

SENATE BILL 176

G1

3lr0500

By: **Senator Kagan**

Introduced and read first time: January 20, 2023

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Insufficient Number of Candidates for a Primary Election**

3 FOR the purpose of requiring the State Board of Elections to extend the filing deadline for
4 a primary election if, at any time during a certain period of time immediately
5 preceding the filing deadline, the number of candidates for a party is less than the
6 number of nominations the party is allowed for the office; requiring the State central
7 committee of a political party to select candidates for Governor and Lieutenant
8 Governor to fill vacancies in candidacy for a primary election under certain
9 circumstances; and generally relating to an insufficient number of candidates for a
10 primary election.

11 BY repealing and reenacting, with amendments,
12 Article – Election Law
13 Section 5–303, 5–502, 5–504, and 5–902
14 Annotated Code of Maryland
15 (2022 Replacement Volume and 2022 Supplement)

16 BY adding to
17 Article – Election Law
18 Section 5–303.1
19 Annotated Code of Maryland
20 (2022 Replacement Volume and 2022 Supplement)

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

23 **Article – Election Law**

24 5–303.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) Except as provided in subsections (b), (c), and (d) of this section **AND § 5–303.1**
2 **OF THIS SUBTITLE:**

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

6 (2) for any other regularly scheduled election, a certificate of candidacy
7 shall be filed not later than 9 p.m. on the 95th day before the day on which the primary
8 election will be held.

9 (b) Except as provided in subsection (d) of this section, a certificate of candidacy
10 for an office to be filled by a special election under this article shall be received and filed in
11 the office of the appropriate board not later than 5 p.m. on the first Monday that is 3 weeks
12 or 21 days after the issuance of the proclamation by the Governor for the special primary
13 election.

14 (c) Except as provided in subsection (d) of this section, the certificate of candidacy
15 for the election of a write-in candidate shall be filed by the earlier of:

16 (1) 7 days after a total expenditure of at least \$51 is made to promote the
17 candidacy by a campaign finance entity of the candidate; or

18 (2) 5 p.m. on the 7th day preceding the start of early voting for which the
19 certificate is filed.

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

22 (1) 7 days after a total expenditure of at least \$51 is made to promote the
23 candidacy by any authorized candidate campaign committee of the candidate; or

24 (2) 5 p.m. on the 7th day preceding the start of voting at a precinct polling
25 place or, if the election is being conducted by mail, the voting center established under §
26 9–503 of this article for which the certificate is filed.

27 **5–303.1.**

28 **(A) THE STATE BOARD SHALL EXTEND THE FILING DEADLINE FOR A**
29 **PRIMARY ELECTION FOR AN OFFICE OTHER THAN THE OFFICE OF GOVERNOR OR**
30 **LIEUTENANT GOVERNOR UNTIL 7 DAYS AFTER THE DEADLINE SPECIFIED IN § 5–303**
31 **OF THIS SUBTITLE, IF AT ANY TIME DURING THE 48-HOUR PERIOD IMMEDIATELY**
32 **PRECEDING THE FILING DEADLINE SPECIFIED IN § 5–303 OF THIS SUBTITLE:**

33 **(1) AN UNOPPOSED CANDIDATE DIES, IS DISQUALIFIED, OR**
34 **WITHDRAWS; OR**

1 **(2) THE NUMBER OF CANDIDATES FOR A POLITICAL PARTY THAT**
2 **HAVE FILED A CERTIFICATE OF CANDIDACY FOR THE OFFICE IS LESS THAN THE**
3 **NUMBER OF NOMINATIONS THE POLITICAL PARTY IS ALLOWED FOR THE OFFICE.**

4 **(B) THE STATE BOARD SHALL EXTEND THE FILING DEADLINE FOR THE**
5 **PRIMARY ELECTION FOR THE OFFICES OF GOVERNOR AND LIEUTENANT GOVERNOR**
6 **UNTIL 7 DAYS AFTER THE DEADLINE SPECIFIED IN § 5-303 OF THIS SUBTITLE, IF**
7 **DURING THE 48-HOUR PERIOD IMMEDIATELY PRECEDING THE FILING DEADLINE**
8 **SPECIFIED IN § 5-303 OF THIS SUBTITLE:**

9 **(1) UNOPPOSED CANDIDATES FOR THE OFFICES OF GOVERNOR AND**
10 **LIEUTENANT GOVERNOR BOTH DIE, ARE DISQUALIFIED, OR WITHDRAW; OR**

11 **(2) NO CANDIDATE FOR THE POLITICAL PARTY HAS FILED A**
12 **CERTIFICATE OF CANDIDACY FOR EITHER OF THE OFFICES OF GOVERNOR AND**
13 **LIEUTENANT GOVERNOR.**

14 5-502.

