

SENATE BILL 244

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2003 Regular Session
(3lr1325)

ENROLLED BILL

-- *Education, Health, and Environmental Affairs/Ways and Means* --

Introduced by **Senator Stone (Chairman, Ethics and Election Law
Subcommittee)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Election Law - Presidential Election Procedures - Deadlines**

3 FOR the purpose of altering certain deadlines and procedures relating to certain
4 candidates as presidential or vice presidential nominees; altering the
5 withdrawal deadline for certain candidates; altering the deadline for naming a
6 replacement candidate for a presidential delegate; specifying a period in which a
7 petition candidate may file as a presidential nominee; specifying a date prior to
8 a general election by which a political party must certify its presidential electors
9 to the State Board; altering the dates by which the State Board must certify the
10 content and arrangement of the primary ballot in the year of a presidential
11 election; and generally relating to certain procedures, deadlines, and
12 requirements relating to the presidential election process.

13 BY repealing and reenacting, with amendments,
14 Article - Election Law
15 Section 5-301, 5-502, 8-501 through 8-503, and 9-207

1 Annotated Code of Maryland
2 (2003 Volume)

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

5 **Article - Election Law**

6 5-301.

7 (a) An individual may become a candidate for a public or party office only if:

8 (1) the individual files a certificate of candidacy in accordance with this
9 subtitle; and

10 (2) the individual does not file a certificate of withdrawal under Subtitle
11 5 of this title.

12 (b) The appropriate board shall determine whether an individual filing a
13 certificate of candidacy meets the requirements of this article, including:

14 (1) the voter registration and party affiliation requirements under
15 Subtitle 2 of this title; and

16 (2) the campaign finance reporting requirements under Title 13 of this
17 article.

18 (c) (1) On the certificate of candidacy, a candidate shall designate how the
19 candidate's name is to appear on the ballot.

20 (2) Except as provided in paragraph (3) of this subsection, a candidate
21 shall file a certificate of candidacy in which the candidate lists any given name, an
22 initial letter of any other given name, and surname.

23 (3) A candidate may file a certificate of candidacy in a name different
24 than that specified under paragraph (2) of this subsection if the candidate files an
25 affidavit, under penalties of perjury, attesting that the candidate is generally known
26 by that other name in:

27 (i) press accounts concerning the candidate, if any; or

28 (ii) if press accounts do not exist, the candidate's everyday
29 encounters with members of the community.

30 (4) Except for the use of quotation marks to enclose a portion of a name,
31 the use of symbols, titles, degrees, or other professional designations on a certificate
32 of candidacy is prohibited.

33 (d) A candidate who seeks nomination by petition shall file a certificate of
34 candidacy as provided in § 5-703 of this title.

1 (e) A write-in candidate shall file a certificate of candidacy as provided under
2 this subtitle.

3 (f) (1) (i) On or before August 31 in the year in which a judge of the Court
4 of Appeals must stand for continuance in office, the Clerk of the Court of Appeals
5 shall provide written notice to the State Board of the name of the judge that is to be
6 placed on the ballot at the next succeeding general election together with the
7 identification of the judicial circuit from which the qualified voters of that circuit may
8 cast a vote for the judge's continuance in office.

9 (ii) On or before August 31 in the year in which a judge of the Court
10 of Special Appeals must stand for continuance in office, the Clerk of the Court of
11 Special Appeals shall provide written notice to the State Board of the name of the
12 judge that is to be placed on the ballot at the next succeeding general election
13 together with:

14 1. the identification of the judicial circuit from which the
15 qualified voters of that circuit may cast a vote for the judge's continuance in office; or

16 2. a statement that the voters of the entire State may cast a
17 vote for the judge's continuance in office.

18 (2) An incumbent judge of the Court of Appeals or Court of Special
19 Appeals is not required to file a certificate of candidacy for an election for continuance
20 in office.

21 (g) (1) A candidate for President or Vice President of the United States
22 nominated by a national party convention is not required to file a certificate of
23 candidacy under this section.

