

# HOUSE BILL 826

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By: **Delegates Barve, Cardin, and Kach**  
Introduced and read first time: February 9, 2007  
Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Elections – Presidential Primaries – Unaffiliated Voters**

3 FOR the purpose of allowing a registered voter who has declined to affiliate with any  
4 political party to express a preference for a presidential candidate of any  
5 political party on the ballot in a presidential primary; providing that the  
6 expression of preference is unofficial and shall be reported separately from  
7 official election results; and generally relating to the expression of preference by  
8 unaffiliated voters in a presidential primary.

9 BY repealing and reenacting, with amendments,  
10 Article – Election Law  
11 Section 8–502  
12 Annotated Code of Maryland  
13 (2003 Volume and 2006 Supplement)

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

16 **Article – Election Law**

17 8–502.

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

8           (c) (1) (i) Except as provided in subparagraph (ii) of this paragraph,  
9 the Secretary of State shall certify to the State Board the names of candidates for  
10 nomination by a principal political party during the period beginning 90 days before  
11 the primary election and ending 80 days before the primary election.

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

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

22           (d) A candidate who seeks to be placed on the ballot by the petition process  
23 specified in subsection (b)(2) of this section shall file the petition, in the form  
24 prescribed by the State Board, as follows:

25                   (1) for candidates for the nomination of the Democratic Party, not  
26 later than 5 p.m. on the day that is 1 week later than the first business day of the year  
27 of the election; and

28                   (2) for candidates for the nomination of any other principal political  
29 party, at least 70 days before the day of the election.

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

1           **(F) (1) THE STATE BOARD SHALL ESTABLISH A PROCEDURE FOR THE**  
2 **PRESIDENTIAL PRIMARY WHEREBY A REGISTERED VOTER WHO HAS DECLINED**  
3 **TO AFFILIATE WITH A POLITICAL PARTY MAY EXPRESS A PREFERENCE FOR A**  
4 **CANDIDATE, OF ANY POLITICAL PARTY, WHOSE NAME APPEARS ON THE BALLOT**  
5 **IN ACCORDANCE WITH THIS SECTION.**

6           **(2) THE EXPRESSION OF PREFERENCE UNDER PARAGRAPH (1) OF**  
7 **THIS SUBSECTION:**

8                   **(I) SHALL BE MADE IN THE SAME MANNER AS VOTES ARE**  
9 **CAST FOR PRESIDENTIAL CANDIDATES ON THE VOTING SYSTEM USED;**

10                   **(II) DOES NOT AFFECT THE SELECTION OF DELEGATES TO A**  
11 **PRESIDENTIAL NOMINATING CONVENTION; AND**

12                   **(III) IS SOLELY FOR UNOFFICIAL INFORMATIONAL PURPOSES**  
13 **AND SHALL BE REPORTED SEPARATELY FROM THE OFFICIAL RESULTS OF THE**  
14 **PRIMARY.**

15           **[(f)](G)**       The names of the candidates for President qualifying under this  
16 section shall be certified to the local boards by the State Board and shall be printed on  
17 all ballots used for the primary election.

18           **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
19 **October 1, 2007.**