15 (a) Subject to § 5-402 of this title, an individual who has filed a certificate of
16 candidacy may withdraw the candidacy by filing a certificate of withdrawal on the form
17 prescribed by the State Board within 10 days after the INITIAL filing date established
18 under § 5-303 of this title.

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

23 5-504.

24 (a) If a certificate of withdrawal is filed under this subtitle:

25 (1) the certificate of candidacy to which the certificate of withdrawal
26 relates is void;

27 (2) the name of the candidate may not be submitted to the voters for
28 nomination and election to the office to which the certificate relates unless the individual
29 files a new certificate of candidacy within the time limit prescribed for filing; and

30 (3) except as provided in § 5-402 of this title, the filing fee for the certificate
31 of candidacy may not be refunded.

(b) Except for the offices of Governor and Lieutenant Governor, the name of any individual who files a certificate of candidacy and does not withdraw shall appear on the primary election ballot unless, by the 10th day after the INITIAL filing deadline specified under § 5–303 of this title, the individual’s death or disqualification is known to the applicable board with which the certificate of candidacy was filed.

5–902.

(a) (1) IF THE FILING DEADLINE WAS EXTENDED UNDER § 5–303.1(B) OF THIS TITLE AND THERE ARE STILL NO CANDIDATES FOR EITHER OF THE OFFICES OF GOVERNOR AND LIEUTENANT GOVERNOR FOR A PRIMARY ELECTION AFTER THE EXTENDED FILING DEADLINE PASSES, THE STATE CENTRAL COMMITTEE OF THE APPROPRIATE POLITICAL PARTY SHALL SELECT A CANDIDATE TO FILL EACH OF THE TWO VACANCIES.

(2) ON OR BEFORE THE SEVENTH DAY AFTER THE EXTENDED DEADLINE PASSES:

(I) THE STATE CENTRAL COMMITTEE SHALL FILE A CERTIFICATE OF DESIGNATION FOR THE CANDIDATE FOR GOVERNOR AND THE CANDIDATE FOR LIEUTENANT GOVERNOR SELECTED BY THE STATE CENTRAL COMMITTEE; AND

(II) THE CANDIDATE FOR GOVERNOR AND THE CANDIDATE FOR LIEUTENANT GOVERNOR SELECTED BY THE STATE CENTRAL COMMITTEE EACH SHALL FILE A CERTIFICATE OF CANDIDACY WITH THE STATE BOARD.

(B) If either of the candidates of a Governor and Lieutenant Governor unit dies, withdraws the candidacy, or becomes disqualified for any reason prior to the INITIAL deadline for filing a certificate of candidacy for a primary election under § 5–303 of this title, the remaining candidate may:

(1) designate a successor candidate who shall file a certificate of candidacy before the later of:

(i) the INITIAL deadline specified under § 5–303 of this title; or

(ii) the fifth day following the death, withdrawal, or disqualification of the former candidate;

(2) withdraw under Subtitle 5 of this title; or

(3) after withdrawing under paragraph (2) of this subsection, form a successor unit for the candidacy for the offices of Governor and Lieutenant Governor by

1 filing a certificate of candidacy by the date specified under subsection **[(b)] (C)** of this
2 section.

3 **[(b)] (C)** The candidates of the successor unit for Governor and Lieutenant
4 Governor formed under subsection **[(a)(3)] (B)(3)** of this section each shall file a certificate
5 of candidacy as a successor unit before the later of:

6 (1) the **INITIAL** deadline for filing a certificate of candidacy for the primary
7 election under § 5–303 of this title; or

8 (2) the fifth day following the death, withdrawal, or disqualification of the
9 former candidate.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2023.