

HOUSE BILL 791

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CF SB 1011

By: **Delegates Summers and George**

Introduced and read first time: February 9, 2012

Assigned to: Ways and Means

Committee Report: Favorable

House action: Adopted

Read second time: March 15, 2012

CHAPTER _____

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**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 5-703.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 5-703.1.

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 a political party
15 under this subtitle if the political party is not required to nominate its candidates by
16 party primary.

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

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

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

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

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

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

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

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

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

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

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

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

11 13-202.

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.