LARGE BY THE
21 VOTERS OF THE ENTIRE STATE.

22 (B) NAMES OF ELECTORS NOT ON BALLOT.

23 THE NAMES OF THE CANDIDATES FOR THE OFFICE OF PRESIDENTIAL ELECTOR
24 MAY NOT BE PRINTED ON THE BALLOT. A VOTE FOR THE CANDIDATES FOR
25 PRESIDENT AND VICE PRESIDENT OF A POLITICAL PARTY SHALL BE DEEMED TO BE
26 AND COUNTED AS A VOTE FOR EACH OF THE PRESIDENTIAL ELECTORS OF THE
27 POLITICAL PARTY NOMINATED IN ACCORDANCE WITH § 8-503 OF THIS SUBTITLE.

28 8-505. PRESIDENTIAL ELECTORS - MEETING.

29 (A) TIME AND PLACE.

30 THE INDIVIDUALS ELECTED TO THE OFFICE OF PRESIDENTIAL ELECTOR SHALL
31 MEET IN THE STATE HOUSE IN THE CITY OF ANNAPOLIS ON THE DAY PROVIDED BY
32 THE CONSTITUTION AND LAWS OF THE UNITED STATES. THE CONDUCT OF THE
33 MEETING SHALL BE CONSISTENT WITH THE REQUIREMENTS OF FEDERAL LAW.

34 (B) VACANCIES.

35 (1) BEFORE PROCEEDING TO PERFORM THE DUTIES OF THEIR OFFICE,
36 THE PRESIDENTIAL ELECTORS WHO ARE PRESENT SHALL FILL ANY VACANCY IN THE

1 OFFICE OF ELECTOR, WHETHER THE VACANCY IS CAUSED BY ABSENCE OR OTHER
2 REASON.

3 (2) AN INDIVIDUAL APPOINTED TO FILL A VACANCY IS ENTITLED TO ALL
4 RIGHTS AND PRIVILEGES OF THE DULY ELECTED ELECTORS.

5 (C) VOTING BY ELECTORS.

6 AFTER TAKING THE OATH PRESCRIBED BY ARTICLE I, § 9 OF THE MARYLAND
7 CONSTITUTION BEFORE THE CLERK OF THE COURT OF APPEALS OR, IN THE CLERK'S
8 ABSENCE, BEFORE ONE OF THE CLERK'S DEPUTIES, THE PRESIDENTIAL ELECTORS
9 SHALL CAST THEIR VOTES FOR THE CANDIDATES FOR PRESIDENT AND VICE
10 PRESIDENT WHO RECEIVED A PLURALITY OF THE VOTES CAST IN THE STATE OF
11 MARYLAND.

12 SUBTITLE 6. UNITED STATES SENATORS.

13 8-601. YEAR OF ELECTIONS.

14 EXCEPT FOR A SPECIAL ELECTION TO FILL A VACANCY, AN ELECTION FOR THE
15 OFFICE OF UNITED STATES SENATOR SHALL BE HELD:

16 (1) IN 1998 AND EVERY SIXTH YEAR THEREAFTER; AND

17 (2) IN 2000 AND EVERY SIXTH YEAR THEREAFTER.

18 8-602. SPECIAL ELECTION TO FILL VACANCY.

19 (A) APPOINTED SUCCESSOR.

20 (1) IF THERE IS A VACANCY IN THE OFFICE OF UNITED STATES
21 SENATOR, THE GOVERNOR SHALL APPOINT AN ELIGIBLE INDIVIDUAL TO FILL THE
22 VACANCY.

23 (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE
24 APPOINTED INDIVIDUAL SHALL SERVE UNTIL A SUCCESSOR IS ELECTED PURSUANT
25 TO SUBSECTION (B) OF THIS SECTION TO FILL THE REMAINDER OF THE TERM.

26 (3) THE APPOINTED INDIVIDUAL SHALL SERVE FOR THE REMAINDER OF
27 THE TERM IF THE VACANCY OCCURS AFTER THE DATE THAT IS 21 DAYS BEFORE THE
28 DEADLINE FOR FILING CERTIFICATES OF CANDIDACY FOR THE ELECTION THAT IS
29 HELD IN THE FOURTH YEAR OF THE TERM.

30 (B) SPECIAL ELECTION.

31 IF THE VACANCY OCCURS BEFORE THE DATE THAT IS 21 DAYS BEFORE THE
32 DEADLINE FOR FILING CERTIFICATES OF CANDIDACY FOR THE NEXT SUCCEEDING
33 REGULAR STATEWIDE ELECTION, THE GOVERNOR SHALL ISSUE A PROCLAMATION
34 IMMEDIATELY AFTER THE OCCURRENCE OF THE VACANCY DECLARING THAT A
35 SPECIAL PRIMARY ELECTION AND A SPECIAL GENERAL ELECTION SHALL BE HELD

1 AT THE SAME TIME AS THE NEXT REGULAR STATEWIDE PRIMARY ELECTION AND
2 REGULAR STATEWIDE GENERAL ELECTION.

3 SUBTITLE 7. REPRESENTATIVES IN CONGRESS.

4 8-701. CONGRESSIONAL DISTRICTS - GENERALLY.

5 (A) STATE DIVIDED INTO DISTRICTS.

6 THE STATE IS DIVIDED INTO EIGHT DISTRICTS FOR THE ELECTION OF THE
7 STATE'S REPRESENTATIVES IN CONGRESS.

8 (B) BOUNDARIES AND GEOGRAPHIC REFERENCES.

9 ALL REFERENCES IN THIS SUBTITLE TO ELECTION DISTRICTS, WARDS,
10 PRECINCTS, CENSUS TRACTS, AND GEOGRAPHICAL FEATURES SHALL BE DEEMED TO
11 REFER TO THOSE UNITS AND FEATURES AS THEY EXISTED ON APRIL 1, 1990.

12 [22-3.] 8-702. FIRST CONGRESSIONAL DISTRICT.

13 (a) The first congressional district consists of the following counties in their
14 entirety:

15 (1) Caroline County;

16 (2) Cecil County;

17 (3) Dorchester County;

18 (4) Kent County;

19 (5) Queen Anne's County;

20 (6) Somerset County;

21 (7) Talbot County;

22 (8) Wicomico County; and

23 (9) Worcester County.

24 (b) The district also includes the following parts of Anne Arundel County:

25 (1) Election district 6 in its entirety;

26 (2) Election district 1, precincts 3, 9, and 15 through 18;

27 (3) Election district 2, precincts 2 through 17;

28 (4) Election district 3, precincts 2 through 9 and 14;

- 1 (5) Election district 4, precincts 3, 4, and 6;
- 2 (6) Election district 5, precincts 1 through 8, 11, 12, 13, 15, and 17
3 through 24;
- 4 (7) Election district 7, precincts 18 and 20;
- 5 (8) That part of election district 1, precinct 13 that is generally east of a
6 line that runs along the center of West Arundel Road from Belle Grove Road to Levin
7 Road, thence along the center of Levin Road to West Edgevale Road, thence along the
8 center of West Edgevale Road to Belle Grove Road;
- 9 (9) That part of election district 4, precinct 2 that is generally west of a
10 line that runs along the center of Damascus Street from Monterey Avenue to
11 Telegraph Road, thence along the center of the Telegraph Road to Gill Street, thence
12 along the center of Gill Street to Monterey Avenue; and
- 13 (10) That part of election district 5, precinct 14 that is generally south of
14 a line that runs along the center of Earleigh Heights Road from Jumpers Hole Road
15 to West Earleigh Heights Road.

16 (c) The district also includes the following parts of Baltimore City:

17 Ward 25, precincts 14 through 21.

18 [22-4.] 8-703. SECOND CONGRESSIONAL DISTRICT.

19 (a) The second congressional district consists of Harford County in its entirety.

20 (b) The district also includes the following parts of Baltimore County:

- 21 (1) Election districts 5 through 8, 10, 12, and 15 in their entirety;
- 22 (2) Election district 4, precinct 6;
- 23 (3) Election district 9, precincts 3, 4, 5, 7 through 11, 15 through 19, 23,
24 and 24;
- 25 (4) Election district 11, precincts 1 through 7 and 9;
- 26 (5) Election district 14, precincts 3, 5, 8, and 9; and
- 27 (6) That part of election district 9, precinct 2 that is generally east of the
28 line that runs along the center of Bellona Avenue from Joppa Road to Willow Avenue,
29 thence along the center of Willow Avenue to Sherwood Avenue, thence along the
30 center of Sherwood Avenue to Walnut Hill Lane, thence along the center of Walnut
31 Hill Lane to Bellona Avenue, thence along the center of Bellona Avenue to Maywood
32 Avenue, thence along the center of Maywood Avenue to Clinton Street, thence along
33 the center of Clinton Street to Carrollton Avenue, thence along the center of
34 Carrollton Avenue to Boyce Avenue, thence along the center of Boyce Avenue to
35 Greenwood Road #2, thence along the center of Greenwood Road #2 to Greenwood

1 Run, thence along the center of Greenwood Run to a point east of Berwick Road,
 2 thence along an imaginary line to Berwick Road, thence along the center of Berwick
 3 Road to Locust Avenue, thence along the center of Locust Avenue to Bellona Avenue,
 4 thence westerly along the center of Bellona Avenue to Ruxton Road, thence along the
 5 center of Ruxton Road to the railroad tracks, thence along the center of the railroad
 6 tracks to Greenwood Run, thence along the center of Greenwood Run to Bellona
 7 Avenue, thence along the center of Bellona Avenue to North Charles Street.

8 (c) The district also includes the following parts of Anne Arundel County:

9 (1) Election district 3, precincts 1, 10 through 13, and 15 through 18;

10 (2) Election district 5, precincts 9, 10, and 16; and

11 (3) That part of election district 5, precinct 14 that is generally north of
 12 a line that runs along the center of Earleigh Heights Road from Jumpers Hole Road
 13 to West Earleigh Heights Road.

14 [22-5.] 8-704. THIRD CONGRESSIONAL DISTRICT.

15 (a) The third congressional district consists of the following parts of Baltimore
 16 City:

17 (1) Wards 1, 2, and 21 through 24 in their entirety;

18 (2) Ward 3, precinct 3;

19 (3) Ward 4, precinct 1;

20 (4) Ward 6, precincts 5 and 6;

21 (5) Ward 8, precincts 1 and 2;

22 (6) Ward 13, precincts 2 through 5, 23, and 24;

23 (7) Ward 25, precincts 3 through 13;

24 (8) Ward 26, precincts 1 through 24, 32 through 35, 39 through 45, and
 25 47 through 51;

26 (9) Ward 27, precincts 1 through 29, 31, 33 through 36, 59 through 62, 67
 27 through 91, and 102 through 108;

28 (10) Ward 28, precinct 1; and

29 (11) That part of ward 3, precinct 1 that is south of a line that runs along
 30 the center of North Eden Street from East Fayette Street to East Fairmont Avenue,
 31 thence along the center of East Fairmont Avenue to South Spring Street, thence along
 32 the center of South Spring Street to East Baltimore Street, thence along the center of
 33 East Baltimore Street to South Dallas Street, thence along the center of South Dallas
 34 Street to East Fayette Street.

1 (b) The district also includes the following parts of Baltimore County:

- 2 (1) Election district 13 in its entirety;
- 3 (2) Election district 2, precincts 8, 9, and 13 through 16;
- 4 (3) Election district 3, precincts 2 through 11;
- 5 (4) Election district 4, precincts 1, 2, 4, and 5;
- 6 (5) Election district 9, precincts 1, 6, 12, 13, 14, 20, 21, and 22;
- 7 (6) Election district 11, precinct 8;
- 8 (7) Election district 14, precincts 1, 2, 4, 6, and 7; and

9 (8) That part of election district 9, precinct 2 that is generally west of the
10 line that runs along the center of Bellona Avenue from Joppa Road to Willow Avenue,
11 thence along the center of Willow Avenue to Sherwood Avenue, thence along the
12 center of Sherwood Avenue to Walnut Hill Lane, thence along the center of Walnut
13 Hill Lane to Bellona Avenue, thence along the center of Bellona Avenue to Maywood
14 Avenue, thence along the center of Maywood Avenue to Clinton Street, thence along
15 the center of Clinton Street to Carrollton Avenue, thence along the center of
16 Carrollton Avenue to Boyce Avenue, thence along the center of Boyce Avenue to
17 Greenwood Road #2, thence along the center of Greenwood Road #2 to Greenwood
18 Run, thence along the center of Greenwood Run to a point east of Berwick Road,
19 thence along an imaginary line to Berwick Road, thence along the center of Berwick
20 Road to Locust Avenue, thence along the center of Locust Avenue to Bellona Avenue,
21 thence westerly along the center of Bellona Avenue to Ruxton Road, thence along the
22 center of Ruxton Road to the railroad tracks, thence along the center of the railroad
23 tracks to Greenwood Run, thence along the center of Greenwood Run to Bellona
24 Avenue, thence along the center of Bellona Avenue to North Charles Street.

25 (c) The district also includes the following parts of Anne Arundel County:

- 26 (1) Election district 1, precincts 1, 2, 4 through 8, 10 through 12, 14, and
27 19;
- 28 (2) Election district 2, precinct 1;
- 29 (3) Election district 4, precincts 7 and 10;
- 30 (4) That part of election district 1, precinct 13 that is generally west of a
31 line that runs along the center of West Arundel Road from Belle Grove Road to Levin
32 Road, thence along the center of Levin Road to West Edgevale Road, thence along the
33 center of West Edgevale Road to Belle Grove Road; and
- 34 (5) That part of election district 4, precinct 5 that is generally east and
35 north of a line that runs along the center of Midway Branch from Jessup Road to the
36 Fort Meade property line, thence along the center of the Fort Meade property line to

1 Annapolis Junction Road, thence along the center of Annapolis Junction Road to the
2 Fort Meade property line, thence along the center of the Fort Meade property line to
3 the railroad tracks, thence along the center of the railroad tracks to Odenton Road.

4 (d) The district also includes the following parts of Howard County:

5 (1) Election district 1, precincts 1 through 4 and 6;

6 (2) Election district 5, precincts 2, 3, 4, 8, 9, 12, and 14 through 17;

7 (3) Election district 6, precincts 4, 5, 6, 8 through 14, 16 through 23, and
8 26; and

9 (4) That part of election district 1, precinct 5 that is south of a line that
10 runs along the center of the power transmission line from Waterloo Road to Deep
11 Run, thence along the center of Deep Run to Old Montgomery Road.

12 [22-6.] 8-705. FOURTH CONGRESSIONAL DISTRICT.

13 (a) The fourth congressional district consists of the following parts of Prince
14 George's County:

15 (1) Election districts 2, 6, 12, 13, and 18 in their entirety;

16 (2) Election district 3, precinct 3;

17 (3) Election district 5, precincts 2 through 6;

18 (4) Election district 7, precinct 9;

19 (5) Election district 9, precincts 3 and 5;

20 (6) Election district 15, precinct 2;

21 (7) Election district 17, precincts 1 through 10 and 12 through 15;

22 (8) Election district 19, precinct 5;

23 (9) Election district 20, precincts 3 through 5 and 8; and

24 (10) That part of election district 20, precinct 9 that is south of a line that
25 runs along the center of Lanham Severn Road from 96th Avenue to Seabrook Road,
26 thence along the center of Seabrook Road to Dubarry Road, thence along the center of
27 Dubarry Road to Crestview Drive, thence along the center of Crestview Drive to
28 Worrel Avenue, thence along the center of Worrel Avenue to Greenwood Lane, thence
29 along the center of Greenwood Lane to Annapolis Road.

30 (b) The district also includes the following parts of Montgomery County:

31 (1) Election district 5, precincts 1 through 14, 16, and 17;

1 (2) Election district 13, precincts 4 through 10, 12 through 16, 18, 21
2 through 23, 41, 47, 49, 50, 55, 56, and 64; and

3 (3) That part of election district 13, precinct 48 that is east of a line that
4 runs south along the center of Rippling Brook Drive from Bel Pre Road, the northern
5 boundary of the precinct, to the proposed outer beltway, the southern boundary of the
6 precinct; and that part of election district 13, precinct 48 that is west of a line that
7 runs south from Bel Pre Road, the northern boundary of the precinct, along the center
8 of Beaverwood Lane to its junction with Beechvue Lane; thence northwest and south
9 along the center of Beechvue Lane to its junction with Beaverwood Lane; thence west
10 along the center of Beaverwood Lane to its junction with Birchtree Lane; thence
11 southwest along the center of Birchtree Lane to its junction with Beret Lane; thence
12 southwest and northwest at the first junction along the center of Beret Lane to its
13 junction with Bustleton Lane and Beret Lane; thence southwest along the center of
14 Beret Lane to its junction with an unnamed blacktop line of prolongation to Turkey
15 Branch; thence southwest along the center of Turkey Branch to its intersection with
16 Georgia Avenue (Md. Route 97), the southwestern boundary of the precinct.

17 [22-7.] 8-706. FIFTH CONGRESSIONAL DISTRICT.

18 (a) The fifth congressional district consists of the following counties in their
19 entirety:

20 (1) Calvert County;

21 (2) Charles County; and

22 (3) St. Mary's County.

23 (b) The district also includes the following parts of Prince George's County:

24 (1) Election districts 1, 4, 8, 10, 11, 14, 16, and 21 in their entirety;

25 (2) Election district 3, precincts 1 and 2;

26 (3) Election district 5, precinct 1;

27 (4) Election district 7, precincts 1 through 8;

28 (5) Election district 9, precincts 1, 2, 4, and 6 through 9;

29 (6) Election district 15, precincts 1 and 3;

30 (7) Election district 17, precinct 11;

31 (8) Election district 19, precincts 1 through 4;

32 (9) Election district 20, precincts 1, 2, 6, and 7; and

33 (10) That part of election district 20, precinct 9 that is north of a line that
34 runs along the center of Lanham Severn Road from 96th Avenue to Seabrook Road,

1 thence along the center of Seabrook Road to Dubarry Road, thence along the center of
2 Dubarry Road to Crestview Drive, thence along the center of Crestview Drive to
3 Worrel Avenue, thence along the center of Worrel Avenue to Greenwood Lane, thence
4 along the center of Greenwood Lane to Annapolis Road.

5 (c) The district also includes the following parts of Anne Arundel County:

6 (1) Election district 4, precincts 1, 8, 9, and 11;

7 (2) Election district 7, precincts 1 through 17 and 19;

8 (3) That part of election district 4, precinct 2 that is generally east of a
9 line that runs along the center of Damascus Street from Monterey Avenue to
10 Telegraph Road, thence along the center of Telegraph Road to Gill Street, thence
11 along the center of Gill Street to Monterey Avenue; and

12 (4) That part of election district 4, precinct 5 that is generally west and
13 south of a line that runs along the center of Midway Branch from Jessup Road to the
14 Fort Meade property line, thence along the center of the Fort Meade property line to
15 Annapolis Junction Road, thence along the center of Annapolis Junction Road to the
16 Fort Meade property line, thence along the center of the Fort Meade property line to
17 the railroad tracks, thence along the center of the railroad tracks to Odenton Road.

18 [22-8.] 8-707. SIXTH CONGRESSIONAL DISTRICT.

19 (a) The sixth congressional district consists of the following counties in their
20 entirety:

21 (1) Allegany County;

22 (2) Carroll County;

23 (3) Frederick County;

24 (4) Garrett County; and

25 (5) Washington County.

26 (b) The district also consists of the following parts of Howard County:

27 (1) Election districts 2, 3, and 4 in their entirety;

28 (2) Election district 5, precincts 1, 5, 6, 7, 10, 11, and 13;

29 (3) Election district 6, precincts 1, 2, 3, 7, 15, 24, and 25; and

30 (4) That part of election district 1, precinct 5 that is north of a line that
31 runs along the center of the power transmission line from Waterloo Road to Deep
32 Run, thence along the center of Deep Run to Old Montgomery Road.

1 [22-9.] 8-708. SEVENTH CONGRESSIONAL DISTRICT.

2 (a) The seventh congressional district consists of the following parts of
3 Baltimore City:

4 (1) Wards 5, 7, 9 through 12, and 14 through 20 in their entirety;

5 (2) Ward 3, precinct 2;

6 (3) Ward 4, precincts 2 and 3;

7 (4) Ward 6, precincts 1 through 4;

8 (5) Ward 8, precincts 3 through 13;

9 (6) Ward 13, precincts 1, 6 through 22, and 25;

10 (7) Ward 25, precincts 1 and 2;

11 (8) Ward 26, precincts 25 through 31, 36 through 38, and 46;

12 (9) Ward 27, precincts 30, 32, 37 through 58, 63 through 66, and 92
13 through 101;

14 (10) Ward 28, precincts 2 through 20; and

15 (11) That part of ward 3, precinct 1 that is north of a line that runs along
16 the center of North Eden Street from East Fayette Street to East Fairmont Avenue,
17 thence along the center of East Fairmont Avenue to South Spring Street, thence along
18 the center of South Spring Street to East Baltimore Street, thence along the center of
19 East Baltimore Street to South Dallas Street, thence along the center of South Dallas
20 Street to East Fayette Street.

21 (b) The district also includes the following parts of Baltimore County:

22 (1) Election district 1 in its entirety;

23 (2) Election district 2, precincts 1 through 7, 10, 11, 12, 17, 18, and 19;

24 (3) Election district 3, precinct 1; and

25 (4) Election district 4, precinct 3.

26 [22-10.] 8-709. EIGHTH CONGRESSIONAL DISTRICT.

27 The eighth congressional district consists of the following parts of Montgomery
28 County:

29 (1) Election districts 1 through 4, 6, and 7 through 12 in their entirety;

30 (2) Election district 5, precincts 15, 18, 19, and 20;

1 (3) Election district 13, precincts 1, 2, 3, 11, 17, 19, 20, 24 through 40, 42
2 through 46, 51 through 54, 57 through 60, 62, and 63; and

3 (4) That part of election district 13, precinct 48 that is west of a line that
4 runs south along the center of Rippling Brook Drive from Bel Pre Road, the northern
5 boundary of the precinct, to the proposed outer Beltway, the southern boundary of the
6 precinct; and that part of election district 13, precinct 48 that is east of a line that
7 runs south from Bel Pre Road, the northern boundary of the precinct, along the center
8 of Beaverwood Lane to its junction with Beechvue Lane; thence northwest and south
9 along the center of Beechvue Lane to its junction with Beaverwood Lane; thence west
10 along the center of Beaverwood Lane to its junction with Birchtree Lane; thence
11 southwest along the center of Birchtree Lane to its junction with Beret Lane; thence
12 southwest and northwest at the first junction along the center of Beret Lane to its
13 junction with Bustleton Lane and Beret Lane; thence southwest along the center of
14 Beret Lane to its junction with an unnamed blacktop line of prolongation to Turkey
15 Branch; thence southwest along the center of Turkey Branch to its intersection with
16 Georgia Avenue (Md. Route 97), the southwestern boundary of the precinct.

17 8-710. CONGRESSIONAL VACANCY - GOVERNOR'S PROCLAMATION.

18 (A) EFFECT OF VACANCY.

19 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF
20 THERE IS A VACANCY IN THE OFFICE OF REPRESENTATIVE IN CONGRESS THE
21 GOVERNOR SHALL ISSUE A PROCLAMATION, WITHIN 10 DAYS AFTER THE DATE THAT
22 THE VACANCY OCCURS OR BECOMES KNOWN TO THE GOVERNOR, DECLARING THAT
23 A SPECIAL PRIMARY ELECTION AND A SPECIAL GENERAL ELECTION SHALL BE HELD
24 TO FILL THE VACANCY.

25 (2) IF THE VACANCY OCCURS DURING THE PERIOD BEGINNING 60 DAYS
26 BEFORE THE REGULAR PRIMARY ELECTION AND ENDING ON THE LAST DAY OF THE
27 TERM, THE GOVERNOR MAY:

28 (I) DECLINE TO ISSUE A PROCLAMATION; AND

29 (II) ALLOW THE OFFICE TO REMAIN VACANT FOR THE REMAINDER
30 OF THE TERM.

31 (B) GOVERNOR'S PROCLAMATION.

32 (1) THE GOVERNOR'S PROCLAMATION SHALL SPECIFY THE DATES OF
33 THE SPECIAL PRIMARY ELECTION AND THE SPECIAL GENERAL ELECTION.

34 (2) THE SPECIAL PRIMARY ELECTION SHALL BE HELD ON A TUESDAY
35 THAT IS AT LEAST 36 DAYS AFTER THE DATE OF THE PROCLAMATION.

36 (3) THE SPECIAL GENERAL ELECTION SHALL BE HELD ON A TUESDAY
37 THAT IS AT LEAST 36 DAYS AFTER THE DATE OF THE SPECIAL PRIMARY ELECTION.

1 (C) NOTICE AND DELIVERY OF PROCLAMATION.

2 (1) THE GOVERNOR SHALL:

3 (I) IMMEDIATELY GIVE PUBLIC NOTICE OF THE PROCLAMATION;
4 AND

5 (II) DELIVER THE PROCLAMATION TO THE ~~EXECUTIVE DIRECTOR~~
6 STATE ADMINISTRATOR OF THE STATE BOARD.

7 (2) THE ~~EXECUTIVE DIRECTOR~~ STATE ADMINISTRATOR OF THE STATE
8 BOARD SHALL:

9 (I) IMMEDIATELY NOTIFY THE STATE BOARD MEMBERS AND THE
10 LOCAL BOARDS OF THE COUNTIES THAT COMPRISE THE CONGRESSIONAL DISTRICT;
11 AND

12 (II) FORWARD TO EACH OF THOSE LOCAL BOARDS A COPY OF THE
13 PROCLAMATION.

14 (D) SPECIAL PRIMARY AND REGULAR PRIMARY COMBINED.

15 (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, IF
16 THE VACANCY OCCURS OR BECOMES KNOWN TO THE GOVERNOR DURING THE
17 PERIOD BEGINNING 120 DAYS BEFORE THE REGULAR PRIMARY ELECTION FOR
18 REPRESENTATIVES IN CONGRESS AND ENDING 40 DAYS BEFORE THE PRIMARY
19 ELECTION, THE GOVERNOR'S PROCLAMATION SHALL ORDER THAT:

20 (I) THE SPECIAL PRIMARY ELECTION SHALL BE MERGED WITH
21 THE REGULAR PRIMARY ELECTION;

22 (II) ANY INDIVIDUAL WHO FILES A CERTIFICATE OF CANDIDACY
23 FOR THE REGULAR PRIMARY ELECTION SHALL BE DEEMED TO HAVE FILED A
24 CERTIFICATE OF CANDIDACY FOR THE SPECIAL PRIMARY ELECTION; AND

25 (III) ANY OTHER QUALIFIED INDIVIDUAL MAY FILE A CERTIFICATE
26 OF CANDIDACY, FOR BOTH THE SPECIAL PRIMARY ELECTION AND THE REGULAR
27 PRIMARY ELECTION, NOT LATER THAN 9 P.M. ON THE DAY THAT IS 2 DAYS AFTER THE
28 ISSUANCE OF THE PROCLAMATION.

29 (2) A VOTE CAST FOR A CANDIDATE IN THE MERGED PRIMARY ELECTION
30 SHALL BE DEEMED A VOTE FOR THAT CANDIDATE IN BOTH THE SPECIAL PRIMARY
31 ELECTION AND THE REGULAR PRIMARY ELECTION.

32 (3) TWO CERTIFICATES OF NOMINATION, ONE FOR THE SPECIAL
33 PRIMARY ELECTION AND ONE FOR THE REGULAR PRIMARY ELECTION, SHALL BE
34 ISSUED TO EACH CANDIDATE NOMINATED IN THE MERGED PRIMARY ELECTION.

35 (4) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE:

1 (I) A NOMINEE FOR THE SPECIAL PRIMARY ELECTION MAY
2 DECLINE THE NOMINATION BY NOTIFYING THE STATE BOARD NOT LATER THAN 5
3 P.M. ON THE WEDNESDAY FOLLOWING THE PRIMARY ELECTION;

4 (II) THE APPROPRIATE POLITICAL PARTY SHALL FILL THE
5 VACANCY IN NOMINATION NOT LATER 5 P.M. ON THE THURSDAY FOLLOWING THE
6 PRIMARY ELECTION; AND

7 (III) A PETITION FOR RECOUNT AND RECANVASS OF THE SPECIAL
8 PRIMARY ELECTION SHALL BE FILED NOT LATER THAN 5 P.M. ON THE WEDNESDAY
9 FOLLOWING THE PRIMARY ELECTION.

10 8-711. SAME - CERTIFICATION OF CANDIDATES AND NOMINEES.

11 (A) BEFORE SPECIAL PRIMARY.

12 AT LEAST 20 DAYS BEFORE THE SPECIAL PRIMARY ELECTION, THE STATE
13 BOARD SHALL CERTIFY TO THE APPROPRIATE LOCAL BOARDS THE NAME,
14 RESIDENCE, AND PARTY AFFILIATION OF EACH CANDIDATE WHO QUALIFIES TO
15 APPEAR ON THE PRIMARY ELECTION BALLOT.

16 (B) BEFORE SPECIAL ELECTION.

17 AT LEAST 20 DAYS BEFORE THE SPECIAL GENERAL ELECTION, THE STATE
18 BOARD SHALL CERTIFY TO THE APPROPRIATE LOCAL BOARDS THE NAME,
19 RESIDENCE, AND PARTY AFFILIATION OF EACH NOMINEE WHO QUALIFIES TO
20 APPEAR ON THE GENERAL ELECTION BALLOT.

21 SUBTITLE 8. BOARDS OF EDUCATION.

22 8-801. APPLICABILITY.

23 EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE AND IN TITLE 3 OF THE
24 EDUCATION ARTICLE, THE PROVISIONS OF THIS ARTICLE RELATING TO THE
25 NOMINATION AND ELECTION OF CANDIDATES TO PUBLIC OFFICE SHALL GOVERN
26 THE NOMINATION AND ELECTION OF MEMBERS TO AN ELECTED COUNTY BOARD OF
27 EDUCATION.

28 8-802. NONPARTISAN ELECTION.

29 (A) IN GENERAL.

30 (1) (I) MEMBERS OF BOARDS OF EDUCATION SHALL BE ELECTED ON A
31 NONPARTISAN BASIS.

32 (II) IN A PRIMARY ELECTION TO NOMINATE BOARD OF EDUCATION
33 CANDIDATES, ANY REGISTERED VOTER OF THE COUNTY, REGARDLESS OF PARTY
34 AFFILIATION OR LACK OF PARTY AFFILIATION, IS ELIGIBLE TO VOTE IN THOSE
35 CONTESTS FOR NOMINATION.

1 (2) CANDIDATES FOR ELECTION TO BOARDS OF EDUCATION SHALL,
2 WITHOUT PARTY DESIGNATION OR REGARD TO PARTY AFFILIATION:

3 (I) FILE CERTIFICATES OF CANDIDACY;

4 (II) BE CERTIFIED TO THE BALLOT;

5 (III) APPEAR ON THE BALLOT;

6 (IV) BE VOTED ON; AND

7 (V) BE NOMINATED AND ELECTED.

8 (B) EXCEPTION.

9 THIS SECTION DOES NOT APPLY TO CANDIDATES FOR NOMINATION OR
10 ELECTION TO A BOARD OF EDUCATION IF TITLE 3 OF THE EDUCATION ARTICLE
11 REQUIRES A PARTISAN ELECTION.

12 8-803. QUALIFICATION FOR CANDIDACY.

13 (A) QUALIFICATION.

14 BEFORE CERTIFYING THE NAME OF A BOARD OF EDUCATION CANDIDATE TO
15 APPEAR ON THE BALLOT, THE LOCAL BOARD SHALL DETERMINE WHETHER THE
16 CANDIDATE QUALIFIES AS PROVIDED UNDER TITLE 3 OF THE EDUCATION ARTICLE
17 AND TITLE 5 OF THIS ARTICLE.

18 (B) QUALIFYING BY PETITION PROHIBITED.

19 AN INDIVIDUAL MAY NOT QUALIFY AS A BOARD OF EDUCATION CANDIDATE OR
20 NOMINEE BY FILING A PETITION.

21 8-804. PRIMARY ELECTIONS.

22 (A) NOMINATION.

23 IN EACH YEAR THAT ONE OR MORE MEMBERS OF A BOARD OF EDUCATION ARE
24 TO BE ELECTED, CANDIDATES SHALL BE NOMINATED AT THE PRIMARY ELECTION.

25 (B) CANDIDATE WHO DIES OR IS DISQUALIFIED BEFORE PRIMARY.

26 (1) IF A CANDIDATE DIES OR BECOMES DISQUALIFIED BEFORE THE
27 BALLOTS ARE PRINTED, OR AT A TIME WHEN THE BALLOTS CAN BE REPRINTED, THE
28 NAME OF THE CANDIDATE MAY NOT APPEAR ON THE BALLOT.

29 (2) IF A CANDIDATE DIES OR BECOMES DISQUALIFIED AFTER THE
30 BALLOTS ARE PRINTED AND TOO LATE FOR THE BALLOT TO BE REPRINTED, ANY
31 VOTES CAST FOR THAT CANDIDATE MAY NOT BE COUNTED.

32 (C) DETERMINATION OF NOMINATION.

1 (1) THE CANDIDATES, EQUAL IN NUMBER TO TWICE THE NUMBER OF
2 OFFICES TO BE FILLED, WHO RECEIVE THE LARGEST NUMBER OF VOTES IN THE
3 PRIMARY ELECTION SHALL BE THE NOMINATED CANDIDATES.

4 (2) IF TWO OR MORE CANDIDATES EACH RECEIVE THE LOWEST NUMBER
5 OF VOTES NECESSARY TO QUALIFY FOR NOMINATION, CREATING A TIE FOR THE
6 LAST NOMINATION FOR THE OFFICE TO BE FILLED, EACH SHALL BE A NOMINATED
7 CANDIDATE.

8 8-805. VACANCIES IN NOMINATION.

9 (A) NOMINEE WHO DIES, DECLINES, OR IS DISQUALIFIED.

10 (1) IF, AFTER THE PRIMARY ELECTION BUT BEFORE THE GENERAL
11 ELECTION, A NOMINEE DIES, DECLINES THE NOMINATION, OR BECOMES
12 DISQUALIFIED BEFORE THE BALLOTS ARE PRINTED OR AT A TIME WHEN THE
13 BALLOTS CAN BE REPRINTED, THE NAME OF THE NOMINEE MAY NOT APPEAR ON
14 THE BALLOT.

15 (2) IF THE NUMBER OF REMAINING NOMINEES IS LESS THAN THE
16 NUMBER OF OFFICES TO BE FILLED, A NEW NOMINEE SHALL BE APPOINTED IN THE
17 SAME MANNER AS PROVIDED IN THE EDUCATION ARTICLE FOR FILLING A VACANCY
18 ON THE BOARD OF EDUCATION.

19 (B) VOTES CAST FOR NAME REMAINING ON BALLOT.

20 IF A NOMINEE DIES, DECLINES THE NOMINATION, OR IS DISQUALIFIED AFTER
21 THE BALLOTS ARE PRINTED AND TOO LATE FOR THE BALLOT TO BE REPRINTED, AND
22 IF THAT NOMINEE RECEIVES SUFFICIENT VOTES TO HAVE BEEN ELECTED, THE
23 OFFICE SHALL BE DEEMED VACANT AND SHALL BE FILLED AS IF THE VACANCY HAD
24 OCCURRED DURING THE TERM OF OFFICE.

25 8-806. GENERAL ELECTION.

26 (A) NUMBER OF VOTES IN CONTEST.

27 IN A GENERAL ELECTION FOR BOARD OF EDUCATION MEMBERS, A VOTER MAY
28 VOTE FOR A NUMBER OF NOMINEES EQUAL TO THE NUMBER OF MEMBERS TO BE
29 ELECTED.

30 (B) ELECTION RESULTS.

31 (1) THE NOMINEES, EQUAL IN NUMBER TO THE NUMBER OF OFFICES TO
32 BE FILLED, WHO RECEIVE THE LARGEST NUMBER OF VOTES IN A GENERAL
33 ELECTION SHALL BE DECLARED ELECTED.

34 (2) (I) IF TWO OR MORE NOMINEES EACH RECEIVE THE LOWEST
35 NUMBER OF VOTES NECESSARY TO QUALIFY FOR ELECTION, CREATING A TIE FOR
36 THE LAST OFFICE TO BE FILLED, THE OFFICE SHALL BE CONSIDERED VACANT.

1 (II) A VACANCY OCCURRING UNDER SUBPARAGRAPH (I) OF THIS
2 PARAGRAPH SHALL BE FILLED:

3 1. AS IF THE VACANCY OCCURRED DURING THE TERM OF
4 OFFICE FOR WHICH THE ELECTION IS BEING HELD; AND

5 2. BY THE SELECTION OF ONE OF THE NOMINEES WHO TIES
6 IN THE GENERAL ELECTION.

7 TITLE 9. VOTING.

8 SUBTITLE 1. VOTING SYSTEMS.

9 9-101. USE OF CERTIFIED SYSTEM REQUIRED.

10 (A) GENERALLY.

11 A LOCAL BOARD MAY NOT USE A VOTING SYSTEM IN AN ELECTION CONDUCTED
12 UNDER THIS ARTICLE UNLESS THE VOTING SYSTEM HAS BEEN CERTIFIED IN
13 ACCORDANCE WITH THIS SUBTITLE.

14 (B) LIMITATION ON NUMBER OF VOTING SYSTEMS USED.

15 EXCEPT AS OTHERWISE PROVIDED BY LAW OR AUTHORIZED IN WRITING BY
16 THE STATE BOARD, A LOCAL BOARD SHALL EITHER:

17 (1) USE A SINGLE VOTING SYSTEM FOR BOTH ABSENTEE VOTING AND
18 VOTING IN POLLING PLACES; OR

19 (2) USE A SINGLE VOTING SYSTEM FOR ABSENTEE VOTING AND A
20 SINGLE DIFFERENT VOTING SYSTEM FOR VOTING IN POLLING PLACES.

21 9-102. CERTIFICATION OF VOTING SYSTEMS.

22 (A) ADOPTION OF REGULATIONS.

23 THE STATE BOARD SHALL ADOPT REGULATIONS FOR THE REVIEW,
24 CERTIFICATION, AND DECERTIFICATION OF VOTING SYSTEMS.

25 (B) PERIODIC REVIEW.

26 THE STATE BOARD SHALL PERIODICALLY REVIEW CERTIFIED VOTING SYSTEMS
27 AND EVALUATE ALTERNATIVE VOTING SYSTEMS.

28 (C) STANDARDS FOR CERTIFICATION.

29 THE STATE BOARD MAY NOT CERTIFY A VOTING SYSTEM UNLESS THE STATE
30 BOARD DETERMINES THAT:

31 (1) THE VOTING SYSTEM WILL:

- 1 (I) PROTECT THE SECRECY OF THE BALLOT;
- 2 (II) PROTECT THE SECURITY OF THE VOTING PROCESS;
- 3 (III) COUNT AND RECORD ALL VOTES ACCURATELY;
- 4 (IV) ACCOMMODATE ANY BALLOT USED UNDER THIS ARTICLE; AND
- 5 (V) PROTECT ALL OTHER RIGHTS OF VOTERS AND CANDIDATES;
- 6 (2) THE VOTING SYSTEM HAS BEEN:
- 7 (I) EXAMINED BY AN INDEPENDENT TESTING LABORATORY THAT
- 8 IS APPROVED BY THE NATIONAL ASSOCIATION OF STATE ELECTION DIRECTORS; AND
- 9 (II) SHOWN BY THE TESTING LABORATORY TO MEET THE
- 10 PERFORMANCE AND TEST STANDARDS FOR ELECTRONIC VOTING SYSTEMS
- 11 ESTABLISHED BY THE FEDERAL ELECTION COMMISSION; AND
- 12 (3) THE PUBLIC INTEREST WILL BE SERVED BY THE CERTIFICATION OF
- 13 THE VOTING SYSTEM.

14 DRAFTER'S NOTE: Subsection (c) is new to the law.

15 (D) CONSIDERATIONS FOR CERTIFICATION.

16 IN DETERMINING WHETHER A VOTING SYSTEM MEETS THE REQUIRED

17 STANDARDS, THE STATE BOARD SHALL CONSIDER:

- 18 (1) THE COMMERCIAL AVAILABILITY OF THE SYSTEM AND ITS
- 19 REPLACEMENT PARTS AND COMPONENTS;
- 20 (2) THE AVAILABILITY OF CONTINUING SERVICE FOR THE SYSTEM;
- 21 (3) THE COST OF IMPLEMENTING THE SYSTEM;
- 22 (4) THE EFFICIENCY OF THE SYSTEM;
- 23 (5) THE LIKELIHOOD OF BREAKDOWN;
- 24 (6) THE SYSTEM'S EASE OF UNDERSTANDING FOR THE VOTER;
- 25 (7) THE CONVENIENCE OF VOTING AFFORDED BY THE SYSTEM;
- 26 (8) THE TIMELINESS OF THE TABULATION AND REPORTING OF
- 27 ELECTION RETURNS;
- 28 (9) THE POTENTIAL FOR AN ALTERNATIVE MEANS OF VERIFYING THE
- 29 TABULATION;
- 30 (10) ACCESSIBILITY FOR DISABLED VOTERS; AND

1 (11) ANY OTHER FACTOR THAT THE STATE BOARD CONSIDERS
2 RELEVANT.

