

SENATE BILL 1004

G1

9lr3252

By: **Senators Pinsky and Jennings**

Introduced and read first time: February 22, 2019

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Election Calendar and Processes – Revisions**

3 FOR the purpose of altering the date by which the Clerk of the Court of Appeals and the
4 Clerk of the Court of Special Appeals are required to provide a certain notice to the
5 State Board of Elections; repealing the requirement that the Anne Arundel County
6 Board of Education provide a certain notice to the State Board; altering the deadline
7 for the filing of a certain certificate of candidacy; altering the deadline for the filing
8 of a certain petition to challenge a certain candidate's residency; requiring that
9 certain judicial proceedings be conducted in a certain manner; requiring the Court
10 of Appeals to give priority to hear and decide certain appeals in a certain manner;
11 altering the deadline for the filing of a certificate of withdrawal of candidacy; altering
12 the deadline for the filing of a certificate of declination; requiring that the name of a
13 certain individual appear on a certain ballot except under certain circumstances;
14 applying certain provisions of law regarding a vacancy in candidacy for a primary
15 election to a vacancy that occurs because of the death, disqualification, or withdrawal
16 of an unopposed candidate; requiring the vote cast by a certain central committee in
17 the filling of a certain vacancy in candidacy or nomination to be the share of the total
18 registered voters of a certain district as reported in a certain report of the State
19 Board, rather than of the population of the district as reported in a certain census;
20 altering the deadline for the filing of a certificate of designation of candidacy by a
21 certain central committee under certain circumstances; altering the deadline by
22 which the State central committee is required to fill a certain vacancy in candidacy;
23 altering the deadline by which a certain successor nominee must file a certificate of
24 candidacy with the State Board; altering the deadline by which a certain vacancy in
25 nomination must be filled for certain elections; repealing the requirement that a
26 certain local board change the ballots and take appropriate measures to notify the
27 voters of certain information under certain circumstances; altering the deadlines by
28 which certain election officials must make certain certifications; altering the
29 deadline by which judicial review of a certain determination must be sought; altering
30 the deadline by which judicial review of a certain petition must be sought; altering
31 the deadlines by which certain information regarding certain ballot questions is

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 required to be prepared and certified; repealing the requirement that certain local
 2 boards provide a copy of certain questions to the State Board; providing that certain
 3 information may be prepared before a certain petition is certified under a certain
 4 provision of law; altering the deadline by which a certain petition relating to a certain
 5 question must be filed with a certain entity; altering the deadline by which the
 6 Secretary of State must certify the names of certain candidates for nomination by a
 7 principal political party for a certain election; altering the deadline by which a
 8 certain candidate must file a certain petition; altering the deadline by which the
 9 State Board must certify and publicly display the content and arrangement of certain
 10 ballots; repealing the requirement that the State Board publicly display certain
 11 ballots within a certain period of time after certification; altering the number of days
 12 after which the State Board may begin printing ballots under certain circumstances;
 13 authorizing the State Administrator of Elections, instead of a local board, to
 14 implement a change in how a voter may cast a valid ballot under certain
 15 circumstances; repealing the requirement that a local board reprint ballots under
 16 certain circumstances or affix stickers to ballots under certain circumstances;
 17 requiring the State Administrator, rather than the local board, to notify certain
 18 candidates regarding certain changes or corrections affecting the ballot under
 19 certain circumstances; authorizing certain persons to take certain actions to correct
 20 an administrative error on a ballot; altering the deadline by which a certain voter
 21 may seek judicial review to require the correction of an administrative error under
 22 certain circumstances; making a stylistic change; and generally relating to revisions
 23 of the election calendar and processes.

24 BY repealing and reenacting, with amendments,

25 Article – Election Law

26 Section 5–301, 5–303, 5–305, 5–502, 5–801, 5–901, 5–1002, 5–1003, 5–1004(b),
 27 6–209, 6–210, 7–103(c), 7–104, 8–502(c) and (d), 9–207, 9–208, and 9–209

28 Annotated Code of Maryland

29 (2017 Replacement Volume and 2018 Supplement)

30 BY repealing

31 Article – Election Law

32 Section 5–1204

33 Annotated Code of Maryland

34 (2017 Replacement Volume and 2018 Supplement)

35 BY repealing and reenacting, without amendments,

36 Article – Election Law

37 Section 7–103(b)

38 Annotated Code of Maryland

39 (2017 Replacement Volume and 2018 Supplement)

40 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

41 That the Laws of Maryland read as follows:

42 **Article – Election Law**

1 5-301.

