

SENATE BILL 872

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9lr0530

By: **Senator Zirkin**

Introduced and read first time: February 6, 2009

Assigned to: Education, Health, and Environmental Affairs

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.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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:

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.

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.

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:

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.

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.