

SENATE BILL 123

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1998 Regular Session
(8lr1228)

ENROLLED BILL

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

Introduced by **Senators Collins and Craig (Commission to Revise the Election Code)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

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

President.

CHAPTER _____

1 AN ACT concerning

2 **Election Law - Political Parties and Nomination of Candidates**

3 FOR the purpose of altering the requirements for the formation of a new political
4 party; altering the requirements for a new political party to retain its status as
5 a political party; ~~altering the requirements for a candidate to be nominated by~~
6 ~~petition~~; authorizing certain political parties to nominate candidates by petition
7 or by convention; providing for a delayed effective date; and generally relating to
8 political parties and the nomination of candidates.

9 BY repealing and reenacting, with amendments,
10 Article 33 - Election Code
11 ~~Section 4-102, 4-103, and 5-703(e)~~ Section 4-102 and 4-103, 4-103, and
12 5-703(e)
13 Annotated Code of Maryland
14 (1997 Replacement Volume and 1997 Supplement)
15 (As enacted by Chapter ____ (S.B. ___/H.B. ___)(8lr0487) of the Acts of the

1 General Assembly of 1998)

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

4 **Article 33 - Election Code**

5 4-102.

6 (a) Any group of registered voters may form a new political party by:

7 (1) Filing with the State Board on the prescribed form a petition meeting
8 the requirements of subsection (b) of this section and of Title 6 of this article; and

9 (2) Adopting and filing an interim constitution and bylaws in accordance
10 with subsection (e) of this section.

11 (b) (1) The petition shall state:

12 (i) The partisan organization's intent to organize a State political
13 party;

14 (ii) The name of the partisan organization;

15 (iii) The name and signature of the State chairman of the partisan
16 organization; and

17 (iv) The names and addresses of 25 registered voters, including the
18 State chairman, who shall be designated as constituting the initial governing body of
19 the partisan organization.

20 (2) (i) Appended to the petition shall be papers bearing the signatures
21 of at least {10,000} ~~1% OF THE TOTAL NUMBER OF~~ registered voters WHO ARE
22 ELIGIBLE TO VOTE IN THE STATE AS OF THE 1ST DAY OF THE MONTH IN WHICH THE
23 PETITION IS SUBMITTED.

24 (ii) Signatures on the petition must have been affixed to the
25 petition not more than 2 years before the filing date of the last qualifying signature.

26 (c) (1) Except as provided in paragraph (2) of this subsection, a petition for
27 the formation of a new political party, or any additional signatures to a petition, may
28 be filed at any time.

29 (2) A petition for the formation of a new political party, or any additional
30 signatures to a petition, may be filed:

31 (i) In the year of an election at which the President is elected
32 except:

33 1. During the period of time that registration is closed before
34 and after a primary election in accordance with § 3-302(a) of this article; and

1 2. After the 1st Monday in August until registration reopens
2 after the general election in accordance with § 3-302(a) of this article;

3 (ii) In the year of an election at which the Governor is elected,
4 except after the 1st Monday in August until registration reopens after the general
5 election in accordance with § 3-302(a) of this article; or

6 (iii) When a special primary election and a special election are
7 proclaimed by the Governor in accordance with § 8-710 of this article except:

8 1. After the 5th Monday before the special primary election
9 through the 10th day following the special primary election; and

10 2. After the 5th Monday before the special election through
11 the 15th day following the special election.

12 (d) (1) (i) If the petition is certified under Title 6 of this article, the State
13 Board shall promptly notify the State chairman of the partisan organization.

14 (ii) Upon the filing of a constitution and bylaws with the State
15 Board by a partisan organization in accordance with subsection (e) of this section, the
16 State Board shall:

17 1. Review the constitution and bylaws to determine whether
18 the constitution and bylaws meet the requirements of subsection (e) of this section;
19 and

20 2. If the constitution and bylaws meet the requirements of
21 subsection (e) of this section, promptly notify the partisan organization designated in
22 the petition that it is considered a State political party for the purposes of this article.

