

SENATE BILL 1025

G1

71r0187
CF HB 1434

By: **The President (By Request – Administration)**

Constitutional Requirements Complied with for Introduction in the last 35 Days of Session

Introduced and read first time: March 9, 2007

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, March 12, 2007

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 24, 2007

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)

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] 8 p.m. on the Monday that is 10 weeks or 70
9 days 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.

1 (2) A primary election shall be held:

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

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

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

9 8-501.

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

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

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

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

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

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

24 (iii) provisions for how, if a candidate for delegate withdraws in
25 accordance with [~~§ 5-502(b)~~] **§ 5-502** of this article and the withdrawing candidate’s
26 name would have appeared on the ballot adjacent to the name of a presidential
27 candidate, that presidential candidate will designate a replacement candidate for
28 delegate no later than [2] **5** days after the deadline established in [~~§ 5-502(b)~~] **§**
29 **5-502** of this article; and

1 (iv) any other provisions of the national party rules of the party
2 that relate to the election of delegates or alternate delegates at the primary election.

3 8-502.

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

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

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

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

14 (c) (1) [(i) Except as provided in subparagraph (ii) of this paragraph,
15 the] THE Secretary of State shall certify to the State Board the names of candidates
16 for nomination by a principal political party during the period beginning 90 days
17 before the primary election and ending 80 days before the primary election.

18 [(ii) The Secretary of State shall certify to the State Board the
19 names of candidates for the Democratic Party nomination on the first business day in
20 the year of the election.]

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

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

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

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

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

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

12 13-309.

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

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

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

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

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

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