3 (E) REGULATIONS FOR EACH VOTING SYSTEM.

4 (1) THE STATE BOARD SHALL ADOPT REGULATIONS RELATING TO
5 REQUIREMENTS FOR EACH CERTIFIED VOTING SYSTEM, INCLUDING A VOTING
6 SYSTEM DEEMED CERTIFIED UNDER SUBSECTION (F) OF THIS SECTION, GOVERNING
7 ITS OPERATION AND USE.

8 (2) THE REGULATIONS SHALL SPECIFY THE PROCEDURES NECESSARY
9 TO ASSURE THAT THE STANDARDS OF THIS TITLE ARE MAINTAINED, INCLUDING:

10 (I) A DESCRIPTION OF THE VOTING SYSTEM;

11 (II) A PUBLIC INFORMATION PROGRAM BY THE LOCAL BOARD, AT
12 THE TIME OF INTRODUCTION OF A NEW VOTING SYSTEM, TO BE DIRECTED TO ALL
13 VOTERS, CANDIDATES, CAMPAIGN GROUPS, SCHOOLS, AND NEWS MEDIA IN THE
14 COUNTY;

15 (III) LOCAL ELECTION OFFICIALS' RESPONSIBILITY FOR
16 MANAGEMENT OF THE SYSTEM;

17 (IV) THE ACTIONS REQUIRED TO ASSURE THE SECURITY OF THE
18 VOTING SYSTEM;

19 (V) THE SUPPLIES AND EQUIPMENT REQUIRED;

20 (VI) THE STORAGE, DELIVERY, AND RETURN OF THE SUPPLIES AND
21 EQUIPMENT NECESSARY FOR THE OPERATION OF THE VOTING SYSTEM;

22 (VII) STANDARDS FOR TRAINING ELECTION OFFICIALS IN THE
23 OPERATION AND USE OF THE VOTING SYSTEM;

24 (VIII) BEFORE EACH ELECTION AND FOR ALL BALLOT STYLES TO BE
25 USED, TESTING BY THE MEMBERS OF THE LOCAL BOARD TO ENSURE THE ACCURACY
26 OF TALLYING, TABULATION, AND REPORTING OF THE VOTE, AND OBSERVING OF
27 THAT TESTING BY REPRESENTATIVES OF POLITICAL PARTIES AND OF CANDIDATES
28 WHO ARE NOT AFFILIATED WITH POLITICAL PARTIES;

29 (IX) THE NUMBER OF VOTING STATIONS OR VOTING BOOTHS
30 REQUIRED IN EACH POLLING PLACE, IN RELATION TO THE NUMBER OF REGISTERED
31 VOTERS ASSIGNED TO THE POLLING PLACE;

32 (X) THE PRACTICES AND PROCEDURES IN EACH POLLING PLACE
33 APPROPRIATE TO THE OPERATION OF THE VOTING SYSTEM;

34 (XI) ASSURING BALLOT ACCOUNTABILITY IN SYSTEMS USING A
35 DOCUMENT BALLOT;

36 (XII) THE ACTIONS REQUIRED TO TABULATE VOTES; AND

- 1 (XIII) POSTELECTION REVIEW AND AUDIT OF THE SYSTEM'S OUTPUT.
- 2 (3) CERTIFICATION OF A VOTING SYSTEM IS NOT EFFECTIVE UNTIL THE
3 REGULATIONS APPLICABLE TO THE VOTING SYSTEM HAVE BEEN ADOPTED.
- 4 (F) VOTING SYSTEMS DEEMED CERTIFIED.
- 5 A VOTING SYSTEM AUTHORIZED BY LAW BEFORE JULY 1, 1978, INCLUDING THE
6 USE OF PAPER BALLOTS, SHALL BE DEEMED CERTIFIED.
- 7 9-103. DECERTIFICATION.
- 8 (A) DECERTIFICATION - GENERALLY.
- 9 THE STATE BOARD:
- 10 (1) MAY DECERTIFY A VOTING SYSTEM PREVIOUSLY CERTIFIED IF THE
11 STATE BOARD DETERMINES THAT THE SYSTEM NO LONGER MERITS CERTIFICATION;
12 AND
- 13 (2) SHALL DECERTIFY A PREVIOUSLY CERTIFIED VOTING SYSTEM IF
14 THE VOTING SYSTEM NO LONGER MEETS ONE OR MORE OF THE STANDARDS IN §
15 9-102 (C)(1)(I) THROUGH (III) OF THIS SUBTITLE.
- 16 (B) TIME AND CONDITIONS OF DECERTIFICATION.
- 17 THE STATE BOARD SHALL DETERMINE THE EFFECTIVE DATE AND CONDITIONS
18 OF THE DECERTIFICATION.
- 19 (C) EXCEPTION - ADVERSE IMPACT ON THE COUNTY.
- 20 DECERTIFICATION UNDER THIS SECTION DOES NOT APPLY TO A COUNTY IF ITS
21 LOCAL BOARD HAS ACTED IN RELIANCE UPON THE CERTIFICATION OF THE SYSTEM
22 INVOLVED AND THE DECERTIFICATION WOULD HAVE A SIGNIFICANT AND ADVERSE
23 IMPACT, UNLESS:
- 24 (1) THE LOCAL BOARD AND THE GOVERNING BODY OF THE COUNTY
25 CONSENT TO THE DECERTIFICATION; OR
- 26 (2) THE STATE BOARD DETERMINES THAT THE SYSTEM NO LONGER
27 MEETS THE STANDARDS SET FORTH IN § 9-102 (C)(1)(I) THROUGH (III) OF THIS
28 SUBTITLE.
- 29 (D) EXCEPTION - VOTING SYSTEMS IN EXISTENCE BEFORE JULY 1, 1978.
- 30 A VOTING SYSTEM THAT IS DEEMED CERTIFIED UNDER § 9-102(F) OF THIS
31 SUBTITLE MAY NOT BE DECERTIFIED BY THE STATE BOARD.

1 9-104. NOTICE TO LOCAL BOARDS.

2 THE STATE BOARD SHALL NOTIFY THE LOCAL BOARDS OF EACH SYSTEM THAT
3 IS:

4 (1) UNDER REVIEW FOR POSSIBLE CERTIFICATION;

5 (2) UNDER REVIEW FOR POSSIBLE DECERTIFICATION;

6 (3) CERTIFIED; OR

7 (4) DECERTIFIED.

8 9-105. ACQUISITION OF VOTING SYSTEMS.

9 (A) AUTHORITY OF LOCAL BOARDS.

10 (1) MEMBERS OF A LOCAL BOARD, IN CONSULTATION WITH THE
11 ELECTION DIRECTOR, MAY SELECT A VOTING SYSTEM.

12 (2) ACQUISITION OF A VOTING SYSTEM SHALL BE BY PURCHASE, LEASE,
13 OR RENTAL AND SHALL BE EXEMPT FROM STATE, COUNTY, OR MUNICIPAL
14 TAXATION.

15 (B) LEASE OF VOTING MACHINES TO OTHER ENTITIES.

16 (1) A LOCAL BOARD MAY LEASE A VOTING SYSTEM TO ANY
17 GOVERNMENTAL OR NONGOVERNMENTAL ENTITY WITHIN THE COUNTY.

18 (2) THE LOCAL BOARD SHALL DETERMINE THE TERMS AND CONDITIONS
19 OF THE LEASE.

20 (3) THE LOCAL BOARD SHALL PAY TO THE GOVERNING BODY OF THE
21 COUNTY, WITHIN 30 DAYS OF RECEIPT, THE PROCEEDS OF THE LEASE.

22 9-106. BORROWING TO PURCHASE VOTING SYSTEM.

23 (A) AUTHORITY TO BORROW FUNDS.

24 THE GOVERNING BODY OF A COUNTY MAY BORROW MONEY TO FUND THE
25 PURCHASE OF A VOTING SYSTEM THROUGH THE ISSUANCE OF INDIVIDUAL NOTES,
26 BONDS, OR EVIDENCES OF INDEBTEDNESS.

27 (B) ISSUANCE OF BONDS.

28 (1) WHEN A COUNTY GOVERNING BODY ISSUES GENERAL OBLIGATION
29 BONDS TO PURCHASE A VOTING SYSTEM, THE BONDS MAY BE ISSUED WITHOUT
30 REGARD TO ANY LIMITATIONS ON THE BORROWING POWER OF THE COUNTY.

31 (2) THE BONDS OF EACH ISSUE SHALL BE DATED, SHALL BEAR
32 INTEREST AT SUCH RATE OR RATES, AND SHALL MATURE AT THE TIME OR TIMES, AS

1 DETERMINED BY THE GOVERNING OF THE COUNTY. THEY MAY BE MADE
2 REDEEMABLE BEFORE MATURITY AT THE OPTION OF THE GOVERNING BODY AT THE
3 PRICE OR PRICES AND UNDER THE TERMS AND CONDITIONS FIXED BY THE
4 GOVERNING BODY PRIOR TO THE ISSUANCE OF THE BONDS. THE GOVERNING BODY
5 SHALL DETERMINE THE FORM OF THE BONDS, INCLUDING ANY INTEREST COUPONS
6 TO BE ATTACHED TO THEM, AND SHALL FIX THE DENOMINATION OR
7 DENOMINATIONS OF THE BONDS AND THE PLACE OR PLACES OF PAYMENT OF
8 PRINCIPAL AND INTEREST, WHICH MAY BE AT ANY BANK OR TRUST COMPANY IN OR
9 OUTSIDE THE STATE. THE BONDS SHALL BE SIGNED BY THE OFFICER OR OFFICERS
10 OF THE COUNTY ISSUING THEM, THE SEAL OF THE COUNTY SHALL BE AFFIXED TO
11 THEM AND ATTESTED IN THE MANNER, AND ANY COUPONS ATTACHED TO THEM
12 SHALL BEAR THE FACSIMILE SIGNATURE OF THE OFFICER AS THE GOVERNING BODY
13 DETERMINES. IN CASE ANY OFFICER WHOSE SIGNATURE OR A FACSIMILE OF WHOSE
14 SIGNATURE APPEARS ON ANY BONDS OR COUPONS SHALL CEASE TO HOLD THE
15 OFFICE BEFORE THE DELIVERY OF THE BONDS, THE SIGNATURE OR FACSIMILE
16 SHALL NEVERTHELESS BE VALID AND SUFFICIENT FOR ALL PURPOSES THE SAME AS
17 IF HE HAD REMAINED IN OFFICE UNTIL DELIVERY. ALL BONDS ISSUED UNDER THE
18 PROVISIONS OF THIS SECTION SHALL HAVE AND ARE HEREBY DECLARED TO HAVE
19 ALL THE QUALITIES AND INCIDENTS OF NEGOTIABLE INSTRUMENTS UNDER THE
20 MARYLAND UNIFORM COMMERCIAL CODE. THE BONDS MAY BE ISSUED IN COUPON
21 OR IN REGISTERED FORM, OR BOTH, AS THE GOVERNING BODY DETERMINES, AND
22 PROVISION MAY BE MADE FOR THE REGISTRATION OF ANY COUPON BONDS AS TO
23 PRINCIPAL ALONE AND ALSO AS TO BOTH PRINCIPAL AND INTEREST, AND FOR THE
24 RECONVERSION INTO COUPON BONDS OF ANY BONDS REGISTERED AS TO BOTH
25 PRINCIPAL AND INTEREST. THE GOVERNING BODY MAY SELL THE BONDS IN THE
26 MANNER, EITHER AT PUBLIC OR PRIVATE SALE, FOR THE PRICE IT MAY DETERMINE
27 TO BE FOR THE BEST INTEREST OF THE COUNTY. THE PROVISIONS OF ARTICLE 31, §§
28 9 THROUGH 11 OF THE CODE DO NOT APPLY TO BONDS ISSUED UNDER THE
29 PROVISIONS OF THIS SECTION.

30 (3) THE ENTIRE PROCEEDS FROM THE SALE OF BONDS ISSUED UNDER
31 THE PROVISIONS OF THIS SECTION, AFTER PAYMENT OF ALL COSTS AND EXPENSES
32 INCURRED IN CONNECTION WITH THE PREPARATION, SALE, AND DELIVERY OF THE
33 BONDS, SHALL BE USED SOLELY FOR THE PAYMENT OF THE COST OF THE VOTING
34 SYSTEM FOR THE PURCHASE OF WHICH THE BONDS ARE ISSUED. ANY BALANCE
35 REMAINING AFTER THE PURCHASE OF THE VOTING SYSTEM SHALL BE USED TO PAY
36 THE INTEREST ON OR TO REDEEM ANY OF THE BONDS.

37 (4) IN ORDER TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS
38 WHEN AND AS THEY BECOME DUE AND PAYABLE, THE GOVERNING BODY IS
39 AUTHORIZED AND DIRECTED TO LEVY, IN EACH YEAR IN WHICH ANY OF THE BONDS
40 ARE OUTSTANDING, UPON THE TAXABLE BASIS OF SAID COUNTY A TAX SUFFICIENT
41 IN RATE AND AMOUNT (I) IF THE BONDS ARE ISSUED IN SERIES MATURING AT
42 STATED PERIODS AND A PORTION OF THE PRINCIPAL IS MADE PAYABLE ANNUALLY,
43 TO PAY THE INTEREST AND THE PORTION OF THE PRINCIPAL PAYABLE IN THAT
44 YEAR; OR (II) IF THE BONDS ARE NOT ISSUED IN SERIES, BUT ARE PAYABLE OR
45 REDEEMABLE IN WHOLE AT A FIXED RATE OF MATURITY, TO PAY THE INTEREST ON
46 THE BONDS IN THAT YEAR AND TO PRODUCE A SUM SUFFICIENT TO ACCUMULATE A
47 SINKING FUND FOR THE REDEMPTION AND PAYMENT OF THE BONDS AT MATURITY.

1 THE PROCEEDS OF THE LEVY WHEN COLLECTED AND PAID SHALL BE USED ONLY
2 FOR THE PURPOSES FOR WHICH THE LEVY WAS MADE; HOWEVER, IF THE INTEREST
3 ON THE BONDS MATURES BEFORE THE LEVY, OR BEFORE A SUFFICIENT AMOUNT OF
4 TAXES LEVIED FOR THE PURPOSE OF PAYING THE INTEREST IS COLLECTED, THE
5 GOVERNING BODY MAY PAY THE INTEREST OUT OF THE PROCEEDS OF THE SALE OF
6 THE BONDS.

7 (C) TAX-EXEMPT STATUS OF BONDS.

8 THE BONDS ISSUED, THEIR TRANSFER, AND THE INCOME FROM THEM SHALL
9 BE EXEMPT FROM THE STATE, COUNTY, OR MUNICIPAL TAXATION.

10 9-107. VOTING MACHINE CUSTODIANS.

11 (A) APPOINTMENT.

12 IF A COUNTY USES MECHANICAL LEVER VOTING MACHINES TO CONDUCT
13 ELECTIONS, THE MEMBERS OF THE LOCAL BOARD:

14 (1) SHALL APPOINT A VOTING MACHINE CUSTODIAN AND A DEPUTY
15 CUSTODIAN; AND

16 (2) MAY EMPLOY ADDITIONAL DEPUTY CUSTODIANS.

17 (B) DUTIES; TRAINING.

18 THE VOTING MACHINE CUSTODIAN AND DEPUTY CUSTODIANS SHALL HAVE
19 THE DUTIES, AND COMPLETE ANY TRAINING PROGRAM, SPECIFIED IN REGULATIONS
20 ADOPTED BY THE STATE BOARD.

21 SUBTITLE 2. BALLOTS.

22 9-201. GENERALLY.

23 (A) REQUIREMENT OF BALLOTS IN VOTING.

24 IN ANY ELECTION CONDUCTED UNDER THIS ARTICLE:

25 (1) ALL VOTING SHALL BE BY BALLOT; AND

26 (2) ONLY VOTES CAST ON A BALLOT MAY BE COUNTED.

27 (B) COMPLIANCE WITH THIS SUBTITLE.

28 ALL BALLOTS SHALL COMPLY WITH THE PROVISIONS OF THIS SUBTITLE.

29 (C) OTHER USES PROHIBITED.

30 A BALLOT MAY NOT BE USED FOR ANY PURPOSE NOT AUTHORIZED BY THIS
31 ARTICLE.

1 9-202. RESPONSIBILITIES FOR PREPARATION.

2 (A) STATE BOARD TO CERTIFY BALLOTS.

3 THE STATE BOARD SHALL CERTIFY THE CONTENT AND THE ARRANGEMENT OF
4 EACH BALLOT TO BE USED IN AN ELECTION THAT IS SUBJECT TO THIS ARTICLE.

5 (B) PREPARATION BY LOCAL BOARDS.

6 EACH LOCAL BOARD SHALL PLACE QUESTIONS, CANDIDATES, AND OTHER
7 MATERIAL ON THE BALLOT IN THAT COUNTY IN ACCORDANCE WITH THE CONTENT
8 AND ARRANGEMENT PRESCRIBED BY THE STATE BOARD.

9 9-203. STANDARDS.

10 EACH BALLOT SHALL:

11 (1) BE EASILY UNDERSTANDABLE BY VOTERS;

12 (2) PRESENT ALL CANDIDATES AND QUESTIONS IN A FAIR AND
13 NONDISCRIMINATORY MANNER;

14 (3) PERMIT THE VOTER TO EASILY RECORD A VOTE ON QUESTIONS AND
15 ON THE VOTER'S CHOICES AMONG CANDIDATES;

16 (4) PROTECT THE SECRECY OF EACH VOTER'S CHOICES; AND

17 (5) FACILITATE THE ACCURATE TABULATION OF THE CHOICES OF THE
18 VOTERS.

19 9-204. UNIFORMITY.

20 (A) GENERALLY.

21 SUBJECT TO THE OTHER PROVISIONS OF THIS SUBTITLE AND TO DIFFERENT
22 PRESENTATIONS REQUIRED OR MADE DESIRABLE BY DIFFERENT VOTING SYSTEMS,
23 ALL BALLOTS USED IN AN ELECTION SHALL BE AS UNIFORM AS POSSIBLE.

24 (B) EXCEPTION - ABSENTEE BALLOTS.

25 EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED IN THIS TITLE, OR UNLESS A
26 PROVISION IS CLEARLY INAPPROPRIATE TO ABSENTEE BALLOTS, THE PROVISIONS
27 OF THIS SUBTITLE RELATING TO BALLOT CONTENT AND ARRANGEMENT SHALL
28 APPLY TO THE ARRANGEMENT OF ABSENTEE BALLOTS.

29 (C) EXCEPTION - PRIMARY ELECTIONS.

30 IF APPLICABLE FOR THE VOTING SYSTEM IN USE, THE APPROPRIATE
31 COMPONENTS OF THE VOTING SYSTEM SHALL BE CONFIGURED FOR A PRIMARY
32 ELECTION TO PERMIT THE VOTER TO VOTE ONLY FOR THE CANDIDATES FOR WHICH
33 THE VOTER IS ENTITLED TO VOTE.

1 9-205. CONTENT.

2 EACH BALLOT SHALL CONTAIN:

3 (1) A HEADING AS PROVIDED IN § 9-206(A) OF THIS SUBTITLE;

4 (2) A STATEMENT OF EACH QUESTION THAT HAS MET ALL OF THE
5 QUALIFICATIONS TO APPEAR ON THE BALLOT;

6 (3) THE TITLE OF EACH OFFICE TO BE VOTED ON;

7 (4) THE NAME, AS SPECIFIED IN THE CERTIFICATE OF CANDIDACY, OR
8 AS OTHERWISE PROVIDED IN TITLE 5 OF THIS ARTICLE, OF EACH CANDIDATE WHO
9 HAS BEEN CERTIFIED BY THE STATE BOARD;

10 (5) A PARTY DESIGNATION FOR CERTAIN CANDIDATES AS PROVIDED IN
11 THIS SUBTITLE;

12 (6) A MEANS BY WHICH A VOTER MAY CAST WRITE-IN VOTES, AS
13 PROVIDED IN THIS SUBTITLE; AND

14 (7) INSTRUCTIONS TO VOTERS AS PROVIDED IN THIS SUBTITLE.

15 9-206. ARRANGEMENT - FORMAT.

16 (A) HEADING.

17 EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A HEADING
18 SHALL BE PRINTED AT THE TOP OF THE BALLOT AND SHALL CONTAIN, IN THE
19 FOLLOWING ORDER:

20 (1) THE WORDS "OFFICIAL BALLOT";

21 (2) THE TYPE OF ELECTION, I.E., REGULAR OR SPECIAL, PRIMARY OR
22 GENERAL, AND ANY OTHER INFORMATION REQUIRED TO IDENTIFY THE ELECTION
23 BEING HELD;

24 (3) THE DATE OF THE ELECTION;

25 (4) THE WORDS "STATE OF MARYLAND" AND THE NAME OF THE COUNTY;

26 (5) IN A PRIMARY ELECTION, THE NAME OF THE POLITICAL PARTY OR
27 THE WORDS "NONPARTISAN BALLOT", AS APPLICABLE, FOR WHICH THE BALLOT OR A
28 PORTION OF THE BALLOT IS TO BE USED; AND

29 (6) IF MORE THAN ONE BALLOT STYLE WILL BE USED IN THE COUNTY IN
30 THE ELECTION, THE BALLOT STYLE INDICATOR.

31 (B) EXCEPTION.

1 THE PROVISIONS OF SUBSECTION (A) OF THIS SECTION DO NOT APPLY TO A
2 VOTING MACHINE BALLOT IF THE STATE BOARD DETERMINES THERE IS
3 INSUFFICIENT SPACE.

4 9-207. BALLOTS - CERTIFICATION; DISPLAY; PRINTING.

5 (A) TIME OF CERTIFICATION.

6 THE STATE BOARD SHALL CERTIFY THE CONTENT AND ARRANGEMENT OF
7 EACH BALLOT:

8 (1) FOR A PRIMARY ELECTION, AT LEAST 50 DAYS BEFORE THE
9 ELECTION;

10 (2) FOR A GENERAL ELECTION:

11 (I) IN THE YEAR THAT THE PRESIDENT OF THE UNITED STATES IS
12 ELECTED, AT LEAST 55 DAYS BEFORE THE ELECTION; AND

13 (II) IN ANY OTHER YEAR, NOT MORE THAN 18 DAYS AFTER THE
14 PRIMARY ELECTION;

15 (3) FOR A SPECIAL PRIMARY ELECTION, AT LEAST 18 DAYS BEFORE THE
16 ELECTION; AND

17 (4) FOR A SPECIAL GENERAL ELECTION, NOT LATER THAN A DATE
18 SPECIFIED IN THE GOVERNOR'S PROCLAMATION.

19 (B) EXCEPTION - LATER DATE SET BY COURT OF APPEALS.

20 THE COURT OF APPEALS, ON PETITION OF THE STATE BOARD, MAY ESTABLISH A
21 LATER DATE IN EXTRAORDINARY CIRCUMSTANCES.

22 (C) DELIVERY TO LOCAL BOARDS.

23 WITHIN 48 HOURS AFTER CERTIFICATION, THE STATE BOARD SHALL DELIVER
24 TO EACH LOCAL BOARD A COPY OF THE CERTIFIED BALLOT CONTENT AND
25 ARRANGEMENT FOR THAT COUNTY.

26 (D) PREPARATION OF BALLOT; PUBLIC DISPLAY.

27 (1) WITHIN 5 DAYS AFTER THE CERTIFICATION, OR A LATER DATE THAT
28 THE COURT OF APPEALS ESTABLISHES IN EXTRAORDINARY CIRCUMSTANCES ON
29 PETITION OF THE STATE BOARD, A LOCAL BOARD SHALL:

30 (I) PREPARE THE ARRANGEMENT FOR ALL BALLOTS TO BE USED
31 IN THE COUNTY, USING THE ARRANGEMENT PRESCRIBED BY THE STATE BOARD; AND

32 (II) DISPLAY THE CONTENT AND ARRANGEMENT, IN A MANNER
33 THAT IS ACCESSIBLE TO THE PUBLIC, ON ALL DAYS THAT THE OFFICE IS OPEN
34 THROUGH THE DAY OF THE ELECTION.

1 (2) EXCEPT PURSUANT TO A COURT ORDER UNDER § 9-209 OF THIS
2 SUBTITLE, OR AS PROVIDED IN § 9-208 OF THIS SUBTITLE, THE CONTENT AND
3 ARRANGEMENT OF THE BALLOT MAY NOT BE MODIFIED AFTER THE THIRD DAY OF
4 THE PUBLIC DISPLAY.

5 (E) PRINTING OF BALLOTS.

6 UNLESS A DELAY IS REQUIRED BY COURT ORDER, A LOCAL BOARD MAY BEGIN
7 TO PRINT THE BALLOTS AFTER 3 DAYS OF PUBLIC DISPLAY AND, WITH THE
8 APPROVAL OF THE STATE BOARD, CORRECTION OF ANY NOTED ERRORS.

9 9-208. LATE CHANGES IN BALLOTS.

10 (A) GENERALLY.

11 IF AN ERROR OR A CHANGE IN CIRCUMSTANCES REQUIRES A LOCAL BOARD TO
12 MAKE A CHANGE IN A BALLOT AFTER THE BALLOTS HAVE BEEN PRINTED, WITH THE
13 APPROVAL OF THE STATE BOARD THE LOCAL BOARD SHALL ACT AS PROVIDED IN
14 THIS SECTION.

15 (B) CORRECTIVE ACTIONS.

16 (1) IF THERE IS SUFFICIENT TIME, THE LOCAL BOARD SHALL REPRINT
17 THE BALLOT.

18 (2) IF THERE IS INSUFFICIENT TIME FOR REPRINTING THE BALLOT AND
19 IF THE VOTING SYSTEM CAN ACCOMMODATE IT, THE LOCAL BOARD SHALL PRINT A
20 SUFFICIENT NUMBER OF STICKERS INCORPORATING THE CHANGE OR CORRECTION.
21 THE STICKERS SHALL BE CONSISTENT WITH THE PRINTED BALLOTS AND BE
22 AFFIXED TO THE BALLOTS IN THE APPROPRIATE PLACES.

23 (3) IF THERE IS INSUFFICIENT TIME FOR REPRINTING THE BALLOTS
24 AND IF THE VOTING SYSTEM CANNOT ACCOMMODATE STICKERS, THE LOCAL BOARD
25 SHALL NOTIFY THE VOTERS OF THE CHANGE OR CORRECTION IN ACCORDANCE WITH
26 REGULATIONS ADOPTED BY THE STATE BOARD.

27 (C) NOTICE OF CHANGE IN BALLOT.

28 AFTER ANY CHANGE OR CORRECTION ON A BALLOT, THE LOCAL BOARD SHALL
29 IMMEDIATELY TAKE ALL REASONABLE STEPS TO NOTIFY ALL CANDIDATES ON THE
30 BALLOT AND ANY OTHER PERSONS WHOM THE LOCAL BOARD CONSIDERS
31 APPROPRIATE.

32 9-209. JUDICIAL REVIEW.

33 (A) TIMING.

34 WITHIN 3 DAYS AFTER THE CONTENT AND ARRANGEMENT OF THE BALLOT ARE
35 PLACED ON PUBLIC DISPLAY UNDER § 9-207 OF THIS SUBTITLE, A REGISTERED
36 VOTER MAY SEEK JUDICIAL REVIEW OF THE CONTENT AND ARRANGEMENT, OR TO

1 CORRECT ANY OTHER ERROR, BY FILING A SWORN PETITION WITH THE CIRCUIT
2 COURT FOR THE COUNTY.

3 (B) RELIEF THAT MAY BE GRANTED.

4 THE CIRCUIT COURT MAY REQUIRE THE LOCAL BOARD TO:

5 (1) CORRECT AN ERROR;

6 (2) SHOW CAUSE WHY AN ERROR SHOULD NOT BE CORRECTED; OR

7 (3) TAKE ANY OTHER ACTION REQUIRED TO PROVIDE APPROPRIATE
8 RELIEF.

9 (C) ERRORS DISCOVERED AFTER PRINTING.

10 IF AN ERROR IS DISCOVERED AFTER THE BALLOTS HAVE BEEN PRINTED, AND
11 THE LOCAL BOARD FAILS TO CORRECT THE ERROR, A REGISTERED VOTER MAY SEEK
12 JUDICIAL REVIEW NOT LATER THAN THE SECOND MONDAY PRECEDING THE
13 ELECTION.

14 9-210. ARRANGEMENT OF BALLOTS - CANDIDATES AND OFFICES.

15 (A) OFFICES - ORDER OF PRECEDENCE.

16 THE OFFICES TO BE VOTED ON SHALL BE ARRANGED ON THE BALLOT IN THE
17 FOLLOWING ORDER, AS APPLICABLE:

18 (1) PUBLIC OFFICES FOR WHICH VOTERS OF THE ENTIRE STATE MAY
19 VOTE, IN THE FOLLOWING ORDER:

20 (I) PRESIDENT OF THE UNITED STATES, OR PRESIDENT AND VICE
21 PRESIDENT OF THE UNITED STATES;

22 (II) GOVERNOR AND LIEUTENANT GOVERNOR;

23 (III) COMPTROLLER;

24 (IV) ATTORNEY GENERAL; AND

25 (V) UNITED STATES SENATOR;

26 (2) REPRESENTATIVE IN CONGRESS;

27 (3) MEMBERS OF THE GENERAL ASSEMBLY OF MARYLAND, IN THE
28 FOLLOWING ORDER:

29 (I) SENATE OF MARYLAND; AND

30 (II) HOUSE OF DELEGATES;

1 (4) MEMBERS OF THE GOVERNING BODY OF A COUNTY, IN THE
2 FOLLOWING ORDER:

3 (I) COUNTY EXECUTIVE; AND

4 (II) COUNTY COUNCIL OR COUNTY COMMISSIONER;

5 (5) OFFICES IN THE GOVERNMENT OF THE CITY OF BALTIMORE, IN THE
6 FOLLOWING ORDER:

7 (I) MAYOR;

8 (II) PRESIDENT OF THE CITY COUNCIL;

9 (III) COMPTROLLER; AND

10 (IV) MEMBER OF THE CITY COUNCIL;

11 (6) JUDICIAL OFFICES, IN THE FOLLOWING ORDER:

12 (I) JUDGE OF THE CIRCUIT COURT;

13 (II) APPELLATE JUDGES, CONTINUANCE IN OFFICE, IN THE
14 FOLLOWING ORDER:

15 1. COURT OF APPEALS; AND

16 2. COURT OF SPECIAL APPEALS;

17 (7) PUBLIC OFFICES FOR WHICH THE VOTERS OF A COUNTY MAY VOTE,
18 IN THE FOLLOWING ORDER:

19 (I) COUNTY TREASURER;

20 (II) STATE'S ATTORNEY;

21 (III) CLERK OF THE CIRCUIT COURT;

22 (IV) REGISTER OF WILLS;

23 (V) JUDGE OF THE ORPHANS' COURT;

24 (VI) SHERIFF; AND

25 (VII) OTHER OFFICES FILLED BY PARTISAN ELECTION;

26 (8) PARTY OFFICES; AND

27 (9) OFFICES FILLED BY NONPARTISAN ELECTION.

28 (B) OTHER OFFICES.

1 ANY OFFICE NOT SPECIFIED IN SUBSECTION (A) OF THIS SECTION SHALL BE
2 PLACED ON THE BALLOT FOLLOWING THE OFFICES SPECIFIED IN SUBSECTION (A).

3 (C) AT LARGE CANDIDATES LISTED FIRST.

4 WITHIN ANY CATEGORY OF OFFICES, IF THE BALLOT CONTAINS ONE OR MORE
5 CONTESTS FOR AT LARGE ELECTION AND ONE OR MORE CONTESTS FOR ELECTION
6 BY DISTRICT, THE CONTEST OR CONTESTS TO BE VOTED ON AT LARGE SHALL
7 APPEAR FIRST.

8 (D) INSTRUCTIONS AS TO NUMBER OF CANDIDATES TO VOTE FOR.

9 IN A PROMINENT POSITION ADJACENT TO THE TITLE OF EACH OFFICE, THERE
10 SHALL BE INSTRUCTIONS STATING THE NUMBER OF CANDIDATES FOR WHOM THE
11 VOTER LAWFULLY MAY VOTE.

12 (E) NAMES OF CANDIDATES.

13 (1) A BALLOT SHALL CONTAIN THE NAME OF EVERY CANDIDATE WHO IS
14 AUTHORIZED UNDER THE PROVISIONS OF THIS ARTICLE TO APPEAR ON THE BALLOT.

15 (2) EACH CANDIDATE SHALL BE LISTED ON THE BALLOT IN THE
16 CONTEST FOR WHICH THE CANDIDATE HAS QUALIFIED.

17 (F) WRITE-IN VOTES.

18 (1) IN A GENERAL ELECTION, THE VOTER SHALL BE AFFORDED THE
19 OPPORTUNITY TO CAST A WRITE-IN VOTE FOR AS MANY POSITIONS AS ARE TO BE
20 FILLED IN A CONTEST.

21 (2) ON A DOCUMENT BALLOT, IN EACH CONTEST A BLANK LINE OR
22 LINES FOR WRITE-IN VOTING SHALL FOLLOW THE PRINTED NAMES ON THE BALLOT.

23 (3) THIS SUBSECTION DOES NOT APPLY TO QUESTIONS OR THE
24 CONTINUANCE IN OFFICE OF APPELLATE JUDGES.

25 (G) GENERAL ELECTIONS - PARTY DESIGNATION.

26 (1) EXCEPT FOR CONTESTS FOR JUDICIAL OFFICE OR AN OFFICE TO BE
27 FILLED BY NONPARTISAN ELECTION, THE PARTY AFFILIATION OF A CANDIDATE
28 WHO IS A NOMINEE OF A POLITICAL PARTY SHALL BE INDICATED ON THE BALLOT.

29 ~~(2) A CANDIDATE WHO IS NOT A NOMINEE OF A POLITICAL PARTY SHALL~~
30 ~~BE DESIGNATED UNDER "OTHER" OR "OTHER CANDIDATES".~~

31 (2) (1) A CANDIDATE WHO IS NOT A NOMINEE OF A POLITICAL PARTY
32 OR AFFILIATED WITH A PARTISAN ORGANIZATION SHALL BE DESIGNATED AS AN
33 "INDEPENDENT".

1 (II) A CANDIDATE WHO IS NOT A NOMINEE OF A POLITICAL PARTY,
2 BUT WHO IS AFFILIATED WITH A PARTISAN ORGANIZATION, SHALL BE DESIGNATED
3 UNDER "OTHER CANDIDATES".

4 DRAFTER'S NOTE: The provision of former law restricting the party name on
5 the ballot to one word is repealed.

6 The revision eliminates the use of "independent" in favor of a uniform
7 usage of either "other" or "other candidates".

8 (3) THE NAMES OF CANDIDATES FOR JUDGE OF THE CIRCUIT COURT OR
9 FOR A COUNTY BOARD OF EDUCATION, AND THE NAMES OF INCUMBENT APPELLATE
10 JUDGES, SHALL BE PLACED ON THE BALLOT WITHOUT A PARTY LABEL OR OTHER
11 DISTINGUISHING MARK OR LOCATION WHICH MIGHT INDICATE PARTY AFFILIATION.

12 (H) RESIDENCE OF CANDIDATES.

13 (1) IN AN ELECTION FOR AN OFFICE THAT REPRESENTS MORE THAN
14 ONE COUNTY, IN WHOLE OR IN PART, THE NAME OF A CANDIDATE SHALL BE
15 IDENTIFIED BY THE COUNTY IN WHICH THE CANDIDATE RESIDES.

16 (2) A CANDIDATE FOR PRESIDENT OF THE UNITED STATES OR VICE
17 PRESIDENT OF THE UNITED STATES SHALL BE IDENTIFIED BY THE STATE IN WHICH
18 THE CANDIDATE RESIDES.

19 (I) ELECTION OF RESIDENT DELEGATES.

20 IF THERE IS AN ELECTION FOR MEMBERS OF THE HOUSE OF DELEGATES WHO
21 ARE REQUIRED TO LIVE IN A SPECIFIC COUNTY AND ONLY A CERTAIN NUMBER OF
22 DELEGATES MAY BE ELECTED FROM THAT COUNTY, THE BALLOT SHALL PROVIDE
23 THAT A VOTER MAY NOT VOTE FOR MORE THAN THAT NUMBER OF CANDIDATES
24 FROM THAT SPECIFIC COUNTY.

25 (J) ARRANGEMENT BY POLITICAL PARTY.

26 (1) IN A PRIMARY ELECTION:

27 (I) ON A VOTING MACHINE BALLOT, THE NAMES OF THE
28 CANDIDATES FOR PARTY NOMINATION SHALL BE GROUPED TOGETHER BY PARTY;
29 AND

30 (II) ON A DOCUMENT BALLOT, THE BALLOT SHALL INCLUDE ONLY
31 THE NAMES OF CANDIDATES FOR WHICH THE VOTER IS ENTITLED TO VOTE.

32 (2) IN A GENERAL ELECTION:

33 (I) ON A VOTING MACHINE BALLOT, THE NAMES OF THE
34 CANDIDATES OF A POLITICAL PARTY SHALL BE GROUPED TOGETHER IN ADJACENT
35 ROWS OR COLUMNS, AND THE MAJORITY PARTY CANDIDATES SHALL BE PLACED IN
36 THE FIRST ROW OR COLUMN, FOLLOWED BY THE CANDIDATES OF THE PRINCIPAL

1 MINORITY PARTY, FOLLOWED BY OTHER POLITICAL PARTIES IN DESCENDING ORDER
2 BASED ON THE NUMBER OF VOTERS REGISTERED WITH THE PARTY, AND FINALLY BY
3 CANDIDATES NOT NOMINEES OF A POLITICAL PARTY; AND

4 (II) ON A DOCUMENT BALLOT, FOR EACH OFFICE THE NAMES OF
5 CANDIDATES SHALL BE GROUPED TOGETHER BY PARTY, WITH THE MAJORITY PARTY
6 CANDIDATE OR CANDIDATES LISTED FIRST, FOLLOWED BY THE CANDIDATE OR
7 CANDIDATES OF THE PRINCIPAL MINORITY PARTY, FOLLOWED BY THE CANDIDATE
8 OR CANDIDATES OF OTHER POLITICAL PARTIES IN DESCENDING ORDER BASED ON
9 THE STATEWIDE REGISTRATION OF THE PARTY, AND FINALLY BY CANDIDATES WHO
10 ARE NOT NOMINEES OF A POLITICAL PARTY.

11 (3) IN BOTH PRIMARY ELECTIONS AND GENERAL ELECTIONS, WHEN
12 THERE IS MORE THAN ONE CANDIDATE OF THE SAME POLITICAL PARTY FOR
13 NOMINATION OR ELECTION TO AN OFFICE, THE NAMES OF THE CANDIDATES IN THE
14 GROUP SHALL BE LISTED IN ALPHABETICAL ORDER BY SURNAME. IN THE PRIMARY
15 ELECTION, CANDIDATES FOR GOVERNOR AND LIEUTENANT GOVERNOR SHALL BE
16 ARRANGED IN THE ORDER OF SURNAMES OF THE GUBERNATORIAL CANDIDATES.

17 (K) ARRANGEMENT OF VOTING MACHINE BALLOT - COMPACTNESS.

18 ON A VOTING MACHINE BALLOT, THE ARRANGEMENT SHALL USE THE
19 SMALLEST NUMBER OF ROWS OR COLUMNS NECESSARY, AS EVENLY SIZED AS
20 POSSIBLE, TO ACCOMMODATE ALL OFFICES AND CANDIDATES ON THE BALLOT.

21 9-211. ARRANGEMENT OF BALLOTS - QUESTIONS.

22 (A) ORDER OF QUESTIONS.

23 QUESTIONS TO BE VOTED UPON SHALL BE PLACED ON THE BALLOT IN THE
24 FOLLOWING ORDER:

25 (1) THOSE RELATING TO THE CREATION OR ADOPTION OF A NEW STATE
26 CONSTITUTION;

27 (2) THOSE PROPOSING AMENDMENTS TO THE MARYLAND
28 CONSTITUTION;

29 (3) THOSE RELATING TO OTHER ENACTMENTS OF THE GENERAL
30 ASSEMBLY;

31 (4) THOSE RELATING TO THE CREATION OR ADOPTION OF, OR THE
32 AMENDMENT OR OTHER CHANGE IN, THE CHARTER OF A COUNTY;

33 (5) THOSE RELATING TO OTHER ENACTMENTS BY THE GOVERNING
34 BODY OF A COUNTY; AND

35 (6) OTHER QUESTIONS.

36 (B) QUESTIONS CERTIFIED BY SECRETARY OF STATE.

1 THE SECRETARY OF STATE SHALL CERTIFY THE FORM OF STATEWIDE
2 QUESTIONS, AND ANY QUESTION RELATING TO AN ENACTMENT OF THE GENERAL
3 ASSEMBLY, IN ACCORDANCE WITH TITLE 7 OF THIS ARTICLE.

4 (C) LOCAL QUESTIONS.

5 THE APPROPRIATE LOCAL AUTHORITY SHALL CERTIFY THE FORM OF A
6 QUESTION TO BE VOTED ON BY VOTERS IN A SINGLE COUNTY, OTHER THAN A
7 QUESTION PURSUANT TO AN ENACTMENT OF THE GENERAL ASSEMBLY, IN
8 ACCORDANCE WITH TITLE 7 OF THIS ARTICLE.

9 (D) NUMBERING OF QUESTIONS.

