

# SENATE BILL 545

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By: **Senators Pinsky and Harris**

Introduced and read first time: February 2, 2007

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Election Law - Open Ballot Voting - Nomination by Multiple Political Parties**

3 FOR the purpose of providing that an individual who is not a registered voter of a  
4 political party may hold office of that political party or be a nominee of that  
5 political party if the constitution and bylaws of that political party expressly so  
6 authorize; requiring that a candidate nominated by multiple political parties be  
7 listed on the ballot as a nominee of each of the political parties, subject to a  
8 certain condition; requiring that the votes received by a candidate who is the  
9 nominee of multiple political parties for election to an office be aggregated; and  
10 generally relating to open ballot voting and the nomination of a candidate by  
11 multiple political parties.

12 BY repealing and reenacting, without amendments,  
13 Article - Election Law  
14 Section 4-102(f), 4-103, 5-701, 5-702, 5-703(a) and (b), 9-206, and 9-210(j)  
15 Annotated Code of Maryland  
16 (2003 Volume and 2006 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article - Election Law  
19 Section 5-203, 9-205, 9-210(g), and 11-308  
20 Annotated Code of Maryland  
21 (2003 Volume and 2006 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



**Article – Election Law**

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2 4–102.

3 (f) Unless a new political party is required to hold a primary election to  
4 nominate its candidates under Title 8 of this article, the new political party may  
5 nominate its candidates in accordance with the constitution and by-laws adopted by  
6 the political party and submitted to the State Board.

7 4–103.

8 (a) (1) Unless extended pursuant to paragraph (2) of this subsection, a  
9 new political party shall retain its status as a political party until December 31 in the  
10 year of the second statewide general election following the party's qualification under  
11 § 4–102 of this subtitle.

12 (2) The political party shall retain its status as a political party  
13 through either of the following:

14 (i) if the political party has nominated a candidate for the  
15 highest office on the ballot in a statewide general election, and the candidate receives  
16 at least 1% of the total vote for that office, the political party shall retain its status  
17 through December 31 in the year of the next following general election; or

18 (ii) if the State voter registration totals, as of December 31,  
19 show that at least 1% of the State's registered voters are affiliated with the political  
20 party, the political party shall retain its status until the next following December 31.

21 (b) The State Board shall promptly notify the State chairman of a group that  
22 loses its status as a political party.

23 (c) A group that loses its status as a political party may regain that status  
24 only by complying with all the requirements for qualifying as a new party under §  
25 4–102 of this subtitle.

26 5–203.

27 (a) (1) This subsection does not apply to a candidate for:

28 (i) President or Vice President of the United States; or

29 (ii) any federal office who seeks nomination by petition.

1           (2) Unless the individual is a registered voter affiliated with the  
2 political party, **OR THE CONSTITUTION AND BYLAWS OF THE POLITICAL PARTY**  
3 **EXPRESSLY AUTHORIZE AN INDIVIDUAL WHO IS NOT A REGISTERED VOTER**  
4 **AFFILIATED WITH THAT POLITICAL PARTY TO HOLD AN OFFICE OF THAT**  
5 **POLITICAL PARTY OR BE NOMINATED BY THAT POLITICAL PARTY**, an individual  
6 may not be a candidate for:

7                   (i) an office of that political party; or

8                   (ii) except as provided in subsection (b) of this section,  
9 nomination by that political party.

10           (b) The requirements for party affiliation specified under subsection (a) of  
11 this section do not apply to a candidate for:

12                   (1) a judicial office; or

13                   (2) a county board of education.

14 5–701.

15           Nominations for public offices that are filled by elections governed by this  
16 article shall be made:

17                   (1) by party primary, for candidates of a principal political party;

18                   (2) by petition, for candidates not affiliated with any political party; or

19                   (3) in accordance with the constitution and by-laws of the political  
20 party, for candidates of a political party that does not nominate by party primary.

21 5–702.

22           A candidate for public office of a political party shall be nominated in  
23 accordance with the requirements of Subtitles 2 through 4 of this title unless the  
24 candidate is:

25                   (1) nominated by:

26                   (i) petition under § 5–703 of this subtitle; or

1 (ii) political party under § 5–703.1 of this subtitle; or

2 (2) a write-in candidate under § 5–704 of this subtitle.

3 5–703.

4 (a) Except for a candidate for a nonpartisan county board of education, this  
5 section applies to any candidate for public office subject to this title.

6 (b) A candidate for a public office may be nominated by petition under this  
7 subtitle if the candidate is not affiliated with any political party.

8 9–205.

9 Each ballot shall contain:

10 (1) a heading as provided in § 9–206(a) of this subtitle;

11 (2) a statement of each question that has met all of the qualifications  
12 to appear on the ballot;

13 (3) the title of each office to be voted on;

14 (4) the name, as specified in the certificate of candidacy, or as  
15 otherwise provided in Title 5 of this article, of each candidate who has been certified  
16 by the State Board;

17 (5) [a] EACH party designation for certain candidates as provided in  
18 this subtitle;

19 (6) a means by which a voter may cast write-in votes, as provided in  
20 this subtitle; and

21 (7) instructions to voters as provided in this subtitle.

22 9–206.

23 (a) Except as provided in paragraph (2) of this subsection, a heading shall be  
24 printed at the top of the ballot and shall contain, in the following order:

25 (1) the words “Official Ballot”;



1 **INDIVIDUAL FILES A STATEMENT WITH THE STATE BOARD ACCEPTING THE**  
2 **NOMINATION.**

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) In both primary elections and general elections, when there is  
22 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 in alphabetical order by  
24 surname. In the primary election, candidates for Governor and Lieutenant Governor  
25 shall be arranged in the order of surnames of the gubernatorial candidates.

26 11-308.

27 (a) (1) Within 10 days after any election, and before certifying the results  
28 of the election, each board of canvassers shall verify the vote count in accordance with  
29 the regulations prescribed by the State Board for the voting system used in that  
30 election.

31 (2) **IF A CANDIDATE IS A NOMINEE OF MORE THAN ONE**  
32 **POLITICAL PARTY FOR AN OFFICE, THE VOTE COUNT FOR THAT CANDIDATE IS**

1 **THE AGGREGATE OF ALL THE VOTES RECEIVED BY THE CANDIDATE FOR THAT**  
2 **OFFICE AT THAT ELECTION.**

3 (b) Upon completion of the verification process, the members of the board of  
4 canvassers shall:

5 (1) certify in writing that the election results are accurate and that the  
6 vote has been verified; and

7 (2) provide copies of the election results to the persons specified under  
8 § 11-401 of this title.

9 (c) (1) If a member of a board of canvassers dissents from a determination  
10 of an election result or reasonably believes that the conduct of a local board member or  
11 local board proceeding was not in compliance with applicable law or regulation or was  
12 otherwise illegal or irregular, the member shall prepare and file with the local board a  
13 distinct written statement of the reasons for the dissent or concern.

14 (2) The State Board shall maintain a file of the written statements  
15 submitted under this subsection by members of the local boards.

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