

## **Article - Election Law**

§1–101.

(a) In this article the following words have the meanings indicated unless a different meaning is clearly intended from the context.

(b) “Absentee ballot” means a ballot not used in a polling place.

(b–1) “Address confidentiality program” means the Address Confidentiality Program administered by the Secretary of State under Title 7, Subtitle 3 of the State Government Article.

(b–2) “Administrative policy affecting voting rights” means any action relating to voter registration, provisional voting, absentee voting, or the location of a polling place or early voting center.

(c) “Authorized candidate campaign committee” means a political committee established under Title 13 of this article and authorized by a candidate to promote the candidate’s candidacy.

(d) (1) “Ballot” or “official ballot” includes:

- (i) an absentee ballot;
- (ii) a provisional ballot;
- (iii) a document ballot; or
- (iv) a voting machine ballot.

(2) “Ballot” or “official ballot” does not include:

- (i) a sample ballot; or
- (ii) a specimen ballot.

(d–1) “Ballot drop box” means a secure, durable, and weatherproof container that is officially designated by a local board or the State Board exclusively for voters to deposit election–related materials in person, including:

- (1) absentee ballots;
- (2) absentee ballot applications; and

(3) voter registration applications.

(e) “Ballot face” means a single side of a sheet on which are printed some or all of the contests to be voted on by a voter.

(f) “Ballot issue committee” means a political committee that is formed to promote the success or defeat of a question or prospective question to be submitted to a vote at an election.

(g) “Ballot style” means a unique aggregation of contests that make up the ballot for a particular group of voters identified by common characteristics of residence location, party affiliation, or both.

(h) “Campaign finance entity” means a political committee established under Title 13 of this article.

(i) “Campaign finance report” means a report, statement, affidavit, or other document that is:

(1) authorized or required under this article;

(2) related to the campaign finance activities of a campaign finance entity or to expenses associated with a legislative newsletter; and

(3) filed or submitted on a form prescribed by the State Board under this article.

(j) “Campaign manager” means a person designated by a candidate, or the candidate’s representative, to exercise general overall responsibility for the conduct of the candidate’s political campaign.

(k) (1) “Campaign material” means any material that:

(i) contains text, graphics, or other images;

(ii) relates to a candidate, a prospective candidate, or the approval or rejection of a question or prospective question; and

(iii) is published, distributed, or disseminated.

(2) “Campaign material” includes:

(i) a qualifying paid digital communication;

(ii) any other material transmitted by or appearing on the Internet or other electronic medium;

(iii) an oral commercial campaign advertisement; and

(iv) an automated or prerecorded oral communication.

(l) (1) “Candidate” means an individual who files a certificate of candidacy for a public or party office.

(2) “Candidate” includes:

(i) an incumbent justice of the Supreme Court of Maryland or Appellate Court of Maryland at an election for continuance in office; and

(ii) an individual, prior to that individual filing a certificate of candidacy, if a campaign finance entity has been established on behalf of that individual.

(l–1) (1) “Central committee” means a political committee for a political party established under Title 4 of this article.

(2) “Central committee” includes a political committee for a political party that engages in campaign finance activity that is subject to Title 13 of this article.

(m) (1) “Contest” means:

(i) the aggregate of candidates who run against each other or among themselves for nomination for, or election to, an office or multiple offices of the same category; or

(ii) the positive and negative voting options for a question submitted to the voters.

(2) “Contest” includes, in a general election for an office, the write-in option.

(n) “Continuing political committee” means a political committee that is permitted to continue in existence from year to year.

(o) (1) “Contribution” means the gift or transfer, or promise of gift or transfer, of money or other thing of value to a campaign finance entity to:

(i) promote or assist in the promotion of the success or defeat of a candidate, political party, question, or prospective question; and

(ii) assist in the payment of expenses associated with contesting an election under Title 12 of this article.

(2) “Contribution” includes:

(i) proceeds from the sale of tickets to a campaign fund-raising event; and

(ii) a coordinated expenditure as defined in § 13-249 of this article.

(3) “Contribution” does not include the costs associated with the establishment, administration, or solicitation of voluntary contributions to a political action committee established by a corporation, limited liability company, general partnership, limited partnership, membership organization, trade association, cooperative, or corporation without capital stock as long as the political action committee only solicits contributions from employees of the organization that established the political action committee, or members of the organization that established the political action committee, and the employees or members are participating in a payroll deduction program established by the employer of the employee or member.

(p) “County” means a county of the State or Baltimore City.

(q) “Disabled” means having a temporary or permanent physical disability.

(r) (1) “Distributor” means a person engaged for profit in the distribution of campaign material by hand delivery or direct mail.

(2) “Distributor” does not include salaried employees, agents, or volunteers of the person.

(s) (1) “Document ballot” means a ballot used with a voting system in which the voter individually is issued a ballot on which to indicate one or more votes.

(2) “Document ballot” includes:

(i) a machine-read ballot, such as an optically scanned ballot;  
and

(ii) a hand-counted paper ballot.

(t) “Driver’s license” includes an identification card issued by the Motor Vehicle Administration.

(u) “Elderly” means 65 years of age or older.

(v) (1) “Election” means the process by which voters cast votes on one or more contests under the laws of this State or the United States.

(2) “Election” includes, unless otherwise specifically provided in this article, all general elections, primary elections, and special elections.

(3) “Election” does not include, unless otherwise specifically provided in this article, a municipal election other than in Baltimore City.

(w) “Election cycle” means the period that begins on the January 1 that follows a gubernatorial election and continues until the December 31 that is 4 years later.

(x) “Election register” means the list of voters eligible to vote:

(1) in a precinct on election day; or

(2) in a county early voting center during early voting.

(y) “Electronic signature” means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(z) “Electronic storage format” means a computer disk or other information storage and retrieval medium approved by the State Board.

(aa) “Expenditure” means a gift, transfer, disbursement, or promise of money or a thing of value by or on behalf of a campaign finance entity to:

(1) promote or assist in the promotion of the success or defeat of a candidate, political party, question, or prospective question at an election;

(2) pay expenses associated with contesting an election under Title 12 of this article; or

(3) pay for the publication expense of a legislative newsletter under Title 13, Subtitle 4 of this article.

(aa-1) “Historically disenfranchised communities” means racial, ethnic, or socioeconomic groups that have historically been subject to voter suppression efforts.

(bb) (1) “Independent expenditure” means a gift, transfer, disbursement, or promise of money or a thing of value by a person expressly advocating the success or defeat of a clearly identified candidate or ballot issue if the gift, transfer, disbursement, or promise of money or a thing of value is not made in coordination, cooperation, consultation, understanding, agreement, or concert with, or at the request or suggestion of, a candidate, a campaign finance entity of a candidate, an agent of a candidate, or a ballot issue committee.

(2) For purposes of this subsection, “clearly identified” means:

- (i) the name of the candidate appears;
- (ii) a photograph or drawing of the candidate appears; or
- (iii) the identity of the candidate or ballot issue is apparent by unambiguous reference.

(bb-1) “Institution of higher education” has the meaning stated in § 10-101 of the Education Article.

(bb-2) “Legislative party caucus committee” means a political committee that is established to promote the election of candidates of a single political party to one of the two Houses of the General Assembly.

(cc) “Local board” means a county board of elections.

(dd) “Majority party” means the political party to which the incumbent Governor belongs, if the incumbent Governor is a member of a principal political party. If the incumbent Governor is not a member of one of the two principal political parties, “majority party” means the principal political party whose candidate for Governor received the highest number of votes of any party candidate at the last preceding general election.

(dd-1) “Online platform” means any public-facing website, web application, or digital application, including a social network, ad network, or search engine, that:

- (1) has 100,000 or more unique monthly United States visitors or users for a majority of months during the immediately preceding 12 months; and
- (2) receives payment for qualifying paid digital communications.

(ee) “Partisan organization” means a combination of two or more individuals formed for the purpose of organizing a new political party.

(ff) “Political action committee” means a political committee that is not:

- (1) a political party;
- (2) a central committee;
- (3) a slate;
- (4) a legislative party caucus committee;
- (5) an authorized candidate campaign committee; or
- (6) a ballot issue committee.

(gg) “Political committee” means a combination of two or more individuals that has as its major purpose promoting the success or defeat of a candidate, political party, question, or prospective question submitted to a vote at any election.

(hh) “Political party” means an organized group that is qualified as a political party in accordance with Title 4 of this article.

(hh–1) “Polling place” means a physical space inside a building where in–person voting is conducted on election day.

(ii) “Precinct” includes:

- (1) an election district in a county that is not divided into precincts;
- (2) an election precinct in an election district that is divided into precincts; or
- (3) a precinct in a ward of the City of Baltimore.

(ii–1) “Precinct polling place” means a polling place designated to serve a precinct.

(jj) “Principal minority party” means the principal political party whose candidate for Governor received the second highest number of votes of any party candidate at the last preceding general election.

(kk) “Principal political parties” means the majority party and the principal minority party.

(ll) “Provisional ballot” means a ballot that is cast by an individual but not counted until the individual’s qualifications to vote have been confirmed by the local board.

(ll–1) “Qualifying paid digital communication” means any electronic communication that:

- (1) is campaign material;
- (2) is placed or promoted for a fee on an online platform;
- (3) is disseminated to 500 or more individuals; and
- (4) does not propose a commercial transaction.

(mm) “Responsible officers” means the chairman and treasurer of a political committee.

(nn) “Sample ballot” means a facsimile of a ballot used for informational purposes by a person or entity other than a local board.

(oo) “Slate” means a political committee of two or more candidates who join together to conduct and pay for joint campaign activities.

(pp) “Specimen ballot” means a facsimile of a ballot used by a local board to provide notice to registered voters of the contents of the ballot.

(qq) “State Administrator” means the State Administrator of Elections.

(rr) “State Board” means the State Board of Elections.

(ss) “Transfer” means a monetary contribution that is made by one campaign finance entity to another campaign finance entity, other than one made by or to a political club.

(tt) “Treasurer” means an individual appointed in accordance with Title 13, Subtitle 2 of this article.

(uu) “Vote” means to cast a ballot that is counted.

(vv) “Voting machine” includes:



- (1) a mechanical lever machine; and
- (2) a direct recording electronic voting device.

(ww) “Voting machine ballot” means a ballot posted on or in the voting machine and referred to by the voter to indicate the voting locations for each contest.

(xx) “Voting system” means a method of casting and tabulating ballots or votes.

(yy) “Write-in candidate” means an individual whose name will not appear on the ballot but who files a certificate of candidacy in accordance with § 5–303 of this article.

(zz) “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.

§1–201.

The intention of this article is that the conduct of elections should inspire public confidence and trust by assuring that:

- (1) all persons served by the election system are treated fairly and equitably;
- (2) all qualified persons may register and vote and that those who are not qualified do not vote;
- (3) those who administer elections are well-trained, that they serve both those who vote and those who seek votes, and that they put the public interest ahead of partisan interests;
- (4) full information on elections is provided to the public, including disclosure of campaign receipts and expenditures;
- (5) citizen convenience is emphasized in all aspects of the election process;
- (6) security and integrity are maintained in the casting of ballots, canvass of votes, and reporting of election results;
- (7) the prevention of fraud and corruption is diligently pursued; and

- (8) any offenses that occur are prosecuted.

§1-301.

(a) (1) Except as provided in subsection (b) of this section, in computing the time under this article for performing an act, Saturdays, Sundays, and legal holidays shall be included.

(2) In a computation of time under this article, the day of performing an act and the day of registration or election shall be excluded.

(b) If a computation of time would require an act to be performed on a Saturday, Sunday, or legal holiday, the act shall be performed on the next regular business day following that Saturday, Sunday, or legal holiday.

§1-302.

(a) Except as provided in subsection (b) of this section, the filing of any document specified in this article may be made by electronic facsimile transmittal.

(b) A document may not be filed by electronic facsimile transmittal if the document is required to contain a signed affidavit.

§1-303.

(a) In this section, “voter information material” means:

(1) campaign literature that is campaign material under Title 13, Subtitle 4 of this article; or

(2) registration or voting information issued by the State Board or a local board.

(b) This section applies only:

(1) in Montgomery County and Prince George’s County; and

(2) to apartment buildings, condominiums, or other multifamily residential structures where access to the entrance of individual residential units is restricted by the owner or governing board of the entire structure.

(c) (1) The owner or governing board of a multifamily residential structure shall designate a public area within the structure where, for the 60-day

period immediately prior to each primary election and general election, voter information material may be distributed or deposited.

(2) The designated public area shall be readily accessible to the residents of the structure.

(3) Voter information material deposited in the designated public area shall remain available for residents of the structure for a period of at least 10 days.

(d) On written notification by a person whose rights under this section were violated, the local board shall:

(1) notify the owner or governing board regarding the apparent violation and the requirements of this section; and

(2) request compliance with the requirements of this section.

#### §1-303.1.

(a) (1) In this section the following words have the meanings indicated.

(2) “Baltimore City centralized booking facility” means the centralized booking facility in Baltimore City that is operated by the Division of Pretrial Detention and Services in the Department of Public Safety and Correctional Services.

(3) “Election-related materials” means documents and other items associated with the registering for and voting in an election, including:

(i) absentee ballot applications;

(ii) absentee ballots; and

(iii) voter registration applications.

(4) “Eligible voter” means an individual who:

(i) is incarcerated at the Baltimore City centralized booking facility; and

(ii) has the right to vote under State law.

(b) The State Board shall adopt regulations in collaboration with the Department of Public Safety and Correctional Services to provide the following at the Baltimore City centralized booking facility in accordance with § 2–501 of the Correctional Services Article:

(1) a secure, designated ballot drop box for election–related materials; and

(2) written notifications on how and when eligible voters may use the ballot drop box.

(c) (1) The State Board shall provide the ballot drop box under subsection (b) of this section to the Baltimore City centralized booking facility in time to allow eligible voters sufficient opportunity to submit election–related materials before any election–related deadlines.

(2) The local board of elections for Baltimore City shall provide staff to collect:

(i) election–related materials submitted to the ballot drop box on at least a weekly basis; and

(ii) the ballot drop box after an election–related deadline.

(3) The local board of elections for Baltimore City shall distribute the election–related materials collected from the ballot drop box to the State Board or a local board, as appropriate and in a timely manner.

(d) On or before January 1 each year, the local board of elections for Baltimore City shall submit a report to the Senate Education, Health, and Environmental Affairs Committee, the Senate Budget and Taxation Committee, the House Committee on Ways and Means, and the House Appropriations Committee, in accordance with § 2–1257 of the State Government Article, on the following information submitted to the ballot drop box, disaggregated by each weekly collection from the ballot drop box and by the State Board or the local board that is the intended recipient of the election–related materials:

(1) the number of absentee ballot applications received and accepted;

(2) absentee ballots received and accepted; and

(3) other election–related materials received.

§1–303.2.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Correctional facility” means a facility for detaining or confining individuals that is operated by a correctional unit.
- (3) “Correctional unit” has the meaning stated in § 2–401(b) of the Correctional Services Article.
- (4) “Eligible voter” means an individual who:
- (i) is incarcerated in a correctional facility; and
  - (ii) has the right to vote under State law.
- (b) The State Board shall adopt regulations establishing a program to inform eligible voters of upcoming elections and how eligible voters may exercise the right to vote.
- (c) The regulations adopted under subsection (b) of this section shall require the State Board or local boards to:
- (1) disseminate information on eligibility requirements to register to vote and voter registration applications to eligible voters at least 30 days before the deadline to register to vote before each election;
  - (2) disseminate instructions on absentee voting, absentee ballot applications, and absentee ballots before each election in a timely manner;
  - (3) provide frequent opportunities for eligible voters to register to vote and to vote; and
  - (4) provide for the timely return of voter registration applications, absentee ballot applications, and absentee ballots completed by eligible voters.
- (d) Each correctional facility shall cooperate fully with the State Board and the local boards in implementing the program required under this section.
- (e) On or before January 15 each year, the State Board shall submit a report to the Senate Education, Health, and Environmental Affairs Committee and the House Ways and Means Committee, in accordance with § 2–1257 of the State Government Article, that includes the following information, disaggregated by correctional facility:

(1) the number of eligible voters who registered to vote, attempted to vote, and voted successfully by absentee ballot during the immediately preceding calendar year;

(2) the number of times the State Board or a local board of elections visited each correctional facility during the immediately preceding calendar year, the duration of each visit, and a description of the work done at each correctional facility;

(3) a description of any obstacles to implementing this section or § 2–501 of the Correctional Services Article; and

(4) any recommendations for improving the implementation of this section or § 2–501 of the Correctional Services Article.