2 (a) An individual may become a candidate for a public or party office only if:

3 (1) the individual files a certificate of candidacy in accordance with this
4 subtitle; and

5 (2) the individual does not file a certificate of withdrawal under Subtitle 5
6 of this title.

7 (b) The appropriate board shall determine whether an individual filing a
8 certificate of candidacy meets the requirements of this article, including:

9 (1) the voter registration and party affiliation requirements under Subtitle
10 2 of this title; and

11 (2) the campaign finance reporting requirements under Title 13 of this
12 article.

13 (c) (1) On the certificate of candidacy, a candidate shall designate how the
14 candidate's name is to appear on the ballot.

15 (2) Except as provided in paragraph (3) of this subsection, a candidate shall
16 file a certificate of candidacy in which the candidate lists any given name, an initial letter
17 of any other given name, and surname.

18 (3) A candidate may file a certificate of candidacy in a name different than
19 that specified under paragraph (2) of this subsection if the candidate files an affidavit,
20 under penalties of perjury, attesting that the candidate is generally known by that other
21 name in:

22 (i) press accounts concerning the candidate, if any; or

23 (ii) if press accounts do not exist, the candidate's everyday
24 encounters with members of the community.

25 (4) Except for the use of quotation marks to enclose a portion of a name,
26 the use of symbols, titles, degrees, or other professional designations on a certificate of
27 candidacy is prohibited.

28 (d) A candidate who seeks nomination by petition shall file a certificate of
29 candidacy as provided in § 5-703 of this title.

30 (e) A write-in candidate shall file a certificate of candidacy as provided under this
31 subtitle.

1 (f) (1) (i) On or before **THE FIRST MONDAY IN** August [31] in the year in
2 which a judge of the Court of Appeals must stand for continuance in office, the Clerk of the
3 Court of Appeals shall provide written notice to the State Board of the name of the judge
4 that is to be placed on the ballot at the next succeeding general election together with the
5 identification of the judicial circuit from which the qualified voters of that circuit may cast
6 a vote for the judge's continuance in office.

7 (ii) On or before **THE FIRST MONDAY IN** August [31] in the year in
8 which a judge of the Court of Special Appeals must stand for continuance in office, the Clerk
9 of the Court of Special Appeals shall provide written notice to the State Board of the name
10 of the judge that is to be placed on the ballot at the next succeeding general election together
11 with:

12 1. the identification of the judicial circuit from which the
13 qualified voters of that circuit may cast a vote for the judge's continuance in office; or

14 2. a statement that the voters of the entire State may cast a
15 vote for the judge's continuance in office.

16 (2) An incumbent judge of the Court of Appeals or Court of Special Appeals
17 is not required to file a certificate of candidacy for an election for continuance in office.

18 (g) (1) A candidate for President or Vice President of the United States
19 nominated by a national party convention is not required to file a certificate of candidacy
20 under this section.

21 (2) If more than one written notice naming different presidential and vice
22 presidential nominees is provided to the State Board by persons purporting to be the
23 presiding officer of the same party convention, the State Board shall require the chairman
24 of the State party to provide written reaffirmation of the party's nominees within 5 days
25 after the State Board's demand.

26 [(h) (1) On or before August 31 in the year in which a member of the Anne
27 Arundel County Board of Education must stand for continuance in office, the Anne Arundel
28 County Board of Education shall provide written notice to the State Board of the name of
29 the member that is to be placed on the ballot at the next succeeding general election.

30 (2) An incumbent member of the Anne Arundel County Board of Education
31 is not required to file a certificate of candidacy for an election for continuance in office.]

32 5-303.

33 (a) Except as provided in subsections (b) and (c) of this section:

34 (1) in the year in which the Governor is elected, a certificate of candidacy
35 shall be filed not later than 9 p.m. on the last Tuesday in February in the year in which the
36 primary election will be held; and

1 (2) for any other regularly scheduled election, a certificate of candidacy
2 shall be filed not later than 9 p.m. on the [Wednesday that is 83 days] **95TH DAY** before
3 the day on which the primary election will be held.