10 THE NUMBERING OF QUESTIONS ON A BALLOT SHALL BE AS PROVIDED IN
11 TITLE 7 OF THIS ARTICLE.

12 9-212. BALLOTS WITH MULTIPLE BALLOT FACES - INSTRUCTIONS TO VOTERS.

13 IF APPLICABLE TO THE VOTING SYSTEM AND THE REQUIREMENTS OF THE
14 ELECTION, INSTRUCTIONS SHALL BE PRINTED ON EACH BALLOT STATING THAT
15 ADDITIONAL CANDIDATES OR QUESTIONS APPEAR ON THE REVERSE SIDE OF THE
16 BALLOT FACE OR ON OTHER BALLOT FACES.

17 9-213. ABSENTEE BALLOTS - CONTENT.

18 THE CONTENT OF THE ABSENTEE BALLOT ISSUED TO A VOTER SHALL BE
19 IDENTICAL TO THE BALLOT USED IN THE POLLING PLACE OF THE VOTER'S
20 RESIDENCE.

21 9-214. SPECIMEN BALLOTS.

22 EACH LOCAL BOARD SHALL PROVIDE SPECIMEN BALLOTS, SO LABELED, FOR
23 ALL BALLOTS TO BE USED IN EACH ELECTION:

24 (1) FOR MAILING TO REGISTERED VOTERS UNDER TITLE 8 OF THIS
25 ARTICLE, IF MAILING OF SPECIMEN BALLOTS IS CHOSEN OR REQUIRED IN THE
26 COUNTY; AND

27 (2) FOR OTHER INFORMATIONAL PURPOSES IN ACCORDANCE WITH THE
28 PROVISIONS OF THIS ARTICLE.

29 9-215. PRINTING.

30 (A) STANDARDS.

31 EACH BALLOT SHALL BE PRINTED:

32 (1) IN PLAIN, CLEAR TYPE IN BLACK INK;

33 (2) ON MATERIAL OF THE SIZE AND ARRANGEMENT THAT IS REQUIRED
34 TO FIT THE NEEDS OF THE VOTING SYSTEM; AND

- 1 (3) (I) IN A GENERAL ELECTION, ON CLEAR WHITE MATERIAL; OR
- 2 (II) IN A PRIMARY ELECTION, ON MATERIAL OF A DIFFERENT
- 3 COLOR FOR VOTERS OF EACH POLITICAL PARTY AND FOR VOTERS NOT AFFILIATED
- 4 WITH A POLITICAL PARTY THAT NOMINATES ITS CANDIDATES BY PRIMARY
- 5 ELECTION.
- 6 (B) NUMBER TO BE PRINTED.
- 7 EACH LOCAL BOARD SHALL ARRANGE TO HAVE PRINTED A SUPPLY OF BALLOTS
- 8 THAT IS AT LEAST THE NUMBER THAT IS THE PRODUCT OF:
- 9 (1) THE PERCENTAGE OF VOTERS IN THE COUNTY WHO VOTED IN THE
- 10 ELECTION THAT WAS 4 YEARS PRIOR , PLUS 10%; MULTIPLIED BY
- 11 (2) THE CURRENT NUMBER OF REGISTERED VOTERS IN THE COUNTY.
- 12 (C) REGULATIONS ADOPTED BY STATE BOARD.
- 13 THE REGULATIONS ADOPTED BY THE STATE BOARD FOR THE USE OF EACH
- 14 VOTING SYSTEM SHALL PROVIDE STANDARDS FOR THE PRINTING OF BALLOTS,
- 15 WHICH ASSURE THAT:
- 16 (1) THE BALLOTS WILL BE PRINTED AND RECEIVED IN A TIMELY
- 17 FASHION;
- 18 (2) THE BALLOTS WILL BE SUITABLE FOR USE IN THE ELECTION;
- 19 (3) THE BALLOTS ARE CLEAR AND LEGIBLE; AND
- 20 (4) THE PRINTING AND PAPER STOCK EMPLOYED ARE DURABLE.
- 21 9-216. BALLOT ACCOUNTABILITY.
- 22 (A) ACCOUNTABILITY SYSTEM REQUIRED.
- 23 CONSISTENT WITH THE REGULATIONS ADOPTED BY THE STATE BOARD FOR
- 24 THE VOTING SYSTEM OR SYSTEMS USED IN THE COUNTY, AND SUBJECT TO THE
- 25 APPROVAL OF THE STATE BOARD, EACH LOCAL BOARD SHALL ESTABLISH AND
- 26 MAINTAIN A SYSTEM TO ACCOUNT FOR, AND MAINTAIN CONTROL OVER, THE
- 27 BALLOTS FROM THE BEGINNING OF PRODUCTION THROUGH POSTELECTION
- 28 STORAGE AND DISPOSITION.
- 29 (B) MONITORING AND REVIEW BY STATE BOARD.
- 30 THE STATE BOARD SHALL MONITOR AND PERIODICALLY REVIEW THE
- 31 PERFORMANCE OF THE LOCAL BOARDS IN THEIR COMPLIANCE WITH SUBSECTION
- 32 (A) OF THIS SECTION.

1 9-217. PROHIBITED PRACTICES.

2 (A) GENERALLY.

3 A PERSON MAY NOT USE, DISTRIBUTE, POSSESS, PRINT, OR REPRODUCE A
4 BALLOT OTHER THAN AS AUTHORIZED IN THIS ARTICLE.

5 (B) A PERSON WHO VIOLATES THE PROVISIONS OF SUBSECTION (A) OF THIS
6 SECTION SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN TITLE 16 OF THIS
7 ARTICLE.

8 SUBTITLE 3. ABSENTEE VOTING.

9 9-301. GENERAL PROVISIONS.

10 (A) APPLICABILITY.

11 THIS SUBTITLE APPLIES TO EVERY ELECTION GOVERNED BY THIS ARTICLE.

12 (B) FORMS.

13 THE STATE BOARD SHALL PRESCRIBE ALL FORMS REQUIRED TO COMPLY WITH:

14 (1) THIS SUBTITLE; AND

15 (2) ANY REQUIREMENTS OF RELEVANT FEDERAL LAW.

16 9-302. DOCUMENTATION BY LOCAL BOARDS.

17 EACH LOCAL BOARD SHALL MAINTAIN A FULL RECORD OF ABSENTEE VOTING
18 IN THE COUNTY, INCLUDING, FOR EACH ABSENTEE VOTER:

19 (1) THE DATE AND TIME OF THE BOARD'S RECEIPT OF AN APPLICATION
20 FOR AN ABSENTEE BALLOT;

21 (2) THE ACTION TAKEN WITH REGARD TO THE APPLICATION;

22 (3) THE APPROPRIATE BALLOT STYLE;

23 (4) THE DATE OF ISSUANCE OF A BALLOT;

24 (5) IF MAILED, THE ADDRESS TO WHICH THE BALLOT IS SENT;

25 (6) THE DATE AND TIME OF THE RECEIPT OF A VOTED ABSENTEE
26 BALLOT; AND

27 (7) ANY OTHER INFORMATION SPECIFIED BY THE STATE BOARD.

28 9-303. GUIDELINES.

29 (A) ESTABLISHED BY STATE BOARD.

1 THE STATE BOARD SHALL ESTABLISH GUIDELINES FOR THE ADMINISTRATION
2 OF ABSENTEE VOTING BY THE LOCAL BOARDS.

3 (B) CONTENT.

4 THE GUIDELINES SHALL PROVIDE FOR:

5 (1) THE APPLICATION PROCESS;

6 (2) LATE APPLICATION FOR ABSENTEE BALLOTS;

7 (3) BALLOT SECURITY, INCLUDING STORAGE OF RETURNED BALLOTS;

8 (4) DETERMINING TIMELINESS OF RECEIPT OF APPLICATIONS AND
9 BALLOTS, INCLUDING APPLICATIONS AND BALLOTS FOR OVERSEAS VOTERS;

10 (5) THE CANVASS PROCESS;

11 (6) NOTICE OF THE CANVASS TO CANDIDATES, POLITICAL PARTIES,
12 CAMPAIGN ORGANIZATIONS, NEWS MEDIA, AND THE GENERAL PUBLIC;

13 (7) OBSERVERS OF THE PROCESS;

14 (8) REVIEW OF VOTED BALLOTS AND ENVELOPES FOR COMPLIANCE
15 WITH THE LAW AND FOR MACHINE TABULATION ACCEPTABILITY;

16 (9) STANDARDS FOR DISALLOWANCE OF BALLOTS DURING THE
17 CANVASS; AND

18 (10) STORAGE AND RETENTION OF BALLOTS FOLLOWING CANVASS AND
19 CERTIFICATION.

20 (C) PERIODIC ASSESSMENT AND REVISION OF GUIDELINES.

21 THE STATE BOARD SHALL:

22 (1) IN CONSULTATION WITH THE LOCAL BOARDS, ASSESS THE
23 GUIDELINES BEFORE EACH PRIMARY ELECTION; AND

24 (2) REVISE THE GUIDELINES IF INDICATED.

25 9-304. QUALIFICATION FOR ABSENTEE VOTING.

26 (A) GENERALLY.

27 A REGISTERED VOTER MAY VOTE BY ABSENTEE BALLOT AT AN ELECTION IF
28 THE VOTER:

29 (1) WILL BE ABSENT ON ELECTION DAY FROM THE COUNTY IN WHICH
30 THE VOTER IS REGISTERED;

1 (2) BECAUSE OF ACCIDENT, ILLNESS, OR PHYSICAL DISABILITY, WILL BE
2 UNABLE TO GO TO THE POLLING PLACE ON ELECTION DAY;

3 (3) BECAUSE OF CONFINEMENT IN OR RESTRICTION TO AN
4 INSTITUTION, WILL BE PREVENTED FROM GOING TO THE POLLING PLACE ON
5 ELECTION DAY;

6 (4) BECAUSE OF A DEATH OR SERIOUS ILLNESS IN THE VOTER'S
7 IMMEDIATE FAMILY, WILL BE UNABLE TO GO TO THE POLLING PLACE ON ELECTION
8 DAY;

9 (5) IS A FULL-TIME STUDENT AT AN INSTITUTION OF HIGHER
10 EDUCATION LOCATED OUTSIDE THE VOTER'S PRECINCT BUT WITHIN THE COUNTY
11 OF REGISTRATION, AND ACADEMIC REQUIREMENTS PREVENT THE VOTER FROM
12 GOING TO THE POLLING PLACE ON ELECTION DAY; OR

13 (6) BECAUSE OF EMPLOYMENT BY OR SERVICE AS AN OFFICIAL OF THE
14 STATE BOARD OR A LOCAL BOARD, IS REQUIRED TO BE ABSENT FROM THE PRECINCT
15 IN WHICH THE VOTER IS REGISTERED TO VOTE ON ELECTION DAY.

16 (B) COMPLIANCE WITH FEDERAL LAW.

17 AN INDIVIDUAL MAY VOTE BY ABSENTEE BALLOT IF AUTHORIZED UNDER AN
18 APPLICABLE FEDERAL LAW.

19 9-305. APPLICATIONS FOR ABSENTEE BALLOT.

20 (A) APPLICATION.

21 AN APPLICATION FOR AN ABSENTEE BALLOT, SIGNED BY THE VOTER, MAY BE
22 MADE:

23 (1) ON A FORM PRODUCED BY THE LOCAL BOARD AND SUPPLIED TO THE
24 VOTER ON REQUEST;

25 (2) ON A FORM PROVIDED UNDER FEDERAL LAW; OR

26 (3) IN A WRITTEN REQUEST THAT INCLUDES:

27 (I) THE VOTER'S NAME AND RESIDENCE ADDRESS;

28 (II) THE ADDRESS TO WHICH THE BALLOT IS TO BE MAILED, IF
29 DIFFERENT FROM THE RESIDENCE ADDRESS; AND

30 (III) THE REASON, AS AUTHORIZED IN § 9-304 OF THIS SUBTITLE,
31 FOR ABSENTEE VOTING.

32 (B) DEADLINE FOR RECEIPT OF APPLICATION.

33 EXCEPT FOR A LATE APPLICATION UNDER SUBSECTION (C) OF THIS SECTION,
34 AN APPLICATION FOR AN ABSENTEE BALLOT MUST BE RECEIVED BY A LOCAL BOARD

1 NOT LATER THAN THE TUESDAY PRECEDING THE ELECTION, AT THE TIME
2 SPECIFIED IN THE GUIDELINES.

3 (C) LATE APPLICATION.

4 (1) BEGINNING ON THE WEDNESDAY PRECEDING THE ELECTION,
5 THROUGH THE CLOSING OF THE POLLS ON ELECTION DAY, A REGISTERED VOTER OR
6 THE VOTER'S DULY AUTHORIZED AGENT MAY APPLY IN PERSON FOR AN ABSENTEE
7 BALLOT AT THE OFFICE OF THE LOCAL BOARD IF THE VOTER IS QUALIFIED FOR
8 ABSENTEE VOTING UNDER § 9-304 OF THIS SUBTITLE OR § 10-102 OF THIS ARTICLE.

9 (2) A SPECIAL APPLICATION FOR AN ABSENTEE BALLOT ISSUED UNDER
10 THIS SUBSECTION SHALL BE SUPPLIED BY THE STAFF OF THE LOCAL BOARD TO THE
11 VOTER OR THE VOTER'S DULY AUTHORIZED AGENT.

12 (3) THE APPLICATION SHALL BE MADE UNDER PENALTY OF PERJURY,
13 BUT WITHOUT A FORMAL OATH, SPECIFYING THE REASON FOR ABSENTEE VOTING.

14 (4) AFTER REVIEW OF THE APPLICATION, IF THE STAFF OF THE LOCAL
15 BOARD FINDS THAT THE VOTER QUALIFIES FOR ABSENTEE VOTING, THE STAFF
16 SHALL ISSUE AN ABSENTEE BALLOT TO THE VOTER OR THE VOTER'S DULY
17 AUTHORIZED AGENT.

18 9-306. REVIEW OF APPLICATION; ISSUANCE OR REJECTION.

19 (A) REVIEW OF APPLICATION.

20 PROMPTLY AFTER RECEIPT OF AN APPLICATION, THE ELECTION DIRECTOR
21 SHALL REVIEW THE APPLICATION AND DETERMINE WHETHER THE APPLICANT
22 QUALIFIES TO VOTE BY ABSENTEE BALLOT.

23 (B) TRANSMITTAL OF BALLOT.

24 IF THE APPLICANT QUALIFIES TO VOTE BY ABSENTEE BALLOT, THE LOCAL
25 BOARD SHALL SEND THE BALLOT:

26 (1) AS SOON AS PRACTICABLE AFTER RECEIPT OF THE REQUEST; OR

27 (2) IF THE BALLOTS HAVE NOT BEEN RECEIVED FROM THE PRINTER, AS
28 SOON AS PRACTICABLE AFTER THE LOCAL BOARD RECEIVES DELIVERY OF THE
29 BALLOTS.

30 (C) REJECTION OF APPLICATION.

31 (1) IF THE MEMBERS OF THE LOCAL BOARD DETERMINE THAT THE
32 APPLICANT IS NOT ENTITLED TO VOTE BY ABSENTEE BALLOT, THE LOCAL BOARD
33 SHALL NOTIFY THE APPLICANT AS SOON AS PRACTICABLE AFTER RECEIPT OF THE
34 APPLICATION OF THE REASONS FOR THE REJECTION.

35 (2) (I) THE LOCAL BOARD MAY DELEGATE THE DETERMINATION
36 UNDER PARAGRAPH (1) OF THIS SUBSECTION TO THE STAFF OF THE LOCAL BOARD.

1 (II) IF THE DETERMINATION HAS BEEN DELEGATED, THE
2 APPLICANT MAY APPEAL THE REJECTION TO THE MEMBERS OF THE LOCAL BOARD,
3 WHO SHALL DECIDE THE APPEAL AS EXPEDITIOUSLY AS PRACTICABLE.

4 (D) NUMBER OF BALLOTS ISSUED TO A VOTER.

5 NOT MORE THAN ONE ABSENTEE BALLOT MAY BE ISSUED TO A VOTER UNLESS
6 THE ELECTION DIRECTOR OF THE LOCAL BOARD HAS REASONABLE GROUNDS TO
7 BELIEVE THAT AN ABSENTEE BALLOT PREVIOUSLY ISSUED TO THE VOTER HAS BEEN
8 LOST, DESTROYED, OR SPOILED.

9 9-307. USE OF AN AGENT IN ABSENTEE BALLOT PROCESS.

10 (A) USE AUTHORIZED.

11 A QUALIFIED APPLICANT MAY DESIGNATE A DULY AUTHORIZED AGENT TO
12 PICK UP AND DELIVER AN ABSENTEE BALLOT UNDER THIS SUBTITLE.

13 (B) QUALIFICATIONS OF AGENT.

14 AN AGENT OF THE VOTER UNDER THIS SECTION:

15 (1) MUST BE AT LEAST 18 YEARS OLD;

16 (2) MAY NOT BE A CANDIDATE ON THAT BALLOT;

17 (3) SHALL BE DESIGNATED IN A WRITING SIGNED BY THE VOTER UNDER
18 PENALTY OF PERJURY; AND

19 (4) SHALL EXECUTE AN AFFIDAVIT UNDER PENALTY OF PERJURY THAT
20 THE BALLOT WAS:

21 (I) DELIVERED TO THE VOTER WHO SUBMITTED THE
22 APPLICATION;

23 (II) MARKED AND PLACED IN AN ENVELOPE BY THE VOTER, OR
24 WITH ASSISTANCE AS ALLOWED BY REGULATION, IN THE AGENT'S PRESENCE; AND

25 (III) RETURNED TO THE LOCAL BOARD BY THE AGENT.

26 DRAFTER'S NOTE: An authorized agent may now be used at any time in the
27 absentee voting process, not just in the last 2 weeks as current law
28 provides. The prohibition on a candidate serving as an agent is new.

29 9-308. ASSISTANCE IN MARKING BALLOT.

30 (A) GENERALLY.

31 A VOTER WHO REQUIRES ASSISTANCE IN CASTING AN ABSENTEE BALLOT BY
32 REASON OF DISABILITY, INABILITY TO WRITE, OR INABILITY TO READ THE BALLOT
33 MAY BE ASSISTED BY ANY INDIVIDUAL OTHER THAN:

- 1 (1) A CANDIDATE WHO IS ON THAT BALLOT;
- 2 (2) THE VOTER'S EMPLOYER OR AN AGENT OF THE EMPLOYER; OR
- 3 (3) AN OFFICER OR AGENT OF THE VOTER'S UNION.

4 (B) CERTIFICATION OF ASSISTANCE.

5 AN INDIVIDUAL RENDERING ASSISTANCE UNDER THIS SECTION SHALL
6 EXECUTE A CERTIFICATION AS PRESCRIBED BY THE STATE BOARD AND INCLUDED
7 IN THE INSTRUCTIONS UNDER § 9-309 OF THIS SUBTITLE.

8 DRAFTER'S NOTE: The prohibition on candidates providing assistance to
9 absentee voters is new.

10 9-309. INSTRUCTIONS.

11 AN ABSENTEE BALLOT SHALL BE ACCOMPANIED BY INSTRUCTIONS,
12 PRESCRIBED BY THE STATE BOARD, FOR MARKING AND RETURNING THE BALLOT.

13 9-310. ENVELOPES.

14 (A) REQUIRED; PRESCRIBED BY STATE BOARD.

15 AN ABSENTEE BALLOT SHALL BE ENCLOSED IN SPECIALLY PRINTED
16 ENVELOPES, THE FORM AND CONTENT OF WHICH SHALL BE PRESCRIBED BY THE
17 STATE BOARD.

18 (B) OPTIONAL PROCEDURES.

19 (1) A LOCAL BOARD MAY USE EITHER TWO ENVELOPES OR THREE
20 ENVELOPES.

21 (2) IF TWO ENVELOPES ARE USED, THE INNER ENVELOPE SHALL BE
22 DESIGNATED THE "BALLOT/RETURN ENVELOPE", AND, WHEN ISSUED, IT SHALL FIT
23 INSIDE THE ENVELOPE DESIGNATED THE "OUTGOING ENVELOPE".

24 (3) IF THREE ENVELOPES ARE USED, THE INNERMOST ENVELOPE
25 SHALL BE DESIGNATED THE "BALLOT ENVELOPE", WHICH SHALL FIT INSIDE THE
26 ENVELOPE DESIGNATED THE "RETURN ENVELOPE", BOTH OF WHICH, WHEN ISSUED,
27 SHALL FIT INSIDE THE ENVELOPE DESIGNATED THE "OUTGOING ENVELOPE".

28 (C) OATH.

29 WHEN VOTED AND RETURNED TO THE LOCAL BOARD, AN ABSENTEE BALLOT
30 SHALL BE ENCLOSED IN A BALLOT ENVELOPE OR BALLOT/RETURN ENVELOPE, ON
31 WHICH HAS BEEN PRINTED AN OATH PRESCRIBED BY THE STATE BOARD.

32 9-311. ADDITIONAL COMPENSATION AND EXPENSES.

33 (A) GENERALLY.

1 (1) THE MEMBERS OF A LOCAL BOARD SHALL EACH BE ENTITLED TO
2 EXTRA COMPENSATION, IN ADDITION TO THEIR REGULAR COMPENSATION, FOR
3 DUTIES ACTUALLY PERFORMED UNDER THIS SUBTITLE.

4 (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE
5 AMOUNT OF THE EXTRA COMPENSATION SHALL BE \$10 PER DAY, OR A GREATER
6 AMOUNT SET BY THE GOVERNING BODY OF THE COUNTY.

7 (3) IN BALTIMORE CITY, THE MEMBERS OF THE LOCAL BOARD SHALL
8 RECEIVE \$200 PER ELECTION FOR DUTIES UNDER THIS SUBTITLE.

9 (B) ADDITIONAL EXPENSES.

10 THE GOVERNING BODY OF A COUNTY SHALL PROVIDE TO THE LOCAL BOARD OF
11 THE COUNTY AN AMOUNT THAT IS REASONABLE AND NECESSARY TO PAY FOR
12 EXPENSES, INCLUDING THE EMPLOYMENT OF TEMPORARY PERSONNEL, REQUIRED
13 FOR PERFORMING THE DUTIES REQUIRED UNDER THIS SUBTITLE.

14 (C) PAYMENT TO BE THE SAME AS OTHER APPROPRIATIONS.

15 PAYMENTS UNDER THIS SECTION SHALL BE MADE BY THE COUNTY
16 GOVERNING BODY IN THE SAME MANNER THAT OTHER FUNDING IS PROVIDED TO
17 THE LOCAL BOARD.

18 9-312. PENALTY FOR OFFENSES RELATING TO ABSENTEE VOTING.

19 ANY PERSON WHO IS CONVICTED OF A VIOLATION OF ANY OF THE PROVISIONS
20 OF THIS SUBTITLE IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 OR
21 IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR BOTH.

22 TITLE 10. POLLING PLACES.

23 SUBTITLE 1. POLLING PLACE SITES.

24 10-101. GENERALLY.

25 (A) DESIGNATION OF POLLING PLACES - GENERALLY.

26 (1) EACH LOCAL BOARD SHALL DESIGNATE A POLLING PLACE THAT
27 MEETS THE REQUIREMENTS OF THIS SUBSECTION FOR EACH PRECINCT IN THE
28 COUNTY AS ESTABLISHED BY THE LOCAL BOARD IN ACCORDANCE WITH TITLE 2 OF
29 THIS ARTICLE.

30 (2) EACH POLLING PLACE SHALL:

31 (I) PROVIDE AN ENVIRONMENT THAT IS SUITABLE TO THE PROPER
32 CONDUCT OF AN ELECTION;

33 (II) BE LOCATED AS CONVENIENTLY AS PRACTICABLE FOR THE
34 MAJORITY OF REGISTERED VOTERS ASSIGNED TO THAT POLLING PLACE;

1 (III) EXCEPT AS AUTHORIZED IN PARAGRAPH (4) OF THIS
2 SUBSECTION, BE IN A PUBLIC BUILDING;

3 (IV) BE IN THE PRECINCT WHICH IT SERVES UNLESS NO SUITABLE
4 LOCATION FOR A POLLING PLACE CAN BE FOUND WITHIN THAT PRECINCT, IN WHICH
5 CASE THE BOARD MAY ESTABLISH THE POLLING PLACE IN AN ADJACENT PRECINCT;
6 AND

7 (V) WHENEVER PRACTICABLE, BE SELECTED AND ARRANGED TO
8 AVOID ARCHITECTURAL AND OTHER BARRIERS THAT IMPEDE ACCESS OR VOTING BY
9 ELDERLY AND PHYSICALLY DISABLED VOTERS.

10 (3) (I) THE PUBLIC OFFICIAL RESPONSIBLE FOR THE USE OF ANY
11 PUBLIC BUILDING REQUESTED BY A LOCAL BOARD FOR A POLLING PLACE SHALL
12 MAKE AVAILABLE TO THE LOCAL BOARD, WITHOUT CHARGE, THE SPACE THAT IS
13 NEEDED IN THE BUILDING FOR THE PROPER CONDUCT OF AN ELECTION.

14 (II) LIGHT, HEAT, AND CUSTODIAL AND JANITORIAL SERVICES FOR
15 THE SPACE SHALL BE PROVIDED TO THE LOCAL BOARD WITHOUT CHARGE.

16 (4) (I) IF SUITABLE SPACE IN A PUBLIC BUILDING IS NOT AVAILABLE,
17 A LOCAL BOARD MAY PAY A REASONABLE FEE FOR THE USE OF SPACE IN A
18 PRIVATELY OWNED BUILDING.

19 (II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS
20 PARAGRAPH, AN ELECTION MAY NOT BE HELD IN ANY BUILDING OR PART OF ANY
21 BUILDING USED OR OCCUPIED BY AN ESTABLISHMENT THAT HOLDS AN ALCOHOLIC
22 BEVERAGES LICENSE.

23 (III) AN ELECTION MAY BE HELD IN A BUILDING THAT IS OWNED
24 AND OCCUPIED BY AN ESTABLISHMENT THAT HOLDS AN ALCOHOLIC BEVERAGES
25 LICENSE IF:

26 1. THE LOCAL BOARD DETERMINES THAT THERE IS NO
27 SUITABLE ALTERNATIVE PLACE TO HOLD AN ELECTION;

28 2. THE LICENSEE AGREES NOT TO SELL OR DISPENSE
29 ALCOHOLIC BEVERAGES DURING THE PERIOD BEGINNING 2 HOURS BEFORE THE
30 POLLS OPEN AND ENDING 2 HOURS AFTER THE POLLS CLOSE; AND

31 3. WHERE APPLICABLE, ALL BALLOTS ARE REMOVED FROM
32 THE POLLING PLACE BY THE LOCAL BOARD IMMEDIATELY FOLLOWING THE
33 ELECTION.

34 (5) IF A POLLING PLACE IS LOCATED IN A BUILDING OWNED OR LEASED
35 BY A VOLUNTEER FIRE COMPANY OR RESCUE SQUAD, THE VOLUNTEER FIRE
36 COMPANY OR RESCUE SQUAD MAY REQUIRE THE LOCAL BOARD TO PAY FOR THE USE
37 OF THE SPACE THAT IS NEEDED IN THE BUILDING FOR THE PROPER CONDUCT OF
38 ANY ELECTION.

1 (B) LOCAL PROVISIONS.

2 (1) (I) IN BALTIMORE CITY, PUBLIC BUILDINGS SHALL BE USED FOR
3 POLLING PLACES TO THE GREATEST EXTENT FEASIBLE.

4 (II) FOR RENTAL OF PRIVATELY OWNED POLLING PLACES IN
5 BALTIMORE CITY THE LOCAL BOARD SHALL PAY AN AMOUNT AS DETERMINED IN
6 THE ORDINANCE OF ESTIMATES, PROVIDED THAT THE AMOUNT IS UNIFORM ON A
7 CITYWIDE BASIS.

8 (2) IN CHARLES COUNTY, THE LOCAL BOARD MAY USE PRIVATE
9 FIREHOUSES, PRIVATE HALLS, AND OTHER BUILDINGS FOR POLLING PLACES.

10 (3) IN MONTGOMERY COUNTY, THE COUNTY BOARD OF EDUCATION
11 SHALL MAKE AVAILABLE THE SPACE AND CUSTODIAL SERVICE AS NEEDED FOR THE
12 PROPER CONDUCT OF ELECTIONS UPON APPLICATION BY THE LOCAL BOARD.

13 10-102. ALTERNATIVE POLLING PLACES - ELDERLY INDIVIDUALS AND INDIVIDUALS
14 WITH DISABILITIES.

15 (A) REASSIGNMENT.

16 IF THE POLLING PLACE ASSIGNED TO AN ELDERLY OR DISABLED VOTER IS NOT
17 STRUCTURALLY BARRIER FREE, THE VOTER MAY REQUEST A REASSIGNMENT BY THE
18 LOCAL BOARD.

19 (B) PROCEDURE FOR REASSIGNMENT.

20 (1) TO QUALIFY FOR A REASSIGNMENT BY THE LOCAL BOARD, THE
21 VOTER SHALL SUBMIT A REQUEST IN WRITING TO THE LOCAL BOARD NOT LATER
22 THAN THE CLOSE OF REGISTRATION FOR THE ELECTION.

23 (2) THE REQUEST MAY BE MADE ON A FORM PRESCRIBED BY THE STATE
24 BOARD.

25 (C) RESPONSIBILITY OF LOCAL BOARD.

26 ON RECEIPT OF A REQUEST FROM AN ELDERLY OR DISABLED VOTER UNDER
27 SUBSECTION (B) OF THIS SECTION, THE LOCAL BOARD SHALL EITHER:

28 (1) ASSIGN THE VOTER TO AN ELECTION DISTRICT, WARD, OR PRECINCT
29 IN THE VOTER'S COUNTY THAT CONTAINS A STRUCTURALLY BARRIER FREE POLLING
30 PLACE; OR

31 (2) ISSUE THE VOTER AN ABSENTEE BALLOT IN ACCORDANCE WITH THE
32 PROCEDURES ESTABLISHED UNDER TITLE 9, SUBTITLE 3 OF THIS ARTICLE,
33 NOTWITHSTANDING THE VOTER'S LACK OF ELIGIBILITY FOR AN ABSENTEE BALLOT
34 UNDER TITLE 9, SUBTITLE 3 OF THIS ARTICLE.

35 (D) ISSUANCE OF ABSENTEE BALLOT.

1 ANY BALLOT ISSUED TO A VOTER UNDER SUBSECTION (C)(2) OF THIS SECTION
2 SHALL BE IDENTICAL TO THE BALLOT USED IN THE POLLING PLACE ORIGINALLY
3 ASSIGNED TO THE VOTER.

4 SUBTITLE 2. ELECTION JUDGES.

5 10-201. IN GENERAL.

6 (A) NUMBER OF ELECTION JUDGES.

7 (1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
8 PARAGRAPH, EACH LOCAL BOARD SHALL PROVIDE AT LEAST FOUR ELECTION
9 JUDGES TO BE THE STAFF FOR EACH POLLING PLACE.

10 (II) IN A PRECINCT WITH FEWER THAN 200 REGISTERED VOTERS,
11 THE LOCAL BOARD MAY PROVIDE TWO ELECTION JUDGES FOR THAT PRECINCT'S
12 POLLING PLACE.

13 (2) AN ELECTION JUDGE SHALL BE APPOINTED IN ACCORDANCE WITH
14 THE REQUIREMENTS OF § 10-203 OF THIS SUBTITLE.

15 (B) POLITICAL PARTY AFFILIATION.

16 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, EACH
17 POLLING PLACE SHALL HAVE AN EQUAL NUMBER OF ELECTION JUDGES FROM:

18 (I) THE MAJORITY PARTY; AND

19 (II) THE PRINCIPAL MINORITY PARTY.

20 (2) IF THE TOTAL NUMBER OF ELECTION JUDGES FOR A PRECINCT IS
21 EIGHT OR MORE, A LOCAL BOARD MAY PROVIDE ONE OR MORE ELECTION JUDGES
22 WHO ARE NOT REGISTERED WITH EITHER THE MAJORITY POLITICAL PARTY OR
23 PRINCIPAL MINORITY POLITICAL PARTY; HOWEVER, THE NUMBER OF SUCH
24 ELECTION JUDGES MAY NOT EXCEED THE LESSER OF:

25 (I) THE NUMBER OF ELECTION JUDGES WHO BELONG TO THE
26 MAJORITY PARTY; OR

27 (II) THE NUMBER OF ELECTION JUDGES WHO BELONG TO THE
28 PRINCIPAL MINORITY PARTY.

29 DRAFTER'S NOTE: In this section, a new provision is added allowing for the
30 appointment of two election judges for polling places located in precincts
31 with less than 200 registered voters. Additionally, the provision of current
32 law requiring a good faith effort to find a Democrat and Republican before
33 appointing declines of members of other political parties has been deleted.

1 10-202. QUALIFICATIONS FOR ELECTION JUDGES.

2 (A) RESIDENCY.

3 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN
4 ELECTION JUDGE SHALL BE A REGISTERED VOTER WHO RESIDES IN THE ELECTION
5 DISTRICT OR WARD IN WHICH THE PRECINCT FOR WHICH THE ELECTION JUDGE IS
6 APPOINTED IS LOCATED.

7 (2) IF A QUALIFIED INDIVIDUAL RESIDING IN THE ELECTION DISTRICT
8 OR WARD CANNOT BE FOUND WITH REASONABLE EFFORT, THE LOCAL BOARD MAY
9 APPOINT A REGISTERED VOTER RESIDING IN ANY PART OF THE COUNTY.

10 (B) COMMUNICATION SKILLS.

11 AN ELECTION JUDGE SHALL BE ABLE TO SPEAK, READ, AND WRITE THE
12 ENGLISH LANGUAGE.

13 (C) POLITICAL ACTIVITY PROHIBITED.

14 (1) WHILE SERVING AS AN ELECTION JUDGE, AN ELECTION JUDGE MAY
15 NOT HOLD, OR BE A CANDIDATE FOR, ANY OTHER PUBLIC OR POLITICAL PARTY
16 OFFICE.

17 (2) AN ELECTION JUDGE MAY NOT ENGAGE IN ANY PARTISAN OR
18 POLITICAL ACTIVITY WHILE ON DUTY IN THE POLLING PLACE.

19 (D) ADOPTION OF GUIDELINES.

20 A LOCAL BOARD MAY ADOPT GUIDELINES CONSISTENT WITH THE PROVISIONS
21 OF THIS TITLE FOR THE DETERMINATION OF THE QUALIFICATIONS OF PERSONS
22 CONSIDERED FOR APPOINTMENT AND FOR THE PROCESS OF APPOINTMENT AS
23 ELECTION JUDGES.

24 DRAFTER'S NOTE: The requirement in subsection (c)(2) of this section is a
25 new provision.

26 10-203. APPOINTMENT OF ELECTION JUDGES.

27 (A) RESPONSIBILITY AND TIME FOR APPOINTMENT.

28 THE ELECTION DIRECTOR, WITH THE APPROVAL OF THE LOCAL BOARD, SHALL
29 APPOINT THE ELECTION JUDGES FOR EACH POLLING PLACE FOR A TERM THAT
30 BEGINS ON THE TUESDAY THAT IS 13 WEEKS BEFORE EACH STATEWIDE PRIMARY
31 ELECTION.

32 (B) CHIEF JUDGES.

33 ONE OR TWO ELECTION JUDGES IN EACH PRECINCT SHALL:

34 (1) BE DESIGNATED CHIEF JUDGE; AND

1 (2) SUPERVISE THE STAFF AT THE POLLING PLACE.

2 (C) TERM.

3 THE TERM OF OFFICE FOR AN ELECTION JUDGE CONTINUES UNTIL THE
4 TUESDAY THAT IS 13 WEEKS BEFORE THE NEXT STATEWIDE PRIMARY ELECTION
5 UNLESS:

6 (1) THE LOCAL BOARD EXCUSES THE PERSON FOR GOOD CAUSE; OR

7 (2) A SPECIAL ELECTION IS HELD DURING THE ELECTION JUDGE'S TERM
8 OF OFFICE AND THE STATE BOARD DETERMINES THAT A LOCAL BOARD MAY NOT
9 NEED THE SERVICE OF ALL OF THE APPOINTED ELECTION JUDGES.

10 (D) VACANCY.

11 A LOCAL BOARD SHALL FILL EACH VACANT ELECTION JUDGE POSITION IN THE
12 SAME MANNER AS SET FORTH IN SUBSECTION (A) OF THIS SECTION.

13 10-204. OATH.

14 (A) REQUIRED.

15 (1) EACH ELECTION JUDGE SHALL TAKE AND SUBSCRIBE TO A WRITTEN
16 OATH PRESCRIBED IN ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.

17 (2) THE SIGNED OATH, WHEN RETURNED TO THE LOCAL BOARD, SHALL
18 CONSTITUTE THE COMMISSION OF OFFICE FOR THE ELECTION JUDGE.

19 (B) FORMS.

20 THE STATE BOARD SHALL PRESCRIBE A FORM FOR THE COMBINED OATH AND
21 COMMISSION REQUIRED UNDER THIS SECTION.

22 10-205. COMPENSATION OF ELECTION JUDGES.

23 (A) GENERALLY.

24 A LOCAL BOARD MAY FIX THE COMPENSATION OF ELECTION JUDGES WITHIN
25 THE LIMITS AUTHORIZED FOR THIS PURPOSE BY THE COUNTY'S GOVERNING BODY.

26 (B) LOCAL PROVISIONS.

27 (1) IN ALLEGANY COUNTY, THE COMPENSATION FOR EACH DAY
28 ACTUALLY SERVED MAY NOT BE LESS THAN:

29 (I) \$100 PER DAY FOR EACH CHIEF ELECTION JUDGE; AND

30 (II) \$80 PER DAY FOR EVERY OTHER ELECTION JUDGE.

1 (2) IN BALTIMORE CITY, THE COMPENSATION FOR EACH ELECTION DAY
2 ACTUALLY SERVED SHALL BE:

3 (I) \$125 PER DAY FOR EACH CHIEF ELECTION JUDGE; AND

4 (II) \$100 PER DAY FOR EVERY OTHER ELECTION JUDGE.

5 (3) IN BALTIMORE COUNTY, THE COMPENSATION FOR EACH ELECTION
6 DAY ACTUALLY SERVED SHALL BE:

7 (I) \$135 PER DAY FOR EACH CHIEF ELECTION JUDGE; AND

8 (II) \$100 PER DAY FOR EVERY OTHER ELECTION JUDGE.

9 (4) IN CALVERT COUNTY, THE COMPENSATION FOR EACH ELECTION
10 DAY ACTUALLY SERVED SHALL BE:

11 (I) \$125 PER DAY FOR EACH CHIEF ELECTION JUDGE; AND

12 (II) \$100 PER DAY FOR EVERY OTHER ELECTION JUDGE.

13 (5) (I) IN PRINCE GEORGE'S COUNTY, THE COMPENSATION FOR EACH
14 ELECTION DAY ACTUALLY SERVED SHALL BE:

15 1. \$150 PER DAY FOR TWO CHIEF ELECTION JUDGES; AND

16 2. \$100 PER DAY FOR EVERY OTHER ELECTION JUDGE.

17 (II) 1. IN PRINCE GEORGE'S COUNTY, EXCEPT AS PROVIDED
18 UNDER SUB-SUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, ELECTION JUDGES AND
19 ALTERNATE ELECTION JUDGES SHALL RECEIVE \$25 AS COMPENSATION FOR
20 COMPLETING THE COURSE OF INSTRUCTION REQUIRED UNDER § 10-206 OF THIS
21 SUBTITLE.

22 2. AN ELECTION JUDGE OR ALTERNATE ELECTION JUDGE
23 MAY NOT RECEIVE THE COMPENSATION AUTHORIZED UNDER THIS SUBPARAGRAPH
24 IF THE ELECTION JUDGE REFUSES TO SERVE ON AN ELECTION DAY, UNLESS THE
25 LOCAL BOARD EXCUSES THE ELECTION JUDGE.

26 (6) (I) IN WASHINGTON COUNTY, THE COMPENSATION FOR EACH
27 ELECTION DAY ACTUALLY SERVED SHALL BE:

28 1. \$100 PER DAY FOR EACH CHIEF ELECTION JUDGE, PLUS A
29 MILEAGE ALLOWANCE AS DETERMINED BY THE WASHINGTON COUNTY BOARD; AND

30 2. \$80 PER DAY FOR EVERY OTHER ELECTION JUDGE.

31 (II) IN WASHINGTON COUNTY, A CHIEF ELECTION JUDGE OR
32 ELECTION JUDGE WHO SUCCESSFULLY COMPLETES A COURSE OF INSTRUCTION IN
33 POLL WORKING SHALL BE ELIGIBLE FOR ADDITIONAL COMPENSATION, IF APPROVED
34 BY THE WASHINGTON COUNTY BOARD AND PROVIDED FOR IN THE COUNTY BUDGET.

1 10-206. INSTRUCTION FOR ELECTION JUDGES.

2 (A) RESPONSIBILITY OF STATE BOARD.

3 (1) IN CONSULTATION WITH THE LOCAL BOARDS, THE STATE BOARD
4 SHALL:

5 (I) DEVELOP A PROGRAM OF INSTRUCTION OF ELECTION JUDGES;
6 AND

7 (II) OVERSEE THE IMPLEMENTATION OF THE PROGRAM OF
8 INSTRUCTION.