§1–304.

This article does not preempt restrictions on political activities that are:

(1) provided in or authorized by the Montgomery County Charter;  
and

(2) imposed on any of the following individuals:

(i) an officer or employee of the Montgomery County government who serves in a quasi-judicial capacity; or

(ii) a member of a Montgomery County government board or commission who serves in a quasi-judicial capacity.

§1–305.

(a) The State Board or a local board may not consider a change in an administrative policy affecting voting rights at a meeting unless the board has posted a prominent public notice on its Web site at least 48 hours in advance of the meeting stating that the board will consider an administrative policy affecting voting rights at the meeting.

(b) If the State Board or a local board adopts a change in an administrative policy affecting voting rights, the State Board and, if applicable, the local board that adopted the change shall provide reasonable public notice of the change as provided in subsection (c) of this section.

(c) The public notice shall:

- (1) be in a reasonably convenient and accessible format;
- (2) be prominently posted on the Web site of the:
  - (i) State Board; and
  - (ii) local board that adopted the change, if applicable;
- (3) include a concise description of the change, including the difference between the new administrative policy affecting voting rights and the administrative policy affecting voting rights that was previously in effect; and
- (4) be provided within 48 hours of the adoption of the change.

§2-101.

- (a) There is a State Board of Elections consisting of five members.
- (b) The State Board shall maintain its principal office in Annapolis and have staff, subject to the State Personnel and Pensions Article, as provided in the State budget.
- (c)
  - (1) Each member of the State Board shall:
    - (i) subject to subsection (g)(2) of this section, be appointed by the Governor in accordance with paragraph (2) of this subsection, with the advice and consent of the Senate of Maryland;
    - (ii) be a registered voter in the State for the 5 years immediately preceding the appointment;
    - (iii) subject to subsection (f)(3) of this section, be eligible for reappointment;
    - (iv) conform to the restrictions specified under § 2-301 of this title; and
    - (v) be subject to removal by the Governor for incompetence, misconduct, or other good cause, upon written charges filed by the Governor with the State Board and after having been afforded notice and ample opportunity to be heard.
  - (2) Subject to subsection (e) of this section, the Governor shall appoint as a member of the State Board an individual whose name is submitted to

the Governor by the State Central Committee of the principal political party entitled to the appointment.

(d) Before taking office, each appointee to the State Board shall take the oath required by Article I, § 9 of the Maryland Constitution.

(e) (1) Each member of the State Board shall be a member of one of the principal political parties.

(2) A person may not be appointed to the State Board if the appointment will result in the State Board having more than three or fewer than two members of the same principal political party.

(f) (1) The term of a member is 4 years and begins on July 1.

(2) The terms of the members are staggered as required by the terms provided for members of the State Board on July 1, 1999.

(3) A member may not serve more than three consecutive terms.

(4) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(g) (1) If a vacancy occurs on the State Board, it shall be filled for the remainder of the unexpired term and until a successor is appointed and qualifies.

(2) An appointment made while the Senate of Maryland is not in session shall be considered temporary until the appointee is confirmed by the Senate.

(h) Not later than August 1 each year, the State Board shall elect one of its members as chairman.

(i) Each member shall receive:

(1) per diem compensation as provided in the State budget for each day that the member is actually engaged in the discharge of official duties, as authorized by the State Board and in accordance with the State budget; and

(2) reimbursement for all necessary and proper expenses, as provided in the State budget.

§2-102.



(a) The State Board shall manage and supervise elections in the State and ensure compliance with the requirements of this article and any applicable federal law by all persons involved in the elections process.

(b) In exercising its authority under this article and in order to ensure compliance with this article and with any requirements of federal law, the State Board shall:

- (1) supervise the conduct of elections in the State;
- (2) direct, support, monitor, and evaluate the activities of each local board;
- (3) have a staff sufficient to perform its functions;
- (4) adopt regulations to implement its powers and duties;
- (5) receive, or in its discretion audit, campaign finance reports, account books and records kept under § 13–221 of this article, independent expenditure reports filed and records kept under § 13–306 of this article, electioneering communication reports filed and records kept under § 13–307 of this article, and statements filed and records kept under § 14–105 of this article;
- (6) appoint a State Administrator in accordance with § 2–103 of this subtitle;
- (7) maximize the use of technology in election administration, including the development of a plan for a comprehensive computerized elections management system;
- (8) canvass and certify the results of elections as prescribed by law;
- (9) make available to the general public, in a timely and efficient manner, information on the electoral process, including a publication that includes the text of this article, relevant portions of the Maryland Constitution, and information gathered and maintained regarding elections;
- (10) subject to § 2–106 of this subtitle and § 13–341 of this article, receive, maintain, and serve as a depository for elections documents, materials, records, statistics, reports, certificates, proclamations, and other information prescribed by law or regulation;
- (11) prescribe all forms required under this article; and

(12) serve as the official designated office in accordance with the Uniformed and Overseas Citizens Absentee Voting Act for providing information regarding voter registration and absentee ballot procedures for absent uniformed services voters and overseas voters with respect to elections for federal office.

(c) The powers and duties assigned to the State Board under this article shall be exercised in accordance with an affirmative vote by a supermajority of the members of the State Board.

(d) For purposes of the Open Meetings Act, a project site visit or educational field tour may not be considered a meeting of the State Board if no organizational business is conducted.

§2-103.

(a) There is a State Administrator of Elections.

(b) The State Administrator shall:

(1) be appointed by the State Board, with the advice and consent of the Senate of Maryland, and serve at the pleasure of the State Board;

(2) receive a salary as provided in the State budget;

(3) as provided in the State budget, employ and supervise:

(i) a deputy administrator, who shall serve as State Administrator in the event the State Administrator resigns, becomes disabled, or dies, pending the appointment of a successor State Administrator; and

(ii) pursuant to the State Personnel and Pensions Article, other staff of the State Board;

(4) supervise the operations of the local boards;

(5) perform all duties and exercise all powers that are assigned by law to the State Administrator or delegated by the State Board;

(6) implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list;

(7) provided the State Board is fully constituted with five duly confirmed members, be subject to removal by the affirmative vote of four duly confirmed members of the State Board; and

(8) be the chief State election official.

(c) Before taking office, the appointee to the office of State Administrator shall take the oath required by Article I, § 9 of the Maryland Constitution.

§2-104.

(a) In the year preceding each year in which a primary and general election is to be held throughout the State, the State Board shall conduct a meeting for the members of the local boards.

(b) Unless excused by the State Administrator in accordance with regulations of the State Board, the following individuals are required to attend the meeting:

(1) the members, substitute members, counsel, and election director of each local board; and

(2) any other individuals designated by the State Board or a local board to attend the meeting.

(c) (1) The meeting shall be held at a time and place and continue for such period of time as the State Board considers necessary.

(2) The purpose of the meeting is to instruct the members of the local boards, the election directors, the counsel to local boards, and the other employees who are in attendance, concerning their duties in the conduct of elections.

(d) Each member, substitute member, election director, counsel, or other employee who is required or authorized to attend the meeting shall be reimbursed by the county government:

(1) for all reasonable expenses for each day that the individual attends the meeting; and

(2) for mileage from the individual's place of residence to the place of meeting and return, in accordance with the Standard State Travel Regulations.

§2-105.

In any judicial proceeding in which a local board is a party, the State Board:

(1) immediately after the action has been filed, shall be provided by the local board with a copy of the complaint or other pleading that initiated the proceeding; and

(2) may join as a party to the proceeding.

§2–106.

(a) (1) Subject to paragraph (2) of this subsection, the State Board and each local board shall maintain and dispose of its public records in accordance with the program for records management adopted by the State Board under Title 10, Subtitle 6, Part II of the State Government Article.

(2) Each local board shall maintain voting authority cards that have been signed under § 10–310(a)(6) of this article for 3 years by:

(i) physically storing the voting authority cards; or

(ii) electronically scanning and storing the voting authority cards in the same manner that the local board stores other electronic materials.

(b) If produced and proved by a representative of the applicable board, a copy of a public record that is certified by and kept under the seal of the principal administrative officer of that board shall be evidence in any court to the same extent as the original record.

§2–107.

(a) (1) There is a Maryland Election Modernization Fund.

(2) The Fund is established as a continuing fund for programs relating to the federal Help America Vote Act of 2002 and related expenditures.

(3) The Fund is a special, continuing, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article.

(4) The Treasurer shall separately hold and the Comptroller shall account for the Fund.

(5) The Fund shall be invested and reinvested in the same manner as other State funds.

(6) Any investment earnings shall be retained to the credit of the Fund.

(b) The Fund consists of:

(1) moneys appropriated in the State budget to the Fund;

(2) moneys otherwise appropriated for the purposes of the Fund, which may be transferred to the Fund by an approved budget amendment; and

(3) moneys received by the State from the federal government under the federal Help America Vote Act of 2002 or under other federal programs for similar purposes.

(c) Expenditures from the Fund may be made only in accordance with an appropriation for:

(1) complying with requirements of the federal Help America Vote Act of 2002;

(2) improving the administration of elections for federal office;

(3) educating voters regarding voting procedures, voting rights, and voting technology;

(4) training election officials, poll workers, and election volunteers;

(5) developing the State plan required by the federal Help America Vote Act of 2002;

(6) improving, acquiring, leasing, modifying, or replacing voting systems and technology and methods for casting and counting votes;

(7) improving the quantity and accessibility of polling places, including providing physical access for individuals with disabilities, nonvisual access for individuals with visual impairments, and access for individuals with limited proficiency in the English language;

(8) establishing toll-free telephone hotlines that voters may use to report possible voting fraud and voting rights violations, to obtain general election information, and to access detailed automated information on their own voter registration status, specific polling place locations, and other relevant information; and

(9) any other uses that may be allowed for funds received under the federal Help America Vote Act of 2002.

§2–108.

(a) (1) In this section the following words have the meanings indicated.

(2) “Appropriate persons” means:

- (i) the State Board;
- (ii) the Governor;
- (iii) the President of the Senate of Maryland;
- (iv) the Speaker of the House of Delegates; and
- (v) the Attorney General.

(3) “Election service provider” means any person providing, supporting, or maintaining an election system on behalf of the State Board or a local board, including a contractor or vendor.

(4) “Election system” means any information system used for the management, support, or administration of an election, including:

- (i) the voting system;
- (ii) the online voter registration system;
- (iii) the voter registration database;
- (iv) the online ballot request, delivery, or marking systems;
- (v) the electronic pollbooks;
- (vi) the system for tabulating or reporting election results; and
- (vii) the State Board or local board e-mail system.

(5) “Security violation” means the incident categories defined by the Department of Information Technology in the State information security policy.

(6) “Significant attempted security violation” means an attempt to commit a security violation that:

(i) is known to have been committed by a foreign government or agents of a foreign government; or

(ii) the State Administrator considers to be of particular significance or concern.

(b) Within 7 days after becoming aware of a security violation or significant attempted security violation, the State Administrator shall submit to the Department of Information Technology and the appropriate persons a report on each security violation and significant attempted security violation involving an election system:

(1) owned, operated, or maintained by the State Board or a local board of elections; or

(2) provided, supported, or maintained by an election service provider.

(c) Within 7 days after receiving the State Board’s report submitted under subsection (b) of this section, the Department of Information Technology shall forward any additional relevant information to the appropriate persons and the State Administrator.

(d) Notwithstanding any other law, the Secretary of Information Technology may require that the information contained in a report submitted under subsection (b) of this section be withheld from the general public if the Secretary determines that the public interest is served by withholding the information.

(e) If an election service provider knows that a security violation or significant attempted security violation has occurred involving an election system provided, supported, or maintained by the election service provider, the election service provider shall:

(1) notify the State Administrator in writing as soon as practicable but not later than 4 days after becoming aware of the security violation or significant attempted security violation; and

(2) cooperate with the State Administrator in submitting the report required under subsection (b) of this section.

§2–109.

(a) (1) In this section the following words have the meanings indicated.

(2) “Appropriate persons” means:

- (i) the State Board;
- (ii) the Governor;
- (iii) the President of the Senate of Maryland;
- (iv) the Speaker of the House of Delegates;
- (v) the Attorney General; and
- (vi) the Department of Information Technology.

(3) “Contract” means an agreement in any form entered into by a governmental entity for a procurement as defined in § 11–101(m)(1) of the State Finance and Procurement Article.

(4) (i) “Election service provider” means any person providing, supporting, or maintaining an election system on behalf of the State Board.

(ii) “Election service provider” includes a contractor and vendor.

(5) “Election system” includes:

- (i) a voting system;
- (ii) an election management system;
- (iii) a voter registration website or database;
- (iv) an electronic pollbook;
- (v) a system for tabulating or reporting election results; and
- (vi) any other information system that is determined to be central to the management, support, or administration of an election.

(6) “Foreign national” includes:

- (i) an individual who is a citizen of a foreign country; and



(ii) an individual, a partnership, an association, a corporation, an organization, or any other combination of individuals organized under the laws of or having its principal place of business in a foreign country.

(b) The State Board may not approve a contract with an election service provider unless the contract includes a clause requiring the election service provider to provide the State Board notice of:

(1) any ownership of or investment in the election service provider or control of the election service provider by a foreign national at the time of the award of the contract; and

(2) any material change in any ownership of or investment in the election service provider or control of the election service provider by a foreign national at any time for the duration of the contract.

(c) The notice required under subsection (b) of this section shall include:

(1) the name and nationality of the foreign national that has ownership of or investment in or control of the election service provider; and

(2) the nature and extent of the ownership, investment, or control.

(d) On a determination by the State Administrator that the foreign national has the ability to control, influence, or direct the election service provider in any manner that would compromise or influence, or give the appearance of compromising or influencing, the independence and integrity of an election, the State Administrator may terminate, in whole or in part, the contract with the election service provider.

(e) Within 7 days after the State Administrator exercises the authority to terminate, in whole or in part, a contract with an election service provider under subsection (d) of this section, the State Administrator shall notify the appropriate persons in writing of the termination of the contract and the State Administrator's reasons for terminating the contract.

§2-201.

(a) (1) There is a county board of elections in each county of the State.

(2) Each local board and its staff is subject to the direction and authority of the State Board and is accountable to the State Board for its actions in all matters regarding the implementation of the requirements of this article and any applicable federal law.

(b) (1) (i) Except as provided in paragraphs (2) and (3) of this subsection, each local board consists of five regular members.

(ii) Three regular members shall be of the majority party, and two regular members shall be of the principal minority party.

(2) (i) In Prince George's County, the local board consists of five regular members and three substitute members.

(ii) Four regular members and two substitute members shall be of the majority party, and one regular member and one substitute member shall be of the principal minority party.

(3) (i) In Montgomery County, the local board consists of five regular members and two substitute members.

(ii) Three regular members and one substitute member shall be of the majority party, and two regular members and one substitute member shall be of the principal minority party.

(c) Each regular member of a local board and each substitute member of a local board shall:

(1) be appointed in accordance with subsection (g) of this section;

(2) be a registered voter in the county for which the individual is appointed for the 5 years immediately preceding the appointment; and

(3) be eligible for reappointment.

(d) (1) The term of a member is 4 years and begins on the first Monday in June of each year following a gubernatorial election.

(2) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(e) Before taking office, a member shall take and subscribe to the oath prescribed in Article I, § 9 of the Maryland Constitution.

