

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

**FISCAL AND POLICY NOTE**

House Bill 437  
Ways and Means

(Delegate Cardin)

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**Elections - Certificate of Candidacy - Legal Name of Candidate**

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This bill requires a candidate for a public or party office to provide the candidate's legal name on the certificate of candidacy filed with the State Board of Elections or a local election board. Specified modifications and exceptions to the requirement are set forth. The bill repeals current provisions allowing a candidate to designate how the candidate's name will appear on the ballot.

The bill takes effect June 1, 2007.

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**Fiscal Summary**

**State Effect:** None. The bill would not directly affect State operations or finances.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** "Legal name" is defined as the name given by an individual's parents at birth, or as changed under the common law of the State or any other state, by marriage, or by court order.

A married or divorced candidate may use the candidate's legal name prior to marriage or divorce, if the candidate files an affidavit, under penalties of perjury, attesting that the candidate is generally known by that name in the candidate's everyday encounters with

members of the community. A candidate may also use an initial or shortened version of the candidate's full legal first name. Instead of a candidate's full legal middle name, the candidate may use an initial or shortened version, no middle name, or a nickname, if the candidate files an affidavit, under penalties of perjury, attesting that the nickname is the name by which the candidate is generally known in the candidate's everyday encounters with members of the community.

**Current Law:** On a certificate of candidacy, a candidate designates how the candidate's name is to appear on the ballot. Generally, the candidate must list any given name, an initial letter of any other given name, and the candidate's surname. The candidate may list a name other than the candidate's given name upon filing an affidavit, under penalties of perjury, attesting that the candidate is generally known by that name in press accounts or the candidate's everyday encounters with members of the community.

**Background:** Prior to the 2006 elections, a dispute arose between a candidate and the State Board of Elections over whether the candidate's nickname, as the candidate sought to have it appear on the ballot, was a title, which is prohibited under State election law. The candidate filed a lawsuit in circuit court, but the case ended up centering primarily on whether the candidate had sought judicial relief in a timely manner.

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### Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Washington County, Montgomery County, Prince George's County, Kent County, Worcester County, Maryland State Board of Elections, Department of Legislative Services

**Fiscal Note History:** First Reader - February 26, 2007  
mll/jr

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