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By: **Delegate Arnick**  
Introduced and read first time: February 10, 1999  
Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Elections - Candidates - Active Campaigning**

3 FOR the purpose of requiring that a certificate of candidacy be accompanied by a  
4 sworn affidavit called the "serious candidate affidavit" stating that a candidate  
5 will actively campaign for a certain number of days; authorizing an exemption  
6 at the discretion of the appropriate board; requiring a certain fee for failure to  
7 file an affidavit; providing for a delayed effective date; providing for the  
8 termination of this Act; and generally relating to certificates of candidacy.

9 BY repealing and reenacting, with amendments,  
10 Article 33 - Election Code  
11 Section 5-304  
12 Annotated Code of Maryland  
13 (1997 Replacement Volume and 1998 Supplement)

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

16 **Article 33 - Election Code**

17 5-304.

18 (a) (1) The certificate of candidacy may be filed:

19 (i) In person; or

20 (ii) If authorized by subsection (b) of this section, by certified mail,  
21 personal messenger, or other delivery service designated by the filer.

22 (2) The certificate of candidacy may not be filed by facsimile service or  
23 other electronic transmission.

24 (b) The certificate of candidacy may be filed as permitted under subsection  
25 (a)(1)(ii) of this section, if:

1 (1) The individual filing the certificate is unable to do so in person  
2 because of illness, military service, or temporary absence from the State; and

3 (2) The certificate is accompanied by an affidavit signed by the  
4 individual filing the certificate setting forth fully the facts which prevent that  
5 individual from filing the certificate in person.

6 (c) On the certificate of candidacy form prescribed by the State Board, the  
7 candidate shall specify:

8 (1) The office, including, if applicable, the party, district, and circuit to  
9 which the candidacy relates;

10 (2) The year of the election;

11 (3) The name of the individual filing the certificate;

12 (4) The address on the voter registry or the current address of that  
13 individual;

14 (5) A statement that the individual satisfies the requirements of law for  
15 candidacy for the office for which the certificate is being filed; and

16 (6) Any information requested by the State Board to verify the accuracy  
17 of the information provided by the individual under this subsection.

18 (d) The certificate of candidacy shall be accompanied by:

19 (1) A filing fee satisfying the requirements of § 5-401 of this title;

20 (2) A separate form, unless such a form has previously been filed,  
21 designating a treasurer or a political committee, as required under Title 13 of this  
22 article;

23 (3) Evidence that the individual has filed:

24 (i) A financial disclosure statement with the State Ethics  
25 Commission in accordance with the requirements of Title 15, Subtitle 6 of the State  
26 Government Article; or

27 (ii) Any other financial disclosure report required by law; and

28 (4) Any additional information required by the State Board.

29 (E) (1) IN THE YEAR 2000 ONLY, THE CERTIFICATE OF CANDIDACY SHALL  
30 ALSO BE ACCOMPANIED BY A SWORN AFFIDAVIT, CALLED THE "SERIOUS CANDIDATE  
31 AFFIDAVIT", STATING THAT THE CANDIDATE WILL ACTIVELY CAMPAIGN FOR AT  
32 LEAST 7 DAYS.

1           (2)       THE APPROPRIATE BOARD MAY GRANT A CANDIDATE AN EXEMPTION  
2 IF IT DETERMINES THAT A CANDIDATE PROVIDES A SUFFICIENT BASIS FOR THE  
3 EXEMPTION.

4           (3)       A CANDIDATE WHO FAILS TO FILE THE AFFIDAVIT SHALL PAY AN  
5 ADDITIONAL FILING FEE OF \$500, TO BE COLLECTED BY THE STATE BOARD.

6    [(e)]   (F)       The appropriate board shall accept the certificate of candidacy if it  
7 determines that all requirements are satisfied.

8    SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 January 1, 2000. It shall remain effective for a period of 1 year and, at the end of  
10 December 31, 2000, with no further action required by the General Assembly, this Act  
11 shall be abrogated and of no further force and effect.