

# SENATE BILL 872

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By: **Senator Zirkin**

Introduced and read first time: February 6, 2009

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Election Law - Candidate for Judge of the Circuit Court - Filing**  
3 **Requirements**

4 FOR the purpose of requiring a candidate for the office of judge of the circuit court who  
5 seeks nomination by petition to file a certain declaration of intent by a certain  
6 date; requiring a candidate for the office of judge of the circuit court who seeks  
7 nomination by a political party not required to nominate candidates by party  
8 primary to file a certain declaration of intent by a certain date; and generally  
9 relating to the time for filing a certain declaration of intent by certain  
10 candidates for the office of judge of the circuit court.

11 BY repealing and reenacting, without amendments,  
12 Article - Election Law  
13 Section 5-303(a) and 5-701  
14 Annotated Code of Maryland  
15 (2003 Volume and 2008 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article - Election Law  
18 Section 5-703 and 5-703.1  
19 Annotated Code of Maryland  
20 (2003 Volume and 2008 Supplement)

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

23 **Article - Election Law**

24 5-303.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

4 5-701.

5 Nominations for public offices that are filled by elections governed by this  
6 article shall be made:

7 (1) by party primary, for candidates of a principal political party;

8 (2) by petition, for candidates not affiliated with any political party; or

9 (3) in accordance with the constitution and by-laws of the political  
10 party, for candidates of a political party that does not nominate by party primary.

11 5-703.

12 (a) Except for a candidate for a nonpartisan county board of education, this  
13 section applies to any candidate for public office subject to this title.

14 (b) A candidate for a public office may be nominated by petition under this  
15 subtitle if the candidate is not affiliated with any political party.

16 (c) (1) A candidate for public office who seeks nomination by petition shall  
17 file a declaration of intent to seek nomination by petition.

18 (2) The declaration of intent shall be filed with the board at which the  
19 candidate files a certificate of candidacy under Subtitle 3 of this title.

20 (3) **[The] EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS**  
21 **SUBSECTION, THE** declaration of intent shall be filed as follows:

22 (i) in a year in which the Governor is elected or the Baltimore  
23 City municipal election is held, by the date and time specified for a candidate to file a  
24 certificate of candidacy;

25 (ii) in a year in which the President is elected, by July 1; and

26 (iii) for a special election to fill a vacancy for Representative in  
27 Congress, by the date and time specified for a candidate to file a certificate of  
28 candidacy in the Governor's proclamation.

29 **(4) A CANDIDATE FOR THE OFFICE OF JUDGE OF THE CIRCUIT**  
30 **COURT SHALL FILE A DECLARATION OF INTENT BY THE DATE AND TIME**  
31 **SPECIFIED FOR A CANDIDATE TO FILE A CERTIFICATE OF CANDIDACY.**

1            [(4)] (5)        A candidate who seeks nomination by petition may not be  
2 charged a fee for filing the declaration of intent.

3            (d)    (1)        A candidate for public office who seeks nomination by petition shall  
4 file a certificate of candidacy not later than 5 p.m. on the first Monday in August in  
5 the year of the general election for the office.

6            (2)        Except for the time of filing, the certificate of candidacy for a  
7 candidate who seeks nomination by petition shall comply with the requirements for a  
8 certificate of candidacy under Subtitle 3 of this title.

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

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

16            (3)        The number of registered voters required to satisfy the  
17 requirements of paragraph (1) of this section shall be determined as of the deadline for  
18 changing party affiliation before the primary election for which the nomination is  
19 sought.

20            (f)    (1)        Except as provided in paragraph (2) of this subsection, a petition  
21 that contains the required number of signatures specified under subsection (e)(1) of  
22 this section shall be filed with the appropriate board by 5 p.m. on the first Monday in  
23 August in the year in which the general election is held.

24            (2)        In a special election to fill a vacancy in the office of Representative  
25 in Congress, a petition that contains the required number of signatures shall be filed  
26 with the State Board by 5 p.m. on the day of the special primary election.

27 5-703.1.

28            (a)        Except for a candidate for a nonpartisan county board of education, this  
29 section applies to any candidate for public office subject to this title.

30            (b)        A candidate for a public office may be nominated by a political party  
31 under this subtitle if the political party is not required to nominate its candidates by  
32 party primary.

33            (c)    (1)        A candidate for public office who seeks political party nomination  
34 under this section shall file a declaration of intent to seek political party nomination.

35            (2)        The declaration of intent shall be filed with the board at which the  
36 candidate files a certificate of candidacy under Subtitle 3 of this title.

1           (3)    [The] **EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS**  
2 **SUBSECTION, THE** declaration of intent shall be filed as follows:

3                   (i)    in a year in which the Governor is elected, by the date and  
4 time specified for a candidate to file a certificate of candidacy;

5                   (ii)   in the year in which the President and Mayor of Baltimore  
6 City are elected, by July 1; and

7                   (iii)   for a special election to fill a vacancy:

8                           1.    for Representative in Congress, by the date and time  
9 specified in the Governor's proclamation for a candidate to file a certificate of  
10 candidacy; or

11                           2.    for a local public office, by the date and time specified  
12 in the county proclamation for a candidate to file a certificate of candidacy.

13                   **(4)    A CANDIDATE FOR THE OFFICE OF JUDGE OF THE CIRCUIT**  
14 **COURT SHALL FILE A DECLARATION OF INTENT BY THE DATE AND TIME**  
15 **SPECIFIED FOR A CANDIDATE TO FILE A CERTIFICATE OF CANDIDACY.**

16                   **[(4)] (5)**    A candidate who seeks nomination by political party may  
17 not be charged a fee for filing the declaration of intent.

18                   (d)    (1)    A candidate for public office who seeks nomination by political  
19 party shall file a certificate of candidacy not later than 5 p.m. on the first Monday in  
20 August in the year of the general election for the office.

21                           (2)    Except for the time of filing, the certificate of candidacy for a  
22 candidate who seeks nomination by political party shall comply with the requirements  
23 for a certificate of candidacy under Subtitle 3 of this title.

24                   (e)    A candidate for nomination by political party may not have the  
25 candidate's name placed on the general election ballot unless the candidate files with  
26 the appropriate board, on a form the State Board prescribes, a certificate of  
27 nomination signed by the officers of the political party.

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