

HOUSE BILL 63

G1

9lr0769

By: **Delegates Ali and Bronrott**

Introduced and read first time: January 16, 2009

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Candidacy Deadline Reform Act**

3 FOR the purpose of altering the deadline for withdrawing a certificate of candidacy to
4 coincide with the deadline for filing a certificate of candidacy; making
5 conforming changes; and generally relating to altering a certain deadline for
6 withdrawing a certificate of candidacy for certain elections.

7 BY repealing and reenacting, without amendments,
8 Article – Election Law
9 Section 5–303 and 5–902
10 Annotated Code of Maryland
11 (2003 Volume and 2008 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Election Law
14 Section 5–502, 5–903, 5–904, and 5–905(a) and (b)
15 Annotated Code of Maryland
16 (2003 Volume and 2008 Supplement)

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

19 **Article – Election Law**

20 5–303.

21 (a) Except as provided in subsections (b) and (c) of this section, a certificate
22 of candidacy shall be filed not later than 9 p.m. on the Monday that is 10 weeks or 70
23 days before the day on which the primary election will be held.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) A certificate of candidacy for an office to be filled by a special election
2 under this article shall be received and filed in the office of the appropriate board not
3 later than 5 p.m. on the Monday that is 3 weeks or 21 days prior to the date for the
4 special primary election specified by the Governor in the proclamation for the special
5 primary election.

6 (c) The certificate of candidacy for the election of a write-in candidate shall
7 be filed by the earlier of:

8 (1) 7 days after a total expenditure of at least \$51 is made to promote
9 the candidacy by a campaign finance entity of the candidate; or

10 (2) 5 p.m. on the Wednesday preceding the day of the election for
11 which the certificate is filed.

12 5-502.

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

17 (b) An individual who has filed a certificate of candidacy for the special
18 election to fill a vacancy for Representative in Congress may withdraw the certificate
19 on the prescribed form [within 2 days after] **ON OR BEFORE** the filing date
20 established in the proclamation issued by the Governor.

21 5-902.

22 (a) If either of the candidates of a Governor and Lieutenant Governor unit
23 dies, withdraws the candidacy, or becomes disqualified for any reason prior to the
24 deadline for filing a certificate of candidacy for a primary election under § 5-303 of
25 this title, the remaining candidate may:

26 (1) designate a successor candidate who shall file a certificate of
27 candidacy before the later of:

28 (i) the deadline specified under § 5-303 of this title; or

29 (ii) the fifth day following the death, withdrawal, or
30 disqualification of the former candidate;

31 (2) withdraw under Subtitle 5 of this title; or

32 (3) after withdrawing under paragraph (2) of this subsection, form a
33 successor unit for the candidacy for the offices of Governor and Lieutenant Governor

1 by filing a certificate of candidacy by the date specified under subsection (b) of this
2 section.

3 (b) The candidates of the successor unit for Governor and Lieutenant
4 Governor formed under subsection (a)(3) of this section each shall file a certificate of
5 candidacy as a successor unit before the later of:

6 (1) the deadline for filing a certificate of candidacy for the primary
7 election under § 5–303 of this title; or

8 (2) the fifth day following the death, withdrawal, or disqualification of
9 the former candidate.

10 5–903.

11 (a) (1) If a candidate for Lieutenant Governor dies[, withdraws the
12 candidacy,] or becomes disqualified for any reason after the deadline for filing a
13 certificate of candidacy for a primary election under § 5–303 of this title, the
14 remaining candidate for Governor of that unit may designate a successor candidate for
15 Lieutenant Governor.

16 (2) Provided the successor candidate for Lieutenant Governor files a
17 certificate of candidacy in accordance with subsection (b) of this section, the name of
18 the successor candidate for Lieutenant Governor shall appear on the ballot.

19 (b) (1) The successor candidate for Lieutenant Governor designated by
20 the candidate for Governor under subsection (a) of this section shall file a certificate of
21 candidacy with the State Board.

