

# HOUSE BILL 1434

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71r0188

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By: **The Speaker (By Request - Administration)**

Rules suspended

Introduced and read first time: March 9, 2007

Assigned to: Rules and Executive Nominations

Re-referred to: Ways and Means, March 14, 2007

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2007

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Election Law - Presidential Primary Election Date**

3 FOR the purpose of altering the date of the statewide primary election in the year in  
4 which the President of the United States is elected; making miscellaneous  
5 technical and clarifying changes to conform to the change in the date for the  
6 statewide presidential primary election, including provisions relating to  
7 deadlines for the filing of a certificate of candidacy, the submission of a delegate  
8 selection plan, candidate withdrawal, and petition candidates and including  
9 provisions relating to the certification of certain candidates by the Secretary of  
10 State; altering the schedule for the filing of certain campaign finance reports in  
11 the year of a presidential primary; and generally relating to the statewide  
12 presidential primary election.

13 BY repealing and reenacting, with amendments,

14 Article - Election Law

15 Section ~~8-201~~ 5-303(a), 5-502, 8-201, 8-501, 8-502, and 13-309(a)

16 Annotated Code of Maryland

17 (2003 Volume and 2006 Supplement)

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Election Law**

4 5–303.

5 (a) Except as provided in subsections (b) and (c) of this section, a certificate  
6 of candidacy shall be filed [as follows:

7 (1) for candidates for offices other than delegate to the Democratic  
8 National Convention,] not later than 9 p.m. on the Monday that is 10 weeks or 70 days  
9 before the day on which the primary election will be held[; and

10 (2) for candidates for delegate to the Democratic National Convention,  
11 between 9 a.m. on the first regular business day of the year in which the President of  
12 the United States is elected and 5 p.m. on the day that is 1 week later than that day].

13 5–502.

14 (a) Subject to § 5–402 of this title, an individual who has filed a certificate of  
15 candidacy may withdraw the candidacy by filing a certificate of withdrawal on the  
16 form prescribed by the State Board within 10 days after the filing date established  
17 under § 5–303 of this title.

18 (b) [An individual who has filed a certificate of candidacy and a petition in  
19 accordance with § 8–502(d) of this article, or a candidate for delegate to the  
20 Democratic National Convention subject to § 5–303(a)(2) of this title, may withdraw  
21 the candidacy by filing a certificate of withdrawal on the form prescribed by the State  
22 Board within 4 days after the filing date established under § 5–303 of this title.

23 (c) An individual who has filed a certificate of candidacy for the special  
24 election to fill a vacancy for Representative in Congress may withdraw the certificate  
25 on the prescribed form within 2 days after the filing date established in the  
26 proclamation issued by the Governor.

27 8–201.

28 (a) (1) There shall be a statewide primary election in every  
29 even-numbered year.

30 (2) A primary election shall be held:

1 (i) in the year in which the Governor is elected, on the second  
2 Tuesday after the first Monday in September; and

3 (ii) in the year in which the President of the United States is  
4 elected, on the [first] **SECOND** Tuesday in [March] **FEBRUARY**.

5 (b) In Baltimore City, there shall be a primary election for municipal offices  
6 on the second Tuesday following the first Monday in September in the year following  
7 the election of the Governor.

8 8-501.

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

12 (b) The State central committee of each political party shall certify to the  
13 State Board, not later than [January 1 in the year of the election] **OCTOBER 1 IN THE**  
14 **YEAR PRECEDING THE ELECTION:**

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

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

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

20 (ii) provisions for placing on the ballot the name of a  
21 presidential candidate, or the word “uncommitted”, adjacent to the name of each  
22 candidate for delegate;

23 (iii) provisions for how, if a candidate for delegate withdraws in  
24 accordance with § 5-502[(b)] of this article and the withdrawing candidate’s name  
25 would have appeared on the ballot adjacent to the name of a presidential candidate,  
26 that presidential candidate will designate a replacement candidate for delegate no  
27 later than [2] **5** days after the deadline established in § 5-502[(b)] of this article; and

28 (iv) any other provisions of the national party rules of the party  
29 that relate to the election of delegates or alternate delegates at the primary 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  
6 on 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  
10 petition containing the signatures of at least 400 registered voters from each  
11 congressional district in the State.

12 (c) (1) [(i) Except as provided in subparagraph (ii) of this paragraph,  
13 the] THE Secretary of State shall certify to the State Board the names of candidates  
14 for nomination by a principal political party during the period beginning 90 days  
15 before the primary election and ending 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) A candidate who seeks to be placed on the ballot by the petition process  
27 specified in subsection (b)(2) of this section shall file the petition, in the form  
28 prescribed by the State Board, [as follows:

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

1           (2) for candidates for the nomination of any other principal political  
2 party, at least] ON THE MONDAY THAT IS 70 days before the day of the election.

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

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

9 13-309.

10           (a) Subject to other provisions of this subtitle, a campaign finance entity  
11 shall file campaign finance reports as follows:

12               (1) except for a ballot issue committee, on or before the fourth Tuesday  
13 immediately preceding [a] EACH primary election EXCEPT A PRESIDENTIAL  
14 PRIMARY ELECTION;

15               (2) except for a ballot issue committee, on or before the second Friday  
16 immediately preceding a primary election;

17               (3) on or before the second Friday immediately preceding a general  
18 election; and

19               (4) on or before the third Tuesday after a general election.

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.