9 (B) TRAINING MATERIALS.

10 THE TRAINING MATERIALS UTILIZED BY THE PROGRAM MAY INCLUDE:

11 (1) AN INSTRUCTION MANUAL AND OTHER WRITTEN DIRECTIVES;

12 (2) CURRICULUM FOR TRAINING SESSIONS; AND

13 (3) AUDIOVISUALS.

14 (C) EVALUATION.

15 THE STATE BOARD SHALL DEVELOP A PROCESS FOR THE EVALUATION OF THE
16 TRAINING PROGRAM AND THE PERFORMANCE OF THE POLLING PLACE STAFF IN
17 EACH COUNTY.

18 (D) CONTENTS OF TRAINING PROGRAM.

19 TO THE EXTENT APPROPRIATE, THE TRAINING PROGRAM SHALL BE SPECIFIC
20 TO EACH OF THE VOTING SYSTEMS USED IN POLLING PLACES IN THE STATE.

21 (E) RESPONSIBILITY OF LOCAL BOARD.

22 EACH LOCAL BOARD SHALL CONDUCT ELECTION JUDGE TRAINING BASED ON
23 THE PROGRAM DEVELOPED BY THE STATE BOARD.

24 (F) TRAINING REQUIRED.

25 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, EACH
26 ELECTION JUDGE SHALL PARTICIPATE IN THE TRAINING PROGRAM PROVIDED FOR
27 IN SUBSECTION (A) OF THIS SECTION.

28 (2) AN ELECTION JUDGE WHO IS APPOINTED UNDER EMERGENCY
29 CIRCUMSTANCES IS NOT REQUIRED TO ATTEND THE COURSE OF INSTRUCTION.

30 10-207. REMOVAL OF AN ELECTION JUDGE.

31 (A) INVESTIGATION OF COMPLAINTS.

1 A LOCAL BOARD SHALL INVESTIGATE PROMPTLY EACH COMPLAINT IT
2 RECEIVES REGARDING THE FITNESS, QUALIFICATION, OR PERFORMANCE OF AN
3 INDIVIDUAL APPOINTED TO BE AN ELECTION JUDGE.

4 (B) REMOVAL.

5 A LOCAL BOARD SHALL REMOVE ANY ELECTION JUDGE WHO IS UNFIT OR
6 INCOMPETENT FOR THE OFFICE.

7 SUBTITLE 3. POLLING PLACE PROCEDURES.

8 10-301. HOURS FOR VOTING.

9 (A) HOURS - GENERALLY.

10 ON AN ELECTION DAY, A POLLING PLACE SHALL BE OPEN FROM 7 A.M. UNTIL 8
11 P.M.

12 (B) CLOSING HOUR.

13 A VOTER WHO HAS APPEARED AT A POLLING PLACE BY THE CLOSING HOUR TO
14 CAST A BALLOT SHALL BE ALLOWED TO VOTE.

15 10-302. DELIVERY OF EQUIPMENT AND SUPPLIES.

16 IN A TIMELY MANNER FOR EACH ELECTION, THE LOCAL BOARD SHALL
17 PROVIDE FOR THE DELIVERY TO EACH POLLING PLACE THE SUPPLIES, RECORDS,
18 AND EQUIPMENT NECESSARY FOR THE CONDUCT OF THE ELECTION.

19 10-303. AUTHORITY AND DUTIES OF ELECTION JUDGES.

20 (A) GENERALLY.

21 UNDER THE SUPERVISION OF A CHIEF JUDGE, AN ELECTION JUDGE SHALL:

22 (1) CARRY OUT THE TASKS ASSIGNED BY THE LOCAL BOARD,
23 INCLUDING THOSE SET FORTH IN THE ELECTION JUDGE INSTRUCTION MANUAL
24 DEVELOPED IN ACCORDANCE WITH § 10-206 OF THIS TITLE, DURING THE PERIOD OF
25 TIME THAT BEGINS BEFORE THE ELECTION THROUGH THE CLOSE OF THE POLLS
26 AND THE RETURN OF MATERIALS TO THE LOCAL BOARD; AND

27 (2) TAKE MEASURES THROUGHOUT ELECTION DAY TO ASSURE THAT:

28 (I) EACH VOTER'S RIGHT TO CAST A BALLOT IN PRIVACY IS
29 MAINTAINED;

30 (II) THE INTEGRITY OF THE VOTING PROCESS IS PRESERVED;

31 (III) THE ACCURACY OF THE COUNTING PROCESS IS PROTECTED;

32 (IV) ORDER IN THE POLLING PLACE IS MAINTAINED; AND

1 (V) ALL ELECTION LAWS ARE OBSERVED.

2 (B) WEARING BADGE ON ELECTION DAY.

3 WHILE SERVING AS AN ELECTION JUDGE ON AN ELECTION DAY, AN ELECTION
4 JUDGE SHALL WEAR A BADGE THAT:

5 (1) IS IN PLAIN VIEW;

6 (2) IDENTIFIES THE PERSON AS AN ELECTION JUDGE; AND

7 (3) IDENTIFIES THE PERSON BY NAME AND BY THE WARD AND
8 PRECINCT OR ELECTION DISTRICT FOR WHICH THE PERSON IS AN ELECTION JUDGE.

9 (C) AUTHORITY TO KEEP ORDER IN THE POLLING PLACE.

10 AN ELECTION JUDGE SHALL:

11 (1) KEEP THE PEACE; AND

12 (2) ORDER THE ARREST OF ANY PERSON WHO:

13 (I) BREACHES THE PEACE;

14 (II) BREACHES ANY PROVISION OF THIS ARTICLE; OR

15 (III) INTERFERES WITH THE WORK OF THE JUDGES IN CONDUCTING
16 THE ELECTION AND CARRYING OUT THEIR ASSIGNED TASKS.

17 (D) PROTECTION OF CHALLENGERS AND WATCHERS.

18 (1) AN ELECTION JUDGE SHALL PROTECT A CHALLENGER OR WATCHER
19 IN THE EXERCISE OF THE RIGHTS OF A CHALLENGER OR WATCHER AS PROVIDED IN
20 § 10-311 OF THIS SUBTITLE.

21 (2) (I) AN ELECTION JUDGE IS NOT REQUIRED TO ADMIT A
22 CHALLENGER OR WATCHER TO A POLLING PLACE BEFORE THE POLLS OPEN IF THE
23 CHALLENGER OR WATCHER WAS NOT PRESENT AT THE POLLING PLACE AT LEAST
24 ONE-HALF HOUR BEFORE ITS OPENING.

25 (II) AN ELECTION JUDGE MAY REQUIRE CHALLENGERS AND
26 WATCHERS TO LEAVE A POLLING PLACE BEFORE IT OPENS IF A MAJORITY OF THE
27 ELECTION JUDGES PRESENT AGREES THAT THE PRESENCE OF THE CHALLENGERS
28 AND WATCHERS WILL PREVENT THE TIMELY OPENING OF THE POLLING PLACE.

29 (3) AN ELECTION JUDGE SHALL DESIGNATE REASONABLE TIMES FOR
30 CHALLENGERS AND WATCHERS TO EXAMINE POLLING LISTS.

31 DRAFTER'S NOTE: The requirement of subsection (b) of this section extends
32 statewide a provision that applies currently only to Baltimore City.

1 10-304. DUTIES OF POLICE OFFICERS.

2 (A) GENERALLY.

3 (1) A POLICE OFFICER WHO IS ON DUTY AT A POLLING PLACE SHALL
4 OBEY THE ORDER OF AN ELECTION JUDGE FOR THAT POLLING PLACE.

5 (2) A POLICE OFFICER MAKING AN ARREST UNDER AN ORDER OF AN
6 ELECTION JUDGE IS FULLY PROTECTED IN SO DOING AS IF THE POLICE OFFICER
7 RECEIVED A VALID WARRANT TO MAKE THE ARREST.

8 (B) PROTECTION OF CHALLENGERS AND WATCHERS.

9 A POLICE OFFICER WHO IS ON DUTY AT A POLLING PLACE SHALL PROTECT A
10 CHALLENGER OR WATCHER IN THE DISCHARGE OF THE DUTIES OF THE
11 CHALLENGER OR WATCHER.

12 10-305. VACANCY IN POLLING PLACE STAFF DURING VOTING HOURS.

13 (A) APPOINTMENT OF SUBSTITUTE ELECTION JUDGE.

14 IF THERE IS A VACANCY IN THE POLLING PLACE STAFF DURING VOTING HOURS:

15 (1) THE LOCAL BOARD MAY FILL THE VACANCY WITH A SUBSTITUTE
16 ELECTION JUDGE WHO HAS BEEN RECRUITED AND TRAINED; OR

17 (2) AN ELECTION JUDGE WHO IS PRESENT AT THE POLLING PLACE MAY
18 FILL THE POSITION OF THE ABSENT ELECTION JUDGE BY APPOINTING A PERSON
19 REGISTERED WITH THE SAME PARTY AFFILIATION AS THE ABSENT ELECTION
20 JUDGE.

21 (B) PROCEDURES.

22 IF A SUBSTITUTE ELECTION JUDGE IS APPOINTED UNDER SUBSECTION (A) OF
23 THIS SECTION:

24 (1) EITHER THE ELECTION DIRECTOR, THE ELECTION DIRECTOR'S
25 DESIGNEE, OR THE ELECTION JUDGE MAKING THE SUBSTITUTE APPOINTMENT
26 SHALL ADMINISTER THE OATH REQUIRED UNDER § 10-204 OF THIS TITLE; AND

27 (2) A CHIEF ELECTION JUDGE SHALL DOCUMENT ANY CHANGE IN THE
28 POLLING PLACE STAFF IN THE RECORDS OF THE POLLING PLACE.

29 DRAFTER'S NOTE: Subsections (a)(1) and (b)(2) of this section are new.

30 10-306. INFORMATION FOR VOTERS AT POLLING PLACE.

31 (A) DEVELOPMENT OF INSTRUCTIONS.

1 (1) THE STATE BOARD, IN CONSULTATION WITH THE ELECTION
2 DIRECTORS OF THE LOCAL BOARDS, SHALL SPECIFY AND PRODUCE INFORMATIONAL
3 MATERIALS TO BE POSTED IN EACH POLLING PLACE.

4 (2) A LOCAL BOARD MAY PRODUCE OTHER MATERIALS APPROPRIATE
5 FOR THE POLLING PLACES IN THE COUNTY.

6 (B) PREPARATION AND POSTING OF INFORMATION.

7 BEFORE THE POLLS OPEN, THE ELECTION JUDGES FOR EACH PRECINCT SHALL
8 POST IN THE VOTING ROOM:

9 (1) THE SPECIMEN BALLOT FOR THE PRECINCT;

10 (2) INSTRUCTIONS RELATING TO THE AVAILABILITY OF ASSISTANCE TO
11 ELDERLY AND DISABLED VOTERS; AND

12 (3) ANY OTHER INFORMATIONAL MATERIAL TO ASSIST VOTERS ON
13 ELECTION DAY, AS DIRECTED BY THE ELECTION DIRECTOR.

14 DRAFTER'S NOTE: This section is new language that has been developed in
15 consultation with representatives of the local boards.

16 10-307. RESPONSIBILITIES OF THE LOCAL BOARD.

17 (A) GENERALLY.

18 THE MEMBERS OF EACH LOCAL BOARD SHALL BE AVAILABLE AS NEEDED ON
19 AN ELECTION DAY.

20 (B) ASSISTANCE TO POLLING PLACE STAFF.

21 THE LOCAL BOARD SHALL PROVIDE THE STAFF OF EACH POLLING PLACE WITH
22 THE MEANS TO CONTACT AND OBTAIN SUPPORT FROM THE OFFICE OF THE LOCAL
23 BOARD ON ELECTION DAY.

24 DRAFTER'S NOTE: This section is new language. Subsection (a) of this
25 section repeats a provision already provided under the responsibilities of
26 the local boards set forth in § 2-302(b)(2).

27 10-308. ACCESS TO VOTING ROOM.

28 AN ELECTION JUDGE SHALL ALLOW THE FOLLOWING INDIVIDUALS TO HAVE
29 ACCESS TO THE VOTING ROOM AT A POLLING PLACE:

30 (1) A VOTER;

31 (2) AN INDIVIDUAL WHO ACCOMPANIES A VOTER IN NEED OF
32 ASSISTANCE IN ACCORDANCE WITH § 10-310 (C) OF THIS SUBTITLE;

33 (3) POLLING PLACE STAFF;

1 (4) A MEMBER OR OTHER REPRESENTATIVE OF THE STATE BOARD OR
2 LOCAL BOARD;

3 (5) AN ACCREDITED WATCHER OR CHALLENGER UNDER § 10-311 OF
4 THIS SUBTITLE;

5 (6) A CHILD UNDER THE AGE OF 11 WHO ACCOMPANIES A VOTER IN
6 ACCORDANCE WITH § 10-310(C) OF THIS SUBTITLE; AND

7 (7) ANY OTHER INDIVIDUAL AUTHORIZED BY THE STATE BOARD OR
8 LOCAL BOARD.

9 10-309. RESPONSIBILITIES OF ELECTION JUDGES ON ELECTION DAY - BEFORE THE
10 POLLS OPEN.

11 (A) GENERALLY.

12 IN ACCORDANCE WITH INSTRUCTIONS PROVIDED BY THE ELECTION DIRECTOR,
13 AN ELECTION JUDGE SHALL ARRIVE AT THE POLLING PLACE AND, UNDER THE
14 DIRECTION OF THE CHIEF JUDGE, SET UP THE POLLING PLACE TO ASSURE THAT THE
15 POLLS WILL BE OPEN AND OPERATIONAL AT 7 A.M.

16 (B) ADMISSION OF CHALLENGERS AND WATCHERS.

17 EXCEPT AS PROVIDED IN § 10-303(D)(2)(II) OF THIS SUBTITLE, AN ELECTION
18 JUDGE SHALL ADMIT AN ACCREDITED CHALLENGER OR WATCHER ONE-HALF HOUR
19 BEFORE THE POLLING PLACE IS OPEN.

20 10-310. SAME - VOTING HOURS.

21 (A) QUALIFICATION OF VOTERS.

22 IN ACCORDANCE WITH INSTRUCTIONS PROVIDED BY THE LOCAL BOARD, AN
23 ELECTION JUDGE SHALL QUALIFY A VOTER BY:

24 (1) LOCATING THE VOTER'S NAME IN THE PRECINCT REGISTER AND
25 LOCATING THE PREPRINTED VOTING AUTHORITY CARD;

26 (2) (I) IF THE VOTER'S NAME IS NOT FOUND ON THE PRECINCT
27 REGISTER, SEARCHING THE INACTIVE LIST AND IF THE NAME IS FOUND,
28 QUALIFYING THE VOTER FOR VOTING AS INSTRUCTED; OR

29 (II) IF THE VOTER'S NAME IS NOT ON THE INACTIVE LIST,
30 CONTACTING THE LOCAL BOARD OFFICE AND, IF AUTHORIZED, ISSUING A
31 TEMPORARY CERTIFICATE OF REGISTRATION, AS PROVIDED IN § 3-601 OF THIS
32 ARTICLE;

33 (3) ESTABLISHING THE IDENTITY OF THE VOTER BY REQUESTING THE
34 VOTER TO STATE THE MONTH AND DAY OF THE VOTER'S BIRTH AND COMPARING THE
35 RESPONSE TO THE INFORMATION LISTED IN THE PRECINCT REGISTER;

1 (4) VERIFYING THE ADDRESS OF THE VOTER'S RESIDENCE;

2 (5) IF ANY CHANGES TO THE VOTING AUTHORITY CARD ARE INDICATED
3 BY A VOTER, MAKING THE APPROPRIATE CHANGES IN INFORMATION ON THE CARD
4 OR OTHER APPROPRIATE FORM; AND

5 (6) HAVING THE VOTER SIGN THE VOTING AUTHORITY CARD AND
6 EITHER ISSUING THE VOTER A BALLOT OR SENDING THE VOTER TO A MACHINE TO
7 VOTE.

8 (B) RIGHT TO VOTE.

9 ON THE COMPLETION OF THE PROCEDURES SET FORTH IN SUBSECTION (A) OF
10 THIS SECTION, A VOTER MAY VOTE IN ACCORDANCE WITH THE PROCEDURES
11 APPROPRIATE TO THE VOTING SYSTEM USED IN THE POLLING PLACE.

12 (C) INSTRUCTION OF AND ASSISTANCE TO VOTERS.

13 (1) BEFORE A VOTER ENTERS A VOTING BOOTH, AT THE REQUEST OF
14 THE VOTER, AN ELECTION JUDGE SHALL:

15 (I) INSTRUCT THE VOTER ABOUT THE OPERATION OF THE VOTING
16 SYSTEM; AND

17 (II) ALLOW THE VOTER AN OPPORTUNITY TO OPERATE A MODEL
18 VOTING DEVICE, IF APPROPRIATE TO THE VOTING SYSTEM IN USE.

19 (2) (I) 1. AFTER A VOTER ENTERS THE VOTING BOOTH, AT THE
20 REQUEST OF THE VOTER, TWO ELECTION JUDGES REPRESENTING DIFFERENT
21 POLITICAL PARTIES SHALL INSTRUCT THE VOTER ON THE OPERATION OF THE
22 VOTING DEVICE.

23 2. AN ELECTION JUDGE MAY NOT SUGGEST IN ANY WAY
24 HOW THE VOTER SHOULD VOTE FOR A PARTICULAR TICKET, CANDIDATE, OR
25 POSITION ON A QUESTION.

26 3. AFTER INSTRUCTING THE VOTER, THE ELECTION JUDGES
27 SHALL EXIT THE VOTING BOOTH AND ALLOW THE VOTER TO VOTE PRIVATELY.

28 (II) A VOTER MAY TAKE INTO THE POLLING PLACE ANY WRITTEN
29 OR PRINTED MATERIAL TO ASSIST THE VOTER IN MARKING OR PREPARING THE
30 BALLOT.

31 (3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
32 PARAGRAPH, A VOTER WHO REQUIRES ASSISTANCE IN MARKING OR PREPARING THE
33 BALLOT BECAUSE OF A PHYSICAL DISABILITY OR AN INABILITY TO READ THE
34 ENGLISH LANGUAGE MAY CHOOSE ANY INDIVIDUAL TO ASSIST THE VOTER.

1 (II) A VOTER MAY NOT CHOOSE THE VOTER'S EMPLOYER OR AGENT
2 OF THAT EMPLOYER OR AN OFFICER OR AGENT OF THE VOTER'S UNION TO ASSIST
3 THE VOTER IN MARKING THE BALLOT.

4 (4) IF THE VOTER REQUIRES THE ASSISTANCE OF ANOTHER IN VOTING,
5 BUT DECLINES TO SELECT AN INDIVIDUAL TO ASSIST, AN ELECTION JUDGE, IN THE
6 PRESENCE OF ANOTHER ELECTION JUDGE THAT REPRESENTS ANOTHER POLITICAL
7 PARTY, SHALL ASSIST THE VOTER IN THE MANNER PRESCRIBED BY THE VOTER.

8 (5) AN INDIVIDUAL ASSISTING A VOTER MAY NOT SUGGEST IN ANY WAY
9 HOW THE VOTER SHOULD VOTE FOR A PARTICULAR TICKET, CANDIDATE, OR
10 POSITION ON A QUESTION.

11 (6) IF A VOTER REQUIRES ASSISTANCE UNDER PARAGRAPHS (4) OR (5) OF
12 THIS SUBSECTION, THE ELECTION JUDGE SHALL RECORD, ON A FORM PRESCRIBED
13 BY THE STATE BOARD, THE NAME OF THE VOTER WHO REQUIRED ASSISTANCE AND
14 THE NAME OF THE INDIVIDUAL PROVIDING ASSISTANCE TO THE VOTER.

15 (7) EXCEPT AS PROVIDED IN PARAGRAPHS (3) OR (4) OF THIS
16 SUBSECTION, A PERSON OVER THE AGE OF 10 YEARS MAY NOT ACCOMPANY A VOTER
17 INTO A VOTING BOOTH.

18 10-311. CHALLENGERS AND WATCHERS.

19 (A) DESIGNATION AND REMOVAL OF CHALLENGERS AND WATCHERS.

20 (1) THE FOLLOWING PERSONS OR ENTITIES HAVE THE RIGHT TO
21 DESIGNATE A REGISTERED VOTER AS A CHALLENGER OR A WATCHER AT EACH
22 PLACE OF REGISTRATION AND ELECTION:

23 (I) THE STATE BOARD FOR ANY POLLING PLACE IN THE STATE;

24 (II) A LOCAL BOARD FOR ANY POLLING PLACE LOCATED IN THE
25 COUNTY OF THE LOCAL BOARD;

26 (III) A CANDIDATE;

27 (IV) A POLITICAL PARTY; AND

28 (V) ANY OTHER GROUP OF VOTERS SUPPORTING OR OPPOSING A
29 CANDIDATE, PRINCIPLE, OR PROPOSITION ON THE BALLOT.

30 (2) A PERSON WHO APPOINTS A CHALLENGER OR WATCHER MAY
31 REMOVE THE CHALLENGER OR WATCHER AT ANY TIME.

32 (B) RIGHTS OF CHALLENGERS AND WATCHERS.

33 EXCEPT AS PROVIDED IN § 10-303(D)(2) OF THIS SUBTITLE AND SUBSECTION (D)
34 OF THIS SECTION, A CHALLENGER OR WATCHER HAS THE RIGHT TO:

1 (1) ENTER THE POLLING PLACE ONE-HALF HOUR BEFORE THE POLLS
2 OPEN;

3 (2) ENTER OR BE PRESENT AT THE POLLING PLACE AT ANY TIME WHEN
4 THE POLLS ARE OPEN;

5 (3) REMAIN IN THE POLLING PLACE UNTIL THE COMPLETION OF ALL
6 TASKS ASSOCIATED WITH THE CLOSE OF THE POLLS UNDER § 10-314 OF THIS
7 SUBTITLE AND THE ELECTION JUDGES LEAVE THE POLLING PLACE;

8 (4) MAINTAIN A LIST OF REGISTERED VOTERS WHO HAVE VOTED AND
9 TAKE THE LIST OUTSIDE OF THE POLLING PLACE; AND

10 (5) ENTER AND LEAVE A POLLING PLACE FOR THE PURPOSE OF TAKING
11 OUTSIDE OF THE POLLING PLACE INFORMATION THAT IDENTIFIES REGISTERED
12 VOTERS WHO HAVE CAST BALLOTS.

13 (C) CERTIFICATE.

14 (1) (I) A CERTIFICATE SIGNED BY ANY PARTY OR CANDIDATE SHALL
15 BE SUFFICIENT EVIDENCE OF THE RIGHT OF A CHALLENGER OR WATCHER TO BE
16 PRESENT IN THE VOTING ROOM.

17 (II) THE STATE BOARD SHALL PRESCRIBE A FORM THAT SHALL BE
18 SUPPLIED TO THE CHALLENGER OR WATCHER BY THE PERSON OR ENTITY
19 DESIGNATING THE CHALLENGER OR WATCHER.

20 (2) A CHALLENGER OR WATCHER SHALL BE POSITIONED NEAR THE
21 ELECTION JUDGES AND INSIDE THE VOTING ROOM SO THAT THE CHALLENGER OR
22 WATCHER MAY SEE AND HEAR EACH PERSON AS THE PERSON OFFERS TO VOTE.

23 (D) PROHIBITED ACTIVITIES.

24 (1) A CHALLENGER OR WATCHER MAY NOT ATTEMPT TO:

25 (I) ASCERTAIN HOW A VOTER VOTED OR INTENDS TO VOTE;

26 (II) CONVERSE IN THE POLLING PLACE WITH ANY VOTER;

27 (III) ASSIST ANY VOTER IN VOTING; OR

28 (IV) PHYSICALLY HANDLE AN ORIGINAL ELECTION DOCUMENT.

29 (2) AN ELECTION JUDGE MAY EJECT A CHALLENGER OR WATCHER WHO
30 VIOLATES THE PROHIBITIONS UNDER PARAGRAPH (1) OF THIS SUBSECTION.

31 (E) INDIVIDUALS OTHER THAN ACCREDITED CHALLENGERS OR WATCHERS.

32 (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS
33 SUBSECTION, AN ELECTION JUDGE SHALL PERMIT AN INDIVIDUAL OTHER THAN AN
34 ACCREDITED CHALLENGER OR WATCHER WHO DESIRES TO CHALLENGE THE RIGHT

1 TO VOTE OF ANY OTHER INDIVIDUAL TO ENTER THE POLLING PLACE FOR THAT
2 PURPOSE.

3 (2) A MAJORITY OF THE ELECTION JUDGES MAY LIMIT THE NUMBER OF
4 NONACCREDITED CHALLENGERS AND WATCHERS ALLOWED IN THE POLLING PLACE
5 AT ANY ONE TIME FOR THE PURPOSE OF CHALLENGING THE RIGHT OF AN
6 INDIVIDUAL TO VOTE.

7 (3) A NONACCREDITED CHALLENGER OR WATCHER SHALL LEAVE THE
8 POLLING PLACE AS SOON AS A MAJORITY OF THE ELECTION JUDGES DECIDES THE
9 RIGHT TO VOTE OF THE INDIVIDUAL CHALLENGED BY THE CHALLENGER OR
10 WATCHER.

11 (4) IN ADDITION TO RESTRICTIONS PROVIDED UNDER THIS
12 SUBSECTION, ALL RESTRICTIONS ON THE ACTIONS OF AN ACCREDITED
13 CHALLENGER OR WATCHER PROVIDED UNDER THIS SUBTITLE APPLY TO A
14 NONACCREDITED CHALLENGER OR WATCHER.

15 DRAFTER'S NOTE: Paragraph (4) is new. It provides that any restrictions on
16 the actions of a qualified challenger or watcher apply to a nonqualified
17 challenger or watcher.

18 10-312. CHALLENGE OF AN INDIVIDUAL'S RIGHT TO VOTE.

19 (A) GROUNDS FOR CHALLENGE.

20 THE RIGHT OF AN INDIVIDUAL TO VOTE MAY BE CHALLENGED AT THE POLLS
21 ONLY ON THE GROUNDS OF IDENTITY.

22 (B) PROCEDURES FOR A CHALLENGE OF THE RIGHT TO VOTE.

23 (1) A CHALLENGE TO AN APPLICANT'S RIGHT TO VOTE SHALL BE:

24 (I) MADE BEFORE A VOTER IS ISSUED A BALLOT OR A VOTING
25 AUTHORITY CARD; AND

26 (II) DECIDED BEFORE THE APPLICANT ENTERS THE VOTING
27 BOOTH.

28 (2) (I) AN INDIVIDUAL WHO CHALLENGES AN APPLICANT'S RIGHT TO
29 VOTE SHALL PROVIDE THE REASON FOR THE CHALLENGE UNDER AN OATH
30 ADMINISTERED BY AN ELECTION JUDGE.

31 (II) AN ELECTION JUDGE SHALL QUESTION THE CHALLENGED
32 VOTER UNDER OATH ABOUT THE REASON FOR THE CHALLENGE.

33 (3) (I) IF A MAJORITY OF THE ELECTION JUDGES BELIEVES THE
34 APPLICANT TO BE THE INDIVIDUAL REGISTERED, THE APPLICANT SHALL BE
35 PERMITTED TO VOTE.

1 (II) IF A MAJORITY OF THE ELECTION JUDGES BELIEVES THE
2 APPLICANT TO BE A PERSON OTHER THAN THE INDIVIDUAL REGISTERED, THE
3 APPLICANT MAY NOT VOTE AND THE WORD "REJECTED" SHALL BE WRITTEN ON THE
4 APPLICANT'S VOTING AUTHORITY CARD.

5 (4) IF AN APPLICANT IS DENIED THE RIGHT TO VOTE UNDER
6 PARAGRAPH (3)(II) OF THIS SUBSECTION, THE APPLICANT HAS THE RIGHT TO APPEAL
7 THE DECISION TO THE LOCAL BOARD.

8 DRAFTER'S NOTE: Subsection (b)(4) of this section, creating a right to
9 appeal the denial of the right to vote, is new.

10 10-313. WRITE-IN VOTING.

11 (A) WRITE-IN VOTING PERMITTED IN CERTAIN ELECTIONS.

12 IN ANY GENERAL ELECTION OR SPECIAL GENERAL ELECTION, A VOTER MAY
13 WRITE IN A NAME FOR ANY OFFICE.

14 (B) RESPONSIBILITY OF ELECTION JUDGE.

15 (1) WHEN REQUESTED BY A VOTER, AN ELECTION JUDGE SHALL
16 PROVIDE INFORMATION ON WRITE-IN VOTING.

17 (2) (I) IF A VOTER REQUESTS INFORMATION ON WRITE-IN VOTING, AN
18 ELECTION JUDGE SHALL ASSURE THAT THE VOTER IS FULLY INFORMED OF THE
19 PROCEDURE BEFORE VOTING.

20 (II) IF A VOTER IS UNABLE TO WRITE, THE VOTER MAY HAVE
21 ASSISTANCE AS PROVIDED IN § 10-310 (C) OF THIS SUBTITLE.

22 10-314. CLOSING OF THE POLLS.

23 (A) PROCEDURES.

24 (1) THE LOCAL BOARD SHALL PROVIDE ELECTION JUDGES WITH
25 DETAILED PROCEDURES FOR THE CLOSING OF THE POLLS, SPECIFIC TO THE VOTING
26 SYSTEM USED.

27 (2) THE PROCEDURES SHALL INCLUDE DIRECTIONS ON:

28 (I) THE TABULATION, RECORDING, AND REPORTING OF VOTES IF
29 THESE ACTIVITIES ARE UNDERTAKEN IN THE POLLING PLACE;

30 (II) THE PREPARATION, SIGNING, AND SEALING OF DOCUMENTS
31 AND OTHER ELECTION MATERIALS;

32 (III) THE SECURITY OF ALL EQUIPMENT AND MATERIALS IN THE
33 POLLING PLACE; AND

1 (IV) THE RETURN OF EQUIPMENT AND MATERIALS TO THE LOCAL
2 BOARD.

3 (B) ADMISSION OF WATCHERS TO HEAR ELECTION RESULTS.

4 IF ELECTION RESULTS ARE PRODUCED IN THE POLLING PLACE, THE ELECTION
5 JUDGE SHALL ADMIT WATCHERS TO HEAR THE ANNOUNCED RESULTS.

6 (C) RELEASE OF ELECTION JUDGE FROM DUTY.

7 A CHIEF JUDGE SHALL RELEASE AN ELECTION JUDGE FROM DUTY AFTER THE
8 COMPLETION OF THE ELECTION JUDGE'S ASSIGNED TASKS.

9 DRAFTER'S NOTE: The Commission eliminated the time limit on voting in
10 current law since it is impracticable and difficult to enforce.

11 10-315. TIME OFF FOR EMPLOYEES TO VOTE.

12 (A) GENERALLY.

13 EVERY EMPLOYER IN THE STATE SHALL PERMIT ANY EMPLOYEE WHO IS A
14 REGISTERED VOTER IN THE STATE A PERIOD NOT TO EXCEED 2 HOURS ABSENCE
15 FROM WORK ON ELECTION DAY IN ORDER TO VOTE IF THE EMPLOYEE DOES NOT
16 HAVE 2 HOURS OF CONTINUOUS OFF-DUTY DURING THE TIME THAT THE POLLS ARE
17 OPEN.

18 (B) PAID LEAVE.

19 THE EMPLOYER SHALL PAY THE EMPLOYEE FOR THE 2 HOURS ABSENCE FROM
20 WORK.

21 (C) PROOF OF VOTING REQUIRED.

22 (1) EACH EMPLOYEE SHALL FURNISH TO THE EMPLOYER PROOF THAT
23 THE EMPLOYEE HAS VOTED.

24 (2) THE PROOF THAT AN EMPLOYEE HAS VOTED SHALL BE ON A FORM
25 PRESCRIBED BY THE STATE BOARD.

26 TITLE 11. CANVASSING.

27 SUBTITLE 1. DEFINITIONS.

28 11-101. DEFINITIONS.

29 (A) IN GENERAL.

30 IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

31 (B) BOARD OF CANVASSERS.

1 "BOARD OF CANVASSERS" MEANS THE LOCAL BOARD OF ELECTIONS IN A
2 COUNTY AFTER THE LOCAL BOARD ORGANIZES ITSELF FOR THE PURPOSE OF
3 CANVASSING THE VOTE AFTER AN ELECTION IN THAT COUNTY.

4 (C) CANVASS.

5 (1) "CANVASS" MEANS THE ENTIRE PROCESS OF VOTE TALLYING, VOTE
6 TABULATION, AND VOTE VERIFICATION OR AUDIT, CULMINATING IN THE
7 PRODUCTION AND CERTIFICATION OF THE OFFICIAL ELECTION RESULTS.

8 (2) FOR ABSENTEE BALLOTS, THE "CANVASS" INCLUDES THE OPENING
9 OF ANY ENVELOPE ACCOMPANYING AN ABSENTEE BALLOT AND THE ASSEMBLY AND
10 REVIEW OF ABSENTEE BALLOTS IN PREPARATION FOR VOTE TALLYING.

11 (D) COUNTING CENTER.

12 "COUNTING CENTER" MEANS ONE OR MORE CENTRAL LOCATIONS DESIGNATED
13 BY A LOCAL BOARD TO CONDUCT THE CANVASS.

14 (E) REMOVABLE DATA STORAGE DEVICE.

15 "REMOVABLE DATA STORAGE DEVICE" MEANS A READ-ONLY MEMORY DEVICE
16 THAT IS PROGRAMMED TO RECORD VOTES AS THEY ARE CAST ON AN ELECTRONIC
17 VOTING SYSTEM.

18 (F) UNOFFICIAL RETURNS.

19 (1) "UNOFFICIAL RETURNS" MEANS A VOTE TABULATION REPORTED ON
20 ELECTION NIGHT AFTER THE POLLS CLOSE.

21 (2) "UNOFFICIAL RETURNS" DOES NOT INCLUDE THE ABSENTEE
22 BALLOT COUNT.

23 (G) VOTE TABULATION OR VOTE COUNTING.

24 "VOTE TABULATION" OR "VOTE COUNTING" MEANS THE AGGREGATION OF THE
25 VOTES CAST BY INDIVIDUAL VOTERS TO PRODUCE VOTE TOTALS AT ANY LEVEL.

26 (H) VOTE TALLYING.

27 "VOTE TALLYING" MEANS THE RECORDING OF VOTES CAST BY INDIVIDUAL
28 VOTERS ON A CERTIFIED VOTING SYSTEM WHETHER DONE BY:

29 (1) A MECHANICAL LEVER VOTING MACHINE;

30 (2) AN ELECTRONIC VOTING DEVICE; OR

31 (3) MAKING MARKS MANUALLY ON A TALLY SHEET.

SUBTITLE 2. CLOSING THE POLLS.

11-201. REGULATIONS.

THE STATE BOARD SHALL ADOPT REGULATIONS CONSISTENT WITH THE PROVISIONS OF THIS TITLE GOVERNING THE CANVASS.

11-202. ELECTION JUDGES - PROCEDURES FOR VOTE COUNTING.

(A) IN GENERAL.

(1) EACH QUALIFIED VOTER PRESENT AT THE POLLS AT 8 P.M. ON ELECTION DAY SHALL BE ALLOWED TO VOTE BEFORE THE ELECTION JUDGES COMMENCE THEIR DUTIES UNDER THIS SECTION.

(2) IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE AND REGULATIONS ADOPTED BY THE STATE BOARD, AFTER THE LAST VOTER HAS VOTED IN AN ELECTION, THE ELECTION JUDGES SHALL FOLLOW THE INSTRUCTIONS ISSUED BY THE ELECTION DIRECTOR FOR CLOSING THE POLLS AND FOR PERFORMING THE TASKS REQUIRED IN THE POSTCLOSING PERIOD.

(B) SPECIFIC DUTIES.

IN ACCORDANCE WITH THIS SECTION, THE ELECTION JUDGES SHALL:

(1) SECURE THE VOTING SYSTEM TO PREVENT FURTHER VOTING;

(2) IF APPROPRIATE TO THE VOTING SYSTEM, RECORD THE VOTE, PRODUCE VOTE TOTALS FOR THE POLLING PLACE, AND ANNOUNCE RESULTS TO THOSE PRESENT;

(3) COMPLETE ALL DOCUMENTS, RECORDS, AND REPORTS REQUIRED BY LAW OR REGULATION AFTER THE CLOSING OF THE POLLS;

(4) PERFORM ANY OTHER TASKS ASSIGNED BY THE ELECTION DIRECTOR;

(5) ASSEMBLE AND ACCOUNT FOR MATERIALS TO BE RETURNED TO THE LOCAL BOARD, INCLUDING, IF APPLICABLE FOR THE VOTING SYSTEM USED IN THAT ELECTION:

(I) REMOVABLE DATA STORAGE DEVICES FROM VOTING EQUIPMENT;

(II) VOTED BALLOTS;

(III) PRECINCT REGISTERS;

(IV) VOTING AUTHORITY CARDS;

(V) SIGNS AND POSTERS;

1 (VI) RECORDS, REPORTS, LOGS, AFFIDAVITS, CERTIFICATES, AND
2 OTHER DOCUMENTS;

3 (VII) KEYS TO VOTING DEVICES;

4 (VIII) POLL BOOKS; AND

5 (IX) ANY OTHER MATERIALS SPECIFIED BY THE ELECTION
6 DIRECTOR;

7 (6) ASSURE THAT EQUIPMENT AND MATERIALS LEFT IN THE POLLING
8 PLACE FOR RETRIEVAL AT A LATER TIME ARE STORED IN A SECURE MANNER; AND

9 (7) DELIVER MATERIALS AND EQUIPMENT TO THE LOCAL BOARD AND
10 OBTAIN RECEIPTS FROM THE BOARD CERTIFYING THE DELIVERY OF THE ITEMS.

11 (C) OBSERVATION OF JUDGES WHILE PERFORMING THEIR DUTIES.

12 JUDGES MAY BE OBSERVED, WHILE PERFORMING THEIR DUTIES UNDER THIS
13 SECTION, UNTIL THEY HAVE FINISHED THEIR WORK AND LEAVE THE PREMISES BY:

14 (1) AUTHORIZED CHALLENGERS, WATCHERS, AND OBSERVERS IN
15 ACCORDANCE WITH § 10-311 OF THIS ARTICLE;

16 (2) ANY CANDIDATE; AND

17 (3) ANY OTHER PERSON LAWFULLY PRESENT.

18 SUBTITLE 3. VOTE CANVASSING BY LOCAL BOARD.

19 11-301. ORGANIZATION OF LOCAL BOARDS OF CANVASSERS.

20 (A) IN GENERAL.

21 A BOARD OF CANVASSERS SHALL:

22 (1) CONVENE AND BE SWORN IN ON OR BEFORE 5 P.M. ON THE DAY OF
23 EACH ELECTION AT THE DESIGNATED COUNTING CENTER FOR THAT COUNTY;

24 (2) MEET ONLY IN PUBLIC SESSION; AND

25 (3) SUBJECT TO REGULATIONS ADOPTED BY THE STATE BOARD TO
26 ENSURE THE INTEGRITY OF THE ELECTORAL PROCESS AND THAT THE ACCURACY OF
27 THE VOTE TABULATION IS NOT IMPEDED OR COMPROMISED, PROVIDE FOR
28 OBSERVATION AND UNDERSTANDING OF THE CANVASS BY THOSE INDIVIDUALS IN
29 ATTENDANCE.

30 (B) ELECTION OF OFFICERS.

31 EACH BOARD OF CANVASSERS SHALL ELECT BY MAJORITY VOTE A CHAIRMAN
32 AND SECRETARY FROM AMONG ITS MEMBERS.

1 (C) OATH REQUIRED.

2 EACH MEMBER OF THE BOARD OF CANVASSERS SHALL TAKE AN OATH,
3 ADMINISTERED AND RECORDED BY THE CLERK OF THE CIRCUIT COURT, TO CANVASS
4 AND DECLARE THE VOTES CAST TRUTHFULLY AND TO PERFORM OTHER DUTIES
5 REQUIRED BY LAW.

6 (D) QUORUM REQUIRED.

7 (1) AT THE FIRST MEETING OF THE BOARD OF CANVASSERS FOR THE
8 PURPOSE OF CANVASSING, A MAJORITY OF THE WHOLE BOARD OF CANVASSERS
9 SHALL BE A QUORUM.

10 (2) IF A QUORUM IS NOT PRESENT, THE MEMBERS PRESENT SHALL
11 ADJOURN UNTIL THE NEXT DAY.

12 (E) MAJORITY VOTE REQUIRED FOR DECISION MAKING.

13 EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, ALL DECISIONS SHALL BE
14 REACHED BY A MAJORITY VOTE OF THE MEMBERS PRESENT.

15 (F) SUBSTITUTE MEMBERS ALLOWED.

16 IF A MEMBER IS NOT PRESENT AT THE SCHEDULED TIME FOR VOTE
17 CANVASSING, A SUBSTITUTE MEMBER OF THE BOARD OF CANVASSERS MAY BE
18 SWORN IN.

19 (G) REPRESENTATION FROM PRINCIPAL MINORITY PARTY REQUIRED.

20 AT LEAST ONE MEMBER OF THE BOARD OF CANVASSERS PRESENT SHALL BE A
21 REGISTERED VOTER OF THE PRINCIPAL MINORITY PARTY.