(f) The Governor may remove a member for incompetence, misconduct, or other good cause, upon written charges stating the Governor's grounds for dismissal and after affording the member notice and an ample opportunity to be heard.

(g) (1) The Governor shall request the county central committee representing the majority party or the principal minority party, as appropriate, to submit a list of at least four eligible individuals from which the Governor may make an appointment of a regular member of a local board or a substitute member of the local board.

(2) The Governor may reject all of the nominees if the Governor determines them to be unfit or incompetent, in which case the Governor shall notify the State Board in writing and request an additional list of at least four eligible nominees from the county central committee. A third list may be requested in the same manner.

(3) If a list containing the names of four eligible nominees is not submitted within 20 days of a request or if all the nominees on three lists are rejected, the Governor may appoint any eligible person who is a member of the appropriate political party.

(4) (i) Except as provided in subparagraph (ii) of this paragraph, each appointment shall be subject to confirmation by the Senate of Maryland.

(ii) In Caroline, Dorchester, and Kent counties, if there is no resident Senator of the particular county, the confirmation required under subparagraph (i) of this paragraph shall be by the House of Delegates of Maryland.

(iii) If an appointee is rejected, the Governor shall make another appointment from the list or lists submitted under paragraphs (1) and (2) of this subsection. If a list is not provided, or the nominees on three lists are rejected, the Governor may appoint an eligible individual as provided in paragraph (3) of this subsection.

(h) (1) Except in Montgomery County and Prince George's County, if a vacancy occurs on the local board, the Governor shall appoint an eligible person from the same political party as the predecessor member to fill the vacancy in accordance with subsection (g) of this section for the remainder of the unexpired term and until a successor is appointed and qualifies.

(2) An appointment made while the General Assembly is not in session shall be considered temporary until the appointee is confirmed by the General Assembly.

(i) (1) This subsection applies only in Montgomery County and Prince George's County.

(2) In the event of the absence of a regular member or a vacancy in the office of a regular member, the substitute member of the same political party shall exercise the powers and duties of a regular member until the regular member returns or the vacancy is filled as prescribed in this subsection.

(3) Subject to paragraph (4) of this subsection, if a member of a local board dies, resigns, is removed, or becomes ineligible:

(i) the substitute member belonging to the same political party shall become a regular member of the local board; and

(ii) the Governor shall appoint an eligible person from the same political party to be the new substitute member.

(4) In Prince George's County, if a vacancy occurs on the local board among the members from the majority party, the Governor shall designate one of the substitute members from that party to fill the vacancy.

(5) If a substitute member of a local board becomes a regular member as provided in paragraph (3)(i) of this subsection, dies, resigns, is removed, or becomes ineligible when the confirming legislative body is not in session, the Governor shall appoint an eligible person from the same political party as the predecessor substitute member to fill the vacancy. That individual shall serve until the earlier of:

(i) the adjournment of the next session of the General Assembly; or

(ii) the appointment of another individual to fill the same vacancy.

(j) A board shall meet within 20 days after the beginning of the term to elect one of its regular members as president.

§2-202.

(a) Except for the City of Baltimore, the provisions of this section do not apply to a municipal corporation in the State in which the municipal or charter elections are regulated by the public local laws of the State or the charter of the municipal corporation.

(b) Each local board, in accordance with the provisions of this article and regulations adopted by the State Board, shall:

(1) oversee the conduct of all elections held in its county and ensure that the elections process is conducted in an open, convenient, and impartial manner;

(2) pursuant to the State Personnel and Pensions Article, or its county merit system, whichever is applicable, appoint an election director to manage the operations and supervise the staff of the local board;

(3) maintain an office and be open for business as provided in this article, and, subject to § 9–106 of this article, provide the supplies and equipment necessary for the proper and efficient conduct of voter registration and election, including:

(i) supplies and equipment required by the State Board; and

(ii) office and polling place equipment expenses;

(4) adopt any regulation it considers necessary to perform its duties under this article, which regulation shall become effective when it is filed with and approved by the State Board;

(5) serve as the local board of canvassers and certify the results of each election conducted by the local board;

(6) establish and alter the boundaries and number of precincts in accordance with § 2–303 of this title, and provide a suitable polling place for each precinct, and assign voters to precincts;

(7) provide to the general public timely information and notice, by publication or mail, concerning voter registration and elections;

(8) make determinations and hear and decide challenges and appeals as provided by law;

(9) (i) aid in the prosecution of an offense under this article; and

(ii) when the board finds there is probable cause to believe an offense has been committed, refer the matter to the appropriate prosecutorial authority;

(10) maintain and dispose of its records in accordance with the plan adopted by the State Board under § 2–106 of this title; and

(11) administer voter registration and absentee voting for nursing homes and assisted living facilities in accordance with procedures established by the State Administrator, subject to the approval of the State Board.

(c) In Garrett County, following each decennial census of the United States, the local board shall:

(1) evaluate the population of the county commissioner districts to determine whether the districts are of substantially equal population; and

(2) recommend to the Garrett County Delegation to the General Assembly any adjustments of the boundaries of those districts that are necessary to maintain districts of substantially equal population.

(d) In Montgomery County, the local board shall require an affirmative vote of not fewer than three duly confirmed regular members of the local board, at least one of whom shall be a member of the principal minority party, to appoint an election director.

§2–203.

Each county shall appropriate the funds essential for the operations of its local board to enable the local board to pay the reasonable expenses incurred by the local board to exercise the powers and perform the duties prescribed for it by law, including:

(1) personnel expenses, such as compensation, workers' compensation, and unemployment insurance;

(2) subject to § 9–106 of this article, polling place operation expenses; and

(3) subject to § 9–106 of this article, supplies and equipment required under § 2–202(b)(3) of this subtitle.

§2–204.

(a) Each regular member of a local board shall receive the salary and reimbursement of expenses provided in the county budget, but in no event may the annual compensation be less than the following amounts:

(1) in Allegany County, the amount set by the County Commissioners under Title 28, Subtitle 1 of the Local Government Article;

(2) in Anne Arundel County, \$5,000 for the president and \$4,500 for other regular members;

(3) in Baltimore City, \$11,000 for the president and \$10,000 for other regular members;

(4) in Baltimore County, \$4,000 for the president and \$3,000 for other regular members;

(5) in Calvert County, \$3,000 and reimbursement for expenses in the performance of their duties;

(6) in Caroline County, \$3,250 for the president, \$3,000 for other regular members, and reimbursement for expenses incurred in the performance of election duties in accordance with the Standard State Travel Regulations;

(7) in Carroll County, \$3,000;

(8) in Cecil County, \$1,250 for the president, \$1,000 for other regular members, and reimbursement for actual expenses incurred in the performance of election activities which occur outside the county;

(9) in Charles County, \$800;

(10) in Dorchester County, \$3,000 and expenses as authorized by the County Commissioners;

(11) in Frederick County, \$5,500 for the president and \$5,000 for other regular members;

(12) in Garrett County, the amount set by the County Commissioners under Chapter 91 of the Public Local Laws of Garrett County;

(13) in Harford County, \$2,000 for the president and \$1,700 for other regular members;

(14) in Howard County, \$2,800 for the president and \$2,000 for other regular members;

(15) in Kent County, \$1,500 for the president and \$1,500 for other regular members;

(16) in Montgomery County, \$5,000 for the president and \$4,500 for other regular members;

(17) in Prince George's County, \$5,000 for the president and \$4,500 for other regular members;

(18) in Queen Anne's County, \$1,500 for the president and \$1,200 for other regular members;

(19) in St. Mary's County, \$3,000;

(20) in Somerset County, \$1,000;

(21) in Talbot County, \$600;

(22) in Washington County, the amount set by the County Commissioners;

(23) in Wicomico County, \$2,400 for the president and \$1,800 for other regular members; and

(24) in Worcester County, \$1,500 for the president and \$1,200 for other regular members.

(b) (1) Consistent with paragraph (2) of this subsection, each substitute member shall be compensated for each day of service as provided in the county budget.

(2) A substitute member shall be compensated at a rate of at least \$25 for each meeting of the local board that the substitute member attends.

§2-205.

(a) Each local board may appoint or retain as counsel an individual who is:

(1) a registered voter of its county; and

(2) admitted to practice law in the State.

(b) (1) Except as provided in paragraph (2) of this subsection, the salary of counsel shall be set by the local board in accordance with the county budget.

(2) (i) In Anne Arundel County, the counsel may not be compensated less than the salary of a local board member.



(ii) In Baltimore County, the counsel may not be compensated less than \$2,000 annually.

(iii) In Montgomery County, the counsel shall receive an annual salary of \$2,000.

(iv) In Prince George's County, the counsel shall receive an annual salary of \$4,500.

(v) In Worcester County, the counsel shall receive an annual salary as provided in the county budget, but not less than \$800.

(c) In accordance with the county budget and in addition to the compensation specified in subsection (b) of this section, each local board may provide counsel with appropriate additional compensation for services that the local board determines are necessary.

§2-206.

Subject to the requirements of this article and the policies and guidance of the local board, the election director may:

- (1) appoint the employees of the local board;
- (2) train judges of election;
- (3) give notice of elections;
- (4) upon the request of an elderly or disabled voter whose polling place is not structurally barrier free, provide an alternate polling place to the voter;
- (5) issue voter notification cards;
- (6) receive certificates of candidacy;
- (7) verify petitions;
- (8) in consultation with the local board, conduct the canvass following an election; and
- (9) subject to § 9-306 of this article, process and reject absentee ballot applications.

§2-207.

- (a) (1) This section applies to each employee of a local board.
- (2) This section does not apply to:
  - (i) local board counsel; or
  - (ii) an election judge.
- (b) This section does not alter in any manner the method by which the salary of an employee of a local board is funded by the county in which the employee is employed.
- (c) (1) Except as provided in subsection (f) of this section, if the employees of a local board are covered by its county merit system:
  - (i) the employees shall be classified employees under the county merit system; and
  - (ii) the employees may be appointed and removed subject to the personnel regulations of the county in which the local board is located.
- (2) If the employees of a local board are not covered by its county merit system:
  - (i) the employees shall be in the skilled service or professional service of the State Personnel Management System;
  - (ii) appointment and removal of the employees shall be in accordance with the provisions of the State Personnel and Pensions Article that govern skilled service or professional service employees; and
  - (iii) notwithstanding § 4-201 of the State Personnel and Pensions Article, upon recommendation of the State Administrator, the State Board shall determine the fixed rate of compensation of the employees.
- (d) Each classified employee shall be a registered voter of the State.
- (e) An employee of a local board is subject to the restrictions and requirements of § 2-301 of this title.
- (f) The election director in Prince George's County shall be in the exempt service under the Prince George's County Personnel System.

§2-301.

(a) This section applies to:

- (1) a member of the State Board;
- (2) a regular or substitute member of a local board;
- (3) the State Administrator;
- (4) an employee of the State Board or of a local board, including the election director of a board;
- (5) counsel appointed under § 2-205 of this title; and
- (6) an election judge.

(b) (1) An individual subject to this section may not, while holding the position:

(i) hold or be a candidate for any elective public or political party office or any other office created under the Constitution or laws of this State;

(ii) use the individual's official authority for the purpose of influencing or affecting the result of an election; or

(iii) except as provided in paragraph (2) of this subsection, as to any candidate or any matter that is subject to an election under this article:

1. be a campaign manager;
2. be a treasurer or subtreasurer for a campaign finance entity; or
3. take any other active part in political management or a political campaign.

(2) Notwithstanding paragraph (1)(iii) of this subsection, an election judge may engage in the activities of a political campaign, except:

- (i) while performing official duties on election day; and
- (ii) by serving as a campaign manager for a candidate or as the treasurer for a campaign finance entity.

§2–302.

(a) (1) The State Board shall be open for business during regular business hours on each State government workday.

(2) The State Board shall remain open until 9 p.m. on the last day for the filing of a certificate of candidacy for each election conducted under this article.

(b) (1) Each local board shall be open for business:

(i) on each day that is a county government workday in its county;

(ii) on each election day; and

(iii) until 9 p.m. on the last day for the filing of a certificate of candidacy for an election conducted in the county, if a certificate can be filed with the local board.

(2) The members of each local board shall be available as needed on an election day and during the canvass of each election.

(3) The hours that a local board is open for business:

(i) may be the same as the regular business hours of its county government; or

(ii) for the convenience of the public, may be different from the regular business hours of its county government, except that the number of business hours the office is open each business day must be at least equivalent to the number of business hours that the county government is open.

§2–303.

(a) (1) Subject to paragraphs (2) and (3) of this subsection and § 2–303.1 of this subtitle, as it deems it expedient for the convenience of voters, a local board may:

(i) create and alter the boundaries for precincts in the county;

(ii) designate the location for polling places in any election district, ward, or precinct in the county; and

(iii) combine or abolish precincts.

(2) (i) Except as provided under subparagraph (iii) of this paragraph, a local board shall establish a separate precinct on campus or within one-half mile of the campus to specifically serve a public or private institution of higher education if the local board determines that at least 500 students, faculty, and staff who attend or work at the institution are registered voters in the precinct in which the institution is located.

(ii) If, in accordance with subparagraph (i) of this paragraph, a polling place is established at an institution of higher education that receives State funds, that institution shall:

1. provide without charge to the local board a facility for use as a polling place that meets all applicable requirements under this article and as established by the State Board; and

2. provide assistance to the local board in recruiting election judges to staff the polling place.

(iii) A local board may not be required to establish a separate precinct as provided under subparagraph (i) of this paragraph if there is an established precinct within one-half mile of the public or private institution of higher education's campus that serves the voters who attend or work at the public or private institution of higher education.

(3) When a local board is establishing precinct boundaries and designating the location of polling places, the local board shall contact and obtain input from large residential institutional communities including institutions of higher education, continuing care retirement communities, senior communities, and military installations.

(b) Except as provided in subsection (e) of this section, a local board may not create or change a precinct boundary or polling place during the period beginning the Tuesday that is 13 weeks prior to a primary election, through the day of the general election.

(c) Any precinct boundary established by a local board subsequent to July 1, 1987 shall follow visible features as defined by the Bureau of the Census, United States Department of Commerce.

(d) Within 5 days of creating a new precinct or changing a precinct boundary, a local board shall send to the State Administrator a written description of the new boundary and a map of the area involved.

(e) (1) Unless the action is approved in advance by the State Administrator, during the period January 1, in the second year preceding the decennial census, through the effective date of any redistricting based on the census, a local board may not create a new precinct or change a precinct boundary.

(2) Upon receipt of the description and map relating to a precinct boundary established during the period described in paragraph (1) of this subsection, the State Administrator shall immediately send the information electronically to the Secretary of the Department of Planning and the Executive Director of the Department of Legislative Services.

(f) Notwithstanding any restrictions imposed by subsections (a) through (e) or (g) of this section, but subject to § 2-303.1 of this subtitle and the approval of the State Board, a local board may create a new precinct or change a precinct boundary or polling place if the local board determines that an emergency exists.

(g) (1) The regulations adopted by the State Board shall include procedures for the creation of new precincts and changes to precinct boundaries or polling places.

(2) A local board may create a new precinct or make a change in a precinct boundary or polling place only in accordance with regulations adopted by the State Board.

(h) (1) The requirements of this subsection do not apply if a local board is creating a new precinct or changing a precinct boundary or polling place under subsection (f) of this section during the period beginning 21 days before election day through election day.

(2) Each local board shall:

(i) maintain a contact list of individuals and organizations who wish to be notified about local board meetings at which proposed changes to the locations of polling places will be discussed; and

(ii) enable individuals and organizations to register for the contact list maintained in accordance with item (i) of this paragraph.

(3) A local board may not vote to change the location of a polling place unless the local board first:

(i) holds a meeting to discuss the proposed change; and

(ii) provides an opportunity for interested individuals and organizations to testify on the proposed change at the meeting.

