

HOUSE BILL 589

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9lr0715

By: **Delegates Ivey, Ali, Cardin, Gilchrist, Ramirez, Rice, Ross, ~~and Walker~~
Walker, Howard, Stukes, Kaiser, Barve, Hixson, Elmore, Myers,
Murphy, Frick, and F. Turner**

Introduced and read first time: February 6, 2009

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 3, 2009

CHAPTER _____

1 AN ACT concerning

2 **Election Law – ~~Request for Change of Party Affiliation – Deadline and~~
3 Nomination by Petition – Requirements**

4 FOR the purpose of altering the deadline for requesting a change of party affiliation to
5 coincide with the deadline for registering to vote for an election; altering the
6 date on which the number of petition signatures required for a candidate to be
7 nominated by petition is determined; making conforming changes; and
8 generally relating to ~~the deadline for requesting a~~ requirements concerning
9 change of party affiliation and nomination by petition.

10 BY repealing and reenacting, without amendments,

11 Article – Election Law

12 Section 3–302

13 Annotated Code of Maryland

14 (2003 Volume and 2008 Supplement)

15 BY repealing and reenacting, with amendments,

16 Article – Election Law

17 Section 3–303 and 5–703(e)

18 Annotated Code of Maryland

19 (2003 Volume and 2008 Supplement)

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

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 **Article - Election Law**

2 3-302.

3 (a) Registration is closed beginning at 9 p.m. on the 21st day preceding an
4 election until the 11th day after that election.5 (b) A voter registration application received when registration is closed shall
6 be accepted and retained by a local board, but the registration of the applicant does
7 not become effective until registration reopens.8 (c) A voter registration application that is received by the local board after
9 the close of registration shall be considered timely received for the next election
10 provided:11 (1) there is sufficient evidence, as determined by the local board
12 pursuant to regulations adopted by the State Board, that the application was mailed
13 on or before registration was closed for that election; or14 (2) the application was submitted by the voter to the Motor Vehicle
15 Administration, a voter registration agency, another local board, or the State Board
16 prior to the close of registration.

17 3-303.

18 (a) [Except as provided in subsections (b) and (c) of this section, a] **A** local
19 board, at the signed request of a registered voter, shall change that voter's party
20 affiliation, or change the voter to or from a decline, at any time that registration is
21 open.22 (b) [(1) Except as provided in paragraph (2) of this subsection, party
23 affiliation may not be changed:24 (i) from 9 p.m. on the Monday, or the next regular business day
25 if the Monday is a legal holiday, that is 12 weeks before the day on which a primary
26 election is to be held under § 8-201 of this article, until and including the day on
27 which the registration reopens after the primary election is held; and28 (ii) from and including the day of issuance of a gubernatorial
29 proclamation calling a special election, pursuant to § 8-710 of this article, or from 5
30 p.m. on the next regular business day if the day of issuance is a legal holiday, until
31 and including the day on which that special election is held.32 (2) If a voter requests a party affiliation change during a period
33 specified in paragraph (1) of this subsection, the local board shall make the change if]
34 **IF A LOCAL BOARD RECEIVES A REQUEST FOR A PARTY AFFILIATION CHANGE**

1 AFTER THE CLOSE OF REGISTRATION, THE LOCAL BOARD SHALL MAKE THE
2 CHANGE AND IT SHALL BECOME EFFECTIVE FOR THE NEXT ELECTION
3 PROVIDED:

4 [(i)] (1) there is sufficient evidence, as determined by the local
5 boards pursuant to regulations adopted by the State Board, that the request was
6 mailed [before the beginning of the period specified in paragraph (1) of this
7 subsection] **ON OR BEFORE REGISTRATION WAS CLOSED FOR THAT ELECTION**; or

8 [(ii)] (2) the request was submitted by the voter to the Motor
9 Vehicle Administration, a voter registration agency, another local board, or the State
10 Board [before the beginning of the period specified in paragraph (1) of this subsection]
11 **PRIOR TO THE CLOSE OF REGISTRATION FOR THAT ELECTION.**

12 [(c) If a registered voter has moved from one county to another within the
13 State since the last general election, the voter may change party affiliation or change
14 to or from a decline, one time only, during a period specified in subsection (b)(1) of this
15 section.

16 (d) An individual whose registration has been canceled at the individual's
17 request within a period specified in subsection (b) of this section may not reregister in
18 the same county during the same period with a party affiliation or nonaffiliation
19 different from the previous registration.]

20 5-703.

21 (e) (1) A candidate who seeks nomination by petition may not have the
22 candidate's name placed on the general election ballot unless the candidate files with
23 the appropriate board petitions signed by not less than 1% of the total number of
24 registered voters who are eligible to vote for the office for which the nomination by
25 petition is sought, except that the petitions shall be signed by at least 250 registered
26 voters who are eligible to vote for the office.

27 (2) The petitions shall be filed as required in Title 6 of this article.

28 (3) The number of registered voters required to satisfy the
29 requirements of paragraph (1) of this section shall be determined as of [the deadline
30 for changing party affiliation before] **JANUARY 1 OF THE YEAR OF** the primary
31 election for which the nomination is sought.

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