22 (H) THE CANVASS.

23 ONCE THE BOARD HAS SATISFIED THE REQUIREMENTS OF SUBSECTIONS (A)
24 THROUGH (G) OF THIS SECTION, IT MAY PROCEED WITH THE CANVASS IN
25 ACCORDANCE WITH THE REGULATIONS OF THE STATE BOARD.

26 11-302. CANVASSING OF ABSENTEE BALLOTS.

27 (A) IN GENERAL.

28 FOLLOWING AN ELECTION, EACH LOCAL BOARD SHALL MEET AT ITS
29 DESIGNATED COUNTING CENTER TO CANVASS THE ABSENTEE BALLOTS CAST IN
30 THAT ELECTION IN ACCORDANCE WITH THE REGULATIONS AND GUIDELINES
31 ESTABLISHED BY THE STATE BOARD.

32 (B) TIME FOR OPENING OF ABSENTEE BALLOTS.

33 (1) A LOCAL BOARD MAY NOT OPEN ANY ENVELOPE OF AN ABSENTEE
34 BALLOT PRIOR TO 8 A.M. ON THE WEDNESDAY FOLLOWING ELECTION DAY.

1 (2) A LOCAL BOARD MAY NOT DELAY THE COMMENCEMENT OF THE
2 CANVASS TO AWAIT THE RECEIPT OF LATE-ARRIVING, TIMELY ABSENTEE BALLOTS.

3 (C) TIMELY RECEIPT REQUIRED.

4 (1) AN ABSENTEE BALLOT SHALL BE DEEMED TIMELY RECEIVED IF IT IS
5 RECEIVED IN ACCORDANCE WITH THE REGULATIONS AND GUIDELINES
6 ESTABLISHED BY THE STATE BOARD.

7 (2) AN ABSENTEE BALLOT THAT IS RECEIVED AFTER THE DEADLINE
8 SPECIFIED BY THE REGULATIONS AND GUIDELINES MAY NOT BE COUNTED.

9 (D) REJECTION OF ABSENTEE BALLOTS.

10 (1) THE STATE BOARD SHALL ADOPT REGULATIONS THAT REFLECT THE
11 POLICY THAT THE CLARITY OF THE INTENT OF THE VOTER IS THE OVERRIDING
12 CONSIDERATION IN DETERMINING THE VALIDITY OF AN ABSENTEE BALLOT OR THE
13 VOTE CAST IN A PARTICULAR CONTEST.

14 (2) A LOCAL BOARD MAY NOT REJECT AN ABSENTEE BALLOT EXCEPT BY
15 UNANIMOUS VOTE AND IN ACCORDANCE WITH REGULATIONS OF THE STATE BOARD.

16 (3) THE LOCAL BOARD SHALL REJECT AN ABSENTEE BALLOT IF:

17 (I) BEFORE THE BALLOT IS CANVASSED, THE LOCAL BOARD
18 DETERMINES THAT THE VOTER DIED BEFORE ELECTION DAY;

19 (II) THE VOTER FAILED TO SIGN THE OATH ON THE BALLOT
20 ENVELOPE;

21 (III) THE LOCAL BOARD RECEIVED MORE THAN ONE BALLOT FROM
22 THE SAME INDIVIDUAL FOR THE SAME ELECTION IN THE SAME BALLOT ENVELOPE;
23 OR

24 (IV) THE LOCAL BOARD DETERMINES THAT AN ABSENTEE BALLOT
25 IS INTENTIONALLY MARKED WITH AN IDENTIFYING MARK THAT IS CLEARLY
26 EVIDENT AND PLACED ON THE BALLOT FOR THE PURPOSE OF IDENTIFYING THE
27 BALLOT.

28 11-303. REJECTED ABSENTEE BALLOT; APPEAL.

29 (A) RIGHT OF APPEAL.

30 A CANDIDATE OR ABSENTEE VOTER AGGRIEVED BY THE DECISION OF A LOCAL
31 BOARD TO REJECT, OR NOT TO REJECT, AN ABSENTEE BALLOT SHALL HAVE THE
32 RIGHT OF APPEAL TO THE CIRCUIT COURT FOR THE COUNTY.

33 (B) TIME OF FILING.

1 THE APPEAL MUST BE FILED WITHIN 5 DAYS FROM THE DATE OF THE
2 COMPLETION OF THE OFFICIAL CANVASS BY THE BOARD OF ALL THE VOTES CAST AT
3 THE ELECTION.

4 (C) PROCEDURES.

5 THE APPEAL SHALL BE HEARD DE NOVO, WITHOUT A JURY, AS SOON AS
6 POSSIBLE.

7 (D) APPEAL TO COURT OF SPECIAL APPEALS.

8 (1) THE DECISION OF THE CIRCUIT COURT MAY BE APPEALED TO THE
9 COURT OF SPECIAL APPEALS, PROVIDED THE APPEAL IS TAKEN WITHIN 48 HOURS
10 FROM THE ENTRY OF THE DECISION OF THE CIRCUIT COURT.

11 (2) THE APPEAL SHALL BE HEARD AND DECIDED ON THE ORIGINAL
12 PAPERS, INCLUDING A WRITTEN TRANSCRIPT OF THE TESTIMONY TAKEN IN THE
13 CASE.

14 (3) THE ORIGINAL PAPERS AND THE TRANSCRIPT SHALL BE
15 TRANSMITTED TO THE COURT OF SPECIAL APPEALS WITHIN 5 DAYS FROM THE
16 TAKING OF THE APPEAL, AND THE APPEAL SHALL BE HEARD AS SOON AS POSSIBLE.

17 (4) IF THE LOCAL BOARD RECEIVES MORE THAN ONE LEGALLY
18 SUFFICIENT BALLOT, IN SEPARATE ENVELOPES, FROM THE SAME INDIVIDUAL, THE
19 LOCAL BOARD SHALL:

20 (I) COUNT ONLY THE BALLOT WITH THE LATEST PROPERLY
21 SIGNED OATH; AND

22 (II) REJECT ANY OTHER BALLOT.

23 (5) IF THE INTENT OF THE VOTER IS NOT CLEARLY DEMONSTRATED,
24 THE LOCAL BOARD SHALL REJECT ONLY THE VOTE FOR THAT OFFICE OR QUESTION.

25 (6) IF AN ABSENTEE VOTER CASTS A VOTE FOR AN INDIVIDUAL WHO
26 HAS CEASED TO BE A CANDIDATE, THE VOTE FOR THAT CANDIDATE MAY NOT BE
27 COUNTED, BUT THAT VOTE DOES NOT INVALIDATE THE REMAINDER OF THE BALLOT.
28 11-304. CUSTODY AND SECURITY OF DOCUMENTS AND RECORDS RELATED TO THE
29 CANVASS.

30 THE PERSON DESIGNATED TO MAINTAIN CUSTODY OF THE DOCUMENTS AND
31 RECORDS REQUIRED UNDER THIS TITLE SHALL MAINTAIN AND SECURE THOSE
32 ITEMS IN ACCORDANCE WITH THE REGULATIONS ADOPTED BY THE STATE BOARD.

33 11-305. ERRORS IN CANVASS DOCUMENTS.

34 (A) IN GENERAL.

1 IF A BOARD OF CANVASSERS DETERMINES THAT THERE APPEARS TO BE AN
2 ERROR IN THE DOCUMENTS OR RECORDS PRODUCED AT THE POLLING PLACE
3 FOLLOWING AN ELECTION, THEN IT IMMEDIATELY SHALL INVESTIGATE THE
4 MATTER TO ASCERTAIN WHETHER THE RECORDS OR DOCUMENTS ARE CORRECT.

5 (B) CORRECTION OF ERRORS.

6 THE BOARD OF CANVASSERS MAY CORRECT A DOCUMENT OR RECORD ONLY IN
7 ACCORDANCE WITH THE REGULATIONS OF THE STATE BOARD.

8 11-306. VERIFICATION OF VOTE COUNT.

9 (A) IN GENERAL.

10 WITHIN 10 DAYS AFTER ANY ELECTION, AND BEFORE CERTIFYING THE
11 RESULTS OF THE ELECTION, EACH BOARD OF CANVASSERS SHALL VERIFY THE VOTE
12 COUNT IN ACCORDANCE WITH THE REGULATIONS PRESCRIBED BY THE STATE
13 BOARD FOR THE VOTING SYSTEM USED IN THAT ELECTION.

14 (B) CERTIFICATION REQUIRED UPON COMPLETION OF VERIFICATION
15 PROCESS.

16 UPON COMPLETION OF THE VERIFICATION PROCESS, THE MEMBERS OF THE
17 BOARD OF CANVASSERS SHALL:

18 (1) CERTIFY IN WRITING THAT THE ELECTION RESULTS ARE ACCURATE
19 AND THAT THE VOTE HAS BEEN VERIFIED; AND

20 (2) PROVIDE COPIES OF THE ELECTION RESULTS TO THE PERSONS
21 SPECIFIED UNDER § 11-401 OF THIS TITLE.

22 (C) DISSENT BY A LOCAL BOARD MEMBER - WRITTEN STATEMENT REQUIRED.

23 (1) IF A MEMBER OF A LOCAL BOARD OF CANVASSERS DISSENTS FROM A
24 DETERMINATION OF AN ELECTION RESULT OR REASONABLY BELIEVES THAT THE
25 CONDUCT OF A LOCAL BOARD MEMBER OR LOCAL BOARD PROCEEDING WAS NOT IN
26 COMPLIANCE WITH APPLICABLE LAW OR REGULATION OR WAS OTHERWISE ILLEGAL
27 OR IRREGULAR, THE MEMBER SHALL PREPARE AND FILE WITH THE LOCAL BOARD A
28 DISTINCT WRITTEN STATEMENT OF THE REASONS FOR THE DISSENT OR CONCERN.

29 (2) THE STATE BOARD SHALL MAINTAIN A FILE OF THE WRITTEN
30 STATEMENTS SUBMITTED UNDER THIS SUBSECTION BY MEMBERS OF THE LOCAL
31 BOARDS.

32 SUBTITLE 4. CERTIFICATION OF ELECTION RESULTS BY LOCAL BOARD.

33 11-401. CERTIFIED COPIES OF RESULTS.

34 (A) DISTRIBUTION OF CERTIFIED COPIES.

1 (1) AFTER EACH ELECTION, EACH BOARD OF CANVASSERS SHALL
2 TRANSMIT ONE CERTIFIED COPY OF THE ELECTION RESULTS IN ITS COUNTY,
3 ATTESTED BY THE SIGNATURES OF THE CHAIRPERSON AND SECRETARY OF THE
4 BOARD OF CANVASSERS, TO:

5 (I) THE GOVERNOR;

6 (II) THE STATE BOARD OF ELECTIONS; AND

7 (III) THE CLERK OF THE CIRCUIT COURT FOR THE APPROPRIATE
8 COUNTY.

9 (2) THE STATEMENT MAY BE MAILED OR DELIVERED IN PERSON.

10 (B) TIME FOR TRANSMITTAL.

11 (1) THE TRANSMITTAL SHALL BE MADE ON THE SECOND FRIDAY AFTER
12 A PRIMARY OR GENERAL ELECTION OR, IF THE CANVASS IS COMPLETED AFTER THAT
13 DATE, WITHIN 48 HOURS AFTER THE COMPLETION OF THE CANVASS.

14 (2) AFTER A SPECIAL PRIMARY OR SPECIAL ELECTION, THE
15 TRANSMITTAL SHALL BE MADE AS SOON AS POSSIBLE, BUT NO LATER THAN THE
16 SECOND THURSDAY AFTER THE ELECTION.

17 (C) ENTRY BY CLERK OF THE CIRCUIT COURT.

18 THE CLERK OF THE CIRCUIT COURT SHALL ENTER OF RECORD THE ELECTION
19 RESULTS FILED WITH THE COURT UNDER THIS SECTION.

20 11-402. RELEASE AND PUBLICATION OF RETURNS.

21 (A) DECLARATION OF WINNERS.

22 UNLESS OTHERWISE PROVIDED BY THE MARYLAND CONSTITUTION, AND
23 EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, EACH BOARD OF
24 CANVASSERS SHALL PREPARE A STATEMENT OF ELECTION RESULTS BY PRECINCT
25 FOR EACH CANDIDATE OR QUESTION VOTED ON AT THE ELECTION AND DECLARE:

26 (1) WHO IS ELECTED OR NOMINATED FOR OFFICE:

27 (I) IN COUNTY GOVERNMENT; OR

28 (II) FOR ANY OTHER OFFICE VOTED FOR ONLY WITHIN THAT
29 COUNTY, IF THE CERTIFICATE OF CANDIDACY FOR THAT OFFICE WAS ISSUED BY THE
30 LOCAL BOARD; AND

31 (2) WHETHER OR NOT A QUESTION IS ADOPTED OR APPROVED.

32 (B) REPORTING OF ABSENTEE VOTE.

1 THE STATEMENT PREPARED BY THE BOARD OF CANVASSERS UNDER
2 SUBSECTION (A) OF THIS SECTION MAY NOT REPORT THE ABSENTEE VOTE
3 SEPARATELY BY PRECINCT.

4 (C) COPIES OF ELECTION RESULTS.

5 EACH LOCAL BOARD SHALL PUBLISH A SUFFICIENT NUMBER OF COPIES OF
6 THE COMPLETE ELECTION RESULTS, TABULATED BY PRECINCT, AND SHALL MAKE
7 THE COPIES AVAILABLE TO THE PUBLIC AT COST.

8 11-403. SECURITY AND INSPECTION OF VOTING SYSTEM.

9 (A) IN GENERAL.

10 (1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AND IN
11 ACCORDANCE WITH REGULATIONS ADOPTED BY THE STATE BOARD, THE
12 EQUIPMENT AND DOCUMENTATION OF A VOTING SYSTEM, INCLUDING ALL PAPER
13 AND ELECTRONIC DOCUMENTATION, SHALL REMAIN SECURED FOLLOWING THE
14 VERIFICATION REQUIRED BY § 11-306 OF THIS TITLE UNTIL:

15 (I) THE EXPIRATION OF THE PERIOD ALLOWED FOR INITIATING A
16 RECOUNT;

17 (II) IN THE EVENT OF A RECOUNT, THE RECOUNT IS COMPLETED;
18 AND

19 (III) THE RESOLUTION OF ANY ELECTION CONTEST.

20 (2) AFTER THE EXPIRATION OF THE PERIOD SPECIFIED IN PARAGRAPH
21 (1) OF THIS SUBSECTION, THE EQUIPMENT AND DOCUMENTATION OF THE VOTING
22 SYSTEM SHALL BE MAINTAINED IN ACCORDANCE WITH REGULATIONS OF THE STATE
23 BOARD.

24 (B) OPENING OF VOTING SYSTEM - CONDITIONS.

25 A VOTING SYSTEM MAY BE OPENED AND THE DOCUMENTS AND EQUIPMENT
26 ASSOCIATED WITH IT EXAMINED IN THE PRESENCE OF THE OFFICER HAVING
27 CUSTODY OF THE VOTING SYSTEM UPON:

28 (1) THE ORDER OF ANY COURT OF COMPETENT JURISDICTION; OR

29 (2) THE DIRECTION OF ANY LEGISLATIVE COMMITTEE CHARGED WITH
30 INVESTIGATING A CONTESTED ELECTION AFFECTED BY THE USE OF THE VOTING
31 SYSTEM.

32 SUBTITLE 5. STATEWIDE CANVASS AND CERTIFICATION.

33 11-501. STATE BOARD - CANVASS OF PRIMARY ELECTION RESULTS.

34 (A) DUTIES.

1 FOLLOWING EACH GUBERNATORIAL PRIMARY OR SPECIAL PRIMARY ELECTION
2 IN THE STATE, THE STATE BOARD SHALL:

3 (1) CONVENE WITHIN 2 DAYS AFTER THE CERTIFIED OFFICIAL
4 ELECTION RESULTS ARE RECEIVED FROM THE LOCAL BOARDS;

5 (2) IF A MAJORITY OF THE MEMBERS OF THE STATE BOARD IS NOT
6 PRESENT, ADJOURN FOR NOT MORE THAN 1 DAY;

7 (3) DETERMINE WHICH CANDIDATES, BY THE GREATEST NUMBER OF
8 VOTES, HAVE BEEN NOMINATED TO EACH OFFICE AND WHICH QUESTIONS HAVE
9 RECEIVED A SUFFICIENT NUMBER OF VOTES TO BE ADOPTED OR APPROVED; AND

10 (4) PREPARE AND CERTIFY STATEWIDE ELECTION RESULTS BASED ON
11 THE CERTIFIED COPIES OF THE STATEMENTS MADE BY THE COUNTY BOARDS OF
12 CANVASSERS.

13 (B) DISSENT BY A BOARD MEMBER - WRITTEN STATEMENT REQUIRED.

14 (1) IF A MEMBER OF THE STATE BOARD DISSENTS FROM A
15 DETERMINATION OF AN ELECTION RESULT OR REASONABLY BELIEVES THAT THE
16 CONDUCT OF A BOARD MEMBER OR BOARD PROCEEDING WAS NOT IN COMPLIANCE
17 WITH APPLICABLE LAW OR REGULATION OR WAS OTHERWISE ILLEGAL OR
18 IRREGULAR, THE MEMBER SHALL PREPARE AND FILE WITH THE BOARD A DISTINCT
19 WRITTEN STATEMENT OF THE REASONS FOR THE DISSENT OR CONCERN.

20 (2) THE STATE BOARD SHALL MAINTAIN A FILE OF THE WRITTEN
21 STATEMENTS SUBMITTED UNDER THIS SUBSECTION BY MEMBERS OF THE BOARD.

22 DRAFTER'S NOTE: In subsection (a)(1), the requirement that the State
23 Board meet within 2 days after receipt of the certified official return from
24 the local boards is new.

25 11-502. BOARD OF STATE CANVASSERS.

26 (A) MEMBERSHIP.

27 THE BOARD OF STATE CANVASSERS CONSISTS OF THE FOLLOWING MEMBERS:

28 (1) THE SECRETARY OF STATE;

29 (2) THE COMPTROLLER;

30 (3) THE STATE TREASURER;

31 (4) THE CLERK OF THE COURT OF APPEALS; AND

32 (5) THE ATTORNEY GENERAL.

33 (B) QUORUM.

1 THREE MEMBERS OF THE BOARD OF STATE CANVASSERS CONSTITUTE A
2 QUORUM.

3 (C) ~~EXECUTIVE DIRECTOR STATE ADMINISTRATOR~~ OF STATE BOARD TO
4 SERVE AS SECRETARY.

5 THE ~~EXECUTIVE DIRECTOR STATE ADMINISTRATOR~~ OF THE STATE BOARD OF
6 ELECTIONS SERVES AS SECRETARY TO THE BOARD OF STATE CANVASSERS.

7 (D) STATE TREASURER - APPOINTMENT OF DEPUTY AS DESIGNEE.

8 THE STATE TREASURER MAY APPOINT, AS THE TREASURER'S DESIGNEE, A
9 DEPUTY TREASURER TO SERVE ON THE BOARD OF STATE CANVASSERS.

10 11-503. SAME - CANVASS OF ELECTION RESULTS.

11 (A) DUTIES.

12 THE BOARD OF STATE CANVASSERS SHALL:

13 (1) (I) CONVENE ONLY AFTER A PRESIDENTIAL PRIMARY ELECTION, A
14 STATE GENERAL ELECTION, OR A GENERAL OR SPECIAL GENERAL ELECTION THAT
15 INCLUDES A CANDIDATE FOR MEMBER OF THE CONGRESS OF THE UNITED STATES;

16 (II) CONVENE WITHIN 35 DAYS OF THAT ELECTION; AND

17 (III) IF A MAJORITY OF MEMBERS OF THE BOARD OF STATE
18 CANVASSERS IS NOT PRESENT, ADJOURN FOR NOT MORE THAN 1 DAY;

19 (2) DETERMINE WHICH CANDIDATES, BY THE GREATEST NUMBER OF
20 VOTES, HAVE BEEN ELECTED TO EACH OFFICE AND WHICH QUESTIONS HAVE
21 RECEIVED A SUFFICIENT NUMBER OF VOTES TO BE ADOPTED OR APPROVED;

22 (3) PREPARE STATEWIDE ELECTION RESULTS FOR EACH CANDIDATE
23 AND QUESTION, BASED ON THE CERTIFIED COPIES OF THE STATEMENTS MADE BY
24 THE COUNTY BOARDS OF CANVASSERS; AND

25 (4) PREPARE AND TRANSMIT A CERTIFIED STATEMENT OF THE
26 ELECTION RESULTS TO THE STATE BOARD OF ELECTIONS.

27 (B) DISSENT BY A BOARD MEMBER - WRITTEN STATEMENT REQUIRED.

28 (1) IF A MEMBER OF THE BOARD OF STATE CANVASSERS DISSENTS
29 FROM A DETERMINATION OF AN ELECTION RESULT OR REASONABLY BELIEVES
30 THAT THE CONDUCT OF A BOARD MEMBER OR BOARD PROCEEDING WAS NOT IN
31 COMPLIANCE WITH APPLICABLE LAW OR REGULATION OR WAS OTHERWISE ILLEGAL
32 OR IRREGULAR, THE MEMBER SHALL PREPARE AND TRANSMIT A DISTINCT WRITTEN
33 STATEMENT OF THE REASONS FOR THE DISSENT OR CONCERN TO THE STATE BOARD
34 OF ELECTIONS.

1 (2) THE STATE BOARD OF ELECTIONS SHALL MAINTAIN A FILE OF THE
2 WRITTEN STATEMENTS SUBMITTED UNDER THIS SUBSECTION BY MEMBERS OF THE
3 BOARD OF STATE CANVASSERS.

4 SUBTITLE 6. CERTIFICATION OF GENERAL ELECTION RESULTS AND ISSUANCE OF
5 COMMISSIONS OF ELECTION.

6 11-601. PROCEDURE.

7 (A) CERTIFICATION BY STATE BOARD.

8 (1) THE STATE BOARD SHALL CERTIFY ELECTION RESULTS IN
9 ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE AND REGULATIONS ADOPTED
10 BY THE STATE BOARD.

11 (2) THE CERTIFICATION BY THE STATE BOARD SHALL INCLUDE A
12 DETERMINATION THAT REPORTS OR STATEMENTS OF CONTRIBUTIONS AND
13 EXPENDITURES REQUIRED TO BE FILED UNDER § 13-401 OF THIS ARTICLE HAVE
14 BEEN FILED.

15 (B) NOTICE TO SPECIFIED INDIVIDUALS.

16 THE STATE BOARD SHALL:

17 (1) PROMPTLY DELIVER UNDER ITS SEAL A CERTIFIED STATEMENT
18 NOTIFYING:

19 (I) EACH INDIVIDUAL WHO IS DECLARED ELECTED;

20 (II) EACH INDIVIDUAL WHO IS CONTINUED IN OFFICE;

21 (III) THE SECRETARY AND PRESIDING OFFICER OF THE UNITED
22 STATES SENATE, IN THE CASE OF THE ELECTION OF A UNITED STATES SENATOR TO
23 REPRESENT THE STATE; AND

24 (IV) THE CLERK AND PRESIDING OFFICER OF THE UNITED STATES
25 HOUSE OF REPRESENTATIVES, IN THE CASE OF THE ELECTION OF A MEMBER OF THE
26 HOUSE OF REPRESENTATIVES TO REPRESENT THE STATE; AND

27 (2) PUBLISH A SUFFICIENT NUMBER OF COPIES OF THE CERTIFIED
28 STATEMENTS OF THE VOTES CAST THROUGHOUT THE STATE THAT ARE DELIVERED
29 TO IT BY THE BOARD OF STATE CANVASSERS AND MAKE THE COPIES AVAILABLE TO
30 THE PUBLIC AT COST.

31 11-602. ISSUANCE OF COMMISSION BY GOVERNOR.

32 THE GOVERNOR SHALL ISSUE A COMMISSION TO AN INDIVIDUAL ELECTED TO
33 OR CONTINUED IN OFFICE ONLY IF THE INDIVIDUAL'S ELECTION IS CERTIFIED BY
34 THE STATE BOARD.

1 11-603. CERTIFICATES FOR CANDIDATES ELECTED TO CONGRESS CONSTITUTE
2 COMMISSIONS.

3 A CERTIFICATE ISSUED BY THE STATE BOARD OF ELECTIONS TO THE
4 SECRETARY AND PRESIDING OFFICER OF THE UNITED STATES SENATE OR TO THE
5 CLERK AND PRESIDING OFFICER OF THE HOUSE OF REPRESENTATIVES OF THE
6 UNITED STATES UNDER § 11- 601(B)(1)(III) AND (IV) OF THIS SUBTITLE CONSTITUTES
7 PRIMA FACIE EVIDENCE OF THE RIGHT OF THE INDIVIDUAL CERTIFIED TO BE
8 SEATED FOR OFFICE IN THE UNITED STATES CONGRESS.

9 TITLE 12. CONTESTED ELECTIONS.

10 SUBTITLE 1. RECOUNTS.

11 12-101. PETITION FOR RECOUNT.

12 (A) GENERALLY.

13 A CANDIDATE FOR PUBLIC OR PARTY OFFICE WHO HAS BEEN DEFEATED BASED
14 ON THE CERTIFIED RESULTS OF ANY ELECTION CONDUCTED UNDER THIS ARTICLE
15 MAY PETITION FOR A RECOUNT OF THE VOTES CAST FOR THE OFFICE SOUGHT.

16 (B) CONTENTS OF PETITION FOR RECOUNT.

17 THE PETITION SHALL SPECIFY THAT THE RECOUNT BE CONDUCTED:

18 (1) IN ALL OF THE PRECINCTS IN WHICH THE OFFICE WAS ON THE
19 BALLOT; OR

20 (2) ONLY IN THE PRECINCTS DESIGNATED IN THE PETITION.

21 (C) PLACE OF FILING.

22 THE PETITION SHALL BE FILED WITH THE SAME ELECTION AUTHORITY WITH
23 WHICH THE CANDIDATE'S CERTIFICATE OF CANDIDACY WAS FILED.

24 (D) TIME OF FILING.

25 THE PETITION MUST BE FILED WITHIN 3 DAYS AFTER THE RESULTS OF THE
26 ELECTION HAVE BEEN CERTIFIED.

27 (E) NOTICE OF FILING OF PETITION.

28 (1) THE STATE BOARD SHALL PROMPTLY NOTIFY EACH APPROPRIATE
29 LOCAL BOARD OF A PETITION THAT IS FILED WITH THE STATE BOARD.

30 (2) A LOCAL BOARD SHALL PROMPTLY NOTIFY THE STATE BOARD OF A
31 PETITION THAT IS FILED WITH THE LOCAL BOARD.

1 12-102. COUNTERPETITION FOR RECOUNT.

2 (A) GENERALLY.

3 AN OPPOSING CANDIDATE OF THE PETITIONER UNDER § 12-101 OF THIS
4 SUBTITLE MAY FILE A COUNTERPETITION IF:

5 (1) THE PETITION FILED UNDER § 12-101 OF THIS SUBTITLE DID NOT
6 SPECIFY ALL OF THE PRECINCTS IN WHICH THE OFFICE WAS ON THE BALLOT; AND

7 (2) ON COMPLETION OF THE RECOUNT, THE WINNER OF THE ELECTION
8 IS CHANGED.

9 (B) CONTENTS OF COUNTERPETITION.

10 A COUNTERPETITION SHALL BE A REQUEST FOR A RECOUNT OF THE VOTES FOR
11 THE OFFICE IN THE PRECINCTS NOT SPECIFIED BY THE PETITIONER UNDER § 12-101
12 OF THIS SUBTITLE.

13 (C) PLACE OF FILING.

14 THE OPPOSING CANDIDATE SHALL FILE THE COUNTERPETITION WITH THE
15 SAME ELECTION AUTHORITY WITH WHICH THE CANDIDATE'S CERTIFICATE OF
16 CANDIDACY WAS FILED.

17 (D) TIME OF FILING.

18 THE PETITION MUST BE FILED WITHIN 2 DAYS OF THE DETERMINATION UNDER
19 SUBSECTION (A)(2) OF THIS SECTION.

20 (E) NOTICE OF FILING OF COUNTERPETITION.

21 (1) THE STATE BOARD SHALL PROMPTLY NOTIFY EACH APPROPRIATE
22 LOCAL BOARD OF A COUNTERPETITION THAT IS FILED WITH THE STATE BOARD.

23 (2) A LOCAL BOARD SHALL PROMPTLY NOTIFY THE STATE BOARD OF A
24 COUNTERPETITION THAT IS FILED WITH THE LOCAL BOARD.

25 12-103. RECOUNT ON A QUESTION; PETITION.

26 (A) GENERALLY.

27 A PETITION FOR A RECOUNT BASED ON THE CERTIFIED RESULTS OF A
28 QUESTION ON THE BALLOT IN AN ELECTION CONDUCTED UNDER THIS ARTICLE MAY
29 BE FILED BY A REGISTERED VOTER ELIGIBLE TO VOTE FOR THAT QUESTION.

30 (B) CONTENTS OF PETITION FOR RECOUNT.

31 THE PETITION SHALL SPECIFY THAT THE RECOUNT BE CONDUCTED:

1 (1) IN ALL OF THE PRECINCTS IN WHICH THE OFFICE WAS ON THE
2 BALLOT; OR

3 (2) ONLY IN PRECINCTS DESIGNATED IN THE PETITION.

4 (C) PLACE OF FILING.

5 (1) IF THE QUESTION WAS ON THE BALLOT IN ONE COUNTY, THE
6 PETITION SHALL BE FILED IN THAT COUNTY.

7 (2) IF THE QUESTION WAS ON THE BALLOT IN MORE THAN ONE COUNTY,
8 THE PETITION SHALL BE FILED WITH THE STATE BOARD.

9 (D) TIME OF FILING.

10 THE PETITION MUST BE FILED WITHIN 2 DAYS AFTER THE RESULTS OF THE
11 ELECTION ARE CERTIFIED.

12 (E) NOTICE OF FILING OF PETITIONS.

13 (1) THE STATE BOARD SHALL PROMPTLY NOTIFY EACH APPROPRIATE
14 LOCAL BOARD OF A PETITION THAT IS FILED WITH THE STATE BOARD.

15 (2) A LOCAL BOARD SHALL PROMPTLY NOTIFY THE STATE BOARD OF A
16 PETITION THAT IS FILED WITH THE LOCAL BOARD.

17 DRAFTER'S NOTE: This section is new language added in order to provide
18 the right to a recount of the votes cast for a question.

19 12-104. SAME; COUNTERPETITION.

20 (A) GENERALLY.

21 A COUNTERPETITION TO A QUESTION FILED UNDER § 12-103 OF THIS SUBTITLE
22 MAY BE FILED BY A VOTER ELIGIBLE TO VOTE FOR THAT QUESTION, IF:

23 (1) THE PETITION FILED UNDER § 12-103 OF THIS SUBTITLE DID NOT
24 SPECIFY ALL OF THE PRECINCTS IN WHICH THE QUESTION WAS ON THE BALLOT;
25 AND

26 (2) ON COMPLETION OF THE RECOUNT, THE OUTCOME OF THE
27 ELECTION IS CHANGED.

28 (B) CONTENTS OF COUNTERPETITION.

29 A COUNTERPETITION SHALL BE A REQUEST FOR A RECOUNT OF THE VOTES FOR
30 THE QUESTION IN THE PRECINCTS NOT SPECIFIED BY THE PETITIONER UNDER §
31 12-103 OF THIS SUBTITLE.

32 (C) PLACE OF FILING.

1 (1) IF THE QUESTION WAS ON THE BALLOT IN ONE COUNTY, THE
2 COUNTERPETITION SHALL BE FILED IN THAT COUNTY.

3 (2) IF THE QUESTION WAS ON THE BALLOT IN MORE THAN ONE COUNTY,
4 THE COUNTERPETITION SHALL BE FILED WITH THE STATE BOARD.

5 (D) TIME OF FILING.

6 THE PETITION SHALL BE FILED WITHIN 2 DAYS OF THE DETERMINATION
7 UNDER SUBSECTION (A)(2) OF THIS SECTION.

8 (E) NOTICE OF FILING OF COUNTERPETITION.

9 (1) THE STATE BOARD SHALL PROMPTLY NOTIFY EACH APPROPRIATE
10 LOCAL BOARD OF A COUNTERPETITION THAT IS FILED WITH THE STATE BOARD.

11 (2) A LOCAL BOARD SHALL PROMPTLY NOTIFY THE STATE BOARD OF A
12 COUNTERPETITION THAT IS FILED WITH THE LOCAL BOARD.

13 DRAFTER'S NOTE: This section is new language added in order to provide
14 the right to a recount of the votes cast for a question.

15 12-105. BOND.

16 (A) GENERALLY.

17 A PETITION OR COUNTERPETITION FILED UNDER THIS SUBTITLE SHALL BE
18 FILED WITH A BOND AS PROVIDED UNDER SUBSECTION (B) OF THIS SECTION.

19 (B) DETERMINATION AND SETTING OF BOND.

20 (1) IF A RECOUNT IS BEING CONDUCTED IN ONLY ONE COUNTY, A
21 JUDGE OF THE CIRCUIT COURT OF THE COUNTY SHALL DETERMINE AND SET THE
22 BOND TO BE FILED BY THE PETITIONER OR COUNTERPETITIONER SUFFICIENT TO
23 PAY THE REASONABLE COSTS OF THE RECOUNT.

24 (2) IF THE RECOUNT IS BEING CONDUCTED IN MORE THAN ONE
25 COUNTY, A JUDGE OF THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY SHALL
26 DETERMINE AND SET THE BOND.

27 DRAFTER'S NOTE: The requirement that an affidavit be filed along with the
28 bond has been repealed in order to provide greater access to the recount
29 process.

30 12-106. DUTIES OF THE STATE BOARD AND LOCAL BOARDS.

31 (A) DUTIES OF LOCAL BOARDS.

32 IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE STATE BOARD, THE
33 LOCAL BOARD SHALL:

1 (1) CONDUCT THE RECOUNT AND CERTIFY THE OFFICIAL RESULT OF
2 THE ELECTION OR QUESTION WHICH IS THE SUBJECT OF THE RECOUNT; AND

3 (2) ENSURE THE PUBLIC'S ABILITY TO BE PRESENT WHILE THE
4 RECOUNT IS CONDUCTED.

5 (B) STATE BOARD TO MONITOR CONDUCT OF RECOUNT.

6 THE STATE BOARD SHALL MONITOR AND SUPPORT THE WORK OF ANY LOCAL
7 BOARD CONDUCTING A RECOUNT TO ENSURE COMPLIANCE WITH THIS SUBTITLE.

8 (C) TERMINATION OF RECOUNT.

9 THE STATE BOARD SHALL ESTABLISH A PROCEDURE THAT WILL ALLOW
10 PETITIONERS AND COUNTERPETITIONERS TO REQUEST THAT A RECOUNT BE
11 TERMINATED PRIOR TO ITS COMPLETION.

12 (D) CORRECTION OF RETURNS.

13 WHEN A RECOUNT IS COMPLETED, THE LOCAL BOARD, AND WHEN
14 APPROPRIATE THE STATE BOARD, SHALL CORRECT THE PRIMARY, GENERAL, OR
15 SPECIAL ELECTION RETURNS AND CERTIFICATES THAT WERE MADE BY A
16 CANVASSING BOARD.

17 12-107. COSTS.

18 (A) DEFINITION.

19 IN THIS SECTION, "PETITIONER" INCLUDES A COUNTERPETITIONER.

20 (B) GENERALLY.

21 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, EACH
22 PETITIONER SHALL PAY THE COST OF A RECOUNT REQUESTED UNDER THIS
23 SUBTITLE AND THE PETITIONER'S BOND IS LIABLE FOR THE COST.

24 (2) THE PETITIONER IS NOT LIABLE FOR THE COSTS OF THE RECOUNT
25 IF:

26 (I) THE OUTCOME OF THE ELECTION IS CHANGED; OR

27 (II) THE PETITIONER HAS GAINED A NUMBER OF VOTES, FOR THE
28 PETITIONER'S CANDIDACY OR FOR OR AGAINST THE QUESTION THAT IS THE
29 SUBJECT OF THE PETITION, EQUAL TO 2% OR MORE OF THE TOTAL VOTES CAST FOR
30 THE OFFICE OR ON THE QUESTION, IN ALL PRECINCTS BEING RECOUNTED.

31 (C) PAYMENT BY COUNTY.

32 IF THE PETITIONER IS NOT LIABLE FOR THE COSTS OF THE RECOUNT AS
33 PROVIDED IN SUBSECTION (B) OF THIS SECTION, A COUNTY SHALL PAY THE COSTS
34 OF THE RECOUNT IN THAT COUNTY.

1 SUBTITLE 2. JUDICIAL REVIEW OF ELECTIONS.

2 12-201. SCOPE OF SUBTITLE.

3 THIS SUBTITLE APPLIES TO AN ISSUE ARISING IN AN ELECTION CONDUCTED
4 UNDER THIS ARTICLE.

5 12-202. JUDICIAL CHALLENGES.

6 (A) GENERALLY.

7 IF NO OTHER TIMELY AND ADEQUATE REMEDY IS PROVIDED BY THIS ARTICLE,
8 A REGISTERED VOTER MAY SEEK JUDICIAL RELIEF FROM ANY ACT OR OMISSION
9 RELATING TO AN ELECTION, WHETHER OR NOT THE ELECTION HAS BEEN HELD, ON
10 THE GROUNDS THAT THE ACT OR OMISSION:

11 (1) IS INCONSISTENT WITH THIS ARTICLE OR OTHER LAW APPLICABLE
12 TO THE ELECTIONS PROCESS; AND

13 (2) MAY CHANGE OR HAS CHANGED THE OUTCOME OF THE ELECTION.

14 (B) PLACE AND TIME OF FILING.

15 A REGISTERED VOTER MAY SEEK JUDICIAL RELIEF UNDER THIS SECTION IN
16 THE APPROPRIATE CIRCUIT COURT WITHIN THE EARLIER OF:

17 (1) 10 DAYS AFTER THE ACT OR OMISSION OR THE DATE THE ACT OR
18 OMISSION BECAME KNOWN TO THE PETITIONER; OR

19 (2) 7 DAYS AFTER THE ELECTION RESULTS ARE CERTIFIED, UNLESS
20 THE ELECTION WAS A GUBERNATORIAL PRIMARY OR SPECIAL PRIMARY ELECTION,
21 IN WHICH CASE 3 DAYS AFTER THE ELECTION RESULTS ARE CERTIFIED.

22 12-203. PROCEDURE.

23 (A) GENERALLY.

24 A PROCEEDING UNDER THIS SUBTITLE SHALL BE CONDUCTED IN ACCORDANCE
25 WITH THE MARYLAND RULES, EXCEPT THAT:

26 (1) THE PROCEEDING SHALL BE HEARD AND DECIDED WITHOUT A JURY
27 AND AS EXPEDITIOUSLY AS THE CIRCUMSTANCES REQUIRE;

28 (2) ON THE REQUEST OF A PARTY OR SUA SPONTE, THE CHIEF
29 ADMINISTRATIVE JUDGE OF THE CIRCUIT COURT MAY ASSIGN THE CASE TO A
30 THREE-JUDGE PANEL OF CIRCUIT COURT JUDGES; AND

31 (3) AN APPEAL SHALL BE TAKEN DIRECTLY TO THE COURT OF APPEALS
32 WITHIN 5 DAYS OF THE DATE OF THE DECISION OF THE CIRCUIT COURT.

33 (B) EXPEDITED APPEAL.

1 THE COURT OF APPEALS SHALL GIVE PRIORITY TO HEAR AND DECIDE AN
2 APPEAL BROUGHT UNDER SUBSECTION (A)(3) OF THIS SECTION AS EXPEDITIOUSLY
3 AS THE CIRCUMSTANCES REQUIRE.

4 12-204. JUDGMENT.

5 (A) GENERALLY.

6 THE COURT MAY PROVIDE A REMEDY AS PROVIDED IN SUBSECTION (B) OR (C)
7 OF THIS SECTION IF THE COURT DETERMINES THAT THE ALLEGED ACT OR OMISSION
8 MATERIALLY AFFECTED THE RIGHTS OF INTERESTED PARTIES OR THE PURITY OF
9 THE ELECTIONS PROCESS AND:

10 (1) MAY HAVE CHANGED THE OUTCOME OF AN ELECTION ALREADY
11 HELD; OR

12 (2) MAY CHANGE THE OUTCOME OF A PENDING ELECTION.

13 (B) ACT OR OMISSION THAT CHANGED ELECTION OUTCOME.

14 IF THE COURT MAKES AN AFFIRMATIVE DETERMINATION THAT AN ACT OR
15 OMISSION WAS COMMITTED THAT CHANGED THE OUTCOME OF AN ELECTION
16 ALREADY HELD, THE COURT SHALL:

17 (1) DECLARE VOID THE ELECTION FOR THE OFFICE OR QUESTION
18 INVOLVED AND ORDER THAT THE ELECTION BE HELD AGAIN AT A DATE SET BY THE
19 COURT; OR

20 (2) ORDER ANY OTHER RELIEF THAT WILL PROVIDE AN ADEQUATE
21 REMEDY.

22 (C) ACT OR OMISSION THAT MAY CHANGE OUTCOME OF PENDING ELECTION.