(4) At least 14 days before the meeting required under paragraph (3)(i) of this subsection, the local board shall provide written notice of the meeting to:

(i) each individual and organization on the contact list maintained in accordance with paragraph (2)(i) of this subsection; and

(ii) the following elected officials if the official is elected by eligible voters residing in the precinct containing either the current polling place location or the proposed polling place location:

1. the mayor;
2. the county executive;
3. each county commissioner;
4. each county council member;
5. each municipal council member; and
6. each member of the Maryland General Assembly.

#### §2-303.1.

(a) At least 6 months before each statewide primary election, each local board shall submit a polling place plan to the State Board for approval.

(b) A polling place plan shall include:

- (1) evidence that the plan complies with § 10-101(a)(2) of this article;
- (2) an analysis of how to maximize voter participation in each precinct; and
- (3) if the polling place plan proposes to reduce the total number of separate buildings used as polling places below the total number of separate buildings used as polling places in the 2018 general election:

(i) the address and a description of the location of each affected polling place;

(ii) an analysis of available suitable buildings within the precinct boundary, including the availability of parking and a determination regarding building compliance with the federal Americans with Disabilities Act;

(iii) of the voters who cast ballots in each affected precinct in the three most recent statewide elections:

1. the percentage who voted in person on election day;
2. the percentage who voted by mail;
3. the number who registered to vote on election day;

and

4. the number who voted at an early voting center;

(iv) the proximity of the proposed polling place to a dense concentration of voters in the affected precinct;

(v) the change in the number of registered voters in the affected precinct from the last statewide election;

(vi) the public transportation options that voters in each affected precinct could use to access the polling place that would serve the precinct under the plan; and

(vii) an analysis of the impact on the ability of historically disenfranchised communities to cast a ballot, including demographic information of the voters in the affected precinct from the most recent report published by the Maryland Vital Statistics Administration.

(c) The State Board shall approve a polling place plan if the polling place plan:

(1) complies with the requirements of this section and § 10–101(a)(2) of this article; and

(2) will not negatively affect access to voting for historically disenfranchised communities.

(d) (1) The State Board shall reject a polling place plan that does not meet the requirements of subsection (c) of this section.



(2) If the State Board rejects a polling place plan, the local board shall submit a revised polling place plan to the State Board within 15 days after the date on which the State Board rejected the previous plan.

§2-304.

(a) A local board shall consider the following factors when determining the location of a ballot drop box:

(1) the accessibility of the ballot drop box to historically disenfranchised communities, including voters with disabilities, cultural groups, ethnic groups, and minority groups;

(2) proximity of the ballot drop box to dense concentrations of voters;

(3) accessibility of the ballot drop box by public transportation;

(4) equitable distribution of ballot drop boxes throughout the county;  
and

(5) maximizing voter participation, including through placement of ballot drop boxes at community centers and public gathering places.

(b) Subject to subsection (c) of this section, a local board shall designate locations in the county at which a ballot drop box will be placed in accordance with the factors set forth in subsection (a) of this section.

(c) (1) Each local board shall submit the proposed locations in the county for each ballot drop box to the State Administrator for approval.

(2) The State Administrator shall approve a ballot drop box location that meets the factors established under subsection (a) of this section.

(3) If a proposed ballot drop box location does not meet the factors, the State Administrator shall:

(i) require that the local board reconsider the proposed location for one or more ballot drop boxes; and

(ii) provide to the local board a detailed explanation of why the proposed location does not meet the factors.

(4) If the State Administrator finds that the proposed ballot drop box locations submitted to the State Administrator after reconsideration by the local

board under paragraph (3) of this subsection do not meet the factors, the State Administrator may add ballot drop box locations in the county.

§2–305.

(a) (1) A local board shall ensure the security of ballot drop boxes, including through the use of the following:

- (i) monitoring by security cameras at all times; and
- (ii) periodic in-person visits by appropriate personnel.

(2) A local board shall have immediate access or access within a reasonable amount of time to a security camera used for monitoring a ballot drop box under paragraph (1)(i) of this subsection.

(b) (1) Except as otherwise provided in law, a local board shall remove the election-related materials from each ballot drop box at least once each day that the ballot drop box is open in accordance with the chain of custody procedures established in accordance with paragraph (2) of this subsection.

(2) The State Board shall establish chain of custody procedures governing removal of election-related materials from ballot drop boxes and the return of the materials to the local board.

§3–101.

(a) There shall be a statewide voter registration list.

(b) The statewide voter registration list shall:

- (1) be the official voter registration list for the State;
- (2) contain the name and other information for every legally registered voter in the State;
- (3) allow each local board to obtain immediate electronic access to the information contained in the list;
- (4) be coordinated with other agency databases in the State;
- (5) be used to produce precinct registers for use in polling places on election day; and

(6) include voting history information on a current basis for a period covering at least the 5 preceding years.

(c) The State Administrator shall:

(1) define, maintain, and administer the statewide voter registration list;

(2) with the local boards, ensure the currency and accuracy of each individual voter's registration record;

(3) instruct the local boards on:

(i) processing voter registration applications and name and address changes;

(ii) entering voter registration information into the statewide voter registration list; and

(iii) removing from the statewide voter registration list information about voters who are no longer eligible to be registered voters; and

(4) subject to relevant federal law and to regulations adopted by the State Board, establish and conduct a program to identify voters who have changed their addresses.

(d) Registration shall be conducted continuously under the supervision of the State Administrator and in accordance with the provisions of this title, applicable federal law, and regulations adopted by the State Board.

(e) (1) A State agency shall provide any data to the State Board that the State Administrator determines is necessary to maintain an accurate statewide voter registration list.

(2) Subject to paragraph (3) of this subsection, the State Board may not disclose data provided under paragraph (1) of this subsection except as provided in Title 4 of the General Provisions Article.

(3) (i) The State Board may enter into agreements with other states to exchange any data that the State Administrator determines is relevant to maintaining accurate voter registration lists.

(ii) The State Board may exchange data that is not subject to public disclosure under Title 4 of the General Provisions Article with other persons

as the State Administrator determines is necessary for the sole purpose of maintaining accurate voter registration lists.

(iii) A person who receives data that is not subject to public disclosure under Title 4 of the General Provisions Article under this paragraph may not use or redisclose that data except for the purpose of maintaining accurate voter registration lists.

(f) A registered voter:

(1) shall remain registered when the voter moves to another county in the State; and

(2) may not be required to register again unless the voter's registration is canceled in accordance with Subtitle 5 of this title.

§3-102.

(a) (1) Except as provided in subsection (b) of this section, an individual may become registered to vote if the individual:

(i) is a citizen of the United States;

(ii) is at least 16 years old;

(iii) is a resident of the State as of the day the individual seeks to register; and

(iv) registers pursuant to this title.

(2) Notwithstanding paragraph (1)(ii) of this subsection, an individual under the age of 18 years:

(i) may vote in a primary election in which candidates are nominated for a general or special election that will occur when the individual is at least 18 years old; and

(ii) may not vote in any other election.

(b) An individual is not qualified to be a registered voter if the individual:

(1) has been convicted of a felony and is currently serving a court-ordered sentence of imprisonment for the conviction;

(2) is under guardianship for mental disability and a court of competent jurisdiction has specifically found by clear and convincing evidence that the individual cannot communicate, with or without accommodations, a desire to participate in the voting process; or

(3) has been convicted of buying or selling votes.

§3–103.

The State Board shall maintain a page on its website that:

(1) explains in plain, easily understandable language the requirements for students enrolled in institutions of higher education to register to vote in the State; and

(2) includes links to information regarding voter registration requirements and voting by absentee ballot in other states in which students enrolled in institutions of higher education may reside.

§3–201.

(a) An individual may apply to become a registered voter:

(1) at a local board office or the State Board office;

(2) at a registration site administered by a local board;

(3) by mail;

(4) when applying to the Motor Vehicle Administration for the issuance, renewal, or modification of a driver's license or identification card;

(5) when applying for services at a voter registration agency;

(6) through the State Board's online voter registration system; or

(7) with the assistance of a volunteer authorized by the State or local board.

(b) An individual who is at least 18 years old or will be 18 years old on or before the day of the next succeeding general or special election may be a volunteer under subsection (a)(7) of this section.

§3–202.

(a) (1) The statewide voter registration application shall:

(i) require the signature of the applicant, subject to the penalties of perjury, by which the applicant swears or affirms that the information contained in the registration application is true and that the applicant meets all of the qualifications to become a registered voter;

(ii) state the penalties for the submission of a false application;  
and

(iii) provide the applicant with the opportunity to cancel a current registration.

(2) The following information shall be made available to each applicant who is completing a statewide voter registration application:

(i) the qualifications to become a registered voter;

(ii) if an individual declines to register, this fact will remain confidential and be used only for voter registration purposes;

(iii) if an individual registers to vote, the office at which the application is submitted will remain confidential and will be used only for voter registration purposes; and

(iv) notification to the applicant that submission of the form to an individual other than an official, employee, or agent of a local board does not assure that the form will be filed or filed in a timely manner.

(3) The statewide voter registration application may not require:

(i) notarization or other formal authentication; or

(ii) any additional information, other than the information necessary to enable election officials to determine the eligibility of the applicant and to administer voter registration and other parts of the election process.

(4) In the section of the statewide voter registration application that asks the voter whether the voter wants to affiliate with a political party, the application shall list the recognized political parties in the State and include the following statement: "You must register with a political party if you want to take part in that political party's primary election, caucus, or convention. Check one box only."

(5) (i) A statewide voter registration application shall be produced exclusively by the State Board.

(ii) No other registration form may be used for registration purposes except:

1. a voter registration application produced by a local board with the approval of the State Board;

2. as provided in subsection (b) of this section;

3. as provided in § 3–203(b) of this subtitle;

4. any other form prescribed by federal law for voter registration; or

5. a federal write-in absentee ballot if used by a voter authorized to vote a federal write-in absentee ballot under federal law.

(b) The voter registration application form prescribed pursuant to the National Voter Registration Act of 1993 shall satisfy the requirements prescribed under subsection (a) of this section and be accepted by the appropriate election official for purposes of voter registration.

(c) The application described in this section may be used by a registered voter to change the voter's name, address, or party affiliation.

#### §3–202.1.

(a) (1) In this section the following words have the meanings indicated.

(2) “Common access card” means the identification card issued by the U.S. Department of Defense to active-duty military personnel, eligible reserve personnel, Department of Defense civilian employees, and eligible Department of Defense contractor personnel.

(3) “Federal post card application” means the form prescribed under 52 U.S.C. § 20301(b)(2) that may be used by absent uniformed services voters and overseas voters to simultaneously apply to register to vote and apply for an absentee ballot.

(b) The State Board shall establish a process for an individual to:

(1) submit the federal post card application electronically; and

(2) use a common access card to sign the federal post card application.

(c) The process required to be established under subsection (b) of this section:

(1) may allow the use of a common access card only for the purpose of verifying identity and allowing an individual to fulfill the signature requirement on the federal post card application; and

(2) may not allow an individual to apply to register to vote solely using the common access card.

§3-203.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) “Applicable transaction” means:

1. at the Motor Vehicle Administration, an initial application for or renewal of a driver’s license or identification card, or a change of name or address on an existing driver’s license or identification card, or any other transaction in which the Motor Vehicle Administration obtains all of the information from an applicant that satisfies the requirements to register to vote;

2. at the Maryland Health Benefit Exchange, any application for or renewal of health insurance coverage;

3. at a local department of social services, an initial application for a State or federally funded public assistance program or an application for a recertification, renewal, or change of name or address relating to a State or federally funded public assistance program; or

4. at the Mobility Certification Office in the Maryland Transit Administration, an initial application for paratransit service or an application for recertification for paratransit service.

(ii) “Applicable transaction” includes any transaction described in subparagraph (i) of this paragraph that is completed online.

(3) “Automatic voter registration agency” means:

(i) the Motor Vehicle Administration;



- (ii) the Maryland Health Benefit Exchange;
- (iii) local departments of social services; and
- (iv) the Mobility Certification Office in the Maryland Transit Administration.

(4) “Automatic voter registration system” means a system that, as an integral part of each applicable transaction at an automatic voter registration agency:

- (i) informs an applicant:
  - 1. that the applicant shall be registered to vote or shall have a voter registration record updated, if applicable, unless the applicant declines to register to vote or update a voter registration record or if the applicant is not eligible to register to vote;
  - 2. of the qualifications to register to vote under § 3–102 of this title;
  - 3. that the applicant should not register if the applicant does not meet all the qualifications;
  - 4. of the penalties for the submission of a false application; and
  - 5. that voter registration is voluntary and that neither registering nor declining to register to vote will in any way affect the availability of services or benefits;
- (ii) requires the electronic signature of the applicant, subject to the penalties for perjury, by which the applicant attests that the information provided by the applicant is true and that the applicant meets all the qualifications to become a registered voter, including United States citizenship; and
- (iii) electronically transmits the voter registration information of each applicant who does not decline to register to vote or update a voter registration record directly to the State Board:
  - 1. in a manner and format specified jointly by the automatic voter registration agency and the State Board; and
  - 2. within 5 days of the applicable transaction.

(5) “Local department of social services” means:

(i) the local departments of social services in the Department of Human Services; and

(ii) the Montgomery County Department of Health and Human Services.

(b) (1) Except as provided in paragraph (2) of this subsection, an automatic voter registration agency shall implement an automatic voter registration system on or before July 1, 2019.

(2) A local department of social services shall implement an automatic voter registration system on or before December 1, 2019.

(c) An automatic voter registration system:

(1) may not require any information that duplicates the information required to complete an applicable transaction;

(2) shall require only the minimum amount of information necessary for both an applicable transaction and a voter registration to:

(i) prevent duplicate voter registration; and

(ii) enable election officials to review the eligibility of an applicant and to administer voter registration and other aspects of the election process; and

(3) shall inform an applicant that if the applicant does not select a political party affiliation, the individual will be designated as not affiliated with a political party and will be unable to vote in a party primary election.

(d) An agent of an automatic voter registration agency who is responsible for carrying out the requirements of this section may not:

(1) seek to influence an applicant’s political preference or party registration;

(2) display any political preference or party allegiance; or

(3) make any statement to an applicant or take any action the purpose or effect of which is to:

(i) discourage the applicant from registering to vote; or

(ii) lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.

(e) The State Board shall ensure that each individual whose voter registration information is transmitted to the State Board through an automatic voter registration system is promptly registered to vote.

(f) If the State Board receives notice from an individual that the individual was inadvertently registered to vote through an automatic voter registration agency after declining to register to vote, the State Board shall correct the error in accordance with § 3–601.1 of this title.

(g) Voter registration information or information relating to the decision of an applicant at an automatic voter registration agency to decline to register to vote may not be used for any purpose other than the maintenance of registration statistics, election administration, or prosecution of criminal violations of the election law.

(h) Notwithstanding § 3–501 of this title and § 4–401 of the General Provisions Article, the identity of an automatic voter registration agency through which a particular voter has registered may not be disclosed to the public.

(i) The State Board may adopt regulations as necessary to implement this section.

(j) (1) Each automatic voter registration agency shall:

(i) on or before July 1, 2019, submit a report, in accordance with § 2–1257 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means that describes:

1. the efforts of the automatic voter registration agency to register voters in the preceding calendar year; and

2. the implementation of an automatic voter registration system; and

(ii) on or before January 1, 2020, and January 1 each subsequent year, submit a report, in accordance with § 2–1257 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means that describes:

1. the number of individuals who completed an applicable transaction in the preceding calendar year at the automatic voter registration agency and the number of those individuals who registered to vote or updated a voter registration record; and

2. any efforts the automatic voter registration agency plans to make to improve the efficiency and effectiveness of the voter registration process at the agency.

(2) The Department of Human Services shall consolidate and submit the reports required under paragraph (1)(i) and (ii) of this subsection as a single document on behalf of all the local departments of social services.

§3-204.

(a) (1) The State Board shall designate public agencies and nongovernmental agencies as voter registration agencies where qualified individuals may apply to register to vote.