4 (b) A certificate of candidacy for an office to be filled by a special election under
5 this article shall be received and filed in the office of the appropriate board not later than
6 5 p.m. on the Monday that is 3 weeks or 21 days prior to the date for the special primary
7 election specified by the Governor in the proclamation for the special primary election.

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

10 (1) 7 days after a total expenditure of at least \$51 is made to promote the
11 candidacy by a campaign finance entity of the candidate; or

12 (2) 5 p.m. on the 7th day preceding the start of early voting for which the
13 certificate is filed.

14 5-305.

15 (a) This section applies only to a petition that will affect the right of a candidate
16 to have the candidate's name appear on the ballot in a primary or general election.

17 (b) A registered voter who is a resident of the district or other geographic area in
18 which a candidate is seeking office may file a petition with the circuit court for that district
19 or geographic area to challenge the candidate's residency as provided in § 5-202 of this
20 title.

21 (c) **[(1)]** The petition must be filed **[9]** **15** days after the filing dates provided in
22 § 5-303 of this subtitle and §§ 5-703(c) and 5-703.1(c) of this title **FOR WHICH THE**
23 **CANDIDATE FILED A CERTIFICATE OF CANDIDACY.**

24 **[(2)] (D) (1)** Judicial review of any petition that is filed under
25 subsection (b) of this section shall be expedited by the circuit court that hears the cause to
26 the extent necessary in consideration of the deadlines established by law, and in no case
27 longer than 7 days from the date the petition is filed.

28 **(2) A JUDICIAL PROCEEDING UNDER THIS SECTION SHALL BE**
29 **CONDUCTED IN ACCORDANCE WITH THE MARYLAND RULES, EXCEPT THAT:**

30 **(I) THE CASE SHALL BE HEARD AND DECIDED WITHOUT A JURY**
31 **AND AS EXPEDITIOUSLY AS THE CIRCUMSTANCES REQUIRE; AND**

32 **(II) AN APPEAL SHALL BE TAKEN DIRECTLY TO THE COURT OF**
33 **APPEALS WITHIN 5 DAYS AFTER THE DATE OF THE DECISION OF THE CIRCUIT**

1 COURT.

2 (3) THE COURT OF APPEALS SHALL GIVE PRIORITY TO HEAR AND
3 DECIDE AN APPEAL BROUGHT UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION AS
4 EXPEDITIOUSLY AS THE CIRCUMSTANCES REQUIRE.

5 5–502.

6 (a) Subject to § 5–402 of this title, an individual who has filed a certificate of
7 candidacy may withdraw the candidacy by filing a certificate of withdrawal on the form
8 prescribed by the State Board within [2] 10 days after the filing date established under §
9 5–303 of this title.

10 (b) An individual who has filed a certificate of candidacy for the special election
11 to fill a vacancy for Representative in Congress may withdraw the certificate on the
12 prescribed form within 2 days after the filing date established in the proclamation issued
13 by the Governor.

14 5–801.

15 (a) A nominee may decline the nomination by filing a certificate of declination on
16 the prescribed form.

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

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

19 (2) (i) in the year of a gubernatorial election, by the [70th day] FIRST
20 TUESDAY IN AUGUST IMMEDIATELY preceding the general election; or

21 (ii) in the year of a presidential election, by the [70th day] FIRST
22 TUESDAY IN AUGUST IMMEDIATELY preceding the general election.

23 (c) If a certificate of declination is filed under this section:

24 (1) the certificate of nomination to which the certificate of declination
25 relates is void;

26 (2) a vacancy in nomination is created to be filled in accordance with the
27 provisions of Subtitle 10 of this title;

28 (3) the name of the individual who declined the nomination may not appear
29 on the ballot unless the individual is selected to fill that vacancy; and

30 (4) the filing fee for the certificate of candidacy of that individual may not
31 be refunded.

1 (D) THE NAME OF EACH INDIVIDUAL WHO DOES NOT DECLINE A
2 NOMINATION SHALL APPEAR ON THE GENERAL ELECTION BALLOT UNLESS, BY THE
3 85TH DAY PRECEDING THE GENERAL ELECTION, THE INDIVIDUAL'S DEATH OR
4 DISQUALIFICATION IS KNOWN TO THE BOARD WITH WHICH THE CERTIFICATE OF
5 CANDIDACY WAS FILED.