23 IF THE COURT MAKES AN AFFIRMATIVE DETERMINATION THAT AN ACT OR
24 OMISSION HAS BEEN COMMITTED THAT MAY CHANGE THE OUTCOME OF A PENDING
25 ELECTION, THE COURT MAY:

26 (1) ORDER ANY RELIEF IT CONSIDERS APPROPRIATE UNDER THE
27 CIRCUMSTANCES; AND

28 (2) IF THE COURT DETERMINES THAT IT IS THE ONLY RELIEF THAT
29 WILL PROVIDE A REMEDY, DIRECT THAT THE ELECTION FOR THE OFFICE OR
30 QUESTION INVOLVED BE POSTPONED AND RESCHEDULED ON A DATE SET BY THE
31 COURT.

32 (D) CLEAR AND CONVINCING EVIDENCE.

33 A DETERMINATION OF THE COURT UNDER SUBSECTION (A) OF THIS SECTION
34 SHALL BE BASED ON CLEAR AND CONVINCING EVIDENCE.

1 TITLE 13. CAMPAIGN FINANCE.

2 SUBTITLE 1. GENERAL PROVISIONS.

3 [26-1.] 13-101. APPLICATION.

4 The provisions of this [subtitle] TITLE shall apply to all elections in which
5 ballots shall be cast pursuant to the provisions of this article.

6 [26-2.] 13-102. SUMMARY OF ELECTION LAWS.

7 The State [Administrative] Board [of Election Laws] shall summarize
8 provisions of the election laws relating to campaign contributions and expenditures
9 and provide for the distribution of this summary to all candidates for nomination for
10 or election to public or party office at the time such candidates file for nomination or
11 election and shall prepare and include in such distribution to each candidate
12 specimen forms provided for in this [subtitle] TITLE and shall provide such specimen
13 forms as shall be requested by the boards in any political subdivision.

14 SUBTITLE 2. FUND-RAISING.

15 [26-3.] 13-201. APPOINTMENT OF TREASURER.

16 (a) (1) (i) Except as provided in subparagraph (ii) of this paragraph, each
17 candidate for nomination for, or election to, public or party office, upon or before, and
18 as a condition precedent to qualifying as candidate, shall appoint one campaign
19 treasurer and shall file the name and address of the campaign treasurer with the
20 board or with the State [Administrative] Board [of Election Laws] as provided in
21 subsection (c) of this section. Every treasurer so appointed shall accept the
22 appointment, in writing, prior to the filing of his name as treasurer. The board or the
23 State [Administrative] Board [of Election Laws] may not accept any certificate of
24 candidacy, either finally or conditionally, unless the name of the treasurer has
25 previously been filed with it as provided in this subsection. The candidate and
26 treasurer shall file campaign fund reports in accordance with [§ 26-11] § 13-401 OF
27 THIS TITLE.

28 (ii) A candidate for whom an authorized candidate campaign
29 committee has been established is exempt from the campaign treasurer requirement
30 of subparagraph (i) of this subsection.

31 (2) A treasurer who resigns shall do so on a form prescribed by the State
32 [Administrative] Board [of Election Laws] signed by him, filed with the board or
33 with the State [Administrative] Board [of Election Laws] where the original
34 appointment was filed. The candidate immediately shall appoint and file a new
35 treasurer in accordance with this section.

36 (3) A member of the State [Administrative] Board [of Election Laws],
37 or a member of any board, or any permanent, part-time, or temporary employee of
38 either may not be a candidate or campaign manager or treasurer or subtreasurer of

1 any candidate, combination of candidates, or political committee during any part of
2 his tenure in office or employment.

3 (4) (i) 1. In this paragraph "lobbyist" means a regulated lobbyist
4 who is described in § 15-701(a)(1), (2), or (3) of the State Government Article.

5 2. A lobbyist, or a person acting on behalf of a lobbyist, may
6 not organize or establish a political committee for the purpose of soliciting or
7 transmitting contributions or transfers from any person to the Governor, Lieutenant
8 Governor, Attorney General, Comptroller, or member of the General Assembly or
9 candidate for election to the office of Governor, Lieutenant Governor, Attorney
10 General, Comptroller, or member of the General Assembly.

11 (ii) This paragraph may not be construed to prohibit a lobbyist
12 from:

13 1. Being a candidate; or

14 2. Making a personal contribution within the limitations
15 established under this article.

16 (b) The form for appointment of a treasurer and the acceptance of such
17 appointment by the treasurer shall be on a form prescribed by the State
18 [Administrative] Board [of Election Laws].

19 (c) A person may not act as treasurer, subtreasurer, or campaign manager
20 unless the form required in subsection (b) of this section is filed with the board or
21 with the State [Administrative] Board [of Election Laws] with which the candidate
22 is required to file his certificate of candidacy. Nothing in this subtitle shall prevent
23 the treasurer, subtreasurer, or campaign manager of any candidate from being the
24 treasurer, subtreasurer, or campaign manager of another candidate or political
25 committee, but a candidate for public or party office or nomination to public or party
26 office may not designate himself as his own treasurer, or subtreasurer or act as the
27 campaign manager, treasurer, or subtreasurer of any other candidate or political
28 committee. However, those candidates for party office who are members of central
29 committees are not prohibited from being the treasurer of a central committee during
30 their candidacy. A person may not be appointed or act as treasurer or subtreasurer or
31 campaign manager in any election or primary election if he is not a citizen, resident,
32 and registered voter of the State of Maryland.

33 (d) The treasurer of a political committee or for a candidate may appoint a
34 separate subtreasurer for any county or political subdivision, which subtreasurer
35 shall deposit funds, disburse and account for the same in the same manner as herein
36 provided with respect to a treasurer. It shall be the duty of every such subtreasurer to
37 make a report on the form prescribed in [§ 26-12 of this article] § 13-402 OF THIS
38 TITLE to the treasurer appointing him. The subtreasurer's report shall be attached to
39 and the total amounts of contributions and expenditures contained therein
40 incorporated into the treasurer's report prescribed in said [§ 26-12 of this article] §
41 13-402 OF THIS TITLE and filed as required by [§ 26-11 of this article] § 13-401 OF
42 THIS TITLE.

1 (e) Any candidate, after filing the name of a treasurer as prescribed in
2 subsection (a) of this section, may choose, at any time after the filing to join a group,
3 combination or organization of candidates, commonly known as a "slate", at which
4 time the candidate shall notify the board of the county or Baltimore City, or the State
5 [Administrative] Board [of Election Laws], with which his certificate of candidacy
6 was filed in writing, of the fact that he has joined the slate and the date on which he
7 did so. The treasurer of the slate shall report in the same manner as the treasurer of
8 any political committee as prescribed in [§ 26-4(a) of this article] § 13-202 OF THIS
9 SUBTITLE.

10 [26-4.] 13-202. REQUIREMENTS OF COMMITTEES.

11 (a) Every central committee [, partisan organization,] or political committee,
12 as defined in [§§ 1-1(a)(4A), 1-1(a)(12), 1-1(a)(14) and 4D-1(a)] TITLE 1 of this
13 article, except political clubs, shall appoint and constantly maintain a chairman and
14 a treasurer, whose names and residence addresses, together with the names and
15 residence addresses of its other principal officers, shall be filed where campaign fund
16 reports are required to be filed pursuant to § [26-11] 13-401 OF THIS TITLE. The
17 chairman, treasurer, and other principal officers shall all be registered voters of the
18 State of Maryland. The treasurer shall receive, keep, and disburse all sums of money,
19 or other valuable things, which may be collected, received, or disbursed by the
20 committee [or organization] or by any of its members for any purposes for which the
21 committee [or organization] exists or acts. Unless the chairman, treasurer, and other
22 officers are appointed and filed as required in this subsection, it is unlawful and a
23 violation of this article for a central committee [, partisan organization,] or political
24 committee, or any of its members, to collect, or receive, or disburse money, or other
25 valuable things, for such purposes. A chairman or treasurer of a committee [or
26 organization] who resigns or otherwise ceases to be chairman or treasurer, as the
27 case may be, shall notify the board or the State [Administrative] Board [of Election
28 Laws] where the original appointment was filed on a form prescribed by the State
29 [Administrative] Board [of Election Laws] signed by him. A new appointment must
30 be made and filed immediately in accordance with this section. The treasurer and
31 chairman shall file campaign fund reports in accordance with subsection (b) of this
32 section and [§ 26-11 of this article] § 13-401 OF THIS TITLE.

33 (b) If any committee, including a political club, directly or indirectly, expends
34 fifty-one dollars (\$51.00) or more to aid or oppose the nomination or election of any
35 candidate, regardless of the purpose for which the committee is formed, the treasurer
36 of the committee, or in the case of a political club an officer thereof, shall report, on
37 the form prescribed in [§ 26-12 of this article] § 13-402 OF THIS TITLE, a statement of
38 contributions and expenditures to the treasurer appointed by the candidate being so
39 aided, which statement shall be included in, or attached to, the statement of
40 contributions and expenditures reported by the treasurer of the candidate as provided
41 in [§§ 26-11 and 26-12 of this article] §§ 13-401 AND 13-402 OF THIS TITLE, however,
42 a political club need only report that amount which is actually contributed to a
43 candidate. The provisions of this subsection shall apply to any committees located
44 outside of the State of Maryland with respect to any expenditures of funds within the
45 State of Maryland.

1 (c) (1) In addition to the other requirements of this section, each political
2 committee shall file with the election board where it is required to file campaign fund
3 reports under [§ 26-11 of this article] § 13-401 OF THIS TITLE:

4 (i) The name of the political committee; and

5 (ii) A statement of its purpose.

6 (2) The following requirements shall apply to the name of a political
7 committee:

8 (i) A committee may not use a name, the intent or effect of which is
9 to deceive people as to the true nature or character of the committee.

10 (ii) A committee established by and for a single candidate shall
11 disclose the name of the candidate within the name of the committee.

12 (iii) If a committee is sponsored by, or affiliated with, another entity
13 or group, the name shall include the identity of the other entity or group.

14 (3) The statement of purpose required to be filed under this subsection
15 shall contain:

16 (i) The name of the candidate or ballot question, if any, that the
17 committee was formed to promote or defeat; and

18 (ii) The identity of the special interests, including business or
19 occupation, if any, that the members of, or contributors to, the committee have in
20 common.

21 (4) The information required under paragraph (3) of this subsection shall
22 be updated if needed whenever the committee is required to file a report of
23 contributions and expenditures.

24 [26-5.] 13-203. APPOINTMENT AND REPORTS OF SUBTREASURER.

25 [(a)] The treasurer appointed by the central committee of any party, or the
26 treasurer appointed in any county or City of Baltimore by the members of the central
27 committee for such county or city of any party, or the treasurer appointed by the city
28 committee of Baltimore City of any party, may appoint one subtreasurer for each
29 voting precinct in the said county or city, as the case may be, which subtreasurer is
30 authorized to expend such money as may be placed in his hands by the treasurer
31 appointing him for such purposes as are lawful under the provisions of this article
32 and for no other purpose, and it shall be the duty of every such subtreasurer to make
33 a report in writing under oath to the treasurer appointing him, stating in detail the
34 amount of money placed in his hands by the said treasurer and for what purposes the
35 said money was expended by him and to whom paid on the form prescribed in [§
36 26-12 of this article] § 13-402 OF THIS TITLE and in accordance with [§ 26-11 of this
37 article] § 13-401 OF THIS TITLE; and it shall be the duty of every such treasurer to file
38 the report of every subtreasurer appointed by him along with and as a part of the

1 account and statement required to be filed by such treasurer and to incorporate into
2 such treasurer's report the total amount of contributions and expenditures contained
3 in every subtreasurer's report under the provisions of [§§ 26-11 and 26-12 of this
4 article] §§ 13-401 AND 13-402 OF THIS TITLE.

5 13-204. CAMPAIGN DEPOSITORY AND PETTY CASH FUND.

6 [(b)] (A) Each candidate, political [committee] COMMITTEE, or central
7 committee shall designate a campaign depository or depositories and all funds and
8 contributions in furtherance of a candidacy, political committee or central committee
9 shall, after receipt, be deposited by the treasurer or subtreasurer in the designated
10 campaign depository in an account properly identifying the name of and the existence
11 of the political candidacy, political [committee] COMMITTEE, or central committee.

12 (B) Except as provided in subsection (c) OF THIS SECTION, a candidate,
13 campaign treasurer or subtreasurer may not pay any expense on behalf of a
14 candidate, directly or indirectly, and a political committee or central committee,
15 including political clubs, may not pay any expense of such organization except by
16 check from the designated depository.

17 (c) A separate book or ledger shall be maintained for any petty cash
18 expenditures. Expenditures from the petty cash fund shall be supported by vouchers
19 retained by the treasurer and reported by category on the appropriate campaign fund
20 report. The petty cash fund may not exceed \$250 at any given time and the fund may
21 be replenished only by check as provided in subsection (b) of this section. No more
22 than \$25 in the aggregate may be disbursed from the petty cash fund to any single
23 recipient in any primary or general election. This section does not authorize
24 expenditures for any purpose which is unlawful under this article.

25 [26-6.] 13-205. EXPENDITURES BY TREASURER.

26 (a) All contributions, money or other valuable things collected, [received]
27 RECEIVED, or disbursed by any candidate or committee for any purpose, shall be paid
28 over to and made to pass through the hands of the treasurer and, except as provided
29 in [§ 26-5(c) of this article] § 13-204 (C) OF THIS SUBTITLE, shall be disbursed by him.
30 It is unlawful for any candidate or any member or members of a committee, or for any
31 member or members of a political committee, to make any expenditure, to disburse or
32 expend money or any other valuable things, for any purposes until the money or other
33 valuable things so disbursed or expended has passed through the hands of the
34 treasurer.

35 (b) Any statement of moneys owing by a treasurer or subtreasurer shall be
36 presented for payment to the treasurer or subtreasurer within 30 days after the
37 election in connection with which the liability was incurred.

38 (c) The treasurer appointed and acting for or in connection with the State
39 central committee of the State or any political party may not expend or disburse any
40 money or valuable thing, or incur any liability whatsoever, except by the authority
41 and subject to the direction of the chairman of the State central committee of the
42 State for or in connection with which the treasurer may be appointed or acting.

1 [26-7.] 13-206. BOOKS, RECORDS, AND RECEIPTS.

2 (a) (1) Except as provided in paragraph (3) of this subsection, every
3 treasurer and every subtreasurer shall keep detailed, full and accurate accounts in a
4 proper book or books, to be called "account books", to be provided and preserved by the
5 treasurer or subtreasurer, of all contributions, [money] MONEY, or valuable things
6 received by or promised to, and of all expenditures, [disbursements]
7 DISBURSEMENTS, and promises of payment or disbursements of money or valuable
8 things made by any committee, or any of its officers or members, or by any person
9 acting under its authority, or on its behalf or by the treasurer or subtreasurer, and
10 setting forth in such statement and accounts the sum or valuable thing so received, or
11 disbursed, or promised, as the case may be, and the date when, the name and address
12 of the person from whom received or promised, or to whom paid or promised, as the
13 case may be, and the object and purposes for which the sum, or other valuable thing,
14 was received, or disbursed, or promised, as the case may be.

15 (2) Books and records may be destroyed or discarded at any time after
16 [two] 2 years from the date of filing the final report required by [§ 26-11 of this
17 article] § 13-401 OF THIS TITLE unless a court of competent jurisdiction orders their
18 retention for a longer period.

19 (3) Notwithstanding any law or regulation that prohibits an anonymous
20 contribution, a treasurer or subtreasurer may accept and is not required to identify in
21 the account books each sum of money given by each individual who purchases a spin
22 or chance on the paddle wheel or wheel of fortune authorized by law to be operated in
23 the State at a campaign fund-raising event if:

24 (i) The cost to purchase each spin or chance on the paddle wheel or
25 wheel of fortune does not exceed \$2;

26 (ii) The total contributions to a political committee or a partisan
27 organization from paddle wheels or wheels of fortune do not exceed \$2,500 per
28 election;

29 (iii) The net income to the sponsoring political committee or
30 partisan organization from a paddle wheel or wheel of fortune does not exceed \$1,500
31 in a 24-hour period at a single fund-raising event; and

32 (iv) The account books include the total net amount received and
33 the names and addresses of the individuals who attend the fund-raising event at
34 which the wheel is used.

35 (4) If a political committee [or partisan organization] raises or receives
36 contributions from a paddle wheel or wheel of fortune in excess of any of the
37 limitations established in paragraph (3) of this subsection, the political committee [or
38 partisan organization] shall:

39 (i) Donate the excess contributions to the charity of its choice; or

1 (ii) Identify in the account books each sum of money given by each
2 individual who purchases a spin or chance on the paddle wheel or wheel of fortune
3 authorized by law to be operated in the State at a campaign fund-raising event.

4 (5) The State [Administrative] Board [of Election Laws] shall adopt
5 regulations necessary to implement this subsection.

6 (b) (1) Upon receipt and before depositing a contribution, including the
7 proceeds of ticket sales, a "campaign contribution receipt", in a form prescribed by the
8 State [Administrative] Board [of Election Laws], shall be issued and delivered
9 either by mail or in person by the treasurer or subtreasurer (i) to each person or
10 treasurer of a committee, group, or organization in whose name a contribution or
11 contributions, other than the purchase of tickets, are made in the individual or
12 cumulative amount of \$51 or more; (ii) to each person or treasurer of a committee,
13 group, or organization in whose name a ticket or tickets are purchased for any dinner,
14 testimonial, cocktail party, barbecue, crab [feast] FEAST, or other campaign-related
15 function in the individual amount of \$51 or more or in the cumulative amount of \$251
16 or more. Upon request, a receipt must be given for any lesser amount.

17 (2) If such contribution is received by a subtreasurer, he shall forward
18 the contribution and a duplicate copy of the "campaign contribution receipt" with his
19 report to the treasurer of the candidate or committee for which he is subtreasurer, as
20 required by [§§ 26-11 and 26-12 of this article] §§ 13-401 AND 13-402 OF THIS TITLE.

21 (3) The treasurer shall retain all "campaign contribution receipts" with
22 his books and records as required by subsection (a) of this section and report the
23 information therein in the statement of contributions and expenditures required by
24 [§§ 26-11 and 26-12 of this article] §§ 13-401 AND 13-402 OF THIS TITLE.

25 (4) The "campaign contribution receipt" issued to a contributor shall
26 serve as evidence of a contribution by such contributor.

27 (c) Except as provided in subsection (a) of this section, any money or other
28 thing of value received from any unknown person or source by any treasurer or any
29 subtreasurer, or other persons or committee authorized to incur obligations or to pay
30 or defray obligations or expenses under the provisions of this article, shall not be used
31 for any political purpose whatsoever, but shall be paid by the treasurer, subtreasurer,
32 or other persons or committee so receiving the same, to the Treasurer of the State of
33 Maryland.

34 (d) Prior to the time of filing the final report required by [§ 26-11 of this
35 article] § 13-401 OF THIS TITLE, any surplus funds remaining after payment of all
36 campaign expenditures shall be:

37 (1) Returned, pro rata, to the contributors by the treasurer;

38 (2) Paid to the State central committee of the party of which the
39 candidate is a member or for which the political committee is acting;

1 (3) Paid to a central committee of the party of which the candidate is a
2 member or for which the political committee is acting so long as the central committee
3 is located in a county in which the candidate resides or seeks to represent;

4 (4) Paid to the local board of education or to a recognized nonprofit
5 organization providing services or funds for the benefit of pupils or teachers;

6 (5) Paid to a charitable organization registered or exempt from
7 registration under the Maryland Charitable Solicitations Act; or

8 (6) Paid to any public or private institution of higher education in this
9 State that possesses a certificate of approval from the Maryland Higher Education
10 Commission, to be used by that institution to award scholarships, grants, or loans to
11 students attending the institution.

12 [26-8.] 13-207. PERSONAL CONTRIBUTIONS AND LOANS.

13 [(a)] The contributions or loans of a candidate or the candidate's spouse to the
14 candidate's own campaign are not subject to the limitations of [§ 26-9(d)] § 13-212 OF
15 THIS SUBTITLE, but must pass through the hands of the candidate's treasurer and be
16 reported as required in other provisions in this subtitle. Personal expenses of the
17 candidate for filing fees, telegrams, telephoning, travel, and board, shall not be
18 considered contributions if paid for by the candidate or the candidate's spouse.

19 13-208. LOANS - GENERALLY.

20 [(b) (1)] (A) No loan may be made to the campaign of a candidate, or
21 accepted on behalf of the campaign, without the express written consent of the
22 candidate. Written consent constitutes the personal guarantee of the candidate for
23 repayment of the loan only if it expressly so provides. A copy of the consent shall be
24 furnished to the lender at the time of the loan and attached to the appropriate
25 campaign fund report required by [§§ 26-11 and 26-12 of this article] §§ 13-401 AND
26 13-402 OF THIS TITLE.

27 [(2)] (B) The terms of any loan to a candidate or political committee
28 shall:

29 [(i)] (1) Be in writing;

30 [(ii)] (2) Include the lender's name, address, and signature;

31 [(iii)] (3) State the schedule for repayment of the loan;

32 [(iv)] (4) State the interest rate of the loan; and

33 [(v)] (5) Be attached to the appropriate campaign fund report.

34 [(3)] (C) A loan to a candidate or political committee shall be considered
35 a contribution in the amount of the outstanding principal balance of the loan unless:

1 [(i)] (1) The loan is from a financial institution or other entity in
2 the business of making loans; or

3 [(ii)] (2) The loan is to a candidate or a candidate's campaign
4 committee, its repayment is personally guaranteed by the candidate, and the loan is
5 repaid by the end of the next election cycle.

6 [(4)] (D) If interest on a loan is not charged or is charged at a rate less
7 than the prime rate on the day that the loan is made, the amount of the interest
8 computed at the prime rate less the amount of the interest actually charged shall
9 constitute a contribution that is subject to the reporting requirements and limitations
10 of this subtitle.

11 [26-9.1.] 13-209. WALK-AROUND SERVICES.

12 (a) No candidate, slate of candidates, political committee, political party, or
13 any person acting on behalf of any of the foregoing, may at any time, directly or
14 indirectly pay, or incur any obligation to pay, nor may any person receive, directly or
15 indirectly any sum of money or thing of value in return for a political endorsement or
16 for walk-around services or any other services as a poll worker or distributor of
17 sample ballots, performed on the day of the election.

18 (b) For the purpose of this section walk-around services include any of the
19 following activities when performed for money on the day of the election, while the
20 polls are open:

21 (1) [distributing] DISTRIBUTING to any person any item enumerated in
22 [§ 26-16(a)(7) of this article] § 13-602 OF THIS TITLE;

23 (2) [communicating] COMMUNICATING a voting preference or choice in
24 any manner;

25 (3) [stationing] STATIONING any person or object in the path of any
26 voter; or

27 (4) [electioneering] ELECTIONEERING or canvassing within the
28 meaning of [§ 24-23(a)(4) of this article] § 16-206 OF THIS ARTICLE.

29 (c) This section does not apply to:

30 (1) Meals, [beverages] BEVERAGES, and refreshments served to
31 campaign workers;

32 (2) Salaries of regularly employed personnel in campaign headquarters;

33 (3) Media advertising including but not limited to newspaper, radio,
34 television, billboard, or aerial advertising;

35 (4) Rent and regular office expenses; or

1 (5) Cost of phoning voters or transporting voters to and from polling
2 places.

3 [26-9.] 13-210. CONTRIBUTIONS - GENERALLY.

4 (a) Except as provided in [subsections (b) and (c)] § 13-211 OF THIS SUBTITLE
5 AND SUBSECTION (B) of this section, no person other than a candidate shall, to aid or
6 promote the success or defeat of any political party or principle or of any proposition
7 submitted to vote at any public election, or of any candidate for nomination for, or
8 election to public or party office, make a payment or contribution of money or
9 property or incur any liability or promise any valuable thing to any person other than
10 to the treasurer or subtreasurer of a candidate or treasurer of a political committee in
11 their official capacity.

12 (b) (1) A contribution may be made directly to a candidate provided the
13 candidate shall report the contribution to the candidate's treasurer.

14 (2) Nothing contained in this subtitle shall limit or affect the right of any
15 person to volunteer the time or personal vehicle of the person for transportation
16 incident to any election or to expend money for proper legal expenses in maintaining
17 or contesting the results of any election.

18 13-211. EMPLOYEE CONTRIBUTIONS MADE BY PAYROLL DEDUCTION.

19 [(c) (1)] (A) An employer may accumulate in a separate, segregated account
20 the combined, voluntary, and periodic contributions of employees made by payroll
21 deduction.

22 [(2)] (B) An employer shall keep and maintain detailed, full, and
23 accurate records of all payroll deductions made under [paragraph (1) of this]
24 subsection (A) OF THIS SECTION, including:

25 [(i)] (1) The names of the individual contributors;

26 [(ii)] (2) The day on which each contribution is withheld;

27 [(iii)] (3) The amount of each contribution withheld from an
28 employee's paycheck; and

29 [(iv)] (4) The disposition of the amounts withheld.

30 [(3)] (C) An employer may not accumulate the contributions withheld in
31 accordance with this subsection for more than 3 months before the employer shall
32 transfer the accumulated contributions to a treasurer or subtreasurer, in their official
33 capacity, of a candidate or a political committee, together with the information
34 recorded in accordance with the provisions of [paragraph (2) of this] subsection (B) OF
35 THIS SECTION.

36 [(4)] (D) In soliciting an employee for any contribution by means of a
37 payroll deduction, an employer shall inform the employee:

- 1 [(i)] (1) Of the political purposes of the account; and
- 2 [(ii)] (2) Of the employee's right to refuse to contribute to the
3 account without reprisal.
- 4 [(5)] (E) For purposes of a payroll deduction for any contribution, an
5 employer may not receive, accumulate, transfer, or utilize money or anything of value
6 secured by:
- 7 [(i)] (1) Physical force;
- 8 [(ii)] (2) Job discrimination;
- 9 [(iii)] (3) Financial reprisals;
- 10 [(iv)] (4) The threat of force, job [discrimination] DISCRIMINATION,
11 or financial reprisal;
- 12 [(v)] (5) Money obtained in any commercial transaction; or
- 13 [(vi)] (6) Dues, fees, or other money required as a condition of:
- 14 [1.] (I) Membership in a labor organization; or
- 15 [2.] (II) Employment.

16 13-212. LIMITATIONS ON CONTRIBUTIONS.

17 [(d)] (A) (1) Except as provided in [subsections (e) and (e-1) of this section]
18 §§ 13-213 AND 13-214 OF THIS SUBTITLE, it is unlawful for any individual, association,
19 unincorporated association, corporation, or any other entity either directly or
20 indirectly, to contribute any money or thing of value greater than \$4,000 to any
21 candidate or political committee or to contribute money in excess of \$100 except by
22 check in any 4-year election cycle. Contributions may be made by credit card, not to
23 exceed \$100 per transaction, to any candidate or political committee under this
24 subsection. Total contributions by a contributor under this subsection shall not exceed
25 \$10,000 in any 4-year election cycle.

26 (2) Notwithstanding any other provision of this article, the limit on
27 contributions during a 4-year election cycle by the governing body for a political party
28 or local central committee shall be as follows:

29 (i) For a statewide governing body for a political party, not more
30 than \$1 for every two registered voters in the State, regardless of party affiliation, as
31 of January 1 following the preceding gubernatorial election; and

32 (ii) For the governing body of a local central committee for a
33 political party, not more than \$1 for every two registered voters in the county,
34 regardless of party affiliation, as of January 1 following the preceding gubernatorial
35 election.

1 (3) (i) The limitations set forth in paragraph (1) of this subsection and
2 [subsection (e)(1) of this section] § 13-213 OF THIS SUBTITLE shall apply to each
3 4-year election cycle beginning on January 1 following the gubernatorial election and
4 continuing until December 31 that is 4 years later.

5 (ii) Without regard to when a contribution or transfer is expended
6 or used, the contribution or transfer shall be charged against the limitation for the
7 election cycle in which:

- 8 1. The check is written or dated; or
- 9 2. The cash or other thing of value is received.

10 [(g)] (B) Except as otherwise provided by law, an individual, association,
11 unincorporated association, corporation, or other entity may make contributions in
12 accordance with the limitations on contributions set forth in this section, provided
13 that, for the purpose of determining the maximum amount that a corporation may
14 contribute, a contribution by a corporation and any wholly owned subsidiary of the
15 corporation or 2 or more corporations owned by the same stockholders shall be
16 considered as being made by 1 contributor.

17 13-213. LIMITATIONS ON TRANSFERS.

18 [26-9.

19 (e) (1)] (A) In this subsection, "political committee" includes a political
20 committee registered under § [26-4] 13-202 of this subtitle and an out-of-state
21 political committee.

22 [(2)] (B) Except as provided in [paragraph (3) of this] subsection (C) OF
23 THIS SECTION, during a 4-year election cycle the treasurer of a political committee or
24 the treasurer of a candidate may not directly or indirectly transfer any money greater
25 than \$6,000 to the treasurer or political committee of a candidate or any other
26 political committee.

27 [(3)] (C) The limitations on transfers and the provisions on affiliations
28 set forth in this subsection may not apply to:

29 [(i)] (1) Transfers between and among political committees that
30 are State or local committees of the same political party;

31 [(ii)] (2) Transfers between and among a slate and its candidate
32 members; and

33 [(iii)] (3) Transfers between a campaign committee authorized by a
34 candidate and that candidate's treasurer.

35 [(4)] (D) In applying the limitations of this subsection, all affiliated
36 political committees are treated as a single transferor. Political committees are
37 "affiliated" if they are organized and operated in coordination and cooperation with

1 each other or otherwise conduct their operations and make their contribution
2 decisions under the control of the same individual or entity.

3 [(5)] (E) The limitations on transfers to the treasurer or political
4 committee of a candidate set forth in [paragraph (2) of this subsection] SUBSECTION
5 (B) OF THIS SECTION shall apply to the individual regardless of the number of offices
6 for which that individual files a certificate of candidacy within a 4-year election cycle.

7 [(6)] (F) No transfer of any kind, in any amount, is permitted if it is
8 intended to conceal the true identity of the actual contributor or the identity of the
9 intended recipient.

10 13-214. EXCEPTION TO LIMITATIONS.

11 [(e-1)] The limitations on transfers and contributions set forth in
12 [subsections (d) and (e) of this section] §§ 13-212 AND 13-213 OF THIS SUBTITLE do not
13 apply to a contribution or transfer made by any person to a ballot issue committee.

14 [26-10.] 13-215. LIMITATIONS ON FUNDRAISING.

15 (a) Except as provided in subsection (b) of this section, during a regular
16 session of the General Assembly, the Governor, the Lieutenant Governor, the Attorney
17 General, the Comptroller, a member of the General Assembly, or a person acting on
18 behalf of any of these officeholders, may not:

19 (1) Receive a contribution for any candidate for federal, State, or local
20 office, any authorized candidate campaign committee, or any political committee
21 organized under [§ 26-4 of this article] § 13-202 OF THIS SUBTITLE and operated in
22 coordination with a candidate;

23 (2) Conduct any fund-raising event in order to receive a contribution for
24 any candidate for federal, State, or local office, any authorized candidate campaign
25 committee, or any political committee organized under [§ 26-4 of this article] § 13-202
26 OF THIS SUBTITLE and operated in coordination with a candidate;

27 (3) Solicit or sell a ticket to any fund-raising event for any candidate for
28 federal, State, or local office, any authorized candidate campaign committee, or any
29 political committee organized under [§ 26-4 of this article] § 13-202 OF THIS
30 SUBTITLE and operated in coordination with a candidate; or

31 (4) Deposit any contribution received before the convening of the regular
32 session for any candidate for federal, State, or local office, any authorized candidate
33 campaign committee, or any political committee organized under [§ 26-4 of this
34 article] § 13-202 OF THIS SUBTITLE and operated in coordination with a candidate.

35 (b) (1) (i) This paragraph applies to an individual who is serving as
36 Governor, Lieutenant Governor, Attorney General, Comptroller, or a member of the
37 General Assembly and who has properly filed as a candidate for an elective federal or
38 local government office.

1 (ii) An individual subject to this paragraph, or a person acting on
2 behalf of that individual, may:

3 1. Accept and deposit a contribution solely for purposes
4 relating to the election of the individual to a federal or local government office;

5 2. Conduct a fund-raising event in order to receive a
6 contribution solely for a purpose that relates to the election of the individual to a
7 federal or local government office; and

8 3. Solicit or sell a ticket to a fund-raising event solely for a
9 purpose that relates to the election of the individual to a federal or local government
10 office.

11 (2) (i) This paragraph applies to an eligible candidate who has applied
12 for and accepts a public contribution from the Fair Campaign Financing Fund under
13 the Fair Campaign Financing Act.

14 (ii) During the year of the election only, an eligible candidate
15 subject to this paragraph may accept an eligible private contribution and any
16 disbursement of funds by the State [Administrative] Board [of Election Laws] that
17 are based on the eligible private contributions.

18 (c) (1) If a person violates any of the provisions of this section, the person's
19 committee is liable for a civil penalty as provided in this subsection.

20 (2) For any violation of this section, the State Board, represented by the
21 State Prosecutor, may institute a civil action in the circuit court for any county
22 seeking the civil penalty provided in paragraph (3) of this subsection.

23 (3) For any contribution received in violation of this section, the
24 committee that received the contribution shall:

25 (i) Refund the contribution to the contributor; and

26 (ii) Pay a civil penalty of \$1,000 and the amount of the contribution.

27 SUBTITLE 3. LOCAL PROVISIONS.

28 13-301. SPECIAL PROVISIONS - PRINCE GEORGE'S COUNTY.

29 [(f) (1) (i)] (A) (1) In this [subsection] SECTION the following words have
30 the meanings indicated.

31 [(ii)] (2) "Candidate" means a candidate for election to the County
32 Council of Prince George's County who becomes a member.

33 [(iii)] (3) "Continuing political committee" means a committee
34 specifically created to promote the candidacy of a member running for any elective
35 office.

1 [(iv)] (4) "Contributor" means a person or business entity that
2 makes a payment.

3 [(v)] (5) "Member" means a member of the County Council of
4 Prince George's County.

5 [(vi)] (6) "Payment" means any payment or contribution of money
6 or property or the incurring of any liability or promise of anything of value to a
7 treasurer of a candidate or of a continuing political committee.

8 [(vii)] (7) "Political action committee" means a political committee
9 that is not:

10 [1.] (I) A political party;

11 [2.] (II) A central committee;

12 [3.] (III) A slate; or

13 [4.] (IV) A political committee organized and operated by, and
14 solely on behalf of:

15 [A.] 1. An individual running for any elective office; or

16 [B.] 2. A slate.

17 [(viii)] (8) "Slate" means a group, combination, or
18 organization of candidates created pursuant to the provisions of this article.

19 [(ix)] (9) "Treasurer" includes a subtreasurer.

20 [(2)] (B) Except as provided in [paragraph (3) of this subsection]
21 SUBSECTION (C) OF THIS SECTION, a contributor, member, or political action
22 committee is subject to the provisions of Title 15, Subtitle 8, Part IV of the State
23 Government Article if a payment is made by the contributor, or a transfer is made by
24 the political action committee, to the treasurer of the candidate or the treasurer of the
25 candidate's continuing political committee.

26 [(3)] (C) Title 15, Subtitle 8, Part IV of the State Government Article
27 does not apply to:

28 [(i)] (1) Any payment or transfer to a slate, unless the slate is
29 composed solely of candidates or members;

30 [(ii)] (2) Any transfer to the continuing political committee of a
31 candidate or member by the continuing political committee of another individual
32 running for elective office; or

33 [(iii)] (3) A payment or transfer to the Prince George's County
34 Central Committee, or State Central Committee, of a political party, even if the
35 Central Committee supports a candidate.

1 [(4)] (D) A person may not make a payment in violation of § 15-831 of
2 the State Government Article.

3 13-302. SPECIAL PROVISIONS - MONTGOMERY COUNTY.

4 [(f-1) (1) (i)] (A) (1) In this [subsection] SECTION the following words have
5 the meanings indicated.

6 [(ii)] (2) "Candidate" means an individual who wins an election to
7 the office of County Executive or County Council of Montgomery County.

8 [(iii) 1.] (3) (I) "Contribution" means any payment or transfer
9 of money or property of \$500 or more, calculated cumulatively during a 4-year
10 election cycle, or the incurring of any liability or promise of anything of value of \$500
11 or more, calculated cumulatively during a 4-year election cycle, to the treasurer of
12 either a candidate or a political committee.

13 [2.] (II) "Contribution" includes a payment or transfer to a
14 slate with which a candidate is associated.

15 [3.] (III) Except as provided in [paragraph (4) of this
16 subsection] SUBPARAGRAPH (IV) OF THIS PARAGRAPH, the \$500 cumulative
17 threshold contribution is calculated separately as to each candidate or elected official.

18 [4.] (IV) For purposes of this subsection, a cumulative
19 contribution of \$500 or more to a slate is fully attributed to each candidate on the
20 slate.

21 [(iv)] (4) "Contributor" means an individual or business entity that
22 makes a contribution.

23 [(v)] (5) "Elected official" means an individual who holds the office
24 of County Executive or member of the County Council of Montgomery County.

25 [(vi)] (6) "Political action committee" means a political committee
26 that is not:

27 [1.] (I) A political party;

28 [2.] (II) A central committee;

29 [3.] (III) A slate; or

30 [4.] (IV) A political committee organized and operated by, and
31 solely on behalf of, an individual running for any elective office or a slate.

32 [(vii)] (7) "Political committee" means any combination of two
33 or more persons appointed by a candidate or any other person or formed in any other
34 manner which assists or attempts to assist in any manner the promotion of the
35 success or defeat of any candidate, candidates, political party, principle, or proposition
36 submitted to a vote at any election.

1 [(viii)] (8) "Slate" means a political committee of two or more
 2 candidates who join together to conduct and pay for joint activities. A slate does not
 3 include a political party or a central committee.

4 [(ix)] (9) "Treasurer" includes a subtreasurer.

5 [(2)] (B) Except as provided in [paragraph (3) of this] subsection (C) OF
 6 THIS SECTION, a contributor is subject to the provisions of Title 15, Subtitle 8, Part V
 7 of the State Government Article if a contributor makes a contribution to the treasurer
 8 of:

9 [(i)] (1) A candidate;

10 [(ii)] (2) A slate; or

11 [(iii)] (3) A candidate's political committee.

12 [(3)] (C) Title 15, Subtitle 8, Part V of the State Government Article does
 13 not apply to a transfer by a political action committee to the treasurer of a candidate
 14 or a treasurer of the candidate's or elected official's political committee.

15 13-303. SPECIAL PROVISIONS - HOWARD COUNTY.

16 [(f-2) (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 as Howard
 19 County Executive or to the Howard County Council who becomes an elected official.

20 [(iii)] (3) "Continuing political committee" means a committee
 21 specifically created to promote the candidacy of a person running for elective office.

22 [(iv)] (4) "Contribution" means any payment or transfer of money
 23 or property or the incurring of any liability or promise of anything of value to the
 24 treasurer of either a candidate or a continuing political committee.

25 [(v)] (5) "Contributor" means an individual or business entity that
 26 makes a contribution.

27 [(vi)] (6) "Elected official" means an individual who serves as
 28 Howard County Executive or as a member of the Howard County Council.

29 [(vii)] (7) "Political action committee" means a political committee
 30 that is not:

31 [1.] (I) A political party;

32 [2.] (II) A central committee;

33 [3.] (III) A slate; or

1 [4.] (IV) A political committee organized and operated by, and
2 solely on behalf of, an individual running for any elective office or a slate.

3 [(viii)] (8) "Slate" means a group, combination, or organization
4 of candidates created under the provisions of this article.

5 [(ix)] (9) "Treasurer" includes a subtreasurer.

6 [(2)] (B) Except as provided in [paragraph (3) of this] SUBSECTION (C)
7 OF THIS SECTION, a contributor and an elected official are subject to the provisions of
8 Title 15, Subtitle 8, Part VII of the State Government Article if a contributor makes a
9 contribution to the treasurer of:

10 [(i)] (1) The candidate;

11 [(ii)] (2) A slate; or

12 [(iii)] (3) The candidate's political committee.

13 [(3)] (C) Title 15, Subtitle 8, Part VII of the State Government Article
14 does not apply to a transfer by a political action committee to the treasurer of a
15 candidate or a treasurer of the candidate's continuing political committee.

16 SUBTITLE 4. REPORTING REQUIREMENTS.

17 [26-11.] 13-401. GENERALLY.