(2) The State Board shall designate the following offices as voter registration agencies:

(i) all offices in the State that provide public assistance;

(ii) all offices in the State that provide State-funded programs primarily engaged in providing services to individuals with disabilities;

(iii) all public institutions of higher education in the State; and

(iv) all one-stop career centers in the Maryland Department of Labor.

(3) The State Board and the Secretary of Defense shall jointly develop and implement procedures for persons to apply to register to vote at recruitment offices of the armed forces of the United States, which shall be deemed voter registration agencies.

(a-1) A voter registration agency that is subject to the requirements of § 3-203 of this subtitle:

(1) shall conduct voter registration in the manner specified in § 3-203 of this subtitle; and

(2) is not subject to the requirements of this section.

(b) Except for a public institution of higher education in the State, which institution shall comply with the requirements of subsection (c) of this section and § 3–204.2(f) of this subtitle, each voter registration agency, as provided in subsection (a)(2) and (3) of this section, shall:

(1) distribute a voter registration application approved by the State Board or the Federal Election Commission with each application for service or assistance it renders and with each recertification, renewal, or change of address form relating to such service or assistance;

(2) provide a document to prospective registrants that includes:

(i) the question, “If you are not registered to vote where you live now, would you like to apply to register to vote here today?”;

(ii) if the agency provides public assistance, the statement, “Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.”;

(iii) boxes for the applicant to check to indicate whether the applicant would like to register or declines to register to vote together with the statement (in close proximity to the boxes and in prominent type), “If you do not check either box, you will be considered to have decided not to register to vote at this time.”;

(iv) the statement, “If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private.”;

(v) the statement, “If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with the State Board of Elections.”; and

(vi) the address and toll free telephone number of the State Board;

(3) provide each applicant who does not decline to register to vote and who accepts assistance the same degree of assistance with regard to completion of the registration application as is provided by the office with regard to the completion of its own applications, unless the applicant refuses such assistance;

(4) ensure that each application for service or assistance from the agency and each recertification, renewal, or change of address form relating to the service or assistance may not be completed until the applicant has indicated whether the applicant wishes to register to vote and is informed that if the applicant does not select a political party affiliation, the individual will be designated as not affiliated with a political party and will be unable to vote in a party primary election; and

(5) accept the completed voter registration application for transmittal to the appropriate election board.

(c) (1) A public institution of higher education shall designate a staff member as the student voting coordinator.

(2) The student voting coordinator shall develop and implement a student voting plan to increase student voter registration and voting in collaboration with faculty, staff, recognized student organizations, and other appropriate stakeholders at the institution.

(3) The student voting plan shall:

(i) cover the 2-year period immediately preceding each statewide general election; and

(ii) be updated after each statewide general election.

(4) The student voting plan shall include:

(i) wide dissemination of information about voter registration and voting opportunities to all students, including:

1. the voter registration process and deadlines;
2. the process and deadlines for requesting and returning a ballot by mail;
3. locations and dates for early voting and election day voting, including transportation options to the voting locations;
4. information about voter registration at early voting centers under § 3–305 of this title and voter registration at precinct polling places on election day under § 3–306 of this title; and
5. a link from the institution's online student portal to the webpage concerning student voter registration and voting that is maintained by

the State Board under § 3–103 of this title or a webpage on the student portal that includes the same information as the webpage maintained by the State Board;

(ii) provision of voter registration materials at central locations and high-traffic areas on campus;

(iii) reasonable accommodation and collaboration with the local board regarding:

1. the placement of an early voting center or precinct polling place on campus if requested by the local board;

2. parking;

3. campaign signs;

4. voter access to campus without identification;

5. polling place space requirements in compliance with State Board regulations;

6. public education campaign;

7. ballot drop box siting; and

8. any other factors relating to the conduct of an election;

(iv) encouragement and support of recognized student organizations engaged in activities to increase voter registration and voting by students; and

(v) any other activities to promote student participation in civic affairs and the election process that the institution determines are appropriate.

(5) The student voting plan may not be used to disseminate information regarding:

(i) how a student should vote; or

(ii) who a student should vote for.

(6) A public institution of higher education shall:

(i) make the institution's student voting plan available to the public on the institution's website; and

(ii) provide the institution's student voting plan to the Maryland Higher Education Commission and the State Board.

(d) An applicant may mail the voter registration application to the appropriate State election official or return it to the voter registration agency for transmittal to the appropriate election official.

(e) Within 5 days from the acceptance of a voter registration application, the voter registration agency shall forward the application to the appropriate State election official.

(f) (1) An applicant registering to vote at a voter registration agency may affirmatively consent to the use of the individual's electronic signature that is on file with the voter registration agency as the individual's signature for the application being submitted.

(2) If an applicant signs a voter registration application as provided in paragraph (1) of this subsection, the voter registration agency shall transmit an electronic copy of the applicant's signature to the State Board within 5 days after the day on which the agency accepted the application.

(g) If a voter registration agency is an office described in subsection (a)(2)(ii) of this section, which provides services to an individual with a disability at the individual's home, the agency shall provide the services described in subsection (b) of this section at the individual's home.

(h) (1) An individual who provides any service described in subsection (b) of this section may not:

(i) seek to influence an applicant's political preference or party registration;

(ii) display any political preference or party allegiance; or

(iii) make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.

(2) No information relating to a declination to register to vote in connection with an application made at an office designated as a voter registration



agency may be used for any purpose other than the maintenance of voter registration statistics.

(3) Notwithstanding § 3–501 of this title and § 4–401 of the General Provisions Article, the identity of a voter registration agency through which a particular voter has registered may not be disclosed to the public.

(i) Regulations necessary to carry out the requirements of this section and § 3–203 of this subtitle, including provisions for training the employees of voter registration agencies and the Motor Vehicle Administration, shall be adopted by the State Board in cooperation with each agency.

(j) On or before January 1, 2018, and January 1 each subsequent year, the Maryland Department of Labor shall submit a report, in accordance with § 2–1257 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee and the House Ways and Means Committee that describes:

(1) the efforts of the one-stop career centers to register voters under this section in the preceding calendar year; and

(2) any efforts the Department plans to make to improve the efficiency and effectiveness of the voter registration process at the one-stop career centers.

#### §3–204.1.

(a) The State Board may operate an online voter registration system that allows an individual to electronically:

(1) apply to become a registered voter; or

(2) change the individual's name, address, or party affiliation in the individual's existing voter registration record.

(b) To apply to register to vote through the online voter registration system, an individual shall:

(1) complete the electronic voter registration application;

(2) affirmatively attest, subject to the penalties of perjury, that the information contained in the voter registration application is true and that the applicant meets all of the qualifications to become a registered voter;

(3) provide one of the following:

(i) a Maryland driver's license number or Maryland identification card number, the last four digits of the individual's Social Security number, and other information identified by the State Board that is not generally available to the public but is readily available to the individual; or

(ii) if the individual is an absent uniformed services voter or overseas voter as defined in the federal Uniformed and Overseas Citizens Absentee Voting Act and does not have a Maryland driver's license or Maryland identification card, a Social Security number; and

(4) affirmatively consent to the use of one of the following as the individual's signature for the application being submitted:

(i) the electronic copy of the individual's signature that is on file with the Motor Vehicle Administration; or

(ii) the individual's Social Security number.

(c) To change an individual's name, address, or party affiliation in the individual's existing voter registration record, an individual shall:

(1) complete the electronic voter registration application;

(2) affirmatively attest, subject to the penalties of perjury, that the information contained in the voter registration application is true and that the applicant meets all of the qualifications to be a registered voter;

(3) provide one of the following:

(i) a Maryland driver's license number or Maryland identification card number, the last four digits of the individual's Social Security number, and other information identified by the State Board that is not generally available to the public but is readily available to the individual; or

(ii) if the individual is an absent uniformed services voter or overseas voter as defined in the federal Uniformed and Overseas Citizens Absentee Voting Act and does not have a Maryland driver's license or Maryland identification card, a Social Security number; and

(4) affirmatively consent to the use of one of the following as the individual's signature for the application being submitted:

(i) the electronic copy of the individual's signature that is on file with the Motor Vehicle Administration; or

(ii) the individual's Social Security number.

(d) The Motor Vehicle Administration shall transmit an electronic copy of an individual's driver's license or identification card signature to the State Board within 5 days of being notified by the State Board that the individual submitted a voter registration application through the online voter registration system.

(e) The State Board may:

(1) take any additional measures it deems necessary to ensure the integrity and accuracy of voter registration applications submitted through the online voter registration system; and

(2) adopt any regulations necessary to administer the online voter registration system.

#### §3-204.2.

(a) The State Board and the Department of Natural Resources shall jointly develop and implement procedures for individuals who apply for the issuance or renewal of a license, permit, or certificate online to be offered the opportunity to register to vote through a link to the online voter registration system.

(b) The State Board and the Maryland Department of Labor shall jointly develop and implement procedures for individuals who use the Maryland Workforce Exchange website to be offered the opportunity to register to vote through a link to the online voter registration system.

(c) The State Board and the Department of Veterans Affairs shall jointly develop and implement procedures for individuals who use the Department of Veterans Affairs website or who are contacted by the Department's outreach and advocacy program to be offered the opportunity to register to vote through a link to the online voter registration system.

(d) (1) (i) In this subsection the following words have the meanings indicated.

(ii) "Applicable transaction" means an online application for a State or federally funded public assistance program or an online application for a recertification, renewal, or change of name or address relating to a State or federally funded public assistance program.

(iii) “Department” means the Department of Human Services.

(iv) “Electronic portal” means the Department’s online system, known as MyDHR, through which an individual may complete an applicable transaction.

(2) Pending the implementation of an automatic voter registration system under § 3–203 of this subtitle, the State Board and the Department shall jointly develop and implement procedures for individuals who use the Department’s electronic portal to complete an applicable transaction to be offered the opportunity to register to vote through a link to the online voter registration system.

(e) The State Board and the State Comptroller shall jointly develop and implement procedures for individuals who file a Maryland resident individual income tax return electronically to be offered the opportunity to register to vote through a link to the online voter registration system.

(f) (1) (i) In this subsection the following words have the meanings indicated.

(ii) “Association” means the Maryland Independent College and University Association.

(iii) “Commission” means the Maryland Higher Education Commission.

(2) (i) Each public institution of higher education and each private nonprofit institution of higher education that receives operating or capital funding from the State shall provide a link to the online voter registration system on the home page of the online portal used by students to register for course work.

(ii) The link to the online voter registration system shall be prominently placed on the home page in a location where it may be easily viewed by students registering for course work.

(iii) If there are fewer than 15 clicks on the link in any calendar year, the institution of higher education shall relocate the link to a different, more conspicuous location for the immediately following calendar year and take any other appropriate steps to encourage students to use the link.

(3) (i) On or before January 1 each year, each public institution of higher education shall submit a report to the Commission that includes:

1. the number of individuals who clicked on the link required under paragraph (2) of this subsection in the immediately preceding calendar year;

2. if there were fewer than 15 clicks on the link required under paragraph (2) of this subsection in the immediately preceding calendar year a description of any appropriate steps the institution is taking to encourage students to use the link; and

3. any efforts the public institution of higher education plans to make to improve access to voter registration for students at the institution.

(ii) On or before January 15 each year, the Commission shall compile and summarize the information reported by public institutions of higher education under subparagraph (i) of this paragraph in a single report and submit the report to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means in accordance with § 2–1257 of the State Government Article.

(4) (i) On or before January 1 each year, each private nonprofit institution of higher education that receives operating or capital funding from the State and is a member of the Association shall submit a report to the Association that includes:

1. the number of individuals who clicked on the link required under paragraph (2) of this subsection in the immediately preceding calendar year;

2. if there were fewer than 15 clicks on the link required under paragraph (2) of this subsection in the immediately preceding calendar year, a description of any appropriate steps the institution is taking to encourage students to use the link; and

3. any efforts the private nonprofit institution of higher education plans to make to improve access to voter registration for students at the institution.

(ii) On or before January 15 each year, the Association shall compile and summarize the information reported by its members under subparagraph (i) of this paragraph in a single report and submit the report to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means in accordance with § 2–1257 of the State Government Article.

§3–205.

A voter registration volunteer or any individual assisting another individual to register to vote may not:

(1) copy or collect the following information contained on a voter registration application:

(i) Maryland driver's license number;

(ii) Maryland identification number;

(iii) Social Security number; or

(iv) other information from a voter registration application that is protected from public disclosure;

(2) use any voter registration information for a purpose inconsistent with § 3–506 of this title; and

(3) receive any form of compensation, including bonuses, that is based on the number of voter registration applications collected.

§3–301.

(a) When a voter registration application is received by a local board, the local board shall:

(1) if the applicant resides in the county of the local board, determine whether the applicant is qualified to become a registered voter; or

(2) if the applicant resides in a different county in the State, immediately forward the application to the proper county.

(b) The information contained in the voter registration application for a qualified applicant shall be electronically entered into the statewide voter registration list on an expedited basis at the time voter registration information is provided to the local board and shall be assigned to the county in which the applicant resides unless registration is closed pursuant to § 3–302 of this subtitle.

(c) (1) The election director in the county where an applicant resides shall send a voter acknowledgment notice, in a format prescribed by the State Board, to each applicant informing the applicant whether he or she is qualified to become registered, and, if not qualified, the reasons why.

(2) (i) A voter notification card sent to a qualified applicant may serve as a voter acknowledgment notice.

(ii) 1. The voter notification card shall contain the name and address of the voter, the date of issue, and the district or ward and precinct of the voter.

2. The card is evidence that the individual to whom it is issued is a registered voter on the date appearing on the card.

3. The election director shall issue a replacement card on request of the voter and a new card when a relevant change is made in the voter's registration record if the voter continues to reside in the county.

### §3-302.

(a) (1) Except as provided under §§ 3-305 and 3-306 of this subtitle, registration is closed during the period specified in this subsection.

(2) Voter registration closes beginning on the 21st day preceding an election at:

(i) 5 p.m. for applications and changes to voter registration records submitted by a method other than through the State Board's online voter registration system; and

(ii) 11:59 p.m. for applications and changes to voter registration records submitted through the State Board's online voter registration system.

(3) Voter registration reopens on the 11th day after an election.

(b) A voter registration application received when registration is closed shall be accepted and retained by a local board, but the registration of the applicant does not become effective until registration reopens.

(c) A voter registration application that is received by the local board after the close of registration shall be considered timely received for the next election provided:

(1) there is sufficient evidence, as determined by the local board pursuant to regulations adopted by the State Board, that the application was mailed on or before registration was closed for that election; or

(2) the application was submitted by the voter to the Motor Vehicle Administration, a voter registration agency, another local board, or the State Board prior to the close of registration.

§3-303.

(a) Notification of a change of party affiliation or a change to or from a decline may be made:

(1) by information provided on a voter registration application by the same methods provided for registration under Subtitle 2 of this title;

(2) by written notice, signed by the voter and sent by mail or otherwise delivered to the local board in the county where the voter's current voter registration address is located or to which the voter has moved;

(3) by making application in person at the office of the local board in the county where the voter's current voter registration address is located or to which the voter has moved;

(4) by information on a voter authority card or other appropriate form filled out in a polling place; or

(5) by changing a name or address with the Motor Vehicle Administration.

(b) Party affiliation changes or changes to or from a decline:

(1) shall be processed at any time that registration is open; and

(2) except as provided in subsection (c) of this section, may not be processed when registration is closed.

(c) If a local board receives a request for a party affiliation change after the close of registration, the local board shall make the change and it shall become effective for the next election provided:

(1) there is sufficient evidence, as determined by the local boards pursuant to regulations adopted by the State Board, that the request was mailed on or before the close of registration for that election; or



(2) the request was submitted by the voter to the Motor Vehicle Administration, a voter registration agency, another local board, or the State Board on or before the close of registration for that election.

§3-304.