6 5-901.

7 (a) This section does not apply to a vacancy in nomination in the office of a
8 Governor and Lieutenant Governor unit.

9 (b) This section applies to a vacancy in candidacy for a primary election that
10 occurs because:

11 (1) OF THE DEATH, DISQUALIFICATION, OR WITHDRAWAL OF AN
12 UNOPPOSED CANDIDATE; OR

13 (2) no candidate for the political party files a certificate of candidacy for
14 the election.

15 (c) (1) Except for a vacancy in candidacy for the election of a member of the
16 Senate of Maryland or the House of Delegates as provided in paragraph (2) of this
17 subsection, the vacancy in candidacy for a political party that is entitled to have a candidate
18 on the ballot for an office elected by the voters of more than one county shall be filled by
19 the State central committee or governing body of that political party.

20 (2) (i) In a State legislative district or a State delegate district
21 comprising more than one county, a vacancy in candidacy for a political party that is
22 entitled to have a candidate on the ballot shall be filled by a vote of the central committee
23 in the counties in the district.

24 (ii) In filling the vacancy in candidacy under subparagraph (i) of this
25 paragraph, the central committee of each county where the vacancy occurs shall cast a vote
26 proportionate to its share of the [population] **TOTAL REGISTERED VOTERS** of the district
27 as reported in the most recent [decennial census of the United States] **STATISTICAL**
28 **REPORT BY THE STATE BOARD.**

29 (iii) If no person receives a majority of the votes cast under
30 subparagraph (ii) of this paragraph, or if there is a tie vote by the central committees, the
31 vacancy in candidacy shall be filled by the State central committee of the political party.

32 (d) For any public or party office not described in subsection (c) of this section, a
33 vacancy in candidacy under this section shall be filled by the central committee of the
34 political party in the county in which the office is located.

1 (e) (1) A central committee authorized to fill a vacancy in candidacy for an
 2 office under this section **BECAUSE OF THE WITHDRAWAL OF AN UNOPPOSED**
 3 **CANDIDATE OR BECAUSE NO CANDIDATE FILED FOR THE OFFICE** shall file a certificate
 4 of designation of candidacy with the appropriate board designated to receive the certificate
 5 of candidacy for that office [5] 4 days after the [filing] **WITHDRAWAL** date provided in [§
 6 5-303] **§ 5-502** of this title.

7 (2) **A CENTRAL COMMITTEE AUTHORIZED TO FILL A VACANCY IN**
 8 **CANDIDACY FOR AN OFFICE UNDER THIS SECTION BECAUSE OF THE DEATH OR**
 9 **DISQUALIFICATION OF AN UNOPPOSED CANDIDATE SHALL FILE A CERTIFICATE OF**
 10 **DESIGNATION WITH THE APPROPRIATE BOARD DESIGNATED TO RECEIVE THE**
 11 **CERTIFICATE OF CANDIDACY FOR THAT OFFICE 4 DAYS AFTER THE DEATH OR**
 12 **DISQUALIFICATION BECOMES KNOWN TO THE APPLICABLE BOARD IN ACCORDANCE**
 13 **WITH § 5-504 OF THIS TITLE.**

14 (f) The individual designated by a central committee under subsection (e) of this
 15 section to fill a vacancy shall file a certificate of candidacy in accordance with Subtitle 3 of
 16 this title with the appropriate board by the date specified for the applicable central
 17 committee to file a certificate of designation under subsection (e) of this section.

18 5-1002.

19 (a) This section applies only to a nominee for statewide office, except for a
 20 Governor and Lieutenant Governor unit.

21 (b) (1) (I) A vacancy in nomination that occurs because a nominee [dies,]
 22 declines the nomination[, or is disqualified for any cause] shall be filled by the State central
 23 committee of the political party to which the nominee belongs by the [60th] **88TH** day before
 24 the general election.

25 (II) **A VACANCY IN NOMINATION THAT OCCURS BECAUSE A**
 26 **NOMINEE DIES OR IS DISQUALIFIED FOR ANY CAUSE SHALL BE FILLED BY THE STATE**
 27 **CENTRAL COMMITTEE OF THE POLITICAL PARTY TO WHICH THE NOMINEE BELONGS**
 28 **BY THE 81ST DAY BEFORE THE GENERAL ELECTION.**

29 (2) (i) The State central committee shall file a certificate of designation
 30 for the nominee with the State Board.