18 (a) A candidate for nomination or election to public or party office, including
19 write-in candidates, and the treasurer designated by that candidate shall file the
20 report or statement of contributions and expenditures as prescribed in accordance
21 with [§ 26-12 of this article] § 13-402 OF THIS SUBTITLE with the board at which the
22 candidate filed his certificate of candidacy. All reports or statements of contributions
23 and expenditures shall be filed in duplicate except those filed with the State
24 [Administrative] Board [of Election Laws]. Election reports as specified below are
25 required by all candidates for public or party office whether or not the candidate's
26 name appears on the primary ballot, or the candidate withdraws subsequent to filing
27 his certificate of candidacy, or the candidate is unsuccessful in the election. Each
28 report filed shall contain all contributions received and expenditures made in
29 furtherance of the candidate's nomination or election by the candidate himself or,
30 with the knowledge of the candidate, by any other person or groups of persons, which
31 shall be complete, except as otherwise provided in this section through and including
32 the seventh day immediately preceding the day by which that report is to be filed. The
33 initial report filed shall contain all contributions so received and expenditures so
34 made since the date of the last preceding election to fill the office for which he is a
35 candidate. Each subsequent report shall contain all contributions so received and
36 expenditures so made since the end of the period for which the last preceding report
37 is filed. Even if no contributions or expenditures have been made since the end of the
38 period for which the last preceding report was filed, a statement to that effect must be
39 filed on the forms prescribed pursuant to [§ 26-12 of this article] § 13-402 OF THIS

1 SUBTITLE under the circumstances and at the times specified in this section. The
2 initial and subsequent reports shall be consecutively filed as follows:

3 (1) No later than the fourth Tuesday immediately preceding any primary
4 election; and

5 (2) No later than the second Friday immediately preceding any election
6 which shall be complete through and including the preceding Sunday; and

7 (3) No later than the third Tuesday after the general election; and

8 (4) If a cash balance exists or if any unpaid bills or deficits remain to be
9 paid as of the end of the period for which the report or statement in paragraph (3) of
10 this subsection is filed, six months after the general election; and

11 (5) If a cash balance exists or if any unpaid bills or deficits remain to be
12 paid as of the end of the period for which the report or statement in paragraph (4) of
13 this subsection is filed, one year after the general election; and

14 (6) If a cash balance exists or if any unpaid bills or deficits remain to be
15 paid as of the end of the period for which the report or statement in paragraph (5) of
16 this subsection or any subsequent report or statement is filed, annually on the
17 anniversary of the general election until no cash balance, unpaid bill, or deficit
18 remains; and

19 (7) If a cash balance or outstanding debts or deficits were reflected on
20 the last preceding report, but have all been eliminated by the date on which the next
21 report is due, then a report clearly marked as "final" shall be filed on or before such
22 date showing all transactions since the last report; and

23 (8) If a candidate does not intend to receive contributions or make
24 expenditures of \$1,000 or more, exclusive of his filing fee, he and his treasurer may
25 jointly execute an affidavit to that effect on a form prescribed by the State
26 [Administrative] Board [of Election Laws]. If he does not in fact receive
27 contributions or make expenditures of \$1,000 or more, no further reports need be filed
28 pursuant to this section. The affidavit shall be filed not later than the date by which
29 the first report is due. If at any time the cumulative contributions to or expenditures
30 by a candidate who has filed such an affidavit equal or exceed \$1,000, he and his
31 treasurer shall thereafter file all reports required by this section and failure to do so
32 constitutes a failure to file and the commission of a misdemeanor subject to the
33 penalties prescribed in [§ 26-20 of this article] § 13-603 OF THIS TITLE.

34 (b) (1) Except as provided in paragraph (2) of this subsection, the candidate
35 and treasurer, or, in the case of a political committee, the chairman and treasurer, of
36 an entity subject to the reporting requirements of this section and which is not
37 designated as a continuing committee, as that term is defined by the State
38 [Administrative] Board [of Election Laws], also shall file an annual report of
39 contributions and expenditures at the place designated under this section on
40 November 8 of each year.

1 (2) The annual report required under paragraph (1) of this subsection
2 need not be filed in any year in which the entity is required to file reports in
3 accordance with the schedule prescribed under subsection (a) of this section.

4 (c) It is the responsibility of the candidate and treasurer, jointly and severally,
5 if it is the statement of a candidate, and the chairman and treasurer, jointly and
6 severally, if it is the statement of a committee, to file all reports or statements in full
7 and accurate detail.

8 (d) (1) The chairman and the treasurer of any central committee and the
9 chairman and the treasurer of any political committee which continues in existence
10 from year to year, excluding the chairmen and treasurers of political clubs, shall file
11 the report or statement of contributions and expenditures as prescribed in accordance
12 with [§ 26-12 of this article] § 13-402 OF THIS SUBTITLE with the State
13 [Administrative] Board [of Election Laws] at each of the times and for the respective
14 periods specified in subsection (a)(1), (2), and (3) of this section and, in a year in which
15 a general election is not held, on the anniversary of the date of the last general
16 election.

17 (2) (i) In any election year, on or before the dates specified in
18 subsection (a) of this section, in lieu of the scheduled reports required to be filed
19 under that subsection, a political committee which continues in existence from year to
20 year may file an affidavit stating that since the date covered by the last report the
21 committee has not been involved in raising or spending, and does not intend to raise
22 or spend, money for that election.

23 (ii) A political committee which continues in existence from year to
24 year that files an affidavit under this paragraph shall also file an annual report on
25 the anniversary date of the last general election giving a statement of all
26 contributions received and expenditures made since the end of the period for which
27 the last preceding report is filed, as prescribed in [§ 26-12 of this article] § 13-402 OF
28 THIS SUBTITLE, with the State [Administrative] Board [of Election Laws].

29 (iii) If, subsequent to the filing of the affidavit provided in this
30 paragraph, a political committee which continues in existence from year to year
31 receives contributions or makes expenditures in connection with the election for
32 which it filed the affidavit, the committee shall notify the State [Administrative]
33 Board [of Election Laws] in writing within 14 days after the receipt of the
34 contributions or the making of the expenditures that the committee has resumed
35 receiving contributions or making expenditures, and thereafter shall file all
36 scheduled reports on the dates specified in subsection (a) of this section. If the
37 committee fails to file the notice required by this subparagraph, or thereafter fails to
38 file the scheduled reports on the dates specified in subsection (a) of this section, the
39 candidate and the treasurer of the committee are subject to the penalties prescribed
40 in [§§ 26-13 and § 26-12] §§ 13-402 AND 13-403 of this subtitle.

41 (iv) The [State Administrator of Election Laws] ~~EXECUTIVE~~
42 ~~DIRECTOR STATE ADMINISTRATOR~~ shall establish by regulations the form of the
43 affidavit to be filed under this paragraph.

1 (e) The chairmen and the treasurers of all other committees shall file the
2 report or statement of contributions and expenditures, as prescribed in accordance
3 with [§ 26-12 of this article] § 13-402 OF THIS SUBTITLE, at each of the times and for
4 the respective periods specified in subsection (a) of this section. Each report, filed in
5 accordance with paragraphs (1) and (2) of this subsection, shall be filed in duplicate.
6 This report or statement shall be filed with:

7 (1) The local board of the county or Baltimore City at which a candidate
8 supported or opposed by a committee has filed his certificate of candidacy; and

9 (2) The local board of the county or Baltimore City in which the
10 committee has promoted the success or defeat of a local principle or local proposition
11 submitted to a vote at an election only in that county or Baltimore City; and

12 (3) The State [Administrative] Board [of Election Laws] if a candidate
13 supported or opposed by a committee has filed his certificate of candidacy with the
14 State Administrative Board of Election Laws; and

15 (4) The State [Administrative] Board [of Election Laws] if the
16 committee has promoted the success or defeat of a political party, statewide principle,
17 statewide proposition, or other principle or proposition submitted to a vote at an
18 election in a county or Baltimore City and all or part of another county or counties;
19 and

20 (5) The local board of the county or Baltimore City and the State
21 [Administrative]Board [of Election Laws] if the committee supported or opposed
22 candidates filing their certificates of candidacy with both the local board and the
23 State Administrative Board of Election Laws; and

24 (6) The local board and the State [Administrative] Board [of Election
25 Laws] if the committee has promoted the success or defeat of a local principle or local
26 proposition submitted to a vote at an election in that county or Baltimore City and
27 has promoted the success or defeat of a political party, statewide principle, statewide
28 proposition, or other principle or proposition submitted to a vote at an election in
29 more than one county or Baltimore City.

30 (f) Each candidate, the treasurer of each candidate, and the chairman and
31 treasurer of each committee shall be notified by the elections board with which that
32 person files reports under this section, by first-class mail and no more than 20 nor
33 less than 10 days prior to the applicable filing date, of each report that person is
34 required to file. The notice shall include the filing date, the place for filing, the
35 penalty for failure to file a timely report, and the telephone number and business
36 hours of the office where the report is to be filed.

37 (g) Any report shall be considered timely if it is mailed on or before the filing
38 deadline, regardless of when it is actually received, if the United States Postal Service
39 has provided verification of that fact by affixing a mark so indicating on either the
40 envelope or any receipt therefor. Unless a report is mailed, the boards and the State
41 [Administrative] Board [of Election Laws] shall provide a receipt for each report
42 received.

1 (h) The provisions of this section shall apply to all committees and treasurers
2 for candidates for public or party office located outside of the geographic boundaries of
3 the State with respect to all expenditures of funds within the State of Maryland.

4 (i) For purposes of this section, the failure to provide all of the information
5 required by the forms prescribed in accordance with [§ 26-12 of this article] § 13-402
6 OF THIS SUBTITLE, to the extent applicable, is a failure to file.

7 (j) Within ten days after the deadline for the filing of any report which is
8 required to be filed with the State [Administrative] Board [of Election Laws], the
9 STATE Board shall compile a list of every candidate or committee which failed to file
10 the report and shall distribute the list to the appropriate local election boards. Within
11 [ten] 10 days after the deadline for the filing of any report which is required to be
12 filed with a local election board, the local board shall compile a list of every candidate
13 or committee which failed to file the report and shall send the list to the State
14 [Administrative] Board [of Election Laws].

15 (k) The provisions of this section are not applicable to a candidate or
16 candidates for election or elected to a public office of the United States. This
17 candidate or candidates shall file all reports and statements according to federal laws
18 or regulations.

19 (l) (1) A candidate and treasurer designated by that candidate, the
20 chairman and treasurer of a candidate's committee, or a slate of candidates, who are
21 required to file reports or statements under subsection (a), (d)(1), or (e)(3) of this
22 section with the State [Administrative] Board [of Election Laws], shall also file a
23 single copy of all reports, statements, and affidavits required under this section with
24 the local election board of the county or Baltimore City where the candidate resides.
25 The report to the local board:

26 (i) Shall be filed according to the schedule set forth in subsections
27 (a) and (d) of this section;

28 (ii) Before the full implementation of electronic filing under [§
29 26-12(d) of this article] § 13-402 (D) OF THIS SUBTITLE, may be in the electronic
30 storage format authorized by the State [Administrative] Board [of Election Laws]
31 under [§ 26-12 (c) of this article] § 13-402(C) OF THIS SUBTITLE or in paper copy, as
32 directed by the local board; and

33 (iii) Is not subject to the requirements relating to the assessment of
34 a late filing fee provided under [§ 26-13 of this article] § 13-403 OF THIS SUBTITLE.

35 (2) This subsection does not apply to candidates for the offices of
36 Governor, Lieutenant Governor, Comptroller, Attorney General, or judge of an
37 appellate court.

1 [26-12.] 13-402. FORMAT AND REQUIREMENTS OF CAMPAIGN FINANCE REPORTS.

2 (a) The forms for the "Report or Statement of Campaign and Election
3 Contributions and Expenditures" and the "Schedule of Receipts and Disbursements"
4 shall be prescribed by the State [Administrative] Board [of Election Laws].

5 (b) A candidate or candidates for election or elected to a public office of the
6 United States shall file a copy of each statement required by federal laws or
7 regulations with the State [Administrative] Board [of Election Laws]. Additional
8 campaign report filings by the candidate are not required.

9 (c) (1) (i) Except as provided in subparagraph (ii) of this paragraph,
10 beginning with the campaign finance report that is due in November 1997, all
11 campaign finance reports required under [§ 26-11 of this article] § 13-401 OF THIS
12 SUBTITLE which must be filed with the State [Administrative] Board [of Election
13 Laws] may be submitted to and maintained by the State Board in an electronic
14 storage format.

15 (ii) Beginning with the campaign finance report that is due in
16 November 1997, all campaign finance reports that are required under [§ 26-11 of this
17 article] § 13-401 OF THIS SUBTITLE which must be filed with the State Board by a
18 statewide candidate and any political committee affiliated with the candidate shall be
19 submitted to and maintained by the State Board in an electronic storage format.

20 (2) (i) The State [Administrative] Board [of Election Laws] shall
21 accept any campaign finance report that is submitted in an electronic storage format
22 which meets the criteria developed by the State Board under subsection (f) of this
23 section.

24 (ii) Beginning in November 1997, the State Board shall make the
25 campaign finance information that is submitted in an electronic storage format
26 available to the public by making the computer disk submitted by the candidate or
27 committee available for duplication.

28 (d) (1) Beginning with the campaign finance report due in November 1999,
29 all campaign finance reports required under [§ 26-11 of this article] § 13-401 OF THIS
30 SUBTITLE which must be filed with the State Board shall be submitted and
31 maintained by the State Board in an electronic storage format.

32 (2) Beginning in November 1999, upon request, the State
33 [Administrative] Board [of Election Laws] shall supply to a person who is required
34 to file reports in an electronic storage format the computer software and the disks or
35 other media on which the campaign finance information is to be entered.

36 (3) Beginning in November 1999, the State [Administrative] Board [of
37 Election Laws] shall make the campaign finance information that is filed with and
38 maintained by the State Board in an electronic storage format widely and easily
39 accessible to the public, utilizing any existing public or private systems for data
40 dissemination, and on terms that the State Board considers consistent with the
41 purposes and requirements of this article.

1 (e) The State Board may refuse to accept or process any campaign finance
2 report that is incomplete or not submitted in accordance with the requirements of this
3 section.

4 (f) The State [Administrative] Board [of Election Laws] shall:

5 (1) Develop specifications for the submission of campaign finance reports
6 in an electronic storage format; and

7 (2) Adopt regulations necessary to implement the requirements of this
8 section.

9 [26-13.] 13-403. LATE FILING FEES.

10 (a) There is a late filing fee for each report or statement of expenditures and
11 contributions which is not filed within the time prescribed in [§ 26-11] § 13-401 OF
12 THIS SUBTITLE. The fee is \$10 for each day or part of a day, excluding Saturdays,
13 Sundays and holidays, that a report is overdue. An additional fee of \$10 is due for
14 each of the first six days, excluding Saturdays, Sundays and holidays, that a
15 preelection report is overdue pursuant to [§§ 26-11(a)(1) and (2), 26-11(c) and 26-
16 11(d)] § 13-401(A)(1) AND (2), (C), AND (D) OF THIS SUBTITLE. The maximum fee
17 payable with respect to any single report is \$250. A board or its officer shall receive an
18 overdue report or statement even if any late filing fee due has not been paid but the
19 report or statement shall not be considered officially filed until all fees have been
20 paid. Upon the receipt by the board of an overdue report or statement, no further late
21 filing fees shall be incurred, notwithstanding the fact that the report or statement is
22 not considered officially filed. The late filing fee is the joint and several personal
23 liability of the candidate and treasurer as to the report of a candidate, or of the
24 chairman and treasurer as to the report of a committee. A late filing fee may not be
25 paid, directly or indirectly, from contributions to the candidate or committee and,
26 when paid, may not be treated as a contribution or an expenditure for purposes of this
27 article.

28 (b) A person may not become a candidate for public or party office in any
29 election in this State, a certificate of candidacy may not be accepted on his behalf, and
30 he may not become a treasurer for a candidate or committee unless (1) the person has
31 filed or had filed on his behalf all reports or statements required by [§ 26-11 of this
32 article] § 13-401 OF THIS SUBTITLE and subsection (d) of this section to be filed by
33 him, as a candidate, chairman, or treasurer, during the five calendar years preceding
34 the election in which the person seeks to become a candidate or treasurer, and (2) any
35 late filing fees due in connection with such reports and statements have been paid.

36 (c) Each board shall promptly notify the State [Administrative] Board [of
37 Election Laws] of any report or statement required by [§ 26-11] § 13-401 OF THIS
38 SUBTITLE to be filed which is more than 30 days overdue. Whenever it learns that a
39 required report or statement is more than 30 days overdue, the State
40 [Administrative] Board [of Election Laws] shall issue a notice to the candidate and
41 treasurer, if the report is the statement of a candidate, or to the chairman and
42 treasurer if the report is that of a committee, to show cause why the appropriate

1 State's Attorney should not be requested to prosecute them as provided in [§ 26-20]
2 § 13-603 OF THIS TITLE for violation of the provisions of this subtitle, unless the
3 failure to file is remedied and late filing fees paid within 30 days of service of the
4 notice. Any candidate, chairman, or treasurer who fails to file the report or statement
5 and pay the late filing fee due within 30 days after service of the show cause notice is
6 guilty of a misdemeanor and subject to the penalties prescribed in [§ 26-20 of this
7 article] § 13-603 OF THIS TITLE.

8 (d) For the purposes of this section, the failure to provide all of the information
9 called for on the forms prescribed pursuant to [§ 26-12] § 13-402 OF THIS SUBTITLE,
10 to the extent applicable, is a failure to file if the State [Administrative] Board [of
11 Election Laws] has notified the candidate and treasurer, or chairman and treasurer,
12 in writing, of the particular deficiencies and a properly corrected report has not been
13 filed within 30 days of service of such notice. After the 30th day, and in the absence of
14 a filed corrected report, daily late filing fees are thereafter payable, and all sanctions
15 provided for herein and in [§ 26-20] § 13-603 OF THIS TITLE shall be fully applicable
16 without the necessity of further notice to the candidate, chairman, or treasurer under
17 this subsection or subsection (c) of this section.

18 (e) A person may not be deemed elected to any public or party office under the
19 laws of this State, or enter upon the duties of the office or receive any salary or
20 emoluments therefrom until all of the reports and statements of contributions and
21 expenditures required to be filed by the person pursuant to [§ 26-11(a) of this article
22 and subsection (d) of this section] § 13-401 (A) OF THIS SUBTITLE AND SUBSECTION (D)
23 OF THIS SECTION and due before the person may take office, have been filed. A
24 candidate may not be sworn in until the State [Administrative] Board [of Election
25 Laws] certifies that all the reports and statements required by [§ 26-11(a) of this
26 article and subsection (d) of this section] § 13-401(A) OF THIS SUBTITLE AND
27 SUBSECTION (D) OF THIS SECTION have been filed. An official of the State or any of its
28 political subdivisions may not issue a commission or administer an oath of office to a
29 candidate until that official has received this certification from the State
30 [Administrative] Board [of Election Laws].

31 (f) If any person elected to public office has been notified pursuant to
32 subsection (c) or (d) OF THIS SECTION and has failed to file a report or statement
33 required by [§ 26-11(a) of this article and subsection (d) or (i) of this section] §
34 13-401(A) OF THIS SUBTITLE AND SUBSECTION (D) OR (I) OF THIS SECTION in the time
35 required, failed to file a report under subsection (i) of this section, or failed to pay any
36 late filing fee due, the board shall cause an investigation to be undertaken and shall
37 notify the elected official and afford him the opportunity to be heard. If the board
38 determines, after hearing, that a report or statement required by [§ 26-11(a) of this
39 article and subsection (d) or (i) of this section] § 13-401 (A) OF THIS SUBTITLE AND
40 SUBSECTION (D) OR (I) OF THIS SECTION was not timely filed, that the official was
41 notified pursuant to subsection (c) or (d) OF THIS SECTION, and that the failure to file
42 has not been corrected and late filing fees have not been paid, then it shall direct the
43 appropriate financial officers to withhold the salary of the elected official until the
44 report or statement is filed and all late fees paid and to withhold from future salary
45 payments a sum or sums which equal any amount previously paid to the elected
46 official for a period during which his report or statement was in default.

1 (g) All late filing fees paid shall be treated as a special fund and shall be paid
2 and distributed as follows:

3 (1) Fees pertaining to reports or statements required to be filed with the
4 State [Administrative] Board [of Election Laws] shall be first applied to pay the
5 expenses of collection and of any audits of financial reports and statements performed
6 at the direction of the [State Administrator] ~~EXECUTIVE DIRECTOR STATE~~
7 ADMINISTRATOR. Any balance remaining at the end of each fiscal year shall be
8 remitted to the State treasury as part of the general funds of the State; and

9 (2) Fees pertaining to reports or statements required to be filed only
10 with a county board shall be paid to the county board which shall, in turn, pay over all
11 amounts received to the county.

12 (h) (1) The provisions of this section, and the provisions of [§ 26-11] § 13-401
13 OF THIS SUBTITLE with respect to the filing of reports or statements, are mandatory
14 and not directory. However, no sanctions may be imposed for failure to file a report or
15 statement or to pay a late filing fee if the failure is found by a court of competent
16 jurisdiction to be for just cause.

17 (2) In addition, upon request of the person required to file, a late filing
18 fee may be waived for just cause by the [State Administrator of Election Laws]
19 ~~EXECUTIVE DIRECTOR STATE ADMINISTRATOR~~ subject to the approval of the State
20 [Administrative] Board [of Election Laws].

21 (3) (i) The decision of the [State Administrator] ~~EXECUTIVE~~
22 DIRECTOR STATE ADMINISTRATOR to waive or not to waive a late filing fee shall be in
23 writing and shall set forth the circumstances surrounding the late filing and the
24 reasons for the decision.

25 (ii) The decision to waive or not to waive may be made without
26 notice or hearing.

27 (i) (1) There is a \$10 late filing fee for each day or part of a day that a report
28 required by the provisions of [§ 26-18.1 of this subtitle] § 13-503 OF THIS TITLE is
29 overdue, excluding a Saturday, Sunday, or holiday.

30 (2) The maximum fee payable on an overdue report is \$250.

31 (3) An incumbent is liable personally for payment of a late fee assessed
32 under this subsection.

33 [26-14.] 13-404. RETENTION OF DOCUMENTS.

34 Every officer or board shall receive, file and preserve all reports, statements,
35 and accounts relating to campaign contributions and expenditures which are required
36 to be filed by this article. These reports, statements, and accounts shall be kept as
37 part of the records of the officer or board for a period not to exceed five years or for at
38 least one year beyond the length of the term of the public or party office for which
39 every candidate to whom these reports, statements, or accounts apply, has offered

1 himself for nomination or election, regardless if the candidate is successful,
 2 unsuccessful, or resigns, or for a longer period if ordered by a court of competent
 3 jurisdiction. These reports, statements, and accounts shall be subject and open to
 4 inspection by any citizen of this State during the hours in which the office in which
 5 the reports, statements, and accounts are kept is open. Thereafter, the reports,
 6 statements, and accounts shall be transferred to the State Archives. Before
 7 transferring any reports, statements or accounts to the State Archives, the officer or
 8 board with whom they were filed shall make a permanent record of all election
 9 reports required to have been filed by [§ 26-11] § 13-401 OF THIS SUBTITLE but which
 10 have not been filed. The permanent record shall include the name of the candidate or
 11 the committee, the treasurer, an identification of the missing report, and, if a final
 12 report, a notation of the amount of any outstanding balance, bills or deficits as shown
 13 on the last report filed. The officer or board shall file a copy of this permanent record
 14 with the State [Administrative] Board [of Election Laws] and with the State
 15 Archives. Copies of these reports, statements and accounts certified by the principal
 16 administrative officer in whose office they are kept under the seal of his office shall be
 17 evidence in any court to the same extent as the original report, statement or account
 18 would be if produced and proved.

19 SUBTITLE 5. CAMPAIGN MATERIALS.

20 [26-17.] 13-501. CAMPAIGN MATERIALS - GENERALLY.

21 (a) (1) IN THIS SUBSECTION, "CAMPAIGN MATERIAL" INCLUDES MATERIAL
 22 TRANSMITTED BY OR APPEARING ON AN ELECTRONIC MEDIUM, SUCH AS THE
 23 INTERNET.

24 [(1)] (2) (i) Except as provided in subparagraphs (ii) and (iii) of this
 25 paragraph, each item of campaign material shall contain, set apart from any other
 26 printing on it, an authority line containing the name and address of the person,
 27 candidate, treasurer, chairman, or campaign manager responsible for the campaign
 28 material. The material shall also include, if applicable, the name of the candidate or
 29 committee responsible for the campaign material.

30 (ii) If the address required under subparagraph (i) of this
 31 paragraph is on file with the appropriate board or the State [Administrative] Board
 32 [of Election Laws], the campaign material need not contain the address.

33 (iii) If the campaign material is too small to permit the inclusion of
 34 all required information in a legible manner, the material need only contain the name
 35 of the person, candidate, treasurer, chairman, or campaign manager responsible for
 36 the material.

37 [(2)] (3) Each campaign advertisement shall contain, set apart from the
 38 message, the information required under paragraph [(1)](2)(i) and (ii) of this
 39 subsection, except that the name of more than one responsible individual or entity
 40 may not be required.

1 (b) No person or corporation within the State, publishing a newspaper or other
2 periodical, shall charge a candidate for State or local public office for political
3 advertising a rate in excess of the regular local rate regularly charged by such person
4 or corporation for commercial advertising except that when such political advertising
5 is placed with the person or corporation through the medium of an advertising or
6 press agency, then the regular national rate regularly charged by such person or
7 corporation for commercial advertising may be charged.

8 [26-17.1.] 13-502. SAMPLE COPIES OF CAMPAIGN MATERIALS.

9 (a) (1) Each candidate or treasurer or subtreasurer and every person who
10 publishes or distributes or causes to be published or distributed any pamphlet,
11 circular, card, sample ballot, dodger, poster, advertisement, buttons, matchbooks, nail
12 files, balloons, or any other printed, multigraphed, photographed, typewritten,
13 written matter or statement or any matter or statement which may be copied by any
14 device or method or which may hereafter be used for making copies of printed or
15 written matter in any form whatever for publication or distribution, relating to or
16 concerning any candidate or prospective candidate for public or party office or for the
17 acceptance or defeat of any proposition, shall maintain for a period of one year
18 following each election a complete file of sample copies of all matter printed,
19 published, or distributed by his authority.

20 (2) FOR EACH ITEM OF CAMPAIGN MATERIAL DISSEMINATED THROUGH
21 THE INTERNET:

22 (I) A PAPER FACSIMILE SHALL BE RETAINED AS THE SAMPLE
23 COPY; OR

24 (II) A SAMPLE COPY SHALL BE RETAINED ON AN ELECTRONIC
25 MEDIUM THAT, ON REQUEST, SHALL BE PRODUCED AS A PAPER FACSIMILE.

26 (b) "Distributor" includes any person or persons, partnership, or corporation
27 engaged in the distribution of circulars, pamphlets, and other advertisements by
28 hand delivery or direct mail for profit but does not include salaried employees, agents,
29 or volunteers of the person or persons, partnerships, or corporations.

30 (c) A person subject to the requirements of subsection (a) is not required to
31 maintain sample copies of billboards and placards.

32 DRAFTER'S NOTE: Subsection (a)(2) of this section is new language to
33 recognize the proliferation of campaign materials disseminated through
34 the Internet.

35 [26-18.1.] 13-503. LEGISLATIVE NEWSLETTERS.

36 (a) (1) In this section the following words have the meanings indicated.

37 (2) "Incumbent" means a member of the General Assembly.

1 (3) "Legislative newsletter" means an unsolicited document that
2 provides a forum for the dissemination of information concerning:

3 (i) An incumbent's performance in legislative office; or

4 (ii) An issue or issues of public importance chosen by the incumbent
5 or candidate.

6 (4) "Publication expense" means an expenditure relating to writing,
7 publishing, printing, issuing, mailing, or distributing a legislative newsletter to a
8 voter, potential voter, or constituent.

9 (b) An incumbent who has not filed a certificate of candidacy may pay the
10 publication expenses of a legislative newsletter from either:

11 (1) The incumbent's campaign treasury if the incumbent complies with
12 all other requirements of this subtitle regarding expenditures and campaign
13 literature; or

14 (2) The personal funds of the incumbent or the spouse of the incumbent
15 if:

16 (i) The incumbent signs and files a report with the Board that:

17 1. Contains a detailed list of publication expenses;

18 2. Contains an affidavit that no funds for the legislative
19 newsletter have been solicited or received from another source to supplement the
20 personal funds;

21 3. Is on a form that the Board provides; and

22 4. Is filed within 10 days of the first mailing or distribution
23 of each issue; and

24 (ii) Each issue of the legislative newsletter contains a statement
25 that it is disseminated at the personal expense of the incumbent.

26 (c) An individual who has filed a certificate of candidacy shall pay the
27 publication expenses of a legislative newsletter only from the individual's campaign
28 treasury and not from public funds.

29 (d) The provisions of this section do not restrict the use of any funds
30 appropriated in the State budget for the General Assembly.

31 [26-9.2.] 13-504. INDEPENDENT EXPENDITURES.

32 (a) Provided that a person complies with the requirement set forth in
33 subsection (b) of this section, this subtitle may not be construed to prohibit a person
34 from expressing personal views on any subject or from spending personal funds to
35 purchase any campaign advertisement or campaign material.

1 (b) In any campaign advertisement or campaign material purchased by an
2 independent expenditure or an expenditure that has not been authorized by a
3 candidate, the following language shall be included:

4 "This message has been authorized and paid for by (name of committee or any
5 affiliated organization of the committee), (name and title of treasurer or president).
6 This message has not been authorized or approved by any candidate."

7 SUBTITLE 6. PROHIBITED PRACTICES AND PENALTIES.

8 [26-15.] 13-601. FALSE STATEMENTS.

9 Any [wilfully] WILLFULLY false, fraudulent, or misleading statement or entry
10 made by any candidate for office, treasurer, or subtreasurer, or by any member or
11 officer of any political committee, in any statement or account under oath required by
12 this article, shall constitute the crime of perjury, and be punishable as such according
13 to the laws of this State.

14 [26-16.] 13-602. PROHIBITED PRACTICES.

15 (a) The following persons shall be guilty of prohibited practices and shall be
16 punished in accordance with the provisions of this section:

17 (1) Offering Bribe, etc. Every person who shall, directly or indirectly, by
18 himself or by another, give or offer or promise to any person any money, gift,
19 advantage, preferment, aid, emolument or any valuable thing whatever, for the
20 purpose of inducing or procuring any person to vote, or refrain from voting, for or
21 against any person, or for or against any measure or proposition at any election or
22 political convention or for or against the election of any officer by the General
23 Assembly of Maryland.

24 (2) Accepting or Soliciting Bribe, etc. Every person who shall, directly or
25 indirectly, receive, accept, request or solicit from any person, candidate, committee,
26 association, organization or corporation, any money, gift, advantage, preferment, aid,
27 emolument, or any valuable thing whatsoever, for the purpose of inducing or
28 procuring any person to vote, or refrain from voting, for or against any person, or for
29 or against any measure or proposition at any election or political convention.

30 (3) Acting on Bribe, etc. Every person who, in consideration of any
31 money, gift, advantage, preferment, aid, emolument, or any valuable thing
32 whatsoever, paid, received, accepted, or promised to the advantage of himself or any
33 other person, shall vote or refrain from voting for or against any person, or for or
34 against any measure at any such election or political convention.

35 (4) Making Contribution Other Than to Treasurer or Subtreasurer.

36 (i) Except as provided in subparagraph (ii) of this paragraph, every
37 person who shall, directly or indirectly, pay, give, contribute or promise any money or
38 other valuable thing, to defray, or towards defraying the costs or expenses of any

1 campaign or election, to any person, committee, company, organization or association,
2 other than to a treasurer or a subtreasurer.

3 (ii) Subparagraph (i) of this paragraph may not apply to:

4 1. Dues regularly paid for membership in any political club if
5 all money expended by the club or in connection with the costs or expenses of any
6 campaign or election shall be paid out by it only through a treasurer or subtreasurer
7 as provided in this article;

8 2. Volunteered time or personal vehicles or personal
9 advertising or costs and expenses incident to the expression of personal views in
10 accordance with the provisions of [§ 26-9(a) of this article] § 13-211 OF THIS TITLE; or

11 3. An employer's accumulation of employee contributions in
12 accordance with [§ 26-9(c) of this article] § 13-211 OF THIS TITLE.

13 (5) Political Contributions in False Name. Every person who shall,
14 directly or indirectly, by himself or through another person, make a payment, or
15 promise of payment, to a treasurer or subtreasurer, or candidate, in any other name
16 than his own, and every treasurer or subtreasurer or candidate who shall knowingly
17 receive a payment, or promise of payment, and enter the same or cause the same to be
18 entered in his accounts in any other name than that of the person by whom such
19 payment or promise of payment is made.

20 (6) Coercing Employees. Every person who, being an employer, pays his
21 employees the salary or wages due in "pay envelopes," upon which there is written or
22 printed or in which there is enclosed any political motto, device or argument
23 containing threats, express or implied, intended or calculated to influence the
24 political opinions or actions of such employees, or within ninety days of an election
25 puts, or otherwise exhibits in the establishment or place where his employees are
26 engaged in labor, any handbill or placard containing any threat, notice or information
27 that if any particular ticket or candidate is elected or defeated, work in his place or
28 establishment, will cease, in whole or in part, his establishment be closed up or the
29 wages of his employees reduced, or other threats, express or implied, intended or
30 calculated to influence the political opinions or actions of his employees.

31 (7) Campaign Literature. Every person who publishes or distributes or
32 causes to be published or distributed any campaign advertisement or campaign
33 material that violates [§ 26-17 of this article] § 13-501 OF THIS TITLE.

34 (8) Contribution or Expenditure in Violation of [§ 26-8] § 13-207 OF THIS
35 TITLE. Every person who, being a candidate, makes any payment, contribution,
36 expenditure or promotes or incurs any liability to pay, contribute or expend from his
37 own personal financial resources any money or thing in value in a manner not
38 authorized by [§ 26-8 of this article] § 13-207 OF THIS TITLE.

39 (b) Every person who shall be guilty of any prohibited practices described in
40 this section shall be fined not more than \$1,000 or be imprisoned for not more than

1 [one] 1 year, or both, and shall be ineligible for any public or party office, for the
2 period of [four] 4 years from and after the time of the commission of such offense.

3 (c) (1) It shall be the duty of the State's Attorney of Baltimore City and of
4 the State's Attorney of each county of this State to prosecute, by the regular course of
5 criminal procedure, any person whom the State's Attorney believes to be guilty of
6 having [wilfully] WILLFULLY violated any of the provisions of this section within the
7 city or county for which said State's Attorney may be acting as such.

8 (2) The State prosecutor may prosecute, by the regular course of criminal
9 procedure, in any jurisdiction of the State, any person whom the State prosecutor
10 believes to be guilty of having willfully violated any of the provisions of this section.

11 [26-20.] 13-603. CRIMINAL PENALTIES.

12 (a) Except as provided in [§ 26-15] § 13-601 of this subtitle, any person who
13 knowingly and willfully violates any of the provisions of this [subtitle] TITLE is guilty
14 of a misdemeanor, and upon conviction shall be fined not more than \$25,000, or be
15 imprisoned for not more than 1 year, or both, in the discretion of the court.

16 (b) If a different penalty is specifically prescribed for violation of any section
17 in this subtitle and expressly set forth therein, the specific penalty applies and the
18 penalty set forth in this section does not apply.

19 [26-20A.] 13-604. CIVIL PENALTIES.

20 (a) (1) Any person who, without knowledge of the illegality of the act,
21 violates any provision of this [subtitle] TITLE shall pay a civil fine in accordance with
22 the procedures established under subsections (b) through (g) of this section.

23 (2) The amount of the fine imposed under this section may not exceed
24 \$5,000.

25 (3) An infraction under this section is a civil offense.

26 (4) If a different penalty is specifically prescribed for violation of any
27 section in this subtitle and expressly set forth therein, the specific penalty applies
28 and the penalty set forth in this section does not apply.

29 (b) (1) When the State Prosecutor or the State's Attorney for a county, or
30 both, determine that a person has unintentionally, and without criminal intent,
31 violated a provision of this [subtitle] TITLE, the State Prosecutor or the State's
32 Attorney, or both, shall cause to be issued a civil citation to each person who
33 committed the offense. The citation shall contain:

34 (i) The name and address of the person charged;

35 (ii) The nature of the violation and the time, place, and manner in
36 which it occurred;

- 1 (iii) The maximum fine for the violation that occurred;
- 2 (iv) The manner, location, and time in which the fine may be paid;
- 3 and
- 4 (v) A statement that the person receiving the citation has a right to
- 5 a trial in the District Court of Maryland.

6 (2) The original of a citation shall be filed in the District Court having

7 proper venue.

8 (c) The citation shall be served upon the person named in the citation by mail

9 or by personal service by a sheriff or a competent private person 18 years old or older.

10 (d) The sheriff or person who serves the citation shall make a prompt return of

11 service to the court that shows the date, time, and place of service.

12 (e) (1) On receipt of the return of service, the District Court shall schedule

13 the case for trial and notify the person named in the citation of the trial date.

14 (2) The trial in the District Court shall be prosecuted in the same

15 manner and to the same extent as set forth for municipal infractions under Article

16 23A, § 3(b)(8) through (15) of the Code.

17 (3) All late fees collected by the District Court shall be remitted to the

18 State [Administrative] Board [of Election Laws].

19 (4) An adjudication of a violation under this subsection:

20 (i) Is not a criminal conviction; and

21 (ii) Does not impose any of the civil disabilities ordinarily imposed

22 by a criminal conviction.

23 (f) If a person is found to have committed the violation set forth in the

24 citation, the person shall be liable for the costs of the proceedings in the District

25 Court.

26 (g) (1) If a person who has been served with a citation fails to appear for

27 trial, the court, at the request of the prosecutor, may either dismiss the citation or

28 grant a civil judgment against the person named in the citation in favor of the State

29 [Administrative] Board [of Election Laws] in accordance with the Maryland Rules

30 [of Procedure].

31 (2) The amount of a judgment under this subsection may not exceed the

32 total of the maximum fine set forth in subsection (a) of this section and any late fees

33 owed to the State [Administrative] Board [of Election Laws].

1 [26-21.] 13-605. INJUNCTION.

2 The Secretary of State may seek an immediate injunction against any violation
3 of the provisions of this [subtitle] TITLE. Anyone violating the injunction is guilty of
4 criminal contempt and upon conviction shall be sentenced to not more than [thirty]
5 30 days in jail and fined not more than two hundred and fifty dollars (\$250.00).

6 TITLE 14. DISCLOSURE BY PERSONS DOING PUBLIC BUSINESS.

7 [30-1.] 14-101. DEFINITIONS.

8 (a) In this [subtitle] TITLE, the following words have the meanings indicated.

9 (b) (1) "Business" means any one or combination of sales, purchases, leases,
10 or contracts, involving consideration of \$100,000 or more on a cumulative basis
11 entered into during the twelve months immediately preceding the end of the
12 reporting period for which the statement required under this [subtitle] TITLE is filed.
13 If an agreement calls for the consideration to be paid over a period extending beyond
14 one reporting period, the total ascertainable consideration to be paid under the
15 agreement shall be included as business done during the period in which the
16 agreement was entered into. Business of less than \$100,000 with an agency or
17 governmental entity shall be reported if the aggregate business done with all agencies
18 and governmental entities amounts to more than \$100,000.

19 (2) [Business] "BUSINESS" does not include salaries paid by the State, a
20 county, [an incorporated municipality] A MUNICIPAL CORPORATION, or other
21 political subdivision of the State.

22 (c) "Business entity" includes a firm, corporation, trust, unincorporated
23 association, or other organization, whether or not conducted for profit.

24 (d) "Candidate" includes an incumbent office holder and a political committee
25 for a candidate.

26 (e) (1) "Contribution" means any gift, donation, or payment of money in
27 excess of \$500.

28 (2) [It] "CONTRIBUTION" includes the purchase of a ticket or tickets, or
29 payment for admission to a dinner, barbecue, fish fry, or other like event.

30 (3) [It] "CONTRIBUTION" does not include a bona fide gift by a spouse or
31 relative within the third degree of consanguinity, or to honorary memberships in a
32 social, service, or fraternal organization presented as a courtesy by the organization.

33 [(f) "County" includes the City of Baltimore.]

34 [(g) (F) "Person" includes an individual and a business entity.

35 [(h) (G) "State", "county", and ["incorporated municipality"] "MUNICIPAL
36 CORPORATION" include agencies of them.

1 (i) (H) "Subsidiary" means a firm or corporation of which a parent firm or
2 corporation owns or controls 30% or more of the equity.

3 [30-2.] 14-102. STATEMENT OF CONTRIBUTIONS.

4 (a) The statement required by this [subtitle] TITLE shall be filed with the
5 State [Administrative] Board [of Election Laws]:

6 (1) Prior to the completion of any sale, purchase, lease, or contract by the
7 State, a county, or [an incorporated municipality] A MUNICIPAL CORPORATION of the
8 State and shall cover the reporting period which consists of the preceding [two] 2
9 calendar years; and

10 (2) If the contribution is made after the completion of a sale, purchase,
11 lease, or contract subject to this [subtitle] TITLE, then, semiannually, throughout the
12 term of the contract, on:

13 (i) February 5, to cover the 6-month period ending January 31;
14 and

15 (ii) August 5, to cover the 6-month period ending July 31.

16 (b) Every person who has done business with the State, [or with] a county,
17 [incorporated municipality] MUNICIPAL CORPORATION, or other political subdivision
18 of the State during a reporting period specified under subsection (a) of this section
19 shall file the statement required by this [subtitle] TITLE if during the reporting
20 period he made or caused to be made a contribution to a candidate for an elective
21 office of the State or for an elective office of a county or [incorporated municipality]
22 MUNICIPAL CORPORATION of the State in any primary or general election.

