

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

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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  
12 Annotated Code of Maryland  
13 (1997 Replacement Volume and 1997 Supplement)  
14 (As enacted by Chapter \_\_\_\_ (S.B.\_\_\_\_/H.B.\_\_\_\_)(8lr0487) 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

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

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

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

6 (ii) The name of the partisan organization;

7 (iii) The name and signature of the State chairman of the partisan  
8 organization; and

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

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

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

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

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

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

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

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

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

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

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



1 PARTY, CONVENTION IN ACCORDANCE WITH RULES ADOPTED BY THE POLITICAL  
2 PARTY.

3 4-103.

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

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

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

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

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

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

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

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

30 (c) A group that loses its status as a political party may regain that status  
31 only by complying with all the requirements for qualifying as a new party under §  
32 4-101 of this subtitle.

33 ~~5-703.~~

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

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

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

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

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

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