31 (ii) The successor nominee designated by the State central
 32 committee under subparagraph (i) of this paragraph shall file a certificate of candidacy
 33 with the State Board.

34 5-1003.

35 (a) This section applies to a vacancy in nomination for Representative in

1 Congress, State Senator, or member of the House of Delegates, if the district includes more
2 than one county.

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

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

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

9 (2) The central committee of each county shall cast a vote that is
10 proportionate to its share of the [population] **TOTAL REGISTERED VOTERS** in that district
11 as reported in the most recent [decennial census of the United States] **STATISTICAL**
12 **REPORT BY THE STATE BOARD** and promptly notify its State central committee of the
13 results of its vote.

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

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

19 (4) Following the [death,] declination[, or disqualification] of the nominee,
20 by the [60th] **88TH** day before the general election:

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

23 (ii) the successor nominee designated by the State central committee
24 under item (i) of this paragraph shall file a certificate of candidacy with the State Board.

25 **(5) FOLLOWING THE DEATH OR DISQUALIFICATION OF THE NOMINEE,**
26 **BY THE 81ST DAY BEFORE THE GENERAL ELECTION:**

27 **(I) THE STATE CENTRAL COMMITTEE SHALL FILE A**
28 **CERTIFICATE OF DESIGNATION FOR THE NOMINEE WITH THE STATE BOARD; AND**

29 **(II) THE SUCCESSOR NOMINEE DESIGNATED BY THE STATE**
30 **CENTRAL COMMITTEE UNDER ITEM (I) OF THIS PARAGRAPH SHALL FILE A**
31 **CERTIFICATE OF CANDIDACY WITH THE STATE BOARD.**

1 (b) (1) If a nominee for an office that is entirely in one county [dies,] declines
2 the nomination[, becomes disqualified,] or gains a tie vote with another candidate in a
3 primary election, the vacancy in nomination shall be filled by the [60th] 88TH day before
4 the general election.

5 (2) IF A NOMINEE FOR AN OFFICE THAT IS ENTIRELY IN ONE COUNTY
6 DIES OR BECOMES DISQUALIFIED, THE VACANCY IN NOMINATION SHALL BE FILLED
7 BY THE 81ST DAY BEFORE THE GENERAL ELECTION.

8 [5-1204.

9 (a) If a vacancy in candidacy is properly filled and certified to the appropriate
10 board within the time prescribed under this title and the State Administrator, in
11 consultation with the election director of the local board, determines that there is sufficient
12 time for the local board to change the ballots with the correct names, the local board shall
13 change the ballots.

14 (b) If a vacancy in candidacy is properly filled and certified to the appropriate
15 board within the time prescribed under this title, and the State Administrator, in
16 consultation with the election director of the local board, determines that there is not
17 sufficient time for the local board to change the ballots with the correct names, the local
18 board shall take appropriate measures to notify the voters of:

19 (1) the change in candidacy;

20 (2) the procedure to be used by the voter to record the voter's vote; and

21 (3) the procedure to be used by the local board to conduct the canvass.]

22 6-209.

23 (a) (1) A person aggrieved by a determination made under § 6-202, § 6-206,
24 or § 6-208(a)(2) of this subtitle may seek judicial review:

25 (i) in the case of a statewide petition, a petition to refer an
26 enactment of the General Assembly pursuant to Article XVI of the Maryland Constitution,
27 or a petition for a congressional or General Assembly candidacy, in the Circuit Court for
28 Anne Arundel County; or

29 (ii) as to any other petition, in the circuit court for the county in
30 which the petition is filed.

31 (2) The court may grant relief as it considers appropriate to [assure]
32 ENSURE the integrity of the electoral process.

33 [(3) Judicial review shall be expedited by each court that hears the cause to

1 the extent necessary in consideration of the deadlines established by law.]