24 (2) ~~ON OR BEFORE AUGUST 31 IN THE YEAR IN WHICH THE PRESIDENT~~
25 ~~OF THE UNITED STATES IS ELECTED, THE PRESIDING OFFICER OF THE NATIONAL~~
26 ~~PARTY CONVENTION SHALL PROVIDE WRITTEN NOTICE TO THE STATE BOARD OF~~
27 ~~THE NAME AND ADDRESS OF THE PRESIDENTIAL AND VICE PRESIDENTIAL~~
28 ~~NOMINEES TO BE PLACED ON THE BALLOT AT THE NEXT SUCCEEDING GENERAL~~
29 ~~ELECTION.~~

30 (3) ~~IF MORE THAN ONE WRITTEN NOTICE NAMING DIFFERENT~~
31 ~~PRESIDENTIAL AND VICE PRESIDENTIAL NOMINEES IS PROVIDED TO THE STATE~~
32 ~~BOARD BY PERSONS PURPORTING TO BE THE PRESIDING OFFICER OF THE SAME~~
33 ~~PARTY CONVENTION, THE STATE BOARD SHALL REQUIRE THE CHAIRMAN OF THE~~
34 ~~STATE PARTY TO PROVIDE WRITTEN REAFFIRMATION OF THE PARTY'S NOMINEES~~
35 ~~WITHIN 5 DAYS AFTER THE STATE BOARD'S DEMAND.~~

36 5-502.

37 (a) Subject to § 5-402 of this title, an individual who has filed a certificate of
38 candidacy may withdraw the candidacy by filing a certificate of withdrawal on the
39 form prescribed by the State Board within 10 days after the filing date established
40 under § 5-303 of this title.

1 (B) AN INDIVIDUAL WHO HAS FILED A CERTIFICATE OF CANDIDACY AND A
2 PETITION IN ACCORDANCE WITH § 8-502(D)(1)(I) OF THIS ARTICLE, OR A CANDIDATE
3 FOR DELEGATE TO THE DEMOCRATIC NATIONAL CONVENTION SUBJECT TO §
4 5-303(A)(2) OF THIS TITLE, MAY WITHDRAW THE CANDIDACY BY FILING A
5 CERTIFICATE OF WITHDRAWAL ON THE FORM PRESCRIBED BY THE STATE BOARD
6 WITHIN 5 4 DAYS AFTER THE FILING DATE ESTABLISHED UNDER § 5-303 OF THIS
7 TITLE.

8 [(b)] (C) An individual who has filed a certificate of candidacy for the special
9 election to fill a vacancy for Representative in Congress may withdraw the certificate
10 on the prescribed form within 2 days after the filing date established in the
11 proclamation issued by the Governor.

12 8-501.

13 (a) Delegates and alternate delegates to the national presidential nominating
14 convention of a political party shall be selected as provided in the national party rules
15 of the party.

16 (b) The State central committee of each political party shall certify to the
17 State Board, not later than January 1 in the year of the election:

18 (1) the number of delegates and alternate delegates to be selected in the
19 State and the mode or modes of selection; and

20 (2) in the case of a principal political party:

21 (i) if delegates are to be elected by district, the number of delegates
22 to be elected from each district;

23 (ii) provisions for placing on the ballot the name of a presidential
24 candidate, or the word "uncommitted", adjacent to the name of each candidate for
25 delegate; [and]

26 (III) PROVISIONS FOR HOW, IF A CANDIDATE FOR DELEGATE
27 WITHDRAWS IN ACCORDANCE WITH § 5-502(B) OF THIS ARTICLE AND THE
28 WITHDRAWING CANDIDATE'S NAME WOULD HAVE APPEARED ON THE BALLOT
29 ADJACENT TO THE NAME OF A PRESIDENTIAL CANDIDATE, THAT PRESIDENTIAL
30 CANDIDATE WILL DESIGNATE A REPLACEMENT CANDIDATE FOR DELEGATE NO
31 LATER THAN 2 DAYS AFTER THE DEADLINE ESTABLISHED IN § 5-502(B) OF THIS
32 ARTICLE; AND

33 [(iii)] (IV) any other provisions of the national party rules of the
34 party that relate to the election of delegates or alternate delegates at the primary
35 election.

1 8-502.

2 (a) This section applies to the placement on the ballot in the primary election
3 of the names of individuals who are candidates for nomination by principal political
4 parties to the office of President of the United States.

5 (b) An individual who desires to run in the primary election may be placed on
6 the ballot only:

7 (1) by direction of the Secretary of State in accordance with subsection
8 (c) of this section; or

9 (2) by filing, in accordance with subsection (d) of this section, a petition
10 containing the signatures of at least 400 registered voters from each congressional
11 district in the State.