(a) (1) Notification of a change of address or of a change of name may be made:

(i) by information provided on a voter registration application by the same methods provided for registration pursuant to Subtitle 2 of this title;

(ii) by written notice, signed by the voter and sent by mail or otherwise delivered to the local board in the county where the voter's current voter registration address is located or to which the voter has moved;

(iii) by making application in person at the office of the local board in the county where the voter's current voter registration address is located or to which the voter has moved;

(iv) by information on a voter authority card or other appropriate form filled out in a polling place; or

(v) by changing a name or address with the Motor Vehicle Administration.

(2) Except as provided by regulations adopted by the State Board, name and address changes may not be processed when registration is closed.

(b) The local board in the county in which the voter resides shall electronically enter the change of name or address into the statewide voter registration list on an expedited basis at the time the information is provided to the local board.

§3-305.

(a) During early voting, an individual may appear in person at an early voting center in the individual's county of residence and apply to register to vote or change the voter's address on an existing voter registration.

(b) (1) When applying to register to vote during early voting, the applicant shall provide proof of residency.

(2) The applicant shall prove residency by showing the election judge:

(i) a Maryland driver's license or Maryland identification card that contains the applicant's current address; or

(ii) if the applicant does not have a driver's license or identification card that contains the applicant's current address, a copy of an official document that:

1. meets the requirements established by the State Board; and

2. contains the applicant's name and current address.

(c) (1) When an individual applies to register to vote at an early voting center, the election judge shall determine whether the applicant resides in the county in which the applicant applied and is qualified to become a registered voter.

(2) If the voter is a resident of the county and is qualified to register to vote, the election judge shall:

(i) issue the voter a voter authority card;

(ii) have the voter sign the voter authority card; and

(iii) issue the voter a ballot.

(d) (1) When a voter applies to change the voter's address during early voting, the election judge shall determine whether the voter resides in the county in which the voter seeks to vote.

(2) If the voter is a resident of the county, the election judge shall:

(i) issue the voter a voter authority card;

(ii) have the voter sign the voter authority card; and

(iii) issue the voter the appropriate ballot for the voter's new address.

(e) The State Board shall adopt regulations and procedures in accordance with the requirements of this section for the administration of voter registration during early voting.

§3-306.

(a) On election day, an individual may appear at a precinct polling place in the individual's county of residence and apply to register to vote.

(b) (1) When applying to register to vote on election day, the applicant shall provide proof of residency.

(2) The applicant shall prove residency by showing the election judge:

(i) a Maryland driver's license or Maryland identification card that contains the applicant's current address; or

(ii) if the applicant does not have a driver's license or identification card that contains the applicant's current address, a copy of an official document that:

1. meets the requirements established by the State Board; and

2. contains the applicant's name and current address.

(c) (1) When an individual applies to register to vote at a precinct polling place on election day, the election judge shall determine whether the applicant resides in the precinct in which the applicant applied and is qualified to become a registered voter.

(2) If the voter is a resident of the precinct and is qualified to register to vote, the election judge shall:

(i) issue the voter a voter authority card;

(ii) have the voter sign the voter authority card; and

(iii) issue the voter a regular ballot.

(3) If the voter is a resident of the county but not the precinct, is qualified to register to vote, and chooses to vote in the precinct, the election judge shall:

(i) issue the voter a voter authority card;

(ii) have the voter sign the voter authority card; and

(iii) issue the voter a provisional ballot.

(d) (1) Unless a local board elects to make the notification, the State Board shall take appropriate measures to notify potential registrants of the correct precinct polling place for the potential registrants' residence addresses before each election.

(2) The election judge shall notify an individual who applies to register to vote at the incorrect precinct for the voter's residence address of the correct precinct for the voter's residence address.

(e) The State Board shall adopt regulations and procedures in accordance with the requirements of this section for the administration of voter registration on election day.

§3-401.

(a) In this subtitle the following words have the meanings indicated.

(b) "Universal registration" means an election administration in which the list of individuals eligible to vote in a municipal election includes those residents of the municipal corporation who are included on the statewide voter registration list at addresses within the municipal corporation.

(c) "Voter registry" means the list provided by a local board of registered voters who are residents of the municipal corporation.

§3-402.

This subtitle does not apply to a municipal corporation that:

(1) does not require voter registration for its elections;

(2) prior to January 1, 1990, used the voter registry supplied by the local board as qualification for voting in municipal elections; or

(3) provides for the local board to conduct municipal elections.

§3-403.

(a) A voter residing in a municipal corporation is considered to be registered for elections in that municipal corporation if the voter is included on the statewide voter registration list at an address within the municipal corporation.

(b) (1) Not less than 6 months prior to its municipal election, each municipal corporation shall submit a request to the appropriate local board for the development of a plan and a schedule to implement universal registration.

(2) The application shall include the name of the individual designated as the municipal corporation liaison who is responsible for working with the local board in the development of the plan and the schedule for implementation of the plan.

(c) Within 10 days after receipt of the application, the local board shall respond to the municipal corporation liaison and shall designate a local board liaison.

(d) At a mutually agreed upon time, the local board liaison and the municipal corporation liaison shall conduct meetings with other appropriate individuals, if required, for the purpose of developing a schedule and plan for implementing registration under this title.

(e) The plan shall include:

(1) procedures for identifying by geographical reference the municipal boundaries, precincts, wards, or districts and the methods for including this information in the statewide voter registration database;

(2) information on whether the municipal corporation wants the exclusion or inclusion of political party affiliation on the voter registry, and whether the local board can provide the exclusion or inclusion;

(3) the format of the voter registry, and whether it is to be divided according to a registrant's municipal polling place;

(4) information on whether:

(i) the dates of birth are to be printed on the voter registry;

(ii) the names of registrants under the age of 18 years are to be included on the voter registry; and

(iii) the board can provide these exclusions or inclusions;

(5) the timing for furnishing the voter registry for use in the municipal elections, including the deadline for accepting voter registration applications of those individuals residing in the municipal corporation prior to the municipal elections;

(6) procedures for obtaining, updating, and maintaining in the statewide voter registration list the voter history of registrants who vote in municipal elections; and

(7) procedures for obtaining, updating, and maintaining changes to the boundaries of the municipal corporation, the precincts, the wards, or the districts that result from annexations, subdivision development, street name changes, or street abandonments.

(f) (1) The local board shall provide to a municipal corporation at no cost a certified list of registered voters residing within the boundaries of the municipal corporation in compliance with the plan established pursuant to subsection (e) of this section.

(2) (i) On request by a municipal corporation, the local board shall also provide at no cost a certified list of registered voters who reside within the boundaries of the municipal corporation 90 days prior to the municipal election. The request for this preliminary list of voters shall be made to the board before or during the negotiations authorized in subsection (d) of this section.

(ii) Within 20 days after receiving the preliminary list of registered voters, a municipal corporation shall notify the local board of any potential errors in the list of registered voters, including errors in the residency of registered voters.

(iii) If the actual residency of any individual listed on the voter registry is in doubt, the local board shall notify the individual in accordance with § 3-502 of this title within 10 days after receiving notification from the municipal corporation.

(g) This section may not be construed to prohibit a municipal corporation from administering and maintaining a supplemental list of those individuals who are not on the statewide voter registration list but who may otherwise be qualified to register to vote with the municipal corporation.

(h) (1) Whenever the registration of any voter is removed for any reason from the supplemental voter registry maintained by the municipal corporation, the municipal corporation shall send a notice of this action and the reason for the action to the last known address of the voter.

(2) The voter shall be given at least 15 days to respond to indicate whether the voter wishes to remain on the municipal corporation's voter registry.

(3) If the voter wishes to remain on the list and continues to be qualified under the municipal corporation's voter registration requirements, the voter's name shall be reinstated to the municipal corporation's supplemental voter registry upon written request of the voter.

(i) (1) The State shall reimburse a local board or a county government for reasonable initial set-up costs of implementing the plan for universal registration, including the costs associated with:

(i) the identification of the appropriate boundaries; and

(ii) the identification of voters who are to be included in the voter registry.

(2) The local board shall request and, subject to the approval of the State Board, receive a reimbursement for these costs from a fund administered by the State Board. The initial set-up costs incurred directly by a municipal corporation may be reimbursed for circumstances authorized by the State Board.

(j) Upon request by the municipal corporation, the local board shall provide voter registration forms to the municipal corporation.

(k) The State Board shall cooperate with the local boards and municipal election officials to effectuate the provisions of this section.

§3-501.

An election director may remove a voter from the statewide voter registration list only:

(1) at the request of the voter, provided the request is:

(i) signed by the voter;

(ii) authenticated by the election director; and

(iii) in a format acceptable to the State Board or on a cancellation notice provided by the voter on a voter registration application;

(2) upon determining, based on information provided pursuant to § 3-504 of this subtitle, that the voter is no longer eligible because:

(i) the voter is not qualified to be a registered voter as provided in § 3-102(b) of this title; or

(ii) the voter is deceased;

(3) if the voter has moved outside the State, as determined by conducting the procedures established in § 3-502 of this subtitle; or

(4) if, in accordance with the administrative complaint process under § 3-602 of this title, the State Administrator or the State Administrator's designee has determined that the voter is not qualified to be registered to vote.

§3-502.

(a) (1) In this section the following words have the meanings indicated.

(2) "Confirmation notice" means a notice, approved by the State Board, that is sent by forwardable mail with a return card.

(3) "Return card" means a postage prepaid and preaddressed card on which the voter may report the voter's current address.

(b) Upon receiving any information that a voter currently registered in the State has moved to a different address within the State, the appropriate election official shall change the voter's record and send the voter a confirmation notice.

(c) If it appears from information provided by the postal service or an agency specified in § 3-504(b) of this subtitle that a voter has moved to a different address outside the State, the election official in the county where the voter most recently resided in the State shall send the voter a confirmation notice informing the voter of his or her potential inactive status as described in § 3-503 of this subtitle.

(d) Upon receipt of a return card, the election director shall:

(1) make any needed corrections in the statewide voter registration list; and

(2) in accordance with State Board guidelines, retain original voter registration documents.

(e) The election director may not remove a voter from the statewide voter registration list on the grounds of a change of address unless:

(1) the voter confirms in writing that the voter has changed residence to a location outside the State; or



(2) (i) the voter has failed to respond to a confirmation notice under subsection (c) of this section; and

(ii) the voter has not voted or appeared to vote (and, if necessary, corrected the record of the voter's address) in an election during the period beginning with the date of the notice through the next two general elections.

§3-503.

(a) If a voter fails to respond to a confirmation notice under § 3-502(c) of this subtitle, the voter's name shall be placed into inactive status on the statewide voter registration list.

(b) A voter shall be restored to active status on the statewide voter registration list after completing and signing any of the following election documents:

(1) a voter registration application;

(2) a petition governed by Title 6 of this article;

(3) a certificate of candidacy;

(4) an absentee ballot application; or

(5) a written affirmation of residence completed on election day to entitle the voter to vote either at the election district or precinct for the voter's current residence or the voter's previous residence, as determined by the State Board.

(c) An inactive voter who fails to vote in an election in the period ending with the second general election shall be removed from the statewide voter registration list.

(d) Registrants placed into inactive status may not be counted for official administrative purposes including establishing precincts and reporting official statistics.

§3-504.

(a) (1) (i) Information from the agencies specified in this paragraph shall be reported to the State Administrator in a format and at times prescribed by the State Board.

(ii) The Maryland Department of Health shall report the names and residence addresses (if known) of all individuals at least 16 years of age reported deceased within the State since the date of the last report.

(iii) The clerk of the circuit court for each county and the administrative clerk for each District Court shall report the names and addresses of all individuals convicted, in the respective court, of a felony since the date of the last report.

(iv) The clerk of the circuit court for each county shall report the former and present names and residence addresses (if known) of all individuals whose names have been changed by decree or order of the court since the date of the last report.

(2) The State Administrator shall make arrangements with the clerk of the United States District Court for the District of Maryland to receive reports of names and addresses, if available, of individuals convicted of a felony in that court.

(3) The State Administrator shall make arrangements with the United States Social Security Administration or an entity that receives information from the Social Security Administration and is approved by the State Administrator to receive reports of names and addresses, if available, of all Maryland residents at least 16 years of age who are reported deceased.

(b) (1) The State Administrator shall transmit to the appropriate local board information gathered pursuant to subsection (a) of this section.

(2) Every agency or instrumentality of any county which acquires or condemns or razes or causes to be condemned or razed any building used as a residence within the county shall promptly report this fact and the location of the building to the local board in the county or city.

(3) Registration cancellation information provided by an applicant on any voter registration application shall be provided to the appropriate local board by the State Administrator or another local board.

(4) A local board may:

(i) make arrangements to receive change of address information from an entity approved by the State Board; and

(ii) pay a reasonable fee to the entity for the information.

(c) (1) (i) Except as provided in paragraph (2) of this subsection, whenever a local board becomes aware of an obituary or any other reliable report of the death of a registered voter, the election director shall mail a notice to the registered voter, as prescribed by the State Board, to verify whether the voter is in fact deceased.

(ii) On receipt of a verification of the death of a voter, provided in accordance with the notice mailed under subparagraph (i) of this paragraph, the election director may remove the voter from the statewide voter registration list under § 3–501 of this subtitle.

(2) (i) Whenever a local board receives a report obtained by the State Administrator under subsection (a)(3) of this section that includes a registered voter, the election director shall mail to the address shown on the statewide voter registration list, by regular U.S. mail, a notice that:

1. states that the registered voter has been reported by the Social Security Administration to have died; and

2. notifies the registered voter or a person attending the affairs of a deceased voter that the voter will be removed from the statewide voter registration list unless, within 2 weeks after the date of the letter, the registered voter or a representative:

A. objects to the removal; and

B. shows cause why the removal should not proceed.

(ii) If the registered voter or a representative timely objects and shows cause why the removal should not proceed, the election director may:

1. terminate the removal process and retain the registered voter on the statewide voter registration list; or

2. refer the matter to the local board for a hearing to determine the registered voter's status.

(iii) If the registered voter or a representative fails to timely object and show cause why the removal should not proceed, the registration shall be canceled and the registered voter removed from the statewide voter registration list.

§3–505.

(a) The State Board shall adopt regulations for the retention and storage of and reasonable access to original voter registration applications and other voter registration records the State Board considers appropriate.

(b) (1) Voter registration records stored and retained in a local board office shall be open to public inspection.

(2) For the purpose of public inspection, original voter registration records:

(i) subject to § 4–527(b) of the Family Law Article and § 7–309(b) of the State Government Article and except upon the special order of the local board, shall be available at all times when a local board is open; and

(ii) may not be removed from the office of the local board except:

1. on order of a court; or
2. for temporary removal solely for purposes of data processing.

(c) (1) Consistent with regulations adopted by the State Board, local boards shall maintain for at least 2 years all records concerning programs to ensure the accuracy and currency of the statewide voter registration list.

(2) Except for records concerning a declination to register or the identity of a voter registration agency through which a particular voter applies for registration, the records described in paragraph (1) of this subsection are accessible under Title 4 of the General Provisions Article (Access to Public Records).

§3–506.

(a) (1) A copy of a list of registered voters shall be provided to a Maryland registered voter on receipt of:

- (i) a written application; and
- (ii) a statement, signed under oath, that the list is not intended to be used for:

1. commercial solicitation; or

2. any other purpose not related to the electoral process.

(2) In consultation with the local boards, the State Board shall adopt regulations that specify:

- (i) the time for a list to be provided under this subsection;
- (ii) the authorization to be required for providing a list;
- (iii) the fee to be paid for providing a list;
- (iv) the information to be included on a list;
- (v) that the residence address of an individual who is a participant in an address confidentiality program may not be disclosed;
- (vi) that a participant in an address confidentiality program is not required to apply to the State Board to keep the individual's residence address confidential;
- (vii) the format of the information; and
- (viii) the medium or media on which the information is to be provided.

(b) (1) The State Administrator or a designee shall provide a copy of the statewide voter registration list and voter registration records to a jury commissioner on request and without charge by means agreed to with the Administrative Office of the Courts.

(2) On application of the Attorney General, a circuit court may compel compliance with paragraph (1) of this subsection.