23 (c) The statement shall be under oath and shall contain:

24 (1) The names of all candidates to whom a contribution was made or
25 caused to be made during the reporting period and, if not reported previously, during
26 the preceding reporting period and the office for which the candidate sought election;

27 (2) The amount of the aggregate contributions made to each candidate;

28 (3) The name of each agency of the State, a county, [incorporated
29 municipality] MUNICIPAL CORPORATION, or other political subdivision with which
30 the person did business during the reporting period. However, this information may
31 be omitted upon the written approval of the Attorney General. The Attorney General
32 may grant approval if [he] THE ATTORNEY GENERAL finds that it would be unduly
33 burdensome to require this information, that the public interest would not be
34 substantially impaired by its omission, and that the person submitting the statement
35 stipulates that [he] THE PERSON has done the requisite business in the amount of
36 \$100,000 or more during the period in question;

37 (4) The nature and amount of business done with each agency. However,
38 information concerning the amount of business done with each agency may be

1 omitted upon the written approval of the Attorney General. The Attorney General
2 may grant approval if [he] THE ATTORNEY GENERAL finds that it would be unduly
3 burdensome to require this information, that the public interest would not be
4 substantially impaired by its omission, and that the person submitting the statement
5 stipulates that [he] THE PERSON has done the requisite business in the amount of
6 \$100,000 or more during the period in question; and

7 (5) If the business was done or the contribution was made by another
8 person and is attributed to the person filing the statement under [§ 30-3] § 14-103 OF
9 THIS TITLE, the name of the person who did the business or made the contribution,
10 and the relationship of that person to the person filing the statement.

11 (d) (1) The statement shall be filed with the State [Administrative] Board
12 [of Election Laws] and shall be retained as a public record for at least two years from
13 the date of its receipt.

14 (2) The State [Administrative] Board [of Election Laws] shall make the
15 statements available for examination and copying by the public during normal office
16 hours, subject to such reasonable fees and administrative procedures as it may
17 establish from time to time.

18 (e) The State [Administrative] Board [of Election Laws] shall prepare and
19 make available forms for the statements required by this [subtitle] TITLE.

20 [30-3.] 14-103. CONTRIBUTIONS REQUIRED TO BE INCLUDED IN STATEMENT.

21 (a) Except as provided in subsection (e) of this section, each officer, director,
22 and partner of a business entity who makes or causes to be made a contribution
23 which, if made by the business entity, would have to be disclosed under this [subtitle]
24 TITLE, shall report the contribution to the chief executive officer of the business entity
25 so that it may be included in the statement filed by the business entity.

26 (b) Each employee, agent, or other person who makes or causes to be made a
27 contribution at the suggestion or direction of a business entity shall report the
28 contribution to the chief executive officer of the business entity so that it may be
29 included in the statement filed by the business entity.

30 (c) For the purposes of this [subtitle] TITLE, and except as provided in
31 subsection (e) of this section, a contribution made by an officer, director, or partner of
32 a business entity, and a contribution made by an employee, agent, or other person at
33 the suggestion or direction of a business entity, shall be attributed to the business
34 entity and shall be included in the statement filed by the business entity as though
35 made directly by it.

36 (d) Business done with the State, [or] a county, [incorporated municipality]
37 MUNICIPAL CORPORATION, or other political subdivision of the State by a subsidiary
38 business entity shall be attributed to the parent and shall be included in the
39 statement filed by the parent. Contributions made by, caused to be made by, or
40 attributed to a subsidiary shall for purposes of this [subtitle] TITLE be attributed to
41 the parent and shall be included in the statement filed by the parent.

1 (e) Unless the contribution is made on the recommendation of the
2 not-for-profit organization or unless the individual is paid by the organization:

3 (1) An individual who serves as a trustee or member of the board of
4 directors of a not-for-profit organization is not required to report a contribution to
5 the chief executive officer of the organization as otherwise required under this
6 [subtitle] TITLE; and

7 (2) A contribution made by an individual who serves as a trustee or
8 member of the board of directors of a not-for-profit organization is not, for purposes
9 of this [subtitle] TITLE:

10 (i) Attributable to the organization; or

11 (ii) Required to be included in the statement of contributions filed
12 by the organization under this [subtitle] TITLE.

13 [30-4.] 14-104. PENALTY; LIBERAL CONSTRUCTION OF TITLE; FIRST REPORT.

14 (a) Any person who knowingly and willfully fails to comply with the
15 requirements of this [subtitle] TITLE is guilty of a misdemeanor, and, upon
16 conviction, is subject to a fine of not more than \$1,000 or imprisonment for not more
17 than [one] 1 year, or both. If the person is a business entity and not a natural person,
18 each officer and partner of the business entity who knowingly authorized or
19 participated in the violation is guilty of a misdemeanor and, upon conviction, is
20 subject to the same penalties as the business entity.

21 (b) This [subtitle] TITLE shall be liberally construed to require full disclosure.

22 TITLE 15. ~~PUBLIC~~ FAIR CAMPAIGN FINANCING ACT.

23 [31-1.] 15-101. PURPOSE.

24 The General Assembly of Maryland, recognizing that our system of
25 representative government depends in part on guaranteeing that election campaigns
26 are funded by the people and for the people and on eliminating the corrupting and
27 undemocratic effects of large private contributions, finds and declares that an
28 equitable means of public campaign financing is necessary in these times for the
29 continued effective functioning of representative democracy.

30 [31-2.] 15-102. DEFINITIONS.

31 (a) In this [subtitle] TITLE the following terms have the meanings indicated
32 unless otherwise provided.

33 (b) "Candidate" means a Governor-Lieutenant Governor unit.

34 (c) "Comptroller" means the State Comptroller of the treasury.

1 (d) "Eligible candidate" means a candidate who has qualified to receive a
2 public contribution.

3 (e) "Eligible private contribution" means that portion of a monetary or in kind
4 campaign contribution, or series of contributions, from an individual that does not
5 exceed \$250.

6 (f) "Fund" means the "Fair Campaign Financing Fund".

7 (g) "Public contribution" means a sum disbursed from the Fair Campaign
8 Financing Fund to a candidate according to the provisions of this [subtitle] TITLE.

9 (h) "Seed money" means a sum of lawfully raised eligible private contributions
10 that is 10 percent of the maximum campaign expenditure limit provided under [§
11 31-3] § 15-103 OF THIS TITLE for an election.

12 (i) ["State Administrator" means the State Administrator of Election Laws.

13 (j) "State Board" means the State Administrative Board of Election Laws.

14 (k) "Treasurer" includes a campaign subtreasurer.

15 [31-3.] 15-103. LIMITATIONS ON CAMPAIGN EXPENDITURES.

16 (a) (1) A candidate who applies for and accepts a public contribution from
17 the Fair Campaign Financing Fund may not expend, in the applicable election, an
18 amount in excess of the product of 30 cents multiplied by the population of the State
19 adjusted annually, beginning January 1, 1997, in accordance with the Consumer Price
20 Index.

21 (2) Expenditures made on behalf of the candidate by State or local
22 partisan central committees are not subject to the terms of paragraph (1) of this
23 subsection.

24 (b) For purposes of this section, the population of the State shall be
25 determined on January 1 of the year in which the election is to be held in accordance
26 with the most recent decennial United States census, or a more recent population
27 estimate prepared for the State by the State Department of Health and Mental
28 Hygiene if this is available.

29 (c) The candidate, and any chairman or treasurer associated with the
30 expenditure, are jointly and severally liable civilly and criminally for any expenditure
31 made in violation of this section.

32 [31-4.] 15-104. FAIR CAMPAIGN FINANCING FUND.

33 (a) (1) There is established the "Fair Campaign Financing Fund" which
34 shall be administered by the Comptroller in accordance with the provisions of [§
35 31-9] § 15-109 of this [subtitle] TITLE.

1 (2) The Comptroller shall credit to the Fund all money collected
2 pursuant to these provisions.

3 (b) Subject to the other requirements of this [subtitle] TITLE, the State Board
4 shall begin to distribute one-half of the money in the Fund not later than February 1
5 of the year of the election to eligible candidates in the primary election on a
6 continuing basis and the remaining money in the Fund promptly after the primary
7 election to eligible candidates in the general election.

8 (c) [No later than January 1, 1996, the State Administrator] THE EXECUTIVE
9 DIRECTOR shall [promulgate] ADOPT comprehensive regulations to carry out the
10 purposes and requirements of this [subtitle] TITLE. The regulations shall include
11 provisions regarding:

12 (1) The manner and date by which candidates shall notify the State
13 Board that they intend to qualify for public contributions;

14 (2) The deadline for candidates to submit requests for public
15 contributions;

16 (3) The dates upon which the State Board is to order, and the
17 Comptroller is to make, disbursements of public contributions to candidates in
18 accordance with this [subtitle] TITLE;

19 (4) Pro rata distributions if there is not, or may not be, sufficient money
20 in the Fund;

21 (5) A formula for distributing supplementary public contributions to the
22 other eligible candidates if, because an eligible candidate fails to request a public
23 contribution, withdraws as a candidate, becomes disqualified, or dies, additional
24 funds become available;

25 (6) The standards by which expenditures by political committees and
26 slates with which an eligible candidate is affiliated are applied to the expenditure
27 limit of the candidate as specified in [§ 31-3] § 15-103 of this [subtitle] TITLE;

28 (7) The specification of thresholds for in-kind contributions that will not
29 be deemed contributions or expenditures for the purposes of this [subtitle] TITLE;

30 (8) Distributions to:

31 (i) Unopposed candidates;

32 (ii) Candidates who are not members of the [2] TWO principal
33 political parties; and

34 (iii) Write-in candidates; and

35 (9) The purposes for which public contributions may not be used.

1 (d) If the State Board determines that there is not, or may not be, sufficient
2 money in the Fund to provide a full public contribution to all eligible candidates in
3 either the primary or general election, the State Board then shall allocate the
4 available money so that all eligible candidates in that election will receive a pro rata
5 share of the full public contribution to which they would otherwise be entitled.

6 (e) (1) The State Board may request the assistance of the Comptroller in the
7 administration of this [subtitle] TITLE.

8 (2) The Comptroller shall submit a statement of the Fund's balance to
9 the State Board at the State Board's request and on May 15 of each year.

10 (f) (1) The Comptroller shall disburse public contributions to a single
11 campaign depository of an eligible candidate, as provided in [§ 26-5(b)] § 13-204(A) of
12 this article.

13 (2) The State Board has the sole right and responsibility for ordering a
14 disbursement from the Fund.

15 [31-5.] 15-105. PUBLIC CONTRIBUTION - GENERALLY.

16 (a) On the date specified by regulation pursuant to [§ 31-4(c)] § 15-104(C) of
17 this [article] TITLE, a candidate is entitled to a public contribution if:

18 (1) The required seed money has been raised;

19 (2) The seed money is refundable only in the event of the withdrawal of
20 the candidate's name from the ballot; and

21 (3) As certified by the candidate's treasurer, on forms prescribed by the
22 State Board, the seed money was raised in accordance with the provisions of this
23 [subtitle] TITLE and received subsequent to March 1 of the year immediately
24 preceding the year of the election.

25 (b) (1) The State Board shall order disbursement of funds, designated for
26 disbursement in the primary, as provided in this subsection.

27 (2) Candidates who are opposed in the primary shall receive \$1 in public
28 contributions for every \$1 in eligible private contributions.

29 (3) Candidates who are unopposed in the primary shall receive \$1 in
30 public contributions for every \$3 in eligible private contributions.

31 (c) (1) The State Board shall order disbursement in the general election of
32 all money remaining in the Fund, including money remaining from the portion
33 designated for the primary, as provided in this subsection.

34 (2) All eligible candidates who are nominees shall receive equal shares of
35 the Fund.

1 (3) If a candidate is unopposed on the general election ballot, the
2 candidate shall receive no public contributions.

3 (4) An eligible candidate who did not receive public contributions in the
4 primary, but is a nominee in the general election, may only receive public
5 contributions in the general election if the candidate did not spend more than the
6 maximum expenditure limit in the primary.

7 (5) The State Board shall disburse public contributions promptly after
8 the certification of primary results.

9 [31-6.] 15-106. SAME - LIMITATIONS ON EXPENDITURES; RETURN OR REPAYMENT.

10 (a) A public contribution may be expended only:

11 (1) With the authority of the candidate or his treasurer;

12 (2) To further the candidate's nomination or election;

13 (3) For expenses incurred not later than 30 days after the election for
14 which these were made; and

15 (4) For purposes that are not violative of State law.

16 (b) Any unspent portion of a public contribution shall be repaid to the
17 Comptroller for redeposit in the Fund not later than 60 days following the election for
18 which the public contribution was granted. When computing whether there is an
19 unspent part of a public contribution, all private contributions to the candidate shall
20 be presumed as spent prior to any expenditure of the public contribution.

21 (c) A candidate and his treasurer are jointly and severally personally liable for
22 repaying to the Comptroller any part of a public contribution which was unspent or
23 which is spent in violation of subsection (a) of this section.

24 [31-7.] 15-107. PENALTY FOR VIOLATION.

25 On conviction of each violation of this [subtitle] TITLE, the violator shall be
26 fined not more than \$5,000 or imprisoned for not more than one year, or both.

27 [31-8.] 15-108. DISPOSITION OF REMAINING MONEY.

28 Any money remaining in the Fund after disbursements to candidates in a
29 gubernatorial election shall be recredited to the Fund for the purposes provided in
30 this [subtitle] TITLE.

31 [31-9.] 15-109. CONTINUED ADMINISTRATION OF FUND BY COMPTROLLER.

32 (a) (1) For [the taxable year beginning January 1, 1995 and each taxable
33 year thereafter, for] every individual other than a nonresident alien filing a personal
34 State income tax return, the Comptroller shall establish, FOR EACH TAXABLE YEAR, a

1 tax add-on system that allows contributions to the Fair Campaign Financing Fund
2 not to exceed \$500 per tax filer.

3 (2) In accordance with the provisions of this [subtitle] TITLE, the
4 Comptroller shall:

5 (i) Credit to the Fund all money collected pursuant to these
6 provisions; and

7 (ii) Make disbursements from the Fund promptly upon receipt of an
8 authorized request from the State [Administrative] Board [of Election Laws].

9 (b) The Comptroller shall administer the Fund and invest the money in the
10 Fund, subject to the usual investing procedures for State funds.

11 [31-10.] 15-110. SHORT TITLE.

12 This [subtitle] TITLE may be cited as the [~~Fair Campaign~~] PUBLIC Financing
13 Act.

14 TITLE 16. OFFENSES AND PENALTIES.

15 SUBTITLE 1. VOTER REGISTRATION.

16 16-101. OFFENSES RELATING TO REGISTRATION.

17 (A) GENERALLY.

18 A PERSON MAY NOT WILLFULLY AND KNOWINGLY:

19 (1) IMPERSONATE A VOTER OR OTHER PERSON IN ORDER TO REGISTER
20 OR ATTEMPT TO REGISTER IN THE NAME OF THE VOTER OR OTHER PERSON;

21 (2) REGISTER TO VOTE MORE THAN ONCE;

22 (3) FALSIFY RESIDENCE IN AN ATTEMPT TO REGISTER IN THE WRONG
23 LOCATION;

24 (4) SECURE REGISTRATION THROUGH ANY UNLAWFUL MEANS;

25 (5) CAUSE BY UNLAWFUL MEANS THE NAME OF A QUALIFIED VOTER TO
26 BE STRICKEN FROM A REGISTRY OF VOTERS;

27 (6) PREVENT, HINDER, OR DELAY A PERSON HAVING A LAWFUL RIGHT
28 TO REGISTER FROM REGISTERING, THROUGH THE USE OF FORCE, THREAT, MENACE,
29 INTIMIDATION, BRIBERY, REWARD, OR OFFER OF REWARD;

30 (7) FALSIFY ANY NAME ON A REGISTRATION;

31 (8) MISREPRESENT ANY FACT RELATING TO REGISTRATION; OR

1 (9) INDUCE OR ATTEMPT TO INDUCE A PERSON TO VIOLATE ANY
2 PROHIBITION IN ITEMS (1) THROUGH (8) OF THIS SUBSECTION.

3 (B) PENALTY.

4 A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A FINE OF NOT MORE
5 THAN \$1,000 OR IMPRISONMENT IN THE PENITENTIARY FOR NOT MORE THAN 5
6 YEARS OR BOTH.

7 SUBTITLE 2. VOTING AND ELECTORAL OPERATIONS.

8 16-201. OFFENSES RELATING TO VOTING.

9 (A) GENERALLY.

10 A PERSON MAY NOT WILLFULLY AND KNOWINGLY:

11 (1) (I) IMPERSONATE ANOTHER PERSON IN ORDER TO VOTE OR
12 ATTEMPT TO VOTE; OR

13 (II) VOTE OR ATTEMPT TO VOTE UNDER A FALSE NAME;

14 (2) VOTE MORE THAN ONCE FOR A CANDIDATE FOR THE SAME OFFICE
15 OR FOR THE SAME BALLOT QUESTION;

16 (3) VOTE OR ATTEMPT TO VOTE MORE THAN ONCE IN THE SAME
17 ELECTION, OR VOTE IN MORE THAN ONE ELECTION DISTRICT OR PRECINCT;

18 (4) VOTE IN AN ELECTION DISTRICT OR PRECINCT WITHOUT THE LEGAL
19 AUTHORITY TO VOTE IN THAT ELECTION DISTRICT OR PRECINCT; OR

20 (5) INFLUENCE OR ATTEMPT TO INFLUENCE A VOTER'S VOTING
21 DECISION THROUGH THE USE OF FORCE, THREAT, MENACE, INTIMIDATION,
22 BRIBERY, REWARD, OR OFFER OF REWARD.

23 (B) PENALTIES.

24 A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A FINE OF NOT MORE
25 THAN \$2,500 OR IMPRISONMENT IN THE PENITENTIARY FOR NOT MORE THAN 5
26 YEARS OR BOTH.

27 16-202. VOTING BY PERSON CONVICTED OF INFAMOUS CRIME.

28 (A) GENERALLY.

29 A PERSON WHO HAS BEEN CONVICTED OF AN INFAMOUS CRIME, AND HAS BEEN
30 RENDERED INELIGIBLE TO VOTE PURSUANT TO § 3-102(B) OF THIS ARTICLE, MAY NOT
31 VOTE OR ATTEMPT TO VOTE DURING THE TIME THAT THE PERSON IS RENDERED
32 INELIGIBLE TO VOTE.

33 (B) 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 5 YEARS.

4 16-203. DISOBEYING LAWFUL COMMAND OF ELECTION OFFICIAL.

5 (A) GENERALLY.

6 A PERSON MAY NOT WILLFULLY DISOBEY THE LAWFUL COMMAND OF AN
7 ELECTION OFFICIAL AT A POLLING PLACE ON ELECTION DAY.

8 (B) PENALTIES.

9 A PERSON WHO VIOLATES THIS SECTION SHALL BE GUILTY OF A MISDEMEANOR
10 AND SHALL BE SUBJECT TO A FINE OF NOT LESS THAN \$10 NOR MORE THAN \$250 OR
11 IMPRISONMENT FOR NOT LESS THAN 30 DAYS NOR MORE THAN 6 MONTHS OR BOTH.
12 16-204. DISTURBING THE PEACE.

13 (A) GENERALLY.

14 A PERSON MAY NOT HINDER OR IMPEDE THE CONDUCT OF OFFICIAL
15 ELECTORAL ACTIVITIES BY:

16 (1) BREACH OF THE PEACE;

17 (2) DISORDER; OR

18 (3) VIOLENCE OR THREAT OF VIOLENCE.

19 (B) PENALTIES.

20 A PERSON WHO VIOLATES THIS SECTION SHALL BE GUILTY OF A MISDEMEANOR
21 AND SHALL BE SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 30 DAYS NOR MORE
22 THAN 1 YEAR OR BY A FINE OF NOT LESS THAN \$50 NOR MORE THAN \$1,000 OR BOTH.

23 16-205. INTERFERING WITH ELECTION OFFICIALS.

24 (A) GENERALLY.

25 (1) A PERSON MAY NOT INTERFERE WITH AN ELECTION OFFICIAL IN
26 THE PERFORMANCE OF THE OFFICIAL DUTIES OF THE ELECTION OFFICIAL.

27 (2) A PERSON MAY NOT INTERFERE WITH AN INDIVIDUAL LAWFULLY
28 PRESENT AT A POLLING PLACE OR AT THE CANVASS OF VOTES.

29 (B) PENALTIES.

30 A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND IS
31 SUBJECT TO A FINE OF NOT LESS THAN \$50 NOR MORE THAN \$1,000 OR
32 IMPRISONMENT FOR NOT LESS THAN 3 MONTHS NOR MORE THAN 1 YEAR OR BOTH.

1 16-206. OFFENSES AS TO BALLOTS AND BALLOTING IN GENERAL.

2 (A) GENERALLY.

3 A PERSON MAY NOT:

4 (1) PLACE ANY DISTINGUISHING MARK ON THE PERSON'S OWN OR
5 ANOTHER PERSON'S BALLOT FOR THE PURPOSE OF IDENTIFYING THE BALLOT;

6 (2) MISREPRESENT THE PERSON'S ABILITY TO MARK A BALLOT OR
7 OPERATE VOTING EQUIPMENT;

8 (3) INTERFERE OR ATTEMPT TO INTERFERE WITH A VOTER WHILE THE
9 VOTER IS INSIDE THE POLLING ROOM, MARKING A BALLOT, OR OPERATING VOTING
10 EQUIPMENT;

11 (4) INDUCE OR ATTEMPT TO INDUCE A VOTER TO MARK THE VOTER'S
12 BALLOT IN A CERTAIN WAY;

13 (5) EXCEPT FOR SERVICING BY AN AUTHORIZED PERSON, UNLOCK ANY
14 LOCKED COMPARTMENT OF A VOTING DEVICE UNLESS INSTRUCTED TO DO SO BY
15 THE ELECTION DIRECTOR;

16 (6) DESTROY OR DEFACE A BALLOT;

17 (7) REMOVE A BALLOT FROM A BUILDING IN WHICH VOTING OCCURS,
18 EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE;

19 (8) DELAY THE DELIVERY OF A BALLOT;

20 (9) POSSESS ON OR BEFORE THE DAY OF ELECTION AN OFFICIAL
21 BALLOT PRINTED FOR THE ELECTION, UNLESS THE POSSESSION OF THE BALLOT IS
22 NECESSARY AND APPROPRIATE FOR CARRYING OUT THE ELECTION PROCESS; OR

23 (10) CANVASS, ELECTIONEER, OR POST ANY CAMPAIGN MATERIAL IN THE
24 POLLING PLACE OR BEYOND A LINE ESTABLISHED BY SIGNS POSTED IN
25 ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION.

26 DRAFTER'S NOTE: The provision of Former Art. 33, § 24-22 (a)(1), which
27 prohibits a person from allowing his ballot to be seen by another, has been
28 repealed.

29 (B) ELECTIONEERING BOUNDARY.

30 (1) AT EACH POLLING PLACE, ONE ELECTION JUDGE FROM EACH
31 PRINCIPAL POLITICAL PARTY SHALL BE DESIGNATED BY THE LOCAL BOARD AND,
32 ACTING JOINTLY, SHALL POST SIGNS DELINEATING A LINE AROUND THE ENTRANCE
33 AND EXIT OF THE BUILDING THAT ARE CLOSEST TO THAT PART OF THE BUILDING IN
34 WHICH VOTING OCCURS.

1 16-302. TAMPERING WITH ELECTION RECORDS.

2 (A) GENERALLY.

3 A PERSON MAY NOT FRAUDULENTLY TAMPER WITH ELECTION RECORDS OF
4 ANY KIND, WHETHER ON PAPER OR IN ANY OTHER MEDIUM.

5 (B) PENALTIES.

6 A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND IS
7 SUBJECT TO IMPRISONMENT IN THE PENITENTIARY FOR NOT LESS THAN 1 YEAR NOR
8 MORE THAN 5 YEARS.

9 16-303. OPERATION OF POLLING PLACE.

10 (A) GENERALLY.

11 AN ELECTION JUDGE, WHILE PERFORMING OFFICIAL DUTIES AT A POLLING
12 PLACE, MAY NOT WILLFULLY AND KNOWINGLY:

13 (1) INTERFERE IN ANY WAY WITH THE CASTING OF A VOTE BY A PERSON
14 WHO THE ELECTION JUDGE KNOWS IS LAWFULLY ENTITLED TO VOTE AT AN
15 ELECTION;

16 (2) FAIL TO CHALLENGE A PERSON WHO THE ELECTION JUDGE HAS
17 REASON TO BELIEVE IS NOT ENTITLED TO VOTE;

18 (3) REFUSE TO FOLLOW THE INSTRUCTIONS OF THE ELECTION
19 DIRECTOR WITH RESPECT TO THE QUALIFICATION OF VOTERS, THE USE OF VOTING
20 EQUIPMENT, OR THE CASTING OF VOTES; OR

21 (4) OBSTRUCT THE VIEW AT ANY TIME OF ANY PERSON, LAWFULLY
22 PRESENT IN THE POLLING PLACE, WHO WISHES TO SEE THE BALLOT BOX OR VOTING
23 EQUIPMENT USED DURING AN ELECTION.

24 (B) PENALTIES.

25 AN ELECTION JUDGE WHO VIOLATES THIS SECTION IS SUBJECT TO
26 IMPRISONMENT IN THE PENITENTIARY FOR NOT LESS THAN 3 MONTHS NOR MORE
27 THAN 2 YEARS.

28 DRAFTER'S NOTE: The prohibition on distributing a listing of persons who
29 have or have not voted is deleted from the law.

30 16-304. ADDING OR DELETING VOTES.

31 (A) BY ELECTION JUDGES.

32 IN A POLLING PLACE ON ELECTION DAY, AN ELECTION JUDGE MAY NOT
33 WILLFULLY AND KNOWINGLY:

1 (1) PERMIT A BALLOT OR BALLOTS TO BE PLACED INTO A BALLOT BOX
2 PRIOR TO THE TIME FOR VOTING; OR

3 (2) PLACE A BALLOT IN A BALLOT BOX UNLESS THE BALLOT IS OFFERED
4 BY A PROPERLY REGISTERED VOTER.

5 (B) BY ANY PERSON.

6 A PERSON MAY NOT:

7 (1) CAUSE OR PERMIT A VOTE TO BE CAST OR A BALLOT TO BE
8 DEPOSITED IN A BALLOT BOX OR A VOTING DEVICE, OTHER THAN BY A PERSON
9 PROPERLY QUALIFIED TO CAST A BALLOT; OR

10 (2) SUBSTITUTE, ALTER, ADD, OR REMOVE A VOTED BALLOT FROM A
11 BALLOT BOX OR A VOTING DEVICE, EXCEPT WHEN INSTRUCTED TO DO SO BY THE
12 ELECTION DIRECTOR.

13 (C) PENALTIES.

14 A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND IS
15 SUBJECT TO IMPRISONMENT IN THE PENITENTIARY FOR NOT LESS THAN 1 YEAR NOR
16 MORE THAN 5 YEARS.

17 SUBTITLE 4. PETITIONS.

18 16-401. OFFENSES RELATING TO PETITIONS.

19 (A) GENERALLY.

20 A PERSON MAY NOT WILLFULLY AND KNOWINGLY:

21 (1) GIVE, TRANSFER, PROMISE, OR OFFER ANYTHING OF VALUE FOR THE
22 PURPOSE OF INDUCING ANOTHER PERSON TO SIGN OR NOT SIGN ANY PETITION;

23 (2) REQUEST, RECEIVE, OR AGREE TO RECEIVE, ANYTHING OF VALUE AS
24 AN INDUCEMENT TO SIGN OR NOT TO SIGN ANY PETITION;

25 (3) MISREPRESENT ANY FACT FOR THE PURPOSE OF INDUCING
26 ANOTHER PERSON TO SIGN OR NOT TO SIGN ANY PETITION;

27 (4) SIGN THE NAME OF ANY OTHER PERSON TO A PETITION;

28 (5) FALSIFY ANY SIGNATURE OR PURPORTED SIGNATURE TO A
29 PETITION;

30 (6) OBTAIN, OR ATTEMPT TO OBTAIN, ANY SIGNATURE TO A PETITION BY
31 FRAUD, DURESS, OR FORCE;

1 (7) CIRCULATE, CAUSE TO BE CIRCULATED, OR FILE WITH AN ELECTION
2 AUTHORITY A PETITION THAT CONTAINS ANY FALSE, FORGED, OR FICTITIOUS
3 SIGNATURES;

4 (8) SIGN A PETITION THAT THE PERSON IS NOT LEGALLY QUALIFIED TO
5 SIGN;

6 (9) SIGN A PETITION MORE THAN ONCE; OR

7 (10) ALTER ANY PETITION AFTER IT IS FILED WITH THE ELECTION
8 AUTHORITY.

9 (B) EACH VIOLATION A SEPARATE OFFENSE.

10 EACH VIOLATION OF THIS SECTION SHALL BE CONSIDERED A SEPARATE
11 OFFENSE.

12 (C) PENALTY.

13 A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND IS
14 SUBJECT TO THE PENALTIES PROVIDED IN SUBTITLE 10 OF THIS TITLE.

15 SUBTITLE 5. OATHS.

16 16-501. FALSE OATH OR AFFIRMATION.

17 (A) GENERALLY.

18 A PERSON MAY NOT WILLFULLY AND FALSELY TAKE AN OATH OR AFFIRMATION
19 PRESCRIBED:

20 (1) BY THE STATE BOARD; OR

21 (2) PURSUANT TO THIS ARTICLE.

22 (B) SUBORNATION.

23 A PERSON MAY NOT WILLFULLY INDUCE OR PROCURE, OR OFFER TO INDUCE
24 OR PROCURE, ANOTHER PERSON TO WILLFULLY AND FALSELY TAKE AN OATH OR
25 AFFIRMATION PRESCRIBED:

26 (1) BY THE STATE BOARD; OR

27 (2) PURSUANT TO THIS ARTICLE.

28 (C) PENALTY FOR PERJURY.

29 ANY PERSON WHO VIOLATES SUBSECTION (A) OF THIS SECTION IS GUILTY OF
30 PERJURY AND SHALL BE PUNISHED ACCORDING TO THE LAWS OF THE STATE FOR
31 PERJURY.

1 (D) PENALTY FOR SUBORNATION OF PERJURY.

2 ANY PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY OF
3 SUBORNATION OF PERJURY AND SHALL BE PUNISHED ACCORDING TO THE LAWS OF
4 THE STATE FOR SUBORNATION OF PERJURY.

5 SUBTITLE 6. CANVASSING.

6 16-601. FALSE REPORTS.

7 (A) GENERALLY.

8 AN ELECTION JUDGE OR OTHER ELECTION OFFICIAL MAY NOT WILLFULLY AND
9 KNOWINGLY:

10 (1) MAKE, SIGN, PUBLISH, OR DELIVER A FALSE CERTIFICATE OR
11 STATEMENT OF THE RESULT OF THE ELECTION OR ANY OTHER FALSE REPORT OF
12 ANY KIND; OR

13 (2) DEFACE, DESTROY, OR CONCEAL ANY STATEMENT, TALLY,
14 CERTIFICATE, OR OTHER DOCUMENT ENTRUSTED TO THE OFFICIAL'S CARE AND
15 CUSTODY.

16 (B) PENALTIES.

17 A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND IS
18 SUBJECT TO IMPRISONMENT IN THE PENITENTIARY FOR NOT LESS THAN 1 YEAR NOR
19 MORE THAN 10 YEARS.

20 SUBTITLE 7. ELECTION RECORDS AND DOCUMENTS.

21 16-701. DEFACING OR REMOVING RECORDS.

22 (A) PERSON WITH CUSTODY OF RECORDS.

23 A PERSON WITH CUSTODY OF ELECTION RECORDS MAY NOT WILLFULLY AND
24 KNOWINGLY:

25 (1) DESTROY, DEFACE, FALSIFY, REMOVE, OR CONCEAL ANY RECORD
26 RELATED TO VOTING;

27 (2) MAKE A FRAUDULENT ENTRY OR ALTERATION, OR PERMIT ANOTHER
28 PERSON TO MAKE A FRAUDULENT ENTRY OR ALTERATION, OF ANY RECORD
29 RELATED TO VOTING; OR

30 (3) ALLOW ANY OTHER PERSON TO DO THE ACTS PROHIBITED IN ITEMS
31 (1) AND (2) OF THIS SUBSECTION.

32 (B) PERSON NOT IN CUSTODY OF RECORDS.

33 ANY PERSON WHO DOES NOT HAVE CUSTODY OVER ELECTION ITEMS MAY NOT:

1 (1) DO AN ACT PROHIBITED BY SUBSECTION (A) OF THIS SECTION; OR

2 (2) ADVISE, PROCURE, OR ABET THE COMMISSION OF AN ACT
3 PROHIBITED BY SUBSECTION (A) OF THIS SECTION.

4 (C) EXCEPTION.

5 THIS SECTION DOES NOT APPLY TO THE DISPOSITION OF OBSOLETE RECORDS
6 IN THE ORDINARY COURSE OF THE OPERATION OF THE STATE BOARD OR A LOCAL
7 BOARD.

8 (D) EACH VIOLATION A SEPARATE OFFENSE.

9 EACH VIOLATION OF THIS SECTION IS A SEPARATE OFFENSE.

10 (E) PENALTIES.

11 A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND IS
12 SUBJECT TO IMPRISONMENT IN THE PENITENTIARY FOR NOT LESS THAN 1 YEAR NOR
13 MORE THAN 10 YEARS.

14 SUBTITLE 8. VOTING EQUIPMENT.

15 16-801. DESTRUCTION OF VOTING EQUIPMENT.

16 (A) GENERALLY.

17 A PERSON MAY NOT WILLFULLY:

18 (1) CONCEAL, DAMAGE, OR DESTROY VOTING EQUIPMENT USED OR
19 INTENDED TO BE USED ON THE DAY OF ELECTION; OR

20 (2) REMOVE VOTING EQUIPMENT FROM THE CUSTODY OF THE
21 ELECTION JUDGES OR OTHER ELECTION OFFICIALS.

22 (B) PENALTIES.

23 A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND IS
24 SUBJECT TO IMPRISONMENT IN THE PENITENTIARY FOR NOT LESS THAN 1 YEAR NOR
25 MORE THAN 5 YEARS.

26 16-802. TAMPERING WITH VOTING EQUIPMENT.

27 (A) GENERALLY.

28 A PERSON MAY NOT WILLFULLY AND KNOWINGLY:

29 (1) TAMPER WITH, DAMAGE, OR ATTEMPT TO DAMAGE ANY VOTING
30 EQUIPMENT THAT IS USED OR WILL BE USED IN AN ELECTION; OR

1 (2) PREVENT OR ATTEMPT TO PREVENT THE CORRECT OPERATION OF
2 ANY VOTING EQUIPMENT THAT IS USED OR WILL BE USED ON THE DAY OF
3 ELECTION.

4 (B) VOTING EQUIPMENT KEY.

5 AN UNAUTHORIZED PERSON MAY NOT MAKE OR HAVE IN THE PERSON'S
6 POSSESSION A KEY TO ANY VOTING EQUIPMENT THAT IS USED OR WILL BE USED ON
7 THE DAY OF ELECTION.

8 (C) PENALTIES.

9 A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND IS
10 SUBJECT TO A FINE OF NOT MORE THAN \$1,000 OR IMPRISONMENT FOR NOT MORE
11 THAN 1 YEAR OR BOTH.

12 16-803. REMOVAL OR DESTRUCTION OF EQUIPMENT OR SUPPLIES.

13 (A) GENERALLY.

14 A PERSON MAY NOT REMOVE, DEFACE, OR DESTROY EQUIPMENT OR SUPPLIES
15 PLACED IN A POLLING PLACE BY ELECTION OFFICIALS DURING AN ELECTION.

16 (B) PENALTIES.

17 A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A FINE OF NOT MORE
18 THAN \$500 OR IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR BOTH.

19 16-804. TAMPERING WITH ELECTRONIC VOTING SYSTEM.

20 (A) GENERALLY.

21 WHEN AN ELECTRONIC VOTING SYSTEM IS USED, A PERSON MAY NOT
22 WILLFULLY AND KNOWINGLY:

23 (1) ACCESS THE SYSTEM UNLESS AUTHORIZED TO DO SO BY THE
24 APPROPRIATE ELECTION AUTHORITY; OR

25 (2) TAMPER WITH OR ALTER THE HARDWARE, SYSTEM COMPONENTS,
26 OR SOFTWARE UTILIZED BY THE VOTING SYSTEM, FOR THE PURPOSE OF AFFECTING
27 THE VOTE COUNT.

28 (B) PENALTIES.

29 A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND SHALL
30 BE SUBJECT TO A FINE OF NOT MORE THAN \$50,000 OR IMPRISONMENT FOR NOT
31 MORE THAN 10 YEARS OR BOTH.

32 DRAFTER'S NOTE: This section is a new offense, added to provide a higher
33 penalty for those who could attempt to corrupt an entire electronic voting
34 system.

SUBTITLE 9. OTHER OFFENSES.

1

2 16-901. OFFENSES RELATING TO CERTIFICATES OF CANDIDACY OR NOMINATION.

3 (A) GENERALLY.

4 A PERSON MAY NOT FALSELY OR FRAUDULENTLY:

5 (1) MAKE, DEFACE, OR DESTROY A CERTIFICATE OF CANDIDACY OR
6 CERTIFICATE OF NOMINATION OR ANY PART OF THE CERTIFICATE; OR7 (2) FILE OR SUPPRESS A CERTIFICATE OF CANDIDACY OR CERTIFICATE
8 OF NOMINATION THAT HAS BEEN DULY FILED.

9 (B) PENALTIES.

10 A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A FINE OF NOT LESS
11 THAN \$100 NOR MORE THAN \$1,000 OR IMPRISONMENT FOR NOT MORE THAN 3 YEARS
12 OR BOTH.

13 16-902. WAGERS ON ELECTIONS.

14 (A) GENERALLY.

15 A PERSON MAY NOT MAKE A BET OR WAGER ON THE OUTCOME OF AN ELECTION
16 HELD UNDER THIS ARTICLE.

17 (B) PENALTIES.

18 A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND IS
19 SUBJECT TO A FINE OF NOT MORE THAN \$50 NOR MORE THAN \$500 TO BE PAID TO
20 THE STATE.

21 (C) DISPOSITION OF MONEY.

22 ANY DEPOSIT OF MONEY AS A BET OR A WAGER ON THE OUTCOME OF AN
23 ELECTION SHALL BE FORFEITED AND PAID TO THE GOVERNING BODY OF THE
24 COUNTY WHERE THE MONEY IS DEPOSITED.

25 SUBTITLE 10. GENERAL PENALTY PROVISIONS.

26 16-1001. GENERAL PENALTY PROVISIONS.

27 (A) MISDEMEANOR FOR WHICH NO PENALTY IS SPECIFIED.

28 A PERSON CONVICTED OF A MISDEMEANOR UNDER THIS ARTICLE FOR WHICH
29 NO PENALTY IS SPECIFICALLY PROVIDED IS SUBJECT TO A FINE OF NOT LESS THAN
30 \$10 NOR MORE THAN \$250 OR IMPRISONMENT FOR NOT LESS THAN 30 DAYS NOR
31 MORE THAN 6 MONTHS OR BOTH.

32 (B) DISQUALIFICATION TO BE ELECTION OFFICIAL OR EMPLOYEE.

1 A PERSON WHO IS CONVICTED OF ANY CRIMINAL VIOLATION OF THIS ARTICLE
2 SHALL BE DISQUALIFIED PERMANENTLY FROM SERVING AS AN ELECTION JUDGE,
3 BOARD MEMBER, OR AN EMPLOYEE OF A BOARD.

4 DRAFTER'S NOTE: The former law contained a 4-year disqualification. This
5 has been changed to a permanent disqualification.

6 (C) DISQUALIFICATION OF CANDIDATE FOUND IN VIOLATION.

7 A CANDIDATE WHO IS CONVICTED OF ANY PRACTICE PROHIBITED BY THIS
8 ARTICLE SHALL BE INELIGIBLE TO BE ELECTED OR APPOINTED TO ANY PUBLIC
9 OFFICE OR EMPLOYMENT FOR A PERIOD OF 5 YEARS FOLLOWING THE DATE OF THE
10 ELECTION.

11 DRAFTER'S NOTE: This disqualification has been increased from 4 years to 5
12 years, to make certain that it will apply to the next following election cycle.

13 SECTION 3. AND BE IT FURTHER ENACTED, That the publisher of the
14 Annotated Code, in consultation with the Department of Legislative Services, shall
15 correct any references in the Code that are rendered obsolete by this Act.

16 SECTION 4. AND BE IT FURTHER ENACTED, That, for the purpose of
17 implementing staggered terms, the terms of members of the State Board of Elections
18 appointed on July 1, 1999 shall expire as follows:

19 (1) One member representing the majority party and one member
20 representing the principal minority party in 2003;

21 (2) One member representing the majority party in 2002;

22 (3) One member representing the principal minority party in 2001; and

23 (4) One member representing the majority party in 2000.

24 SECTION 5. AND BE IT FURTHER ENACTED, That the individual serving as
25 State Administrator of Election Laws immediately prior to the effective date of this
26 Act shall serve as the ~~Executive Director of the State Board of Elections~~ State
27 Administrator of Elections until July 1, 1999, subject to the removal authority of the
28 State Board under Article 33, § 2-103, as enacted by this Act. That individual is
29 eligible to be appointed as ~~Executive Director~~ State Administrator by the State Board
30 on or after July 1, 1999.

31 SECTION 6. AND BE IT FURTHER ENACTED, That the drafter's notes and
32 catchlines contained in this Act are not law and may not be considered to have been
33 enacted as a part of this Act.

34 SECTION 7. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 January 1, 1999.