

CHAPTER 219

(Senate Bill 1025)

AN ACT concerning

Election Law – Presidential Primary Election Date

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

BY repealing and reenacting, with amendments,

Article – Election Law

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

Annotated Code of Maryland

(2003 Volume and 2006 Supplement)

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

Article – Election Law

5-303.

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

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

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

5-502.

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

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

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

8-201.

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

(2) A primary election shall be held:

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

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

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

8-501.

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

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

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

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

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

(ii) provisions for placing on the ballot the name of a presidential candidate, or the word "uncommitted", adjacent to the name of each candidate for delegate;

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

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

8-502.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor, April 24, 2007.