23 (2) If the petition does not meet the requirements of this section and of
24 Title 6 of this article:

25 (i) The State Board shall declare the petition insufficient;

26 (ii) The partisan organization is not a State political party for the
27 purposes of this article; and

28 (iii) The State Board shall promptly notify the State chairman of the
29 partisan organization.

30 (e) (1) The constitution and bylaws of a new political party shall:

31 (i) Comply with the requirements of § 4-204 of this title; and

32 (ii) Be adopted by the individuals designated in the petition as the
33 initial governing body at an organizational meeting held within 90 days after the date
34 of the filing of the last qualifying signature on its petition.

1 (2) The individual designated in the petition as the State chairman of
2 the political party shall convene the organizational meeting under paragraph (1)(ii) of
3 this subsection and shall preside as President Pro Tem of the meeting until party
4 officers are elected.

5 (f) Unless a new political party is required to hold a primary election to
6 nominate its candidates under Title 8 of this article, the new political party [shall]
7 MAY nominate its candidates by:

8 (1) [petition] PETITION in accordance with Title 5 of this article; OR

9 (2) IF AT LEAST 1% OF THE STATE'S REGISTERED VOTERS, AS OF
10 JANUARY 1 IN THE YEAR OF THE ELECTION, ARE AFFILIATED WITH THE POLITICAL
11 PARTY, CONVENTION IN ACCORDANCE WITH RULES ADOPTED BY THE POLITICAL
12 PARTY.

13 4-103.

14 [(a) In order for a partisan organization to retain its status as a political party
15 under this article at the general election that follows the first one in which the
16 partisan organization qualifies as a political party and in each election thereafter:

17 (1) The political party must choose a nominee whose name appears on
18 the ballot as the nominee for that political party for the highest office on the ballot;
19 and

20 (2) That nominee must receive at least 3 percent of the total vote cast for
21 that office.]

22 (A) (1) UNLESS EXTENDED PURSUANT TO PARAGRAPH (2) OF THIS
23 SUBSECTION, A NEW POLITICAL PARTY SHALL RETAIN ITS STATUS AS A POLITICAL
24 PARTY UNTIL DECEMBER 31 IN THE YEAR OF THE SECOND STATEWIDE GENERAL
25 ELECTION FOLLOWING THE PARTY'S QUALIFICATION UNDER § 4-102 OF THIS
26 SUBTITLE.

27 (2) THEREAFTER, THE POLITICAL PARTY SHALL RETAIN ITS STATUS AS A
28 POLITICAL PARTY THROUGH EITHER OF THE FOLLOWING:

29 (I) IF THE POLITICAL PARTY HAS NOMINATED A CANDIDATE FOR
30 THE HIGHEST OFFICE ON THE BALLOT IN A STATEWIDE GENERAL ELECTION, AND
31 THE CANDIDATE RECEIVES AT LEAST 1% OF THE TOTAL VOTE FOR THAT OFFICE, THE
32 POLITICAL PARTY SHALL RETAIN ITS STATUS THROUGH DECEMBER 31 IN THE YEAR
33 OF THE NEXT FOLLOWING GENERAL ELECTION; OR

34 (II) IF THE STATE VOTER REGISTRATION TOTALS, AS OF DECEMBER
35 31, SHOW THAT AT LEAST 1% OF THE STATE'S REGISTERED VOTERS ARE AFFILIATED
36 WITH THE POLITICAL PARTY, THE POLITICAL PARTY SHALL RETAIN ITS STATUS
37 UNTIL THE NEXT FOLLOWING DECEMBER 31.

1 (b) The State Board shall promptly notify the State chairman of a group that
2 loses its status as a political party.

3 (c) A group that loses its status as a political party may regain that status
4 only by complying with all the requirements for qualifying as a new party under §
5 4-101 of this subtitle.

6 ~~5-703.~~

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

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

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

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

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

22 ~~5-703.~~

23 ~~(e) (1) A candidate who seeks nomination by petition may not have the
24 candidate's name placed on the general election ballot unless the candidate files with
25 the appropriate board petitions signed by:~~

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

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

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

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

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