
By: **Delegates Malone and Moe**
Introduced and read first time: February 11, 2000
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Primary Elections - Voting by Eligible Voters Registered as Independent**

3 FOR the purpose of requiring a political party to permit an eligible voter registered as
4 independent to vote in a primary election for the nomination of a political party's
5 candidate for public office; establishing an exception to a certain law providing
6 that a political party's constitution and bylaws apply to certain conflicts of law
7 except for certain State interests; prohibiting an eligible voter registered as
8 independent from voting for the nomination of more than one party's candidate
9 for public office in a primary election; and generally relating to primary
10 elections and voting by eligible voters registered as independent.

11 BY repealing and reenacting, with amendments,
12 Article 33 - Election Code
13 Section 4-101 and 8-202
14 Annotated Code of Maryland
15 (1997 Replacement Volume and 1999 Supplement)

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 4-101.

20 Except as to a matter of compelling State interest OR AS OTHERWISE PROVIDED
21 IN § 8-202 OF THIS ARTICLE, if any provision of this title relating to party governance
22 conflicts with the constitution and bylaws of a political party, the constitution and
23 bylaws shall apply to the extent of the conflict.

24 8-202.

25 (a) A principal political party, as determined by the statement of registration
26 issued by the State Board under § 3-509(b) of this article:

27 (1) Shall use the primary election to:

- 1 (i) Nominate its candidates for public office; and
2 (ii) Elect all members of the local central committees of the political
3 party;

4 (2) NOTWITHSTANDING ANY PROVISION TO THE CONTRARY IN THE
5 CONSTITUTION OR BYLAWS OF THE POLITICAL PARTY, SHALL ALLOW AN ELIGIBLE
6 VOTER REGISTERED AS INDEPENDENT TO VOTE IN A PRIMARY ELECTION FOR THE
7 NOMINATION OF A PARTY'S CANDIDATE FOR PUBLIC OFFICE; and

8 [(2)] (3) May use the primary election in the year of a presidential
9 election to elect delegates to a national presidential nominating convention.

10 (b) Except for a nominee for President or Vice President, the name of a
11 nominee of a principal political party may not appear on the ballot in a general
12 election if the individual has not:

- 13 (1) Been nominated in the primary election; or
14 (2) Been designated to fill a vacancy in nomination in accordance with
15 Subtitle 5 of this title.

16 (C) AN ELIGIBLE VOTER REGISTERED AS INDEPENDENT MAY NOT VOTE IN
17 THE PRIMARY ELECTION FOR THE NOMINATION OF MORE THAN ONE PARTY'S
18 CANDIDATE FOR PUBLIC OFFICE.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2000.