

# HOUSE BILL 1562

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CF SB 947

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By: **Delegates Carter, George, Dwyer, McConkey, Schuh, and Weldon**

Rules suspended

Introduced and read first time: March 12, 2009

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Elections – New Political Party – Petition Signatures**

3 FOR the purpose of altering the number of signatures required to be included in a  
4 petition to form a new political party; and generally relating to forming a new  
5 political party.

6 BY repealing and reenacting, with amendments,  
7 Article – Election Law  
8 Section 4–102  
9 Annotated Code of Maryland  
10 (2003 Volume and 2008 Supplement)

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

13 **Article – Election Law**

14 4–102.

15 (a) Any group of registered voters may form a new political party by:

16 (1) filing with the State Board on the prescribed form a petition  
17 meeting the requirements of subsection (b) of this section and of Title 6 of this article;  
18 and

19 (2) adopting and filing an interim constitution and bylaws in  
20 accordance with subsection (e) of this section.

21 (b) (1) The petition shall state:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) the partisan organization's intent to organize a State  
2 political party;

3 (ii) the name of the partisan organization;

4 (iii) the name and signature of the State chairman of the  
5 partisan organization; and

6 (iv) the names and addresses of 25 registered voters, including  
7 the State chairman, who shall be designated as constituting the initial governing body  
8 of the partisan organization.

9 (2) (i) Appended to the petition shall be papers bearing the  
10 signatures of at least [10,000] **5,000** registered voters who are eligible to vote in the  
11 State as of the first day of the month in which the petition is submitted.

12 (ii) Signatures on the petition must have been affixed to the  
13 petition not more than 2 years before the filing date of the last qualifying signature.

14 (c) (1) Except as provided in paragraph (2) of this subsection, a petition  
15 for the formation of a new political party, or any additional signatures to a petition,  
16 may be filed at any time.

17 (2) A petition for the formation of a new political party, or any  
18 additional signatures to a petition, may be filed:

19 (i) in the year of an election at which the President is elected  
20 except:

21 1. during the period of time that registration is closed  
22 before and after a primary election in accordance with § 3-302(a) of this article; and

23 2. after the first Monday in August until registration  
24 reopens after the general election in accordance with § 3-302(a) of this article;

25 (ii) in the year of an election at which the Governor is elected,  
26 except after the first Monday in August until registration reopens after the general  
27 election in accordance with § 3-302(a) of this article; or

28 (iii) when a special primary election and a special election are  
29 proclaimed by the Governor in accordance with § 8-710 of this article except:

30 1. after the fifth Monday before the special primary  
31 election through the tenth day following the special primary election; and

32 2. after the fifth Monday before the special election  
33 through the fifteenth day following the special election.

1 (d) (1) (i) If the petition is certified under Title 6 of this article, the  
2 State Board shall promptly notify the State chairman of the partisan organization.

3 (ii) Upon the filing of a constitution and bylaws with the State  
4 Board by a partisan organization in accordance with subsection (e) of this section, the  
5 State Board shall:

6 1. review the constitution and bylaws to determine  
7 whether the constitution and bylaws meet the requirements of subsection (e) of this  
8 section; and

9 2. if the constitution and bylaws meet the requirements  
10 of subsection (e) of this section, promptly notify the partisan organization designated  
11 in the petition that it is considered a State political party for the purposes of this  
12 article.

13 (2) If the petition does not meet the requirements of this section and of  
14 Title 6 of this article:

15 (i) the State Board shall declare the petition insufficient;

16 (ii) the partisan organization is not a State political party for  
17 the purposes of this article; and

18 (iii) the State Board shall promptly notify the State chairman of  
19 the partisan organization.

20 (e) (1) The constitution and bylaws of a new political party shall:

21 (i) comply with the requirements of § 4–204 of this title; and

22 (ii) be adopted by the individuals designated in the petition as  
23 the initial governing body at an organizational meeting held within 90 days after the  
24 date of the filing of the last qualifying signature on its petition.

25 (2) The individual designated in the petition as the State chairman of  
26 the political party shall convene the organizational meeting under paragraph (1)(ii) of  
27 this subsection and shall preside as president pro tem of the meeting until party  
28 officers are elected.

29 (f) Unless a new political party is required to hold a primary election to  
30 nominate its candidates under Title 8 of this article, the new political party may  
31 nominate its candidates in accordance with the constitution and by-laws adopted by  
32 the political party and submitted to the State Board.

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