

# HOUSE BILL 396

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CF SB 204

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By: **Delegate Turner**

Introduced and read first time: February 6, 2015

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Primary Election Dates in the Presidential Election Year**

3 FOR the purpose of altering the date of the statewide primary election in the year in which  
4 the President of the United States is elected; altering the date of the primary election  
5 for municipal offices in Baltimore City in the year in which the President of the  
6 United States is elected; making certain conforming changes; clarifying certain  
7 provisions of law concerning the filling of certain vacancies in nomination; repealing  
8 an obsolete provision of law concerning the printing of certain ballots; and generally  
9 relating to primary election dates in the presidential election year and the  
10 nomination of candidates.

11 BY repealing and reenacting, with amendments,  
12 Article – Election Law  
13 Section 5–303(c), 5–703(c), 5–703.1(c), 5–801(b), 5–1002(b), 5–1003(b), 5–1004(b),  
14 6–210(e), 8–201, 8–502(c), 9–207(a), 9–215(a), and 13–309(a)  
15 Annotated Code of Maryland  
16 (2010 Replacement Volume and 2014 Supplement)

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

19 **Article – Election Law**

20 5–303.

21 (c) The certificate of candidacy for the election of a write-in candidate shall be  
22 filed by the earlier of:

23 (1) 7 days after a total expenditure of at least \$51 is made to promote the  
24 candidacy by a campaign finance entity of the candidate; or

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) 5 p.m. on the [Wednesday preceding the day of the election] **7TH DAY**  
2 **PRECEDING THE START OF EARLY VOTING** for which the certificate is filed.

3 5-703.

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

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

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

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

12 (ii) in a year in which the President is elected, by **[July 1] THE DATE**  
13 **AND TIME SPECIFIED FOR A CANDIDATE TO FILE A CERTIFICATE OF CANDIDACY**; and

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

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

19 5-703.1.

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

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

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

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

27 (ii) in the year in which the President and Mayor of Baltimore City  
28 are elected, by **[July 1] THE DATE AND TIME SPECIFIED FOR A CANDIDATE TO FILE A**  
29 **CERTIFICATE OF CANDIDACY**; and

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

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

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

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

7 5-801.

8           (b)    The certificate of declination shall be under oath and filed:

9                   (1)    with the board at which the certificate of candidacy was filed; and

10                   (2)   (i)    in the year of a gubernatorial election [or the year of an election  
11 for the Mayor of the City of Baltimore], within 2 days after the election results are certified;  
12 or

13                   (ii)   in the year of a presidential election, by the 70th day preceding  
14 the general election.

15 5-1002.

16           (b)   (1)   A vacancy in nomination that occurs because a nominee dies, declines  
17 the nomination, or is disqualified for any cause shall be filled by the State central  
18 committee of the political party to which the nominee belongs **BY THE 60TH DAY BEFORE**  
19 **THE GENERAL ELECTION.**

20                   (2)   [By the later of the 40th day before the general election or the fifth day  
21 following the death, declination, or disqualification of the former nominee:]

22                   (i)    [the] **THE** State central committee shall file a certificate of  
23 designation for the nominee with the State Board[; and].

24                   (ii)   [the] **THE** successor nominee designated by the State central  
25 committee under subparagraph (i) of this paragraph shall file a certificate of candidacy  
26 with the State Board.

27 5-1003.

28           (b)   (1)   A vacancy in nomination under this section that occurs because the  
29 nominee dies, withdraws the candidacy, or is disqualified for any reason shall be filled by:

30                   (i)    a vote of the central committees of the political party in each of  
31 the counties included in the district of that nominee; or

1 (ii) a State central committee for a nonprincipal political party that  
2 does not have local central committees.

3 (2) The central committee of each county shall cast a vote that is  
4 proportionate to its share of the population in that district as reported in the most recent  
5 decennial census of the United States and promptly notify its State central committee of  
6 the results of its vote.

7 (3) (i) If no person receives a majority of the votes cast under paragraph  
8 (2) of this subsection, or if there is a tie vote by the central committees, the vacancy in  
9 nomination shall be filled by the State central committee.

10 (ii) In the event of a tie vote, the nominee selected by the State  
11 central committee shall be one of the candidates involved in the tie.