(c) A person who knowingly allows a list of registered voters, under the person's control, to be used for any purpose not related to the electoral process is guilty of a misdemeanor and, on conviction, is subject to the penalties under Title 16 of this article.

§3-601.1.

(a) In this section, "clerical error" means an inadvertent mistake in a voter registration record made by an election official or an automatic voter registration agency.

(b) The State Administrator or an election director shall make the determination whether an error in a voter registration record is a clerical error.

(c) If the State Administrator or election director determines that a clerical error has been made, the State Administrator or election director shall:

(1) cause the error to be corrected; and

(2) promptly notify the voter of the correction.

(d) (1) On election day, if it is alleged that the name of a registered voter is missing from the precinct register because of a clerical error, the chief election judge shall contact the State Board or local board to determine whether a clerical error has been made.

(2) If the State Administrator or election director determines that the absence of the name from the precinct register is the result of a clerical error, the State Administrator or election director shall authorize the chief election judge to:

(i) issue a blank voter authority card to the affected voter; and

(ii) allow the affected voter to vote after the affected voter completes the voter authority card and provides any other documentation required by the State Board.

§3-602.

(a) Under the procedures established by the State Board, an administrative complaint may be filed by:

(1) a person who feels aggrieved by an action of a local board regarding voter registration; or

(2) a local board with reason to believe that a registration has been erroneously added to or omitted from the statewide voter registration list other than by clerical error.

(b) In determining whether an individual is or is not a resident of an election district or precinct, the presumption shall be that an individual shown to have acquired a residence in one locality retains that residence until it is affirmatively shown that the individual has acquired a residence elsewhere.

(c) (1) Except as provided in paragraph (2) of this subsection, a final determination issued under the administrative complaint procedures established by the State Board is not subject to judicial review.

(2) Any final determination regarding the eligibility of an individual to register to vote or remain registered to vote is subject to judicial review.

(i) 1. A petition for judicial review shall be filed with the Circuit Court for Anne Arundel County.

2. The petition may be brought at any time, except that it may not be later than the third Tuesday preceding the next succeeding election.

(ii) 1. The court, on presentation of satisfactory evidence, may, in its discretion, dispose of the matter summarily or otherwise set the matter for hearing.

2. On appropriate order of the court, the State Board shall make the required corrections.

(d) (1) An appeal may be taken from any ruling of the circuit court to the Appellate Court of Maryland.

(2) The appeal shall be taken within 5 days from the date of the decision by the circuit court, and the appeal shall be heard and decided by the Appellate Court of Maryland as soon after the transmission of the record as practicable.

§4-101.

Except as to a matter of compelling State interest, if any provision of this title relating to party governance conflicts with the constitution and bylaws of a political party, the constitution and bylaws shall apply to the extent of the conflict.

§4-102.

(a) Any group of registered voters may form a new political party by:

(1) filing with the State Board on the prescribed form a petition meeting the requirements of subsection (b) of this section and of Title 6 of this article; and

(2) adopting and filing an interim constitution and bylaws in accordance with subsection (e) of this section.

- (b) (1) The petition shall state:
- (i) the partisan organization's intent to organize a State political party;
  - (ii) the name of the partisan organization;
  - (iii) the name and signature of the State chairman of the partisan organization; and
  - (iv) the names and addresses of 25 registered voters, including the State chairman, who shall be designated as constituting the initial governing body of the partisan organization.
- (2) (i) Appended to the petition shall be papers bearing the signatures of at least 10,000 registered voters who are eligible to vote in the State as of the first day of the month in which the petition is submitted.
- (ii) Signatures on the petition must have been affixed to the petition not more than 2 years before the filing date of the last qualifying signature.
- (c) (1) Except as provided in paragraph (2) of this subsection, a petition for the formation of a new political party, or any additional signatures to a petition, may be filed at any time.
- (2) A petition for the formation of a new political party, or any additional signatures to a petition, may be filed:
- (i) in the year of an election at which the President is elected except:
    - 1. during the period of time that registration is closed before and after a primary election in accordance with § 3–302(a) of this article; and
    - 2. after the first Monday in August until registration reopens after the general election in accordance with § 3–302(a) of this article;
  - (ii) in the year of an election at which the Governor is elected, except after the first Monday in August until registration reopens after the general election in accordance with § 3–302(a) of this article; or
  - (iii) when a special primary election and a special election are proclaimed by the Governor in accordance with § 8–710 of this article except:



1. after the fifth Monday before the special primary election through the tenth day following the special primary election; and

2. after the fifth Monday before the special election through the fifteenth day following the special election.

(d) (1) (i) If the petition is certified under Title 6 of this article, the State Board shall promptly notify the State chairman of the partisan organization.

(ii) Upon the filing of a constitution and bylaws with the State Board by a partisan organization in accordance with subsection (e) of this section, the State Board shall:

1. review the constitution and bylaws to determine whether the constitution and bylaws meet the requirements of subsection (e) of this section; and

2. if the constitution and bylaws meet the requirements of subsection (e) of this section, promptly notify the partisan organization designated in the petition that it is considered a State political party for the purposes of this article.

(2) If the petition does not meet the requirements of this section and of Title 6 of this article:

(i) the State Board shall declare the petition insufficient;

(ii) the partisan organization is not a State political party for the purposes of this article; and

(iii) the State Board shall promptly notify the State chairman of the partisan organization.

(e) (1) The constitution and bylaws of a new political party shall:

(i) comply with the requirements of § 4–204 of this title; and

(ii) be adopted by the individuals designated in the petition as the initial governing body at an organizational meeting held within 90 days after the date of the filing of the last qualifying signature on its petition.

(2) The individual designated in the petition as the State chairman of the political party shall convene the organizational meeting under paragraph (1)(ii)

of this subsection and shall preside as president pro tem of the meeting until party officers are elected.

(f) (1) Unless a new political party is required to hold a primary election to nominate its candidates under Title 8 of this article, the new political party may nominate its candidates in accordance with the constitution and bylaws adopted by the political party and submitted to the State Board.

(2) The candidates nominated by the new political party shall:

(i) 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;

(ii) comply with the requirements for a certificate of candidacy under Title 5, Subtitle 3 of this article; and

(iii) file with the appropriate board, on a form the State Board prescribes, a certificate of nomination signed by the officers of the new political party.

§4-103.

(a) (1) Unless extended pursuant to paragraph (2) of this subsection, a new political party shall retain its status as a political party until December 31 in the year of the second statewide general election following the party's qualification under § 4-102 of this subtitle.

(2) The political party shall retain its status as a political party through either of the following:

(i) if the political party has nominated a candidate for the highest office on the ballot in a statewide general election, and the candidate receives at least 1% of the total vote for that office, the political party shall retain its status through December 31 in the year of the next following general election; or

(ii) if the State voter registration totals, as of December 31, show that at least 1% of the State's registered voters are affiliated with the political party, the political party shall retain its status until the next following December 31.

(b) The State Board shall promptly notify the State chairman of a group that loses its status as a political party.

(c) A group that loses its status as a political party may regain that status only by complying with all the requirements for qualifying as a new party under § 4-102 of this subtitle.

§4–201.

- (a) Each political party shall have a State central committee that:
  - (1) is the governing body of the political party; and
  - (2) may be composed of the members of the central committees of the counties during their terms in office.
- (b) (1) A party's State central committee shall select the chair or cochair of the party State central committee.
- (2) The chair or cochair shall be residents of the State during their tenure in office.
- (c) A party's State central committee shall determine its own rules of procedure, not inconsistent with the provisions of this article.

§4–202.

- (a) (1) A principal political party shall elect the members of the county central committee at a primary election.
- (2) Except as otherwise provided in this section or § 4–203 of this subtitle, the central committee for a county shall consist of the number of members determined by the party's constitution.
- (b) (1) Except as provided in paragraph (2) of this subsection, the party central committee for each county shall select the chairman of that county's party central committee.
- (2) In Baltimore County, the Chairman of the Republican Party Central Committee shall be elected by the members of the central committee from among its members and in accordance with its bylaws.
- (c) (1) An individual elected to serve as a member of a party central committee shall be a resident of the county in which that central committee is located.
- (2) (i) An individual elected from a county who ceases to reside in that county shall be considered to have resigned and may not continue to serve on the central committee.

(ii) An individual elected from a specific legislative district who ceases to reside in that district shall be considered to have resigned and may not continue to serve on the central committee.

(d) (1) (i) An individual selected to fill a vacancy in a party central committee shall be a resident of the county in which that central committee is located.

(ii) An individual selected to fill a vacancy of a member elected from a specific legislative district in a party central committee shall be a resident of that legislative district.

(2) Upon relinquishing residency in the county or legislative district in which a member of a party central committee was selected to fill a vacancy, the member shall be considered to have resigned.

(e) (1) Except as provided in paragraph (2) of this subsection, a vacancy in the party central committee for a county, or for a legislative district of Baltimore City, Anne Arundel County, or Baltimore County, shall be filled by the remaining members of the committee elected from that county or legislative district.

(2) If a political party does not have county central committees or central committees for legislative districts, vacancies shall be filled in accordance with party rules.

(f) (1) Except as provided in paragraph (2) of this subsection, the tenure in office of a member of the central committee of any political party shall:

(i) begin at the time the results of that election are certified;  
and

(ii) continue to the extent of any extension in time between primary elections by reason of any change in the date of holding primary elections by a political party in the State.

(2) The tenure in office of a member of the Republican Party Central Committee shall begin on the 14th day following the gubernatorial general election.

(3) For purposes of this subsection, upon relinquishing residency in the county, a member of a party central committee shall be considered to have resigned.

§4-203.

(a) (1) In Anne Arundel County, the members of the Democratic Party Central Committee for the county shall be elected as follows:

(i) three members shall be elected from each legislative district wholly contained within Anne Arundel County; and

(ii) one member shall be elected from that portion within Anne Arundel County of any legislative district that is partially contained within Anne Arundel County.

(2) For the Anne Arundel County Republican Party Central Committee:

(i) two members shall be elected from each councilmanic district of Anne Arundel County; and

(ii) one member shall be elected from Anne Arundel County at large.

(b) (1) (i) In Baltimore City, the Democratic Party Central Committee consists of seven members elected from each of the six legislative districts of Baltimore City.

(ii) Each member shall reside in, and be elected by the voters of, the legislative district that the member represents.

(2) (i) The members of the Republican Party Central Committee shall be elected from each councilmanic district of Baltimore City.

(ii) Two members shall be elected from each councilmanic district.

(iii) An individual appointed to fill a vacancy of a member of the Republican Party Central Committee may reside anywhere in Baltimore City.

(c) (1) In Baltimore County, the Republican Party Central Committee shall consist of four members elected from each councilmanic district in the county.

(2) For the Baltimore County Democratic Party Central Committee:

(i) 20 members, five from each district, shall be elected from legislative districts 6, 8, 10, and 11, each district being located wholly within Baltimore County;

(ii) four members shall be elected from legislative district 44B that is located wholly in Baltimore County;

(iii) four members shall be elected from that part of legislative district 7 that is located in Baltimore County;

(iv) four members shall be elected from that part of legislative district 12 that is located in Baltimore County; and

(v) five members, of which two members shall be from delegate district 42A and three members shall be from delegate district 42B, shall be elected from legislative district 42 that is located wholly in Baltimore County.

(3) Only individuals affiliated with the Democratic Party and who are registered to vote in Baltimore County may vote for the election of members to the Baltimore County Democratic Party Central Committee under this section.

(4) The number of Democratic Party Central Committee members to be elected from each legislative district, or portion of legislative district, in Baltimore County shall be determined upon completion of each legislative districting.

(d) In Calvert County, the Democratic Party Central Committee consists of nine members elected by the voters of the county at large as follows:

(1) two members who reside in the first election district and receive the largest number of votes cast for candidates from that district;

(2) two members who reside in the second election district and receive the largest number of votes cast for candidates from that district;

(3) two members who reside in the third election district and receive the largest number of votes cast for candidates from that district; and

(4) three members who reside in Calvert County and who receive the highest number of votes cast in Calvert County for the remaining candidates.

(e) In Carroll County, the Republican Party Central Committee shall consist of nine members elected at large.

(f) (1) In Montgomery County, for the Democratic Party Central Committee:

(i) two members are elected from each of the legislative districts that lie wholly within Montgomery County;

(ii) one member is elected from the Montgomery County part of each legislative district that is partially within Montgomery County; and

(iii) members shall be elected at large equal to the number of legislative districts that lie wholly within Montgomery County, except that not more than two members at large may reside in the same legislative district.

(2) Any vacancy in a seat on the Democratic Party Central Committee held initially by a member elected from a legislative district shall be filled by a person residing in that district.

(3) Any reference to the Democratic Party Central Committee for Montgomery County or any portion of it means the entire membership of the Montgomery County Democratic Party Central Committee, and in no event do the members of the Central Committee elected from a district comprise a separate central committee.

(g) (1) (i) In Prince George's County, members of the Republican Party Central Committee:

1. may run at large to fill historically vacant seats; and

2. unless a member runs at large under item 1 of this subparagraph, shall be elected from within legislative districts of Prince George's County or within that portion of any legislative district lying within Prince George's County.

(ii) The number of members of the Republican Party Central Committee shall, to the extent practicable, consist of two members from each of the eight legislative districts lying within Prince George's County.

(2) (i) In Prince George's County, the Democratic Party Central Committee consists of 24 members.

(ii) 1. Two members shall reside in and be elected by the eligible voters of each of the eight legislative districts lying within Prince George's County.

2. At least one member shall reside in each single-member or two-member delegate district of any district in which there are such districts.

(iii) In addition to the members of the committee elected from legislative districts, eight members of the committee shall be elected by all the eligible voters in the county, and at the time of election, each member shall reside in a different one of the eight legislative districts within Prince George's County.

(iv) A candidate for election to the Democratic Party Central Committee shall declare at the time of filing for candidacy which seat on the Central Committee the candidate is seeking.

(v) If a member who was elected from a specific legislative district ceases to reside in that district, the member may not continue to serve on the Central Committee.

(h) (1) In Worcester County, the Democratic Party Central Committee consists of 11 members as follows:

(i) seven members who shall reside in and be elected, respectively, by the eligible voters of each of the seven county commissioner districts; and

(ii) four members who shall reside in Worcester County, be elected at large by the eligible voters of the entire county, and receive the highest number of votes cast for candidates in the at large election.

(2) (i) A candidate for election to the Democratic Party Central Committee shall declare at the time of filing a certificate of candidacy which seat the candidate is seeking.

(ii) A member elected to represent a specific county commissioner district who ceases to reside in that district may not continue to serve on the Central Committee.

(3) Any vacancy in a seat on the Central Committee held by an individual elected from a county commissioner district shall be filled by an individual who resides in that district.

§4-204.

(a) Except as otherwise provided in this article, each political party shall adopt and be governed by a constitution and all bylaws and rules adopted in accordance with the constitution.

(b) (1) The constitution and bylaws of each political party shall provide:



(i) for such matters as in its opinion are necessary for the proper conduct of party affairs;

(ii) for the selection of a State governing body;

(iii) for the calling of regular meetings, advance notification of meetings, and special notice for special meetings;

(iv) for the establishment of a quorum;

(v) a method of amending the political party's constitution and bylaws;

(vi) procedures for filling a vacancy in a nomination for public office;

(vii) for a principal political party, for the convening of a meeting of the central committee within 45 days after the primary election in each gubernatorial election year;

(viii) for a political party that is not a principal political party, procedures for selecting nominees for a public office; and

(ix) for the adoption of rules governing the political party.

(2) The Republican Party State Central Committee may adopt provisions in its constitution and bylaws providing for the removal of members of the Republican State Central Committee who fail to discharge the minimum responsibilities of a State central committee member.

(c) (1) In accordance with the constitution and bylaws of a principal political party, the central committee of that party for each county shall adopt a constitution, bylaws, and rules.

(2) Until a central committee adopts a constitution, bylaws, and rules, the central committee shall be governed by the State central committee.

