

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 760 (Senator Madaleno)
Education, Health, and Environmental Affairs

**Municipalities - Municipal Elections - Regulations Governing Write-In
Candidates**

This bill requires a municipality, if the municipality's charter allows for write-in candidates in municipal elections, to adopt regulations governing deadlines for the filing of declarations of candidacy and ethics forms by write-in candidates in municipal elections. The adopted regulations may not set deadlines that are less than seven days before a municipal election.

The bill takes effect January 1, 2017.

Fiscal Summary

State Effect: The bill does not directly affect State finances.

Local Effect: The bill's requirement can be handled by municipalities with existing resources.

Small Business Effect: None.

Analysis

Current Law/Background: State election law governs State, county, and Baltimore City elections held during statewide elections every two years, but generally does not govern municipal elections other than those in Baltimore City (which is considered a "county" for purposes of State law). Most State- and county-level offices are voted on during the gubernatorial elections, with a smaller number of offices, including Baltimore City offices (beginning in 2016), voted on during the presidential election. Elections for offices in

municipalities other than Baltimore City are held at various times during the year with varying frequency.

Under State election law, “write-in candidate” is defined as an individual whose name will not appear on the ballot but who timely files a certificate of candidacy. “Write-in vote” means a vote cast, in a contest at a general election, for an individual whose name is not on the ballot for that contest. A voter may not cast a write-in vote in a primary election but may write in a name for any office in any general election or special general election. An individual who seeks election as a write-in candidate must file a certificate of candidacy by the earlier of 5 p.m. on the seventh day before the start of early voting for which the certificate is filed or 7 days after a total expenditure of at least \$51 is made to promote the candidacy by a campaign finance entity of the candidate.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State Board of Elections, Maryland Municipal League, Department of Legislative Services

Fiscal Note History: First Reader - February 24, 2016
mel/hlb

Analysis by: Scott D. Kennedy

Direct Inquiries to:
(410) 946-5510
(301) 970-5510