

Department of Legislative Services  
Maryland General Assembly  
2005 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 677

(Chair, Ways and Means Committee)

(By Request – Departmental – Elections, State Board of)

Ways and Means

Education, Health, and Environmental Affairs

---

**Election Law - Ballots - Nomination of Candidates and Certification of Questions**

---

This departmental bill authorizes a nonprincipal political party that is not required to hold a primary election to nominate a candidate for inclusion on the ballot in accordance with rules adopted by the party. A candidate for a partisan board of education race can qualify for the ballot by petition or nomination by a nonprincipal political party. Finally, the bill removes an exception to the requirement that a county attorney prepare and certify the information to appear on the ballot for each question to be voted on in a county.

---

**Fiscal Summary**

**State Effect:** None. The changes would not directly affect governmental finances.

**Local Effect:** Local boards could have minimal cost savings if the number of petitions, which require signature verification, are reduced.

**Small Business Effect:** The State Board of Elections (SBE) has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment. The attached assessment does not reflect amendments to the bill.

---

**Analysis**

**Bill Summary:**

*Candidate Nomination Requirements for Nonprincipal Political Parties*

Only candidates unaffiliated with any political party are required to file a petition to be nominated for public office and be placed on the ballot. Candidates who are members of

a political party that does not nominate by party primary must file a declaration of intent to seek political party nomination with the applicable board of election according to the times in **Exhibit 1** below.

---

**Exhibit 1**

<b><u>When a Declaration of Intent is Filed</u></b>	<b><u>Deadline</u></b>
In a Gubernatorial Election Year	Candidate Certification Deadline
In a Presidential Election Year	July 1
For a Special Election for Representative in Congress	Time specified in Governor’s Proclamation to File a Certificate of Candidacy
For a Special Election for Local Public Office	Date and Time Specified in County Proclamation to File a Certificate of Candidacy

---

Candidates filing a declaration of intent to seek the nomination by a political party may not be charged a fee for the filing. The deadline for filing a certificate of candidacy is 5 p.m. on the first Monday in August in the year of the general election for the office. Except for the time of filing, the certificate of candidacy, must comply with the requirements of the Election Law Article. A candidate for nomination by political party may not have the candidate’s name placed on the general election ballot unless the candidate files with the appropriate board a certificate of nomination signed by the officers of the political party, on a form SBE prescribes.

Vacancies in nomination by candidates for Representative in Congress, State senator, or member of the House of Delegates shall be filled by a vote of a State central committee for a nonprincipal political party that does not have local central committees.

*Deadline for Filling Vacancies in Nomination*

Provisions in State law governing vacancies in nomination for petition candidates of nonprincipal political parties are repealed, and the provisions applicable to principal parties are made applicable to nonprincipal parties.

*Certification of Local Ballot Questions*

The bill repeals a provision allowing a county to mandate an alternative process for certifying local ballot questions to a local board of elections by a county attorney.

## **Current Law:**

### *Candidate Nomination Requirements for Political Parties*

Candidates of a principal political party must be made by party primary. Candidates of a political party that does not nominate by primary (nonprincipal party) or candidates who are not affiliated with any political party must be nominated by petition signed by at least 1% of the total number of registered voters who are eligible to vote for the office for which the nomination by petition is sought. The petitions must be signed by at least 250 registered voters who are eligible to vote for the office.

Petition candidates must file a declaration of intent to the applicable board of election before the following deadlines: (1) in a year in which the Governor is elected or the Baltimore City municipal election is held, by the date and time specified for a candidate to file a certificate of candidacy; (2) in a year in which the President is elected, by July 1; and for a special election to fill a vacancy for Representative in Congress, by the date and time specified for a candidate to file a certificate of candidacy in the Governor's proclamation.

A candidate who seeks nomination by petition may not be charged a fee for filing the declaration of intent. A certificate of candidacy must be filed not later than 5 p.m. on the first Monday in August in the year of the general election for the office.

A vacancy in nomination that occurs because the nominee dies, withdraws the candidacy, or is disqualified for any reason shall be filled by a vote of the central committees of the political party in each of the counties included in the district of that nominee.

### *Deadline for Filling Vacancies in Nomination*

A vacancy in nomination of a petition candidate that occurs because the candidate dies, declines the nomination, or is disqualified for any cause must be filled by the party governing body of the nonqualified party to which the vacating candidate belongs. Within five days of the death, declination, or disqualification of a petition candidate, the applicable party governing body must file a certificate of designation, and the successor candidate must file a certificate of candidacy with the appropriate board.

### *Certification of Local Ballot Questions*

SBE shall prepare and certify to the appropriate local board, not later than the second Monday in August, the ballot information for all questions that have been referred to the voters of one county or part of one county pursuant to an enactment of the General

Assembly. Unless some other process is mandated by law, the county attorney of the appropriate county shall prepare and certify to the appropriate local board, not later than the third Monday in August, the ballot information for each local question to be voted on in a single county or part of a county.

**Background:** SBE advises that the bill's provisions modifying the nomination of candidates by nonprincipal political parties is a result of a recent Court of Appeals ruling. In *Green Party v. Maryland Board of Elections*, 377 Md. 127, 832 A.2d 214 (2003), the court invalidated a State law requiring a nonprincipal political party candidate to complete a nominating petition in order to be placed on the ballot. The bill's changes would make State election law consistent with this ruling. Under the bill, candidates from nonprincipal parties, that do not nominate candidates in primaries are able to be nominated for inclusion on the general election ballot by filing a timely declaration of intent to seek nomination and a certificate of nomination signed by the party's officers.

The bill also repeals a provision allowing a county to change the local ballot question certification process. SBE advises that under current law, a county could change who certifies a ballot question, the date for certification, and the information to be certified.

**Local Fiscal Effect:** Because the bill reduces the number of candidates filing petitions with local boards of election, there could be minimal cost savings from the reduction in local board staff and other resources devoted to verifying petition signatures to determine that the signatures are of registered voters who are eligible to vote for the office for which the nomination by petition is sought. Montgomery County advises that it receives, on average, three petitions from prospective candidates each election. It takes a staff of six three days to verify the signatures from each petition.

---

### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Frederick County, Montgomery County, Somerset County, State Board of Elections, Department of Legislative Services

**Fiscal Note History:** First Reader - February 22, 2005  
mam/jr Revised - House Third Reader - March 29, 2005

---

Analysis by: Michelle L. Harrison-Davis

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510