

HOUSE BILL 1120

G1, G2

3lr2865

By: **Delegate McComas**

Introduced and read first time: February 10, 2023

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Candidate Truthfulness – Oath**

3 FOR the purpose of requiring a candidate to submit a certain oath or statement with the
4 candidate's certificate of candidacy relating to the candidate's truthfulness regarding
5 certain information while campaigning for office; subjecting a candidate who attests
6 to the oath to certain sanctions for a violation of the oath; and generally relating to
7 oaths of candidate truthfulness.

8 BY repealing and reenacting, with amendments,

9 Article – Election Law

10 Section 5–304(d)

11 Annotated Code of Maryland

12 (2022 Replacement Volume and 2022 Supplement)

13 BY adding to

14 Article – Election Law

15 Section 5–306

16 Annotated Code of Maryland

17 (2022 Replacement Volume and 2022 Supplement)

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

19 That the Laws of Maryland read as follows:

20 **Article – Election Law**

21 5–304.

22 (d) The certificate of candidacy shall be accompanied by:

23 (1) a filing fee satisfying the requirements of § 5–401 of this title;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) a separate form, unless such a form has previously been filed,
2 establishing a campaign finance entity under Title 13 of this article;

3 (3) evidence that the individual has filed:

4 (i) a financial disclosure statement with the State Ethics
5 Commission in accordance with the requirements of Title 5, Subtitle 6 of the General
6 Provisions Article; or

7 (ii) any other financial disclosure report required by law; [and]

8 (4) THE SIGNED OATH OR STATEMENT REQUIRED UNDER § 5-306 OF
9 THIS SUBTITLE; AND

10 [(4)] (5) any additional information required by the State Board.

11 **5-306.**

12 **A CANDIDATE SHALL SUBMIT WITH THE CANDIDATE'S CERTIFICATE OF**
13 **CANDIDACY:**

14 (1) THE FOLLOWING OATH, SIGNED BY THE CANDIDATE:

15 "1. I, _____, DO SOLEMNLY SWEAR OR AFFIRM, AS A CONDITION OF FILING
16 TO BE A CANDIDATE FOR AN ELECTED OFFICE IN MARYLAND, THAT ALL MATERIAL,
17 ORAL OR WRITTEN, I PROVIDE TO THE PUBLIC WILL BE FACTUALLY TRUTHFUL TO
18 THE BEST OF MY KNOWLEDGE AND BELIEF;

19 2. THAT I MAY BE SUBJECT TO CHARGES OF PERJURY, DISQUALIFICATION OF MY
20 CANDIDACY, OR REMOVAL FROM OFFICE IF I KNOWINGLY DISSEMINATE
21 DELIBERATELY FALSE INFORMATION, INCLUDING INFORMATION REGARDING:

22 (1) PAST OR PRESENT EMPLOYMENT;

23 (2) CRIMINAL OR CIVIL LEGAL HISTORY; AND

24 (3) FORMAL MEMBERSHIP OR AFFILIATION WITH A NONPROFIT OR
25 FOR-PROFIT ORGANIZATION OR A RELIGIOUS INSTITUTION.

26 3. THAT, AS A CANDIDATE FOR PUBLIC OFFICE, I WILL PROMISE TO FAITHFULLY
27 AND IMPARTIALLY PERFORM ALL DUTIES INCUMBENT ON ME IN THE OFFICE I AM
28 SEEKING, UNDER THE CONSTITUTION AND LAWS OF THE UNITED STATES AND THIS
29 STATE.

1 4. THIS OATH DOES NOT PROHIBIT A CANDIDATE FROM, IN THE NORMAL COURSE
2 OF CAMPAIGNING, EMBELLISHING OR EDITORIALIZING NONFACTUAL OPINIONS OR
3 INFORMATION, INCLUDING PERSONAL INFORMATION.

4 5. THE INFORMATION INCLUDED IN OR ACCOMPANYING MY CERTIFICATE OF
5 CANDIDACY, INCLUDING THIS DOCUMENT, ARE AVAILABLE FOR PUBLIC
6 INSPECTION.

7 _____

8 (SIGNATURE) (DATE)”; OR

9 (2) IF THE CANDIDATE DECLINES TO SIGN THE OATH DESCRIBED
10 UNDER ITEM (1) OF THIS SECTION, THE FOLLOWING SIGNED BY THE CANDIDATE:

11 “1. I, _____, CHOOSE NOT TO SWEAR OR AFFIRM THAT I WILL BE TRUTHFUL
12 IN MY FACTUAL DISCLOSURES TO THE PUBLIC IN THE COURSE OF MY CANDIDACY
13 FOR THE OFFICE I AM SEEKING.

14 2. THE INFORMATION INCLUDED IN OR ACCOMPANYING MY CERTIFICATE OF
15 CANDIDACY, INCLUDING THIS DOCUMENT, ARE AVAILABLE FOR PUBLIC
16 INSPECTION.

17 _____

18 (SIGNATURE) (DATE)”.

19 SECTION 2. AND BE IT FURTHER ENACTED, That, if any provision of this Act or
20 the application thereof to any person or circumstance is held invalid for any reason in a
21 court of competent jurisdiction, the invalidity does not affect other provisions or any other
22 application of this Act that can be given effect without the invalid provision or application,
23 and for this purpose the provisions of this Act are declared severable.

24 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2023.