12 (4) [By the later of the 40th day before the general election or the fifth day  
13 following] **FOLLOWING** the death, declination, or disqualification of the nominee, **BY THE**  
14 **60TH DAY BEFORE THE GENERAL ELECTION:**

15 (i) the State central committee shall file a certificate of designation  
16 for the nominee with the State Board; and

17 (ii) the successor nominee designated by the State central committee  
18 under subparagraph (i) of this paragraph shall file a certificate of candidacy with the State  
19 Board.

20 5–1004.

21 (b) If a nominee for an office that is entirely in one county dies, declines the  
22 nomination, becomes disqualified, or gains a tie vote with another candidate in a primary  
23 election, the vacancy in nomination shall be filled by [the later of:

24 (1) the 40th day before the general election; or

25 (2) the fifth day following the death, declination, or disqualification of the  
26 nominee] **THE 60TH DAY BEFORE THE GENERAL ELECTION.**

27 6–210.

28 (e) (1) Except as provided in paragraph (2) of this subsection, any judicial  
29 review of a determination, as provided in § 6–209 of this subtitle, shall be sought by the  
30 [10th] **2ND** day following the determination to which it relates.

1 (2) If the petition seeks to place the name of an individual or a question on  
2 the ballot at any election, judicial review shall be sought by the day specified in paragraph  
3 (1) of this subsection or the 63rd day preceding that election, whichever day is earlier.

4 8–201.

5 (a) (1) There shall be a statewide primary election in every even-numbered  
6 year.

7 (2) A primary election shall be held:

8 (i) in the year in which the Governor is elected, on the last Tuesday  
9 in June; and

10 (ii) in the year in which the President of the United States is elected,  
11 on the [first] **SECOND** Tuesday in April.

12 (b) In Baltimore City, there shall be a primary election for municipal offices on  
13 the [first] **SECOND** Tuesday in April in the year in which the President of the United States  
14 is elected.

15 8–502.

16 (c) (1) The Secretary of State shall certify to the State Board the names of  
17 candidates for nomination by a principal political party [during the period beginning 90  
18 days before the primary election and ending 80] **NO LATER THAN 90** days before the  
19 primary election.

20 (2) The Secretary of State shall certify the name of a presidential candidate  
21 on the ballot when the Secretary has determined, in the Secretary's sole discretion and  
22 consistent with party rules, that the candidate's candidacy is generally advocated or  
23 recognized in the news media throughout the United States or in Maryland, unless the  
24 candidate executes and files with the Secretary of State an affidavit stating without  
25 qualification that the candidate is not and does not intend to become a candidate for the  
26 office in the Maryland primary election.

27 9–207.

28 (a) The State Board shall certify the content and arrangement of each ballot:

29 (1) for a primary election, [no more than 11 days after the filing date  
30 provided in § 5–303 of this article] **AT LEAST 55 DAYS BEFORE THE ELECTION**;

31 (2) for a general election, at least 55 days before the election;

32 (3) for a special primary election, at least 18 days before the election; and

1 (4) for a special general election, not later than a date specified in the  
2 Governor's proclamation.

3 9–215.

4 (a) Each ballot shall be printed:

5 (1) in plain, clear type in black ink; **AND**

6 (2) on material of the size and arrangement that is required to fit the needs  
7 of the voting system[]; and

8 (3) (i) in a general election, on clear white material; or

9 (ii) in a primary election, on material of a different color for voters of  
10 each political party and for voters not affiliated with a political party that nominates its  
11 candidates by primary election].

12 13–309.

13 (a) Subject to other provisions of this subtitle and except as provided in subsection  
14 (d) of this section, a campaign finance entity shall file campaign finance reports as follows:

15 (1) **IN THE GUBERNATORIAL ELECTION YEAR ONLY**, except for a ballot  
16 issue committee, on or before the third Tuesday in April, if the campaign finance entity did  
17 not file the annual campaign finance report specified under subsection (b)(2) of this section  
18 on the immediately preceding third Wednesday in January;

19 (2) except for a ballot issue committee, on or before the fifth Tuesday  
20 immediately preceding each primary election;

21 (3) except for a ballot issue committee, on or before the second Friday  
22 immediately preceding a primary election;

23 (4) on or before the last Tuesday in August immediately preceding a  
24 general election;

25 (5) for a ballot issue committee only, on or before the fourth Friday  
26 immediately preceding a general election;

27 (6) on or before the second Friday immediately preceding a general  
28 election; and

29 (7) on or before the second Tuesday after a general election.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2015.