

SENATE BILL 126

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1998 Regular Session  
8r1224  
CF 8r0637

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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: March 10, 1998

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Election Law - Late Vacancy for Governor - Assumption of Nomination by**  
3 **Lieutenant Governor Nominee**

4 FOR the purpose of providing that if a gubernatorial nominee dies, declines the  
5 nomination, or is disqualified after a certain date and a successor gubernatorial  
6 nominee is not designated and certified, the Lieutenant Governor nominee may  
7 assume the status of the gubernatorial nominee and campaign as the  
8 gubernatorial nominee; and providing for a delayed effective date.

9 BY repealing and reenacting, with amendments,  
10 Article 33 - Election Code  
11 Section 5-1004(c)  
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 As enacted by Chapter \_\_\_\_\_ (S.B. 118/H.B. 127 of the Acts of the General  
16 Assembly of 1998))

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

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**Article 33 - Election Code**

2 5-1004.

3 (c) (1) If a nominee for Governor dies, declines the nomination, or becomes  
4 disqualified after the primary election, the remaining nominee for Lieutenant  
5 Governor is disqualified, except as otherwise provided in this section.

6 (2) (i) The State central committee of the political party of the  
7 nominee for Lieutenant Governor disqualified under paragraph (1) of this subsection  
8 shall select a successor nominee for Governor.

9 (ii) The disqualified nominee for Lieutenant Governor is eligible to  
10 be chosen as the nominee for Governor.

11 (3) (i) The successor nominee for Governor promptly shall select a  
12 successor nominee for Lieutenant Governor and notify the State central committee of  
13 the applicable political party of the selection.

14 (ii) The disqualified nominee for Lieutenant Governor is eligible to  
15 be selected again as the nominee for Lieutenant Governor.

16 (4) Except as provided under paragraph (5) of this subsection, by the 5th  
17 day following the death, declination, or disqualification of the former nominee for  
18 Governor:

19 (i) The State central committee shall file a certificate of  
20 designation for the successor nominee for Governor and the successor nominee for  
21 Lieutenant Governor with the State Board; and

22 (ii) Each of the successor nominees shall file a certificate of  
23 candidacy with the State Board.

24 (5) A State central committee may not file a certificate of designation for  
25 a successor nominee for Governor under this subsection within 10 days of the day of  
26 the general election.

27 (6) A Governor and Lieutenant Governor unit shall remain on the ballot  
28 for the general election if:

29 (i) A nominee for Governor dies, declines the nomination, or is  
30 disqualified less than 15 days before the general election; and

31 (ii) A certificate of designation and certificates of candidacy for  
32 successor nominees for Governor and Lieutenant Governor are not filed in accordance  
33 with this section.

34 (7) IF A GOVERNOR AND LIEUTENANT GOVERNOR UNIT COMPRISED OF  
35 A NOMINEE FOR GOVERNOR WHO HAS DIED, DECLINED THE NOMINATION, OR  
36 BECOME DISQUALIFIED REMAINS ON THE BALLOT AS PROVIDED UNDER PARAGRAPH

1 (6) OF THIS SUBSECTION, DURING THE CAMPAIGN PERIOD FOLLOWING THE DEATH,  
2 DECLINATION, OR DISQUALIFICATION OF THE GUBERNATORIAL NOMINEE UNTIL  
3 THE GENERAL ELECTION, THE LIEUTENANT GOVERNOR NOMINEE OFFICIALLY  
4 BECOMES THE GUBERNATORIAL NOMINEE AND MAY ASSERT THAT STATUS IN THE  
5 CAMPAIGN.

6            [(7)]    (8)        If a Governor and Lieutenant Governor unit comprised of a  
7 nominee for Governor who has died, declined the nomination, or become disqualified  
8 remains on the ballot as provided under paragraph (6) of this subsection and is  
9 elected, the vacancy resulting from the death, declination, or disqualification shall be  
10 filled as if it had occurred after the general election in accordance with applicable law.

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