

SENATE BILL 77

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71r0747

By: **Senators Kelley, Britt, Brochin, Haines, Harris, Klausmeier, Munson, Rosapepe, Stone, and Zirkin**

Introduced and read first time: January 22, 2007

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Rotation of Candidates Names on the Ballot**

3 FOR the purpose of requiring that the names of certain candidates be listed on the
4 ballot in accordance with certain regulations adopted by the Secretary of State;
5 requiring the regulations to include a protocol for the rotation of the names of
6 certain candidates; and generally relating to the rotation of candidates names
7 on the ballot.

8 BY repealing and reenacting, with amendments,
9 Article – Election Law
10 Section 9–210
11 Annotated Code of Maryland
12 (2003 Volume and 2006 Supplement)

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

15 **Article – Election Law**

16 9–210.

17 (a) The offices to be voted on shall be arranged on the ballot in the following
18 order, as applicable:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) public offices for which voters of the entire State may vote, in the
2 following order:

3 (i) President of the United States, or President and Vice
4 President of the United States;

5 (ii) Governor and Lieutenant Governor;

6 (iii) Comptroller;

7 (iv) Attorney General; and

8 (v) United States Senator;

9 (2) Representative in Congress;

10 (3) members of the General Assembly of Maryland, in the following
11 order:

12 (i) Senate of Maryland; and

13 (ii) House of Delegates;

14 (4) members of the governing body of a county, in the following order:

15 (i) county executive; and

16 (ii) county council or county commissioner;

17 (5) offices in the government of the City of Baltimore, in the following
18 order:

19 (i) Mayor;

20 (ii) President of the City Council;

21 (iii) Comptroller; and

22 (iv) member of the City Council;

23 (6) judicial offices, in the following order:

24 (i) judge of the circuit court;

1 (ii) appellate judges, continuance in office, in the following
2 order:

3 1. Court of Appeals; and

4 2. Court of Special Appeals;

5 (7) public offices for which the voters of a county may vote, in the
6 following order:

7 (i) county treasurer;

8 (ii) State's Attorney;

9 (iii) clerk of the circuit court;

10 (iv) register of wills;

11 (v) judge of the orphans' court;

12 (vi) sheriff; and

13 (vii) other offices filled by partisan election;

14 (8) party offices; and

15 (9) offices filled by nonpartisan election.

16 (b) Any office not specified in subsection (a) of this section shall be placed on
17 the ballot following the offices specified in subsection (a).

18 (c) Within any category of offices, if the ballot contains one or more contests
19 for at large election and one or more contests for election by district, the contest or
20 contests to be voted on at large shall appear first.

21 (d) In a prominent position adjacent to the title of each office, there shall be
22 instructions stating the number of candidates for whom the voter lawfully may vote.

23 (e) (1) A ballot shall contain the name of every candidate who is
24 authorized under the provisions of this article to appear on the ballot.

1 (2) Each candidate shall be listed on the ballot in the contest for which
2 the candidate has qualified.

3 (f) (1) In a general election, the voter shall be afforded the opportunity to
4 cast a write-in vote for as many positions as are to be filled in a contest.

5 (2) On a document ballot, in each contest a blank line or lines for
6 write-in voting shall follow the printed names on the ballot.

7 (3) This subsection does not apply to questions or the continuance in
8 office of appellate judges.

9 (g) (1) Except for contests for judicial office or an office to be filled by
10 nonpartisan election, the party affiliation of a candidate who is a nominee of a political
11 party shall be indicated on the ballot.

12 (2) (i) A candidate who is not a nominee of a political party or
13 affiliated with a partisan organization shall be designated as an “unaffiliated”.

14 (ii) A candidate who is affiliated with a partisan organization
15 shall be designated under “other candidates”.

16 (3) The names of candidates for judge of the circuit court or for a
17 county board of education, and the names of incumbent appellate judges, shall be
18 placed on the ballot without a party label or other distinguishing mark or location
19 which might indicate party affiliation.

20 (h) (1) In an election of a member of the House of Delegates that is subject
21 to the provisions of § 2-201(d) of the State Government Article, the name of a
22 candidate shall be identified by the county in which the candidate resides.

23 (2) A candidate for President of the United States or Vice President of
24 the United States shall be identified by the state in which the candidate resides.

25 (i) (1) If there is an election for members of the House of Delegates who
26 are required to live in a specific county and only a certain number of delegates may be
27 elected from that county, the ballot shall provide that a voter may not vote for more
28 than that number of candidates from that specific county.

29 (2) In a legislative district where the delegates are to be elected by the
30 voters of a multimember subdistrict that contains more than two counties or parts of
31 more than two counties, a voter may cast a vote for the specified number of delegates

1 to be elected in the subdistrict without regard to the county of residence of the
2 candidate.

3 (j) (1) In a primary election:

4 (i) on a voting machine ballot, the names of the candidates for
5 party nomination shall be grouped together by party; and

6 (ii) on a document ballot, the ballot shall include only the names
7 of candidates for which the voter is entitled to vote.

8 (2) In a general election:

9 (i) on a voting machine ballot, the names of the candidates of a
10 political party shall be grouped together in adjacent rows or columns, and the majority
11 party candidates shall be placed in the first row or column, followed by the candidates
12 of the principal minority party, followed by other political parties in descending order
13 based on the number of voters registered with the party, and finally by candidates not
14 nominees of a political party; and

15 (ii) on a document ballot, for each office the names of candidates
16 shall be grouped together by party, with the majority party candidate or candidates
17 listed first, followed by the candidate or candidates of the principal minority party,
18 followed by the candidate or candidates of other political parties in descending order
19 based on the statewide registration of the party, and finally by candidates who are not
20 nominees of a political party.

21 (3) (I) In both primary elections and general elections, when there
22 is more than one candidate of the same political party for nomination or election to an
23 office, the names of the candidates in the group shall be listed **ON THE BALLOT** in
24 [alphabetical order by surname] **THE ORDER ESTABLISHED UNDER REGULATIONS**
25 **ADOPTED BY THE SECRETARY OF STATE.**

26 (II) **THE REGULATIONS SHALL INCLUDE A PROTOCOL FOR**
27 **THE ROTATION OF THE NAMES OF CANDIDATES OF THE SAME POLITICAL PARTY**
28 **WHO ARE SEEKING NOMINATION OR ELECTION TO AN OFFICE.**

29 (III) [In] **SUBJECT TO SUBPARAGRAPH (II) OF THIS**
30 **PARAGRAPH,** in the primary election, candidates for Governor and Lieutenant
31 Governor shall be arranged in the order of surnames of the gubernatorial candidates.

1 (k) On a voting machine ballot, the arrangement shall use the smallest
2 number of rows or columns necessary, as evenly sized as possible, to accommodate all
3 offices and candidates on the ballot.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2007.