(d) (1) Within 30 days after the adoption or amendment by a political party of a constitution, bylaw, or rule, the political party shall file a copy of the constitution, bylaw, or rule with the State Board.

(2) Within 30 days after the adoption or amendment by a central committee of any county of a constitution, bylaw, or rule, the local central committee

shall file a copy of the constitution, bylaw, or rule with the State central committee and the State Board.

(e) (1) The constitution and bylaws adopted by a new political party shall conform to the requirements of subsections (a), (b), and (c)(1) of this section.

(2) If a new political party decides to form local central committees, the political party shall notify the State Board of the number and size of the local central committees within 6 months after the date the State Board notified the political party that it is considered a State political party.

#### §4–205.

(a) A political party in the State may not incorporate under the general laws of the State providing for the formation of a corporation.

(b) Unless it is the party State central committee, an organization may not represent that it is the official organization or governing body of any political party.

(c) A person who violates this section shall be guilty of a misdemeanor and shall be subject to the penalties provided in Title 16 of this article.

#### §5–101.

(a) This subtitle governs the process by which an individual becomes a candidate for a public or party office in an election governed by this article.

(b) An individual's name may not be placed on the ballot and submitted to the voters at an election unless the individual complies with the requirements of this title.

#### §5–201.

An individual may become a candidate for a public or party office only if the individual satisfies the qualifications for that office established by law and, in the case of a party office, by party constitution or bylaws.

#### §5–202.

A candidate for public or party office must be a registered voter at an address that satisfies any residence requirement for the office that is imposed by law and, in the case of a party office, by party rules.

#### §5–203.

(a) (1) This subsection does not apply to a candidate for:

(i) President or Vice President of the United States; or

(ii) any federal office who seeks nomination by petition.

(2) Unless the individual is a registered voter affiliated with the political party, an individual may not be a candidate for:

(i) an office of that political party; or

(ii) except as provided in subsection (b) of this section, nomination by that political party.

(b) The requirements for party affiliation specified under subsection (a) of this section do not apply to a candidate for:

(1) a judicial office; or

(2) a county board of education.

#### §5–204.

(a) An individual simultaneously may not be a candidate for more than one public office.

(b) An individual simultaneously may not be a candidate for more than one office of a political party.

(c) Unless otherwise prohibited by rule of the applicable political party, an individual simultaneously may be a candidate for a party office and a public office.

#### §5–205.

(a) In accordance with Article II of the Maryland Constitution, when a candidate for nomination for Governor files a certificate of candidacy for that office, the candidate shall designate a candidate for Lieutenant Governor.

(b) The candidates for nomination for Governor and Lieutenant Governor each shall file for nomination and be considered a unit for nomination to the offices of Governor and Lieutenant Governor.

(c) (1) The names of the candidates of a unit for Governor and Lieutenant Governor shall be listed jointly on the ballot.

(2) A vote cast for a candidate for Governor also shall be a vote cast for the candidate for Lieutenant Governor.

§5-301.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) (1) (i) On or before the first Monday in August in the year in which a justice of the Supreme Court of Maryland must stand for continuance in office, the Clerk of the Supreme Court of Maryland shall provide written notice to the State Board of the name of the justice that is to be placed on the ballot at the next succeeding general election together with the identification of the judicial circuit from which the qualified voters of that circuit may cast a vote for the justice's continuance in office.

(ii) On or before the first Monday in August in the year in which a justice of the Appellate Court of Maryland must stand for continuance in office, the Clerk of the Appellate Court of Maryland shall provide written notice to the State Board of the name of the justice that is to be placed on the ballot at the next succeeding general election together with:

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

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

(2) An incumbent justice of the Supreme Court of Maryland or Appellate Court of Maryland is not required to file a certificate of candidacy for an election for continuance in office.

(g) (1) 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 under this section.

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

(3) The presiding officers of the national party convention shall file a certificate of nomination with the State Board within 5 days after the conclusion of the national party convention.

§5–302.

(a) A certificate of candidacy shall be filed under oath on the prescribed form.

(b) The certificate of candidacy shall be filed with the State Board if the candidacy is for:

(1) an office to be voted upon by the voters of the entire State;

(2) the General Assembly of Maryland;

(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 provided for under Title 8, Subtitle 5 of this article.

(c) (1) If the candidacy is for an office other than an office described in subsection (b) of this section, the certificate of candidacy shall be filed with the local board of the applicable county.

(2) In accordance with regulations adopted by the State Board, each local board shall provide the name and other required information for each candidate to the State Board.

(d) The State Administrator may designate satellite locations for a temporary period to receive a certificate of candidacy.

§5–303.

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

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

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

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

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

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

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

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

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

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

§5-304.

(a) (1) A certificate of candidacy may be filed:

(i) in person; or

(ii) if authorized by subsection (b) of this section, by certified mail, personal messenger, or other delivery service designated by the filer.

(2) A certificate of candidacy may not be filed by facsimile service or other electronic transmission.

(b) A certificate of candidacy may be filed as permitted under subsection (a)(1)(ii) of this section, if:

(1) the individual filing the certificate is unable to do so in person because of illness, military service, or temporary absence from the State; and

(2) the certificate is accompanied by an affidavit signed by the individual filing the certificate setting forth fully the facts that prevent that individual from filing the certificate in person.

(c) On the certificate of candidacy form prescribed by the State Board, the candidate shall specify:

(1) the office, including, if applicable, the party, district, and circuit to which the candidacy relates;

(2) the year of the election;

(3) the name of the individual filing the certificate;

(4) the address on the statewide voter registration list or the current address of that individual;

(5) a statement that the individual satisfies the requirements of law for candidacy for the office for which the certificate is being filed; and

(6) any information requested by the State Board to verify the accuracy of the information provided by the individual under this subsection.

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

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

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

(3) evidence that the individual has filed:

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

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

(4) any additional information required by the State Board.



(e) The appropriate board shall accept the certificate of candidacy if it determines that all requirements are satisfied.

#### §5-305.

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

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

(c) The petition must be filed 15 days after the filing dates provided in § 5-303 of this subtitle and §§ 5-703(c) and 5-703.1(c) of this title for which the candidate filed a certificate of candidacy.

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

(2) A judicial proceeding under this section shall be conducted in accordance with the Maryland Rules, except that:

(i) the case shall be heard and decided without a jury and as expeditiously as the circumstances require; and

(ii) an appeal shall be taken directly to the Supreme Court of Maryland within 5 days after the date of the decision of the circuit court.

(3) The Supreme Court of Maryland shall give priority to hear and decide an appeal brought under paragraph (2)(ii) of this subsection as expeditiously as the circumstances require.

#### §5-401.

(a) (1) This section does not apply to a write-in candidate.

(2) Unless exempted under subsection (c) of this section, an individual who files a certificate of candidacy shall pay a filing fee at the time the certificate of candidacy is filed.

(b) The filing fee shall be as follows:

- (1) President and Vice President of the United States.....No fee
  - (2) Governor or Lieutenant Governor .....\$290 each
  - (3) Comptroller of the Treasury..... \$290
  - (4) Attorney General ..... \$290
  - (5) United States Senator ..... \$290
  - (6) Representative in Congress..... \$100
  - (7) Member of the General Assembly ..... \$50
  - (8) Mayor of the City of Baltimore ..... \$150
  - (9) Comptroller of the City of Baltimore ..... \$150
  - (10) City Council of Baltimore:
    - (i) President ..... \$150
    - (ii) member at large voted on by the voters of the entire City of Baltimore.....\$150
    - (iii) member voted on by less than the entire City of Baltimore.....\$50
  - (11) offices of the City of Baltimore, not specified in items (8), (9), and (10) of this subsection, that are voted on by the voters of the entire City of Baltimore.....\$150
  - (12) any other public office ..... \$25
  - (13) member of a party central committee..... \$10
- (c) (1) A candidate may petition for a waiver of the filing fee in accordance with this subsection.

(2) The filing fee required by this section shall be waived if the candidate establishes inability to pay the fee.

(3) A candidate may demonstrate inability to pay the filing fee by attaching to the certificate of candidacy when it is filed a sworn statement on the form prescribed by the State Board of inability to pay which sets forth:

(i) the nature, extent, and liquidity of the candidate's assets;  
and

(ii) the candidate's disposable net income.

(4) At its discretion and in order to conduct any investigation of the petition for waiver, the appropriate board may request that the candidate provide additional information concerning the candidate's financial status.

(5) If the appropriate board determines that the candidate is unable to pay the required filing fee, the certificate of candidacy shall be issued without payment of the fee.

#### §5-402.

(a) Upon request, a candidate who pays a filing fee is entitled to a return of the filing fee upon the filing of the certificate of withdrawal on the form prescribed by the State Board if the candidate enters into active duty with the armed services of the United States during the period between the last date allowed for the withdrawal of candidacy and the printing of the ballots.

(b) Subject to the approval of the State Board, the filing fee paid by a candidate may be returned to the candidate for good cause.

#### §5-403.

Filing fees paid by candidates under § 5-401 of this subtitle shall be distributed to the Fair Campaign Financing Fund established under § 15-103 of this article.

#### §5-501.

An individual who has filed a certificate of candidacy may withdraw the candidacy by filing a certificate of withdrawal as provided in this subtitle.

#### §5-502.

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

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

#### §5–503.

(a) Except as provided in subsection (b) of this section, the certificate of withdrawal shall be filed with the appropriate board with which the individual filed the certificate of candidacy.

(b) The proclamation issued by the Governor under § 8-710 of this article for a special election to fill a vacancy for Representative in Congress shall allow any individual who has filed a certificate of candidacy to withdraw the candidacy as provided under the terms of the proclamation.

#### §5–504.

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

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

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

(3) except as provided in § 5-402 of this title, the filing fee for the certificate 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 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.

#### §5–601.

The name of a candidate shall remain on the ballot and be submitted to the voters at a primary election if:

(1) the candidate has filed a certificate of candidacy in accordance with the requirements of § 5-301 of this title and has satisfied any other requirements of this article relating to the office for which the individual is a candidate, provided the candidate:

(i) has not withdrawn the candidacy in accordance with Subtitle 5 of this title;

(ii) has not died or become disqualified, and that fact is known to the applicable board by the deadline prescribed in § 5-504(b) of this title;

(iii) does not seek nomination by petition pursuant to the provisions of § 5-703 of this title; or

(iv) is not a write-in candidate; or

(2) the candidate has qualified to have the candidate's name submitted to the voters in a presidential primary election under Title 8, Subtitle 5 of this article.

§5-701.

Nominations for public offices that are filled by elections governed by this article shall be made:

(1) by party primary, for candidates of a principal political party;

(2) by petition, for candidates not affiliated with any political party;  
or

(3) in accordance with the constitution and bylaws of the political party, for candidates of a political party that does not nominate by party primary.

§5-702.

A candidate for public office of a political party shall be nominated in accordance with the requirements of Subtitles 2 through 4 of this title unless the candidate is:

(1) nominated by:

- (i) petition under § 5-703 of this subtitle; or
  - (ii) political party under § 5-703.1 of this subtitle; or
- (2) a write-in candidate under § 5-704 of this subtitle.

§5-703.

(a) Except for a candidate for a nonpartisan county board of education, this section applies to any candidate for public office subject to this title.

(b) A candidate for a public office may be nominated by petition under this subtitle if the candidate is not affiliated with any political party.

(c) (1) A candidate for public office who seeks nomination by petition shall file a declaration of intent to seek nomination by petition.

(2) The declaration of intent shall be filed with the board at which the candidate files a certificate of candidacy under Subtitle 3 of this title.

(3) The declaration of intent shall be filed as follows:

- (i) not later than the first Monday in July; and
  - (ii) for a special election to fill a vacancy for Representative in Congress, by the date and time specified in the Governor's proclamation.

(4) A candidate who seeks nomination by petition may not be charged a fee for filing the declaration of intent.

(d) (1) A candidate for public office who seeks nomination by petition shall 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.

(2) Except for the time of filing, the certificate of candidacy for a candidate who seeks nomination by petition shall comply with the requirements for a certificate of candidacy under Subtitle 3 of this title.

(e) (1) A candidate who seeks nomination by petition may not have the candidate's name placed on the general election ballot unless the candidate files with the appropriate board petitions signed by the lesser of 10,000 registered voters or 1% of the total number of registered voters who are eligible to vote for the office for which the nomination by petition is sought, except that the petitions shall be signed by at least 250 registered voters who are eligible to vote for the office.

(2) The petitions shall be filed as required in Title 6 of this article.

(3) The number of registered voters required to satisfy the requirements of paragraph (1) of this subsection shall be determined as of January 1 of the year of the primary election for which the nomination is sought.

(f) (1) Except as provided in paragraph (2) of this subsection, a petition that contains the required number of signatures specified under subsection (e)(1) of this section shall be filed with the appropriate board by 5 p.m. on the first Monday in August in the year in which the general election is held.

(2) In a special election to fill a vacancy in the office of Representative in Congress, a petition that contains the required number of signatures shall be filed with the State Board by 5 p.m. on the day of the special primary election.

#### §5-703.1.

(a) Except for a candidate for a nonpartisan county board of education, this section applies to any candidate for public office subject to this title.

(b) A candidate for a public office may be nominated by a political party under this subtitle if the political party is not required to nominate its candidates by party primary.

(c) (1) This subsection does not apply to a candidate nominated by a new political party under § 4-102(f) of this article.

(2) A candidate for public office who seeks political party nomination under this section shall file a declaration of intent to seek political party nomination.

(3) The declaration of intent shall be filed with the board at which the candidate files a certificate of candidacy under Subtitle 3 of this title.

(4) The declaration of intent shall be filed as follows:

(i) not later than the first Monday in July; and

(ii) for a special election to fill a vacancy:

1. for Representative in Congress, by the date and time specified in the Governor's proclamation; or

2. for a local public office, by the date and time specified in the county proclamation.

(5) A candidate who seeks nomination by political party may not be charged a fee for filing the declaration of intent.

(d) (1) A candidate for public office who seeks nomination by political party shall 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.

(2) Except for the time of filing, the certificate of candidacy for a candidate who seeks nomination by political party shall comply with the requirements for a certificate of candidacy under Subtitle 3 of this title.

(e) (1) 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 the State Board prescribes, a certificate of nomination signed by the officers of the political party.

(2) In a special election to fill a vacancy in the office of Representative in Congress, a certificate of nomination shall be filed with the State Board by 5 p.m. on the day of the special primary election.

#### §5-704.

An individual who seeks election as a write-in candidate shall file a certificate of candidacy as required under § 5-303 of this title.

#### §5-705.

(a) A certificate of nomination that entitles a candidate for public office to have the candidate's name listed on the general election ballot and submitted to the voters at the general election shall be issued in accordance with this section.

(b) (1) Subject to § 13-332.1 of this article, the State Board shall issue a certificate of nomination to each candidate who files a certificate of candidacy with the State Board and who qualifies for the nomination.

(2) Subject to § 13-332.1 of this article, the local board with which a candidate files a certificate of candidacy shall issue a certificate of nomination to each candidate who qualifies for the nomination.

(3) A political party may have only one candidate as its nominee for any position to be filled in a general election.



(4) A certificate of nomination may not contain the name of more than one nominee for each office to be filled at the election.

(c) Following the certification of the primary elections returns by the board responsible for the certification of the results of that election, that board shall issue a certificate of election to:

(1) each candidate for delegate to a national party convention who is certified by the State Board to have been elected in accordance with the party's rules; and

(2) each candidate to a party central committee who is certified by the local board to have been elected to that position.

§5-706.

(a) This section does not apply to:

(1) a candidate selected by a political party to fill a vacancy in nomination under Subtitle 9 or Subtitle 10 of this title; or

(2) a candidate defeated in a presidential preference primary.

(b) (1) Except as provided in subsection (c) of this section, the name of a candidate who is defeated for the nomination for a public office may not appear on the ballot at the next succeeding general election as a candidate for any office.

(2) A candidate who is defeated for the nomination for a public office may not file a certificate of candidacy as a write-in candidate at