

HOUSE BILL 437

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71r2388

By: **Delegate Cardin**

Introduced and read first time: February 5, 2007

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Elections – Certificate of Candidacy – Legal Name of Candidate**

3 FOR the purpose of altering the requirements relating to the name a candidate may
4 use on a certificate of candidacy; providing the procedure by which a candidate
5 may use a certain name on a certificate of candidacy; defining a certain term;
6 and generally relating to certificates of candidacy.

7 BY repealing and reenacting, with amendments,
8 Article – Election Law
9 Section 5–301
10 Annotated Code of Maryland
11 (2003 Volume and 2006 Supplement)

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

14 **Article – Election Law**
15 5–301.

16 (A) IN THIS SECTION, “LEGAL NAME” MEANS THE NAME GIVEN AT BIRTH
17 TO AN INDIVIDUAL BY THE INDIVIDUAL’S PARENTS, OR AS CHANGED UNDER THE
18 COMMON LAW OF THIS STATE OR ANY OTHER STATE, BY MARRIAGE, OR BY
19 COURT ORDER.

20 [(a)] (B) An individual may become a candidate for a public or party office
21 only if:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

5 [(b)] (C) The appropriate board shall determine whether an individual filing
6 a certificate of candidacy meets the requirements of this article, including:

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

9 (2) the campaign finance reporting requirements under Title 13 of this
10 article.

11 [(c)](D) (1) [On the certificate of candidacy, a candidate shall designate
12 how the candidate's name is to appear on the ballot.] **EXCEPT AS PROVIDED IN
13 PARAGRAPH (2) OF THIS SUBSECTION, A CANDIDATE SHALL PROVIDE THE
14 CANDIDATE'S LEGAL NAME ON THE CERTIFICATE OF CANDIDACY.**

15 (2) (I) [Except as provided in paragraph (3) of this subsection, a
16 candidate shall file a certificate of candidacy in which the candidate lists any given
17 name, an initial letter of any other given name, and surname.] **A CANDIDATE WHO IS
18 MARRIED MAY FILE A CERTIFICATE OF CANDIDACY USING THE CANDIDATE'S
19 FORMER LEGAL NAME INSTEAD OF THE CANDIDATE'S CURRENT LEGAL NAME IF
20 THE CANDIDATE FILES AN AFFIDAVIT, UNDER PENALTIES OF PERJURY,
21 ATTESTING THAT THE CANDIDATE IS GENERALLY KNOWN BY THAT FORMER
22 LEGAL NAME IN THE CANDIDATE'S EVERYDAY ENCOUNTERS WITH MEMBERS OF
23 THE COMMUNITY.**

24 (II) **A CANDIDATE WHO WAS PARTY TO AN ABSOLUTE
25 DIVORCE MAY FILE A CERTIFICATE OF CANDIDACY USING THE CANDIDATE'S
26 LEGAL NAME BEFORE THE DIVORCE, IF THE CANDIDATE FILES AN AFFIDAVIT,
27 UNDER PENALTIES OF PERJURY, ATTESTING THAT THE CANDIDATE IS
28 GENERALLY KNOWN BY THAT OTHER NAME IN THE CANDIDATE'S EVERYDAY
29 ENCOUNTERS WITH MEMBERS OF THE COMMUNITY.**

30 (III) **INSTEAD OF A CANDIDATE'S FULL LEGAL FIRST NAME, A
31 CANDIDATE MAY FILE A CERTIFICATE OF CANDIDACY USING AN INITIAL OR
32 SHORTENED VERSION OF THE CANDIDATE'S FULL LEGAL FIRST NAME.**

1 **(IV) INSTEAD OF A CANDIDATE'S FULL LEGAL MIDDLE NAME,**
2 **A CANDIDATE MAY FILE A CERTIFICATE OF CANDIDACY USING:**

3 **1. AN INITIAL OR SHORTENED VERSION OF THE**
4 **CANDIDATE'S FULL LEGAL MIDDLE NAME;**

5 **2. NO MIDDLE NAME; OR**

6 **3. A NICKNAME, IF THE CANDIDATE FILES AN**
7 **AFFIDAVIT, UNDER PENALTIES OF PERJURY, ATTESTING THAT THE NICKNAME**
8 **IS THE NAME BY WHICH THE CANDIDATE IS GENERALLY KNOWN IN THE**
9 **CANDIDATE'S EVERYDAY ENCOUNTERS WITH MEMBERS OF THE COMMUNITY.**

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

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

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

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

20 [(d)] **(E)** A candidate who seeks nomination by petition shall file a
21 certificate of candidacy as provided in § 5-703 of this title.

22 [(e)] **(F)** A write-in candidate shall file a certificate of candidacy as
23 provided under this subtitle.

24 [(f)] **(G)** (1) (i) On or before August 31 in the year in which a judge of
25 the Court of Appeals must stand for continuance in office, the Clerk of the Court of
26 Appeals shall provide written notice to the State Board of the name of the judge that is
27 to be placed on the ballot at the next succeeding general election together with the
28 identification of the judicial circuit from which the qualified voters of that circuit may
29 cast a vote for the judge's continuance in office.

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

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

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

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

13 [(g)] (H) (1) A candidate for President or Vice President of the United
14 States nominated by a national party convention is not required to file a certificate of
15 candidacy under this section.

16 (2) If more than one written notice naming different presidential and
17 vice presidential nominees is provided to the State Board by persons purporting to be
18 the presiding officer of the same party convention, the State Board shall require the
19 chairman of the State party to provide written reaffirmation of the party's nominees
20 within 5 days after the State Board's demand.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 June 1, 2007.