

HOUSE BILL 1391

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9lr0118

By: **Chair, Ways and Means Committee (By Request - Departmental - Elections, State Board of)**

Introduced and read first time: February 25, 2009

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law - Candidates - Challenges to Qualifications**

3 FOR the purpose of providing that a registered voter who is a resident of the district or
4 other geographic area in which a candidate is seeking office may file a petition
5 in a certain court to challenge the candidate's qualification; providing that, if
6 the petition involves a challenge to a candidate for an office to be filled by a
7 special election, the petition must be filed within a certain time period; and
8 generally relating to challenges to the qualifications of certain candidates for
9 office.

10 BY repealing and reenacting, with amendments,
11 Article - Election Law
12 Section 5-305
13 Annotated Code of Maryland
14 (2003 Volume and 2008 Supplement)

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

17 **Article - Election Law**

18 5-305.

19 (a) This section applies only to a petition that will affect the right of a
20 candidate to have the candidate's name appear on the ballot in a primary or general
21 election.

22 (b) A registered voter who is a resident of the district or other geographic
23 area in which a candidate is seeking office may file a petition with the circuit court for
24 that district or geographic area to challenge:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) the candidate's residency as provided in § 5-202 of this title; **OR**

2 (2) **THE QUALIFICATIONS OF THE CANDIDATE FOR THAT OFFICE**
3 **ESTABLISHED BY LAW AND, IN THE CASE OF PARTY OFFICE, BY PARTY**
4 **CONSTITUTION OR BYLAWS.**

5 (c) (1) [The] **EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS**
6 **SECTION, THE** petition must be filed:

7 (i) if the petition involves a challenge to a candidate for an
8 office that is to be contested at an election in the year that there is not a presidential
9 election, no later than 9 weeks before that election; or

10 (ii) if the petition involves a challenge to a candidate for an
11 office that is to be contested at an election in the year of a presidential election, no
12 later than 11 weeks before that election.

13 (2) Judicial review of any petition that is filed under subsection (b) of
14 this section shall be expedited by the circuit court that hears the cause to the extent
15 necessary in consideration of the deadlines established by law, and in no case, longer
16 than 7 days from the date the petition is filed.

17 **(D) IF THE PETITION INVOLVES A CHALLENGE TO A CANDIDATE FOR AN**
18 **OFFICE TO BE FILLED BY A SPECIAL ELECTION, THE PETITION MUST BE FILED**
19 **NOT LATER THAN 1 WEEK AFTER THE DATE OF THE CANDIDATE FILING**
20 **DEADLINE SPECIFIED BY THE GOVERNOR IN THE PROCLAMATION.**

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