2 **(3) A JUDICIAL PROCEEDING UNDER THIS SECTION SHALL BE**
3 **CONDUCTED IN ACCORDANCE WITH THE MARYLAND RULES, EXCEPT THAT:**

4 **(I) THE CASE SHALL BE HEARD AND DECIDED WITHOUT A JURY**
5 **AND AS EXPEDITIOUSLY AS THE CIRCUMSTANCES REQUIRE; AND**

6 **(II) AN APPEAL SHALL BE TAKEN DIRECTLY TO THE COURT OF**
7 **APPEALS WITHIN 5 DAYS AFTER THE DATE OF THE DECISION OF THE CIRCUIT**
8 **COURT.**

9 **(4) THE COURT OF APPEALS SHALL GIVE PRIORITY TO HEAR AND**
10 **DECIDE AN APPEAL BROUGHT UNDER PARAGRAPH (3)(II) OF THIS SUBSECTION AS**
11 **EXPEDITIOUSLY AS THE CIRCUMSTANCES REQUIRE.**

12 (b) Pursuant to the Maryland Uniform Declaratory Judgments Act and upon the
13 complaint of any registered voter, the circuit court of the county in which a petition has
14 been or will be filed may grant declaratory relief as to any petition with respect to the
15 provisions of this title or other provisions of law.

16 6–210.

17 (a) (1) A request for an advance determination under § 6–202 of this subtitle
18 shall be submitted at least 30 days, but not more than 2 years and 1 month, prior to the
19 deadline for the filing of the petition.

20 (2) Except as provided in paragraph (3) of this subsection, within 5
21 business days of receiving a request for an advance determination, the election authority
22 shall make the determination.

23 (3) Within 10 business days of receiving a request for an advance
24 determination of the sufficiency of a summary of a local law or charter amendment
25 contained in a petition under § 6–202(b) of this subtitle, the election director shall make
26 the determination.

27 (b) Within 2 business days after an advance determination under § 6–202 of this
28 subtitle, or a determination of deficiency under § 6–206 or § 6–208 of this subtitle, the chief
29 election official of the election authority shall notify the sponsor of the determination.

30 (c) The verification and counting of validated signatures on a petition shall be
31 completed within 20 days after the filing of the petition.

32 (d) Within [2 business days] **1 BUSINESS DAY** of the completion of the
33 verification and counting processes, or, if judicial review is pending, within [2 business

1 days] **1 BUSINESS DAY** after a final judicial decision, the appropriate election official shall
 2 make the certifications required by § 6–208 of this subtitle.

3 (e) (1) Except as provided in paragraph (2) of this subsection, any judicial
 4 review of a determination, as provided in § 6–209 of this subtitle, shall be sought by the
 5 [10th] **SECOND** day following the determination to which the judicial review relates.

6 (2) (i) If the petition seeks to place the name of an individual or a
 7 question on the ballot at any election, except a presidential primary election, judicial review
 8 shall be sought by the day specified in paragraph (1) of this subsection or the [63rd] **69TH**
 9 day preceding that election, whichever day is earlier.

10 (ii) If the petition seeks to place the name of an individual on the
 11 ballot for a presidential primary election in accordance with § 8–502 of this article, judicial
 12 review of a determination made under § 6–208(a)(2) of this subtitle shall be sought by the
 13 5th day following the determination to which the judicial review relates.

14 **(3) (I) A JUDICIAL PROCEEDING UNDER THIS SUBSECTION SHALL**
 15 **BE CONDUCTED IN ACCORDANCE WITH THE MARYLAND RULES, EXCEPT THAT:**

16 **1. THE CASE SHALL BE HEARD AND DECIDED WITHOUT A**
 17 **JURY AND AS EXPEDITIOUSLY AS THE CIRCUMSTANCES REQUIRE; AND**

18 **2. AN APPEAL SHALL BE TAKEN DIRECTLY TO THE**
 19 **COURT OF APPEALS WITHIN 5 DAYS AFTER THE DATE OF THE DECISION OF THE**
 20 **CIRCUIT COURT.**

21 **(II) THE COURT OF APPEALS SHALL GIVE PRIORITY TO HEAR**
 22 **AND DECIDE AN APPEAL BROUGHT UNDER SUBPARAGRAPH (I)2 OF THIS**
 23 **PARAGRAPH AS EXPEDITIOUSLY AS THE CIRCUMSTANCES REQUIRE.**

24 7–103.

25 (b) Each question shall appear on the ballot containing the following information:

26 (1) a question number or letter as determined under subsection (d) of this
 27 section;

28 (2) a brief designation of the type or source of the question;

29 (3) a brief descriptive title in boldface type;

30 (4) a condensed statement of the purpose of the question; and

31 (5) the voting choices that the voter has.

