

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 176

(Chair, Ways and Means Committee)(By Request -
Departmental - State Board of Elections)

Ways and Means

Education, Health, and Environmental Affairs

Election Law – Candidates – Revisions

This departmental bill (1) establishes requirements applicable to candidates nominated by new political parties; (2) establishes a certificate of nomination deadline for presidential and vice presidential candidates nominated by national party convention; (3) repeals obsolete provisions relating to past Anne Arundel County Board of Education elections for continuance in office; and (4) allows for temporary satellite locations to be designated to receive a certificate of candidacy.

Fiscal Summary

State Effect: The bill does not affect State finances.

Local Effect: The bill does not materially affect local government finances.

Small Business Effect: The State Board of Elections (SBE) has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Bill Summary:

Requirements of Candidates Nominated by a New Political Party

The bill establishes that candidates nominated by a new political party must meet specified requirements that are applicable to candidates nominated by existing nonprincipal political

parties (political parties which are not required to nominate their candidates by party primary), but not the requirement of filing a declaration of intent. Specifically, candidates nominated by a new political party must:

- file a certificate of candidacy no later than 5 p.m. on the first Monday in August in the year of the general election for the office;
- comply with specified requirements applicable to a certificate of candidacy; and
- file with the appropriate board, on a form SBE prescribes, a certificate of nomination signed by the officers of the new political party.

National Party Convention – Certificate of Nomination Deadline

The bill requires the presiding officers of a national party convention that nominates candidates for President and Vice President to file a certificate of nomination with SBE within five days after the conclusion of the national party convention.

Repeal of Anne Arundel County Board of Education Notice Requirement

The bill repeals obsolete provisions relating to members of the Anne Arundel County Board of Education standing for election for continuance in office.

Temporary Satellite Locations to Receive a Certificate of Candidacy

The bill authorizes the State Administrator to designate satellite locations for a temporary period to receive a certificate of candidacy.

Current Law/Background:

New and Existing Nonprincipal Political Party Candidates

Provisions governing the formation of new political parties authorize a new political party to nominate its candidates in accordance with the constitution and bylaws adopted by the political party and submitted to SBE.

A candidate for public office who seeks nomination by a nonprincipal political party must file a declaration of intent to seek political party nomination by the first Monday in July, for a regular election. The candidate must also file a certificate of candidacy not later than 5 p.m. on the first Monday in August in the year of the general election for the office. The certificate of candidacy must comply with specified requirements applicable to a certificate of candidacy.

A candidate for nomination by political party may not have the candidate's name placed on the general election ballot unless the candidate files with the appropriate board, on a

form SBE prescribes, a certificate of nomination signed by the officers of the political party.

SBE indicates that the bill's establishment of requirements specific to candidates nominated by a new political party codify SBE policy on the nomination process for a newly formed and recognized political party in Maryland.

Nomination by National Party Convention

A candidate for President or Vice President of the United States nominated by a national party convention is not required to file a certificate of candidacy. If more than one written notice naming different presidential and vice presidential nominees is provided to SBE by persons purporting to be the presiding officer of the same party convention, SBE must require the chairman of the State party to provide written reaffirmation of the party's nominees within five days after SBE's demand.

SBE indicates that the bill's establishment of a deadline to file a certificate of nomination after a national party convention codifies SBE policy.

Anne Arundel County Board of Education Notice Requirement

Pursuant to provisions SBE indicates are obsolete, on or before August 31 in the year in which a member of the Anne Arundel County Board of Education must stand for continuance in office, the Anne Arundel County Board of Education must provide written notice to SBE of the name of the member that is to be placed on the ballot at the next succeeding general election. An incumbent member of the board is not required to file a certificate of candidacy for an election for continuance in office.

Place of Filing of a Certificate of Candidacy

A certificate of candidacy is filed with SBE if the candidacy is for (1) an office voted on by the voters of the entire State; (2) the General Assembly; (3) Representative in Congress; (4) the office of judge of the circuit court for a county; or (5) an office of elected delegate to a presidential national convention. A certificate of candidacy for any other office is filed with the local board of the applicable county and each local board provides the name and other required information for each candidate to SBE.

SBE indicates that the bill's authorization to establish temporary satellite locations to receive certificates of candidacy will allow candidacy filing to continue in cases of emergency or extenuated circumstances.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State Board of Elections; Baltimore City; Anne Arundel and Prince George's counties; Department of Legislative Services

Fiscal Note History: First Reader - February 4, 2019
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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Election Law – Certificates of Candidacy - Revisions

BILL NUMBER: HB 176

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PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON
MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND
SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS