

**Department of Legislative Services**  
Maryland General Assembly  
2009 Session

**FISCAL AND POLICY NOTE**

House Bill 1391

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

Ways and Means

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

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This departmental bill specifies that a registered voter who is a resident of the district or other geographic area in which a candidate is seeking office may file a petition in circuit court to challenge the qualifications of the candidate for the office established by law and, in the case of party office, by party constitution or bylaws. The bill also specifies that if such a petition, or a petition to challenge whether a candidate meets any residency requirement for an office, involves a challenge to a candidate for an office to be filled by a special election, the petition must be filed not later than one week after the candidate filing deadline specified by the Governor in the proclamation declaring that the election be held.

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**Fiscal Summary**

**State Effect:** The bill is not expected to materially affect State finances.

**Local Effect:** The bill is not expected to materially affect local government finances.

**Small Business Effect:** The State Board of Elections has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

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**Analysis**

**Current Law:** A registered voter who is a resident of the district or other geographic area in which a candidate is seeking office may file a petition with the circuit court for that district or geographic area to challenge the candidate's residency. If the petition

involves a challenge to a candidate for an office contested at an election in the year that there is not a presidential election, the petition must be filed no later than nine weeks before the election. In a presidential election year, a petition must be filed no later than 11 weeks before an election. Judicial review of a petition must be expedited by the circuit court to the extent necessary in consideration of the deadlines established by law and in no case longer than seven days from the date the petition is filed.

Section 12-202(b) of the Election Law Article also specifies that a registered voter may seek judicial relief from any act or omission relating to an election, whether or not the election has been held, on the grounds that the act or omission (1) is inconsistent with State election laws and (2) may change or has changed the outcome of the election. Such judicial relief may be sought in the appropriate circuit court within the earlier of 10 days after the act or omission or the date the act or omission became known to the petitioner; or seven days after the election results are certified, unless the election was a gubernatorial primary or special primary election, in which case three days after the election results are certified.

**Background:** In 2006, a candidate for Attorney General was disqualified for the primary election, based on the qualification requirement that a candidate have practiced law in the State for 10 years, as a result of an action brought under § 12-202(b) of the Election Law Article.

**Exhibit 1** shows qualifications for State offices.

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**Exhibit 1**  
**Qualifications for State Offices**

<u>Office Sought</u>	<u>Age</u>	<u>State Citizen/Resident</u>	<u>District Resident</u>	<u>Additional Qualifications</u>
Governor	30	5 years		
Lt. Governor	30	5 years		
Comptroller				
Attorney General		10 years		Practiced law in MD for 10 years
State Senate	25	1 year	6 months	
House of Delegates	21	1 year	6 months	
Circuit Court Judge	30	5 years	6 months	Member – Maryland Bar

Source: State Board of Elections

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## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** State Board of Elections, Judiciary (Administrative Office of the Courts), Department of Legislative Services

**Fiscal Note History:** First Reader - March 16, 2009  
ncs/hlb

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Election Law – Candidates – Challenges to Qualifications

BILL NUMBER: HB 1391

PREPARED BY: State Board of Elections

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND  
SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND  
SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.