1 (c) (1) The Secretary of State shall prepare and certify to the State Board, not
2 later than the [third Monday in August] **95TH DAY BEFORE THE GENERAL ELECTION**,
3 the information required under subsection (b) of this section, for all statewide ballot
4 questions and all questions relating to an enactment of the General Assembly which is
5 petitioned to referendum.

6 (2) The State Board shall prepare and certify to the appropriate local
7 board, not later than the [second Monday in August] **105TH DAY BEFORE THE GENERAL**
8 **ELECTION**, the information required under subsection (b) of this section for all questions
9 that have been referred to the voters of one county or part of one county pursuant to an
10 enactment of the General Assembly.

11 (3) (i) The county attorney of the appropriate county shall prepare and
12 certify to the [appropriate local board] **STATE BOARD**, not later than the [third Monday
13 in August] **95TH DAY BEFORE THE GENERAL ELECTION**, the information required under
14 subsection (b) of this section for each question to be voted on in a single county or part of a
15 county, except a question covered by paragraph (1) or paragraph (2) of this subsection.

16 (ii) If the information required under subsection (b) of this section
17 has not been timely certified under subparagraph (i) of this paragraph, the clerk of the
18 circuit court for the jurisdiction shall prepare and certify that information to the [local
19 board] **STATE BOARD** not later than the [fourth Monday] **FIRST FRIDAY** in August.

20 [(iii) A local board shall provide a copy of each certified question to the
21 State Board within 48 hours after receipt of the certification from the certifying authority.]

22 (4) (i) The municipal attorney of the appropriate municipal corporation
23 shall prepare and certify to the State Board, not later than the [third Monday] **FIRST**
24 **FRIDAY** in August, the information required under subsection (b) of this section for each
25 question to be voted on in the municipal corporation, except a question covered by
26 paragraphs (1) through (3) of this subsection.

27 (ii) If the information required under subsection (b) of this section
28 has not been timely certified under subparagraph (i) of this paragraph, the clerk of the
29 circuit court for the county in which the municipal corporation is located shall prepare and
30 certify that information to the State Board not later than the fourth Monday in August.

31 **(5) THE INFORMATION REQUIRED UNDER SUBSECTION (B) OF THIS**
32 **SECTION FOR A QUESTION THAT IS BEING PLACED ON THE BALLOT BY PETITION MAY**
33 **BE PREPARED BEFORE THE PETITION IS CERTIFIED UNDER § 6-208 OF THIS**
34 **ARTICLE.**

35 7-104.

36 (a) A petition for the election of a charter board may not be filed unless all of the
37 signatures attached to the petition have been written by the signers within 6 months of the

1 date when the petition is presented to the board.

2 (b) A petition relating to a question arising under Article XI–A of the Maryland
3 Constitution shall be filed with the appropriate governmental body or officer not later than
4 the [second Monday in August in the year of the] **99TH DAY BEFORE THE GENERAL**
5 election at which the question is to be voted on.

6 (c) (1) The responsible officers of a petition sponsor’s ballot issue committee
7 shall be a party to any proceeding to test the validity of the petition.

8 (2) The proceeding shall be filed in the county where the petition sponsor
9 resides or maintains its principal place of business.

10 8–502.

11 (c) (1) The Secretary of State shall certify to the State Board the names of
12 candidates for nomination by a principal political party no later than [90] **113** days before
13 the primary election.

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

21 (d) A candidate who seeks to be placed on the ballot by the petition process
22 specified in subsection (b)(2) of this section shall file the petition, in the form prescribed by
23 the State Board, on the [Wednesday that is 83 days] **95TH DAY** before the day of the
24 election.

25 9–207.

26 (a) The State Board shall certify **AND PUBLICLY DISPLAY** the content and
27 arrangement of each ballot:

28 (1) for a primary election, at least [55] **64** days before the election;

29 (2) for a general election, at least [55] **64** days before the election;

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

31 (4) for a special general election, not later than a date specified in the
32 Governor’s proclamation.

1 (b) The Court of Appeals, on petition of the State Board, may establish a later
2 date in extraordinary circumstances.