22 (2) The certificate of candidacy shall be filed:

23 (i) [by the fifth day following the withdrawal deadline specified
24 under § 5–502 of this title, if the former Lieutenant Governor candidate files a
25 certificate of withdrawal;

26 (ii)] by the fifth day following the death or disqualification of the
27 former Lieutenant Governor candidate, if that former candidate dies or is disqualified
28 less than 45 days before the day of the primary election; or

29 [(iii)] (II) not later than 40 days before the day of the primary, if
30 the former Lieutenant Governor candidate dies or is disqualified 45 days or more
31 before the day of the primary election.

32 (3) A certificate of candidacy for a successor candidate for Lieutenant
33 Governor under subsection (b)(2)(ii) of this section may not be filed less than 10 days
34 before the day of the primary election.

1 (c) If the death or disqualification of a former Lieutenant Governor
2 candidate occurs less than 10 days before the day of the primary election, the existing
3 Governor and Lieutenant Governor unit whose filing is complete:

4 (1) shall remain on the ballot; and

5 (2) if nominated, a vacancy in the nomination of the candidate for
6 Lieutenant Governor shall be declared and be filled under § 5–1005(b) of this title as if
7 the death or disqualification had occurred after the primary election.

8 5–904.

9 (a) This section does not apply if only one Governor and Lieutenant Governor
10 unit files a certificate of candidacy for the nomination of a political party for those
11 offices in a primary election.

12 (b) (1) If a candidate for Governor dies[, withdraws the candidacy,] or
13 becomes disqualified for any reason after the deadline for filing a certificate of
14 candidacy for a primary election under § 5–303 of this title, the remaining candidate
15 for Lieutenant Governor of that unit may:

16 (i) designate the Lieutenant Governor candidate as the
17 successor candidate for Governor and appoint a successor candidate for Lieutenant
18 Governor; or

19 (ii) designate a successor candidate for Governor.

20 (2) The names of any Governor and Lieutenant Governor candidate
21 unit that is designated under paragraph (1) of this subsection shall be listed jointly on
22 the primary election ballot.

23 (c) (1) The successor candidate for Governor designated by the
24 Lieutenant Governor candidate under subsection (b)(1)(ii) of this section, or the former
25 candidate for Lieutenant Governor who subsequently is designated as the candidate
26 for Governor together with the candidate appointed as the successor candidate for
27 Lieutenant Governor under subsection (b)(1)(i) of this section, each shall file a
28 certificate of candidacy with the State Board.

29 (2) The certificate of candidacy shall be filed:

30 (i) [by the fifth day following the withdrawal deadline specified
31 under § 5–502 of this title, if the former candidate for Governor files a certificate of
32 withdrawal;

33 (ii)] by the fifth day following the day of the death or
34 disqualification of the former candidate for Governor, if that former candidate dies or
35 is disqualified less than 45 days before the day of the primary election; or

1 [(iii)] (II) not later than 40 days before the day of the primary
2 election, if the former candidate for Governor dies or is disqualified 45 days or more
3 before the day of the primary election.

4 (3) A certificate of candidacy may not be filed under subsection
5 (c)(2)(ii) of this section less than 10 days before the day of the primary election.

6 (d) If the death or disqualification of a former candidate for Governor occurs
7 less than 10 days before the day of the primary election, the existing Governor and
8 Lieutenant Governor unit whose filing is complete:

9 (1) shall remain on the ballot; and

10 (2) if nominated, a vacancy in the office of Governor shall be declared
11 and filled under § 5–1005 of this title as if the death or disqualification had occurred
12 after the primary election.

13 5–905.

14 (a) If only a single Governor and Lieutenant Governor unit files for the
15 nomination of a political party, and the candidate for Governor dies[, withdraws the
16 candidacy,] or is disqualified for any reason after the filing deadline specified under §
17 5–303 of this article, the remaining candidate for Lieutenant Governor is disqualified.

18 (b) (1) In the event of a vacancy in nomination under subsection (a) of this
19 section, the State central committee of the political party to which the candidates
20 belong shall select a successor candidate for Governor.

21 (2) The State central committee shall make its selection by the 10th
22 day following the death[, withdrawal,] or disqualification of the gubernatorial
23 candidate.

24 (3) The candidate disqualified for the office of Lieutenant Governor
25 under subsection (a) of this section is eligible to be chosen as the successor candidate
26 for Governor.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2009.