

# HOUSE BILL 791

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CF 2lr3052

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By: **Delegates Summers and George**

Introduced and read first time: February 9, 2012

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Declaration of Intent – Establishment of Campaign Finance**  
3 **Entity**

4 FOR the purpose of prohibiting an individual from filing a certain declaration of intent  
5 until the individual establishes a campaign finance entity; and generally  
6 relating to requiring the establishment of a campaign finance entity at the time  
7 of filing a declaration of intent.

8 BY repealing and reenacting, without amendments,  
9 Article – Election Law  
10 Section 5–703 and 5–703.1  
11 Annotated Code of Maryland  
12 (2010 Replacement Volume and 2011 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article – Election Law  
15 Section 13–202  
16 Annotated Code of Maryland  
17 (2010 Replacement Volume and 2011 Supplement)

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

20 **Article – Election Law**

21 5–703.

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

7 (3) The declaration of intent shall be filed as follows:

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

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

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

15 (4) A candidate who seeks nomination by petition may not be charged  
16 a fee for filing the declaration of intent.

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

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

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

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

30 (3) The number of registered voters required to satisfy the  
31 requirements of paragraph (1) of this subsection shall be determined as of January 1  
32 of the year of the primary election for which the nomination is sought.

33 (f) (1) Except as provided in paragraph (2) of this subsection, a petition  
34 that contains the required number of signatures specified under subsection (e)(1) of

1 this section shall be filed with the appropriate board by 5 p.m. on the first Monday in  
2 August in the year in which the general election is held.

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

6 5-703.1.

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

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

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

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

16 (3) The declaration of intent shall be filed as follows:

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

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

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

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

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

27 (4) A candidate who seeks nomination by political party may not be  
28 charged a fee for filing the declaration of intent.

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

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

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

8   13-202.

9           (a)    Unless otherwise expressly authorized by law, all campaign finance  
10 activity for an election under this article shall be conducted through a campaign  
11 finance entity.

12           (b)    An individual may not file a certificate of candidacy **OR A DECLARATION**  
13 **OF INTENT UNDER § 5-703 OR § 5-703.1 OF THIS ARTICLE** until the individual  
14 establishes, or causes to be established, an authorized political committee.

15           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 June 1, 2012.