3 (c) [Within 24 hours after certification, the] **THE** State Board shall publicly
4 display the content and arrangement of each certified ballot on its [Web site] **WEBSITE**.

5 (d) Except pursuant to a court order under § 9–209 of this subtitle, or as provided
6 in § 9–208 of this subtitle, the content and arrangement of the ballot may not be modified
7 after the second day of the public display.

8 (e) Unless a delay is required by court order, the State Board may begin to print
9 the ballots after [2] **CERTIFICATION AND 3** days of public display and correct any noted
10 errors.

11 9–208.

12 (a) [If] **AFTER THE PRINTING OF BALLOTS HAS BEGUN AND IF** an error or a
13 change in circumstances **AFFECTING THE BALLOTS** requires [a local board to make a
14 change in a ballot after the ballots have been printed, with the approval of the State Board
15 the local board shall act as provided in this section] **THE STATE BOARD TO IMPLEMENT**
16 **A CHANGE IN HOW A VOTER MAY CAST A VALID BALLOT, THE STATE ADMINISTRATOR**
17 **SHALL DETERMINE WHAT MEASURES A LOCAL BOARD MAY TAKE TO NOTIFY VOTERS**
18 **OF THE ERROR OR CHANGE IN CIRCUMSTANCES FOR A VOTER TO CAST A VALID VOTE**
19 **FOR THAT ELECTION.**

20 (b) [(1) If there is sufficient time, the local board shall reprint the ballot.

21 (2) If there is insufficient time for reprinting the ballot and if the voting
22 system can accommodate it, the local board shall print a sufficient number of stickers
23 incorporating the change or correction. The stickers shall be consistent with the printed
24 ballots and be affixed to the ballots in the appropriate places.

25 (3) If there is insufficient time for reprinting the ballots and if the voting
26 system cannot accommodate stickers, the local board shall notify the voters of the change
27 or correction in accordance with regulations adopted by the State Board.

28 (c) After any change or correction on a ballot, the local board] **THE STATE**
29 **ADMINISTRATOR** shall immediately take all reasonable steps to notify all candidates on
30 the ballot and any other persons whom the [local board] **STATE ADMINISTRATOR**
31 considers appropriate:

32 **(1) ON DISCOVERY OF ANY CHANGE OR CORRECTION AFFECTING THE**
33 **BALLOTS AFTER THE PRINTING OF BALLOTS HAS BEGUN; OR**

34 **(2) WHEN THE STATE ADMINISTRATOR IMPLEMENTS A CHANGE**

1 UNDER SUBSECTION (A) OF THIS SECTION.

2 9–209.

3 (a) Within 2 days after the content and arrangement of the ballot are certified
4 under § 9–207 of this subtitle, a registered voter may seek judicial review of the content
5 and arrangement, or to correct any [other] ADMINISTRATIVE error, by filing a sworn
6 petition with the circuit court for Anne Arundel County.

7 (b) The circuit court may require the State Board to:

8 (1) correct an ADMINISTRATIVE error;

9 (2) show cause why an ADMINISTRATIVE error should not be corrected; or

10 (3) take any other action required to provide appropriate relief.

11 (c) If an ADMINISTRATIVE error is discovered after the ballots have been
12 [printed] PUBLICLY DISPLAYED, and the State [Board] ADMINISTRATOR fails to correct
13 the ADMINISTRATIVE error, a registered voter may seek judicial review not later than the
14 [second Monday] 62ND DAY preceding the election.

15 (D) (1) A JUDICIAL PROCEEDING UNDER THIS SECTION SHALL BE
16 CONDUCTED IN ACCORDANCE WITH THE MARYLAND RULES, EXCEPT THAT:

17 (I) THE CASE SHALL BE HEARD AND DECIDED WITHOUT A JURY
18 AND AS EXPEDITIOUSLY AS THE CIRCUMSTANCES REQUIRE; AND

19 (II) AN APPEAL SHALL BE TAKEN DIRECTLY TO THE COURT OF
20 APPEALS WITHIN 5 DAYS OF THE DATE OF THE DECISION OF THE CIRCUIT COURT.

21 (2) THE COURT OF APPEALS SHALL GIVE PRIORITY TO HEAR AND
22 DECIDE AN APPEAL BROUGHT UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION AS
23 EXPEDITIOUSLY AS THE CIRCUMSTANCES REQUIRE.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2019.