
By: **Delegates Kagan, Riley, Bronrott, Bobo, Benson, Dobson, and Cryor**
Introduced and read first time: February 3, 1999
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law - Certificate of Candidacy - Death of Incumbent - Extension of**
3 **Filing Deadline**

4 FOR the purpose of extending the deadline for the filing of a certificate of candidacy
5 in the event of the death, within a specified date of the filing deadline, of certain
6 incumbent officeholders; and generally relating to the filing deadline for a
7 certificate of candidacy and for a certificate of withdrawal in the event the death
8 of the incumbent officeholder occurs within a certain period near the close of the
9 deadline for filing a certificate of candidacy.

10 BY repealing and reenacting, with amendments,
11 Article 33 - Election Code
12 Section 5-303 and 5-502
13 Annotated Code of Maryland
14 (1997 Replacement Volume and 1998 Supplement)

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

17 **Article 33 - Election Code**

18 5-303.

19 (a) Except as provided in subsections [(b) and (c)] (B), (C), AND (D) of this
20 section, a certificate of candidacy shall be filed as follows:

21 (1) For candidates for offices other than delegate to the Democratic
22 National Convention, not later than 9 p.m. on the Monday that is 10 weeks or 70 days
23 before the day on which the primary election will be held; and

24 (2) For candidates for delegate to the Democratic National Convention,
25 between 9 a.m. on the first regular business day of the year in which the President of
26 the United States is elected and 5 p.m. on the day that is 1 week later than that day.

27 (b) A certificate of candidacy for an office to be filled by a special election
28 under this article shall be received and filed in the office of the appropriate board not

1 later than 5 p.m. on the Monday that is 3 weeks or 21 days prior to the date for the
2 special primary election specified by the Governor in the proclamation for the special
3 primary election.

4 (c) The certificate of candidacy for the election of a write-in candidate shall be
5 filed by the earlier of:

6 (1) 7 days after a total expenditure of at least \$51 is made to promote the
7 candidacy by the candidate or a political committee authorized by the candidate; or

8 (2) 5 p.m. on the Wednesday preceding the day of the election for which
9 the certificate is filed.

10 (D) (1) THIS SUBSECTION APPLIES TO AN INCUMBENT CANDIDATE WHO:

11 (I) IS SUBJECT TO THE REQUIREMENT TO FILE A CERTIFICATE OF
12 CANDIDACY UNDER SUBSECTION (A)(1) OF THIS SECTION, REGARDLESS OF WHETHER
13 THE CERTIFICATE ACTUALLY HAS BEEN FILED; AND

14 (II) DIES WITHIN 7 DAYS PRIOR TO THE DEADLINE BY WHICH AN
15 INDIVIDUAL MUST FILE A CERTIFICATE OF CANDIDACY FOR THAT OFFICE.

16 (2) NOTWITHSTANDING THE DEADLINE SPECIFIED FOR FILING A
17 CERTIFICATE OF CANDIDACY IN SUBSECTION (A)(1) OF THIS SECTION, IF AN
18 INCUMBENT ELECTED OFFICIAL DIES WITHIN 7 DAYS PRIOR TO THE DEADLINE FOR
19 THE FILING OF A CERTIFICATE OF CANDIDACY FOR THAT OFFICE, THE APPROPRIATE
20 BOARD SHALL CONTINUE TO ACCEPT CERTIFICATES OF CANDIDACY FOR THE
21 OFFICE UNTIL THE CLOSE OF BUSINESS ON THE DAY SPECIFIED FOR THE FILING OF
22 A CERTIFICATE OF DESIGNATION UNDER § 5-901(E) OF THIS TITLE.

23 5-502.

24 (a) (1) Subject to PARAGRAPH (2) OF THIS SUBSECTION AND § 5-402 of this
25 title, an individual who has filed a certificate of candidacy may withdraw the
26 candidacy by filing a certificate of withdrawal on the form prescribed by the State
27 Board within 10 days after the filing date established under § 5-303 of this title.

28 (2) IF THE STATE BOARD OR A LOCAL BOARD CONTINUES TO ACCEPT
29 CERTIFICATES OF CANDIDACY FOR A CONTEST, AS PROVIDED UNDER § 5-303(D) OF
30 THIS TITLE, A CERTIFICATE OF WITHDRAWAL MAY NOT BE FILED FOR THAT
31 CONTEST AFTER THE CLOSE OF BUSINESS ON THE DAY SPECIFIED FOR THE FILING
32 OF A CERTIFICATE OF DESIGNATION UNDER § 5-901(E) OF THIS TITLE.

33 (b) An individual who has filed a certificate of candidacy for the special
34 election to fill a vacancy for representative in Congress may withdraw the certificate
35 on the prescribed form within 2 days after the filing date established in the
36 proclamation issued by the Governor.

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