12 (c) (1) (i) Except as provided in subparagraph (ii) of this paragraph, the
13 Secretary of State shall certify to the State Board the names of candidates for
14 nomination by a principal political party during the period beginning 90 days before
15 the primary election and ending [70] 80 days before the primary election.

16 (ii) The Secretary of State shall certify to the State Board the
17 names of candidates for the Democratic Party nomination on the first business day in
18 the year of the election.

19 (2) The Secretary of State shall certify the name of a presidential
20 candidate on the ballot when the Secretary has determined, in the Secretary's sole
21 discretion and consistent with party rules, that the candidate's candidacy is generally
22 advocated or recognized in the news media throughout the United States or in
23 Maryland, unless the candidate executes and files with the Secretary of State an
24 affidavit stating without qualification that the candidate is not and does not intend to
25 become a candidate for the office in the Maryland primary election.

26 (d) [(1)] A candidate who seeks to be placed on the ballot by the petition
27 process specified in subsection (b)(2) of this section shall file the petition, in the form
28 prescribed by the State Board, as follows:

29 [(i)] (1) for candidates for the nomination of the Democratic Party,
30 not later than [9] 5 p.m. on the day that is 1 week later than the first business day of
31 the year of the election; and

32 [(ii)] (2) for candidates for the nomination of any other principal
33 political party, at least 70 days before the day of the election.

34 [(2)] A petition filed under this section is not subject to Title 4 or Title 5 of
35 this article.]

36 (e) The State Board shall establish a procedure for the Democratic
37 presidential primary through which votes may be cast as uncommitted to any
38 presidential candidate.

1 (f) The names of the candidates for President qualifying under this section
2 shall be certified to the local boards by the State Board and shall be printed on all
3 ballots used for the primary election.

4 8-503.

5 (a) Each political party shall nominate or provide for the nomination of
6 candidates for presidential elector of the party in accordance with party rules.

7 (b) The number of candidates nominated by each political party shall be the
8 number that this State is entitled to elect.

9 (c) (1) The names of individuals nominated as candidates for presidential
10 elector by a political party shall be certified to the State Board by the presiding
11 officers of the political party.

12 (2) The names of individuals nominated as candidates for presidential
13 elector by a candidate for President of the United States who is nominated by petition
14 shall be certified to the State Board by the candidate on a form prescribed by the
15 State Board.

16 (3) THE ELECTORS SHALL BE CERTIFIED TO THE STATE BOARD AT
17 LEAST 30 DAYS BEFORE THE GENERAL ELECTION.

18 9-207.

19 (a) The State Board shall certify the content and arrangement of each ballot:

20 (1) for a primary election[,]:

21 (I) IN THE YEAR THAT THE PRESIDENT OF THE UNITED STATES IS
22 ELECTED, AT LEAST ~~40~~ 42 DAYS BEFORE THE ELECTION; AND

23 (II) IN ANY OTHER YEAR, at least 50 days before the election;

24 (2) for a general election:

25 (i) in the year that the President of the United States is elected, at
26 least 55 days before the election; and

27 (ii) in any other year, not more than 18 days after the primary
28 election;

29 (3) for a special primary election, at least 18 days before the election; and

30 (4) for a special general election, not later than a date specified in the
31 Governor's proclamation.

32 (b) The Court of Appeals, on petition of the State Board, may establish a later
33 date in extraordinary circumstances.

1 (c) Within 48 hours after certification, the State Board shall deliver to each
2 local board a copy of the certified ballot content and arrangement for that county.

3 (d) (1) Within 5 days after the certification, or a later date that the Court of
4 Appeals establishes in extraordinary circumstances on petition of the State Board, a
5 local board shall:

6 (i) prepare the arrangement for all ballots to be used in the county,
7 using the arrangement prescribed by the State Board; and

8 (ii) display the content and arrangement, in a manner that is
9 accessible to the public, on all days that the office is open through the day of the
10 election.

11 (2) Except pursuant to a court order under § 9-209 of this subtitle, or as
12 provided in § 9-208 of this subtitle, the content and arrangement of the ballot may
13 not be modified after the third day of the public display.

14 (e) Unless a delay is required by court order, a local board may begin to print
15 the ballots after 3 days of public display and, with the approval of the State Board,
16 correction of any noted errors.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2003.