

SENATE BILL 1011

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2lr3052
CF HB 791

By: **Senator Jennings**

Introduced and read first time: February 20, 2012

Assigned to: Rules

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.

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.

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.