

SENATE BILL 123

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1998 Regular Session  
8r1228  
CF 8r0633

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

Introduced and read first time: January 21, 1998

Assigned to: Economic and Environmental Affairs

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A BILL ENTITLED

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)  
12 Annotated Code of Maryland  
13 (1997 Replacement Volume and 1997 Supplement)  
14 (As enacted by Chapter \_\_\_\_ (S.B. \_\_\_/H.B. \_\_\_)(8r0487) of the Acts of the  
15 General Assembly of 1998)

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

18 **Article 33 - Election Code**

19 4-102.

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

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

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

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

- 1 (i) The partisan organization's intent to organize a State political  
2 party;
- 3 (ii) The name of the partisan organization;
- 4 (iii) The name and signature of the State chairman of the partisan  
5 organization; and
- 6 (iv) The names and addresses of 25 registered voters, including the  
7 State chairman, who shall be designated as constituting the initial governing body of  
8 the partisan organization.

9 (2) (i) Appended to the petition shall be papers bearing the signatures  
10 of at least [10,000] 1% OF THE TOTAL NUMBER OF registered voters WHO ARE  
11 ELIGIBLE TO VOTE IN THE STATE AS OF THE 1ST DAY OF THE MONTH IN WHICH THE  
12 PETITION IS SUBMITTED.

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

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

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

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

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

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

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

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

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

33 2. After the 5th Monday before the special election through  
34 the 15th day following the special election.

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

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

4 1. Review the constitution and bylaws to determine whether  
5 the constitution and bylaws meet the requirements of subsection (e) of this section;  
6 and

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

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

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

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

15 (iii) The State Board shall promptly notify the State chairman of the  
16 partisan organization.

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

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

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

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

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

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

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

1 4-103.

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

5 (1) The political party must choose a nominee whose name appears on  
6 the ballot as the nominee for that political party for the highest office on the ballot;  
7 and

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

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

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

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

22 (II) IF THE STATE VOTER REGISTRATION TOTALS, AS OF DECEMBER  
23 31, SHOW THAT AT LEAST 1% OF THE STATE'S REGISTERED VOTERS ARE AFFILIATED  
24 WITH THE POLITICAL PARTY, THE POLITICAL PARTY SHALL RETAIN ITS STATUS  
25 UNTIL THE NEXT FOLLOWING DECEMBER 31.

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

28 (c) A group that loses its status as a political party may regain that status  
29 only by complying with all the requirements for qualifying as a new party under §  
30 4-101 of this subtitle.

31 5-703.

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

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

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

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

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

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