

**Department of Legislative Services**  
Maryland General Assembly  
2007 Session

**FISCAL AND POLICY NOTE**  
**Revised**

House Bill 1434

(The Speaker)(By Request – Administration)

Ways and Means

Education, Health, and Environmental Affairs

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**Election Law - Presidential Primary Election Date**

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This Administration bill moves the date of the presidential primary election from the first Tuesday in March to the second Tuesday in February. To adjust for the earlier primary date, the bill alters various pre-election deadlines primarily relating to candidates for the democratic party nomination and Democratic National Convention delegates as well as the deadline by which political parties must submit delegate selection plans to the State Board of Elections (SBE). The first of two campaign finance reports required to be filed by a campaign finance entity before a primary election is no longer required prior to a presidential primary election.

The bill takes effect July 1, 2007.

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**Fiscal Summary**

**State Effect:** The bill's changes would not materially affect State finances.

**Local Effect:** Local government expenditures could increase in FY 2008 and future presidential primary years due to additional staffing and training costs and other expenses resulting from an earlier primary date.

**Small Business Effect:** A small business impact statement was not provided by the Administration in time for inclusion in this fiscal note. A revised fiscal note will be issued when the Administration's assessment becomes available.

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## Analysis

**Current Law:** The presidential primary is held on the first Tuesday in March and the presidential general election is held on the Tuesday following the first Monday in November.

The Secretary of State generally must certify to the State Board of Elections (SBE) 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. However, the names of candidates for the democratic primary nomination must be certified to SBE on the first business day in the year of the election.

Candidates for delegate to the Democratic National Convention must file a certificate of candidacy between 9 a.m. on the first regular business day of the year in which the president is elected and 5 p.m. on the day one week later than that day.

Delegates and alternate delegates to the national presidential nominating convention of a political party are selected according to the national party rules of the party. The State central committee of each party must certify specified information to SBE no later than January 1 in the year of the election including the number of delegates and alternate delegates to be selected in the State and the mode or modes of selection.

In general, a campaign finance entity, with the exception of a ballot issue committee, must file a campaign finance report on or before the fourth Tuesday and on or before the second Friday immediately preceding a primary election in which it is participating, in addition to reports filed before and after a general election. A campaign finance entity is also generally required to file a campaign finance report each year on the third Wednesday in January.

**Background:** Under the bill, in 2008 the presidential primary election would be held on February 12 rather than March 4.

Presidential primaries/caucuses have been, or are under consideration to be, rescheduled in a number of states in anticipation of the 2008 presidential election. February 5 has been the most targeted date for primaries/caucuses. According to information gathered by the National Association of Secretaries of State, primary elections are expected to occur on February 5 in at least 8 states, yet primaries in 16 additional states are under consideration to be scheduled on that date. The National Association of Secretaries of State (NASS) notes the information is subject to frequent changes.

Virginia and Tennessee currently have February 12 as a presidential primary date, although NASS indicates Tennessee's primary is under consideration to be moved to February 5.

**Local Fiscal Effect:** Expenditures in some counties could increase in fiscal 2008 and future presidential primary years to recruit and train election judges due to the shortened time period after the holidays in which to train the election judges and the possibility that fewer individuals willing to serve as election judges may be available for a February 12 primary date. For instance, Montgomery County advises that its expenditures could increase by \$229,629, accounting for salaries and fringe benefits for additional recruiters, trainers, and support staff as well as communications, rent, and other costs. It is assumed other counties could also experience expenditure increases to recruit and train election judges due to the earlier primary date.

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## **Additional Information**

**Prior Introductions:** SB 747 of 2003, a similar bill, received a hearing from the Senate Education, Health, and Environmental Affairs Committee but no further action was taken.

**Cross File:** SB 1025 (The President)(By Request – Administration) – Education, Health, and Environmental Affairs.

**Information Source(s):** Somerset County, Montgomery County, Charles County, Frederick County, Maryland State Board of Elections, National Association of Secretaries of State, Department of Legislative Services

**Fiscal Note History:** First Reader - March 19, 2007  
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