
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 Laws - Filing Deadline for Certificate of Candidacy - Late**
3 **Withdrawal**

4 FOR the purpose of extending the deadline for the filing of a certificate of candidacy
5 or a certificate of withdrawal, for candidates in certain election contests, when
6 an incumbent candidate withdraws from the contest after a certain date; and
7 generally relating to the filing of a certificate of candidacy, the extension of the
8 filing deadline, and the extended withdrawal deadline following the withdrawal
9 of the incumbent candidate from certain election contests.

10 BY repealing and reenacting, without amendments,
11 Article 33 - Election Code
12 Section 5-302
13 Annotated Code of Maryland
14 (1997 Replacement Volume and 1998 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article 33 - Election Code
17 Section 5-303 and 5-502
18 Annotated Code of Maryland
19 (1997 Replacement Volume and 1998 Supplement)

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

22 **Article 33 - Election Code**

23 5-302.

24 (a) A certificate of candidacy shall be filed under oath on the prescribed form.

25 (b) The certificate of candidacy shall be filed with the State Board if the
26 candidacy is for:

27 (1) An office to be voted upon by the voters of the entire State;

- 1 (2) The General Assembly of Maryland;
- 2 (3) Representative in Congress;
- 3 (4) The office of judge of the circuit court for a county; or
- 4 (5) An office of elected delegates to a presidential national convention
5 provided for under Title 8, Subtitle 5 of this article.

6 (c) If the candidacy is for an office other than an office described in subsection
7 (b) of this section, the certificate of candidacy shall be filed with the local board of the
8 applicable county.

9 5-303.

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

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

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

18 (b) A certificate of candidacy for an office to be filled by a special election
19 under this article shall be received and filed in the office of the appropriate board not
20 later than 5 p.m. on the Monday that is 3 weeks or 21 days prior to the date for the
21 special primary election specified by the Governor in the proclamation for the special
22 primary election.

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

25 (1) 7 days after a total expenditure of at least \$51 is made to promote the
26 candidacy by the candidate or a political committee authorized by the candidate; or

27 (2) 5 p.m. on the Wednesday preceding the day of the election for which
28 the certificate is filed.

29 (D) (1) THIS SUBSECTION APPLIES TO A CANDIDATE WHO IS AN INCUMBENT
30 FOR AN ELECTED OFFICE AND WHO:

31 (I) FILES A CERTIFICATE OF CANDIDACY FOR RE-ELECTION TO
32 THAT OFFICE UNDER SUBSECTION (A)(1) OF THIS SECTION; AND

33 (II) AFTER THE DEADLINE FOR FILING A CERTIFICATE OF
34 CANDIDACY FOR THAT OFFICE, FILES A CERTIFICATE OF WITHDRAWAL BEFORE THE
35 DEADLINE SPECIFIED IN § 5-502 OF THIS TITLE.

1 (2) NOTWITHSTANDING THE DEADLINE SPECIFIED FOR FILING A
2 CERTIFICATE OF CANDIDACY IN SUBSECTION (A)(1) OF THIS SECTION OR THE
3 DEADLINE SPECIFIED FOR FILING A CERTIFICATE OF WITHDRAWAL UNDER § 5-502
4 OF THIS TITLE, IF AN INCUMBENT ELECTED OFFICIAL FILES A CERTIFICATE OF
5 WITHDRAWAL UNDER THE CIRCUMSTANCES DESCRIBED IN PARAGRAPH (1) OF THIS
6 SUBSECTION, THE APPROPRIATE BOARD SHALL, UNTIL THE CLOSE OF BUSINESS ON
7 THE DAY SPECIFIED FOR THE FILING OF A CERTIFICATE OF DESIGNATION UNDER §
8 5-901(E) OF THIS TITLE, CONTINUE TO:

9 (I) ACCEPT CERTIFICATES OF CANDIDACY FOR THAT OFFICE; AND

10 (II) ACCEPT A CERTIFICATE OF WITHDRAWAL FROM ANY
11 INDIVIDUAL WHO FILED A CERTIFICATE OF CANDIDACY FOR THAT OFFICE.

12 5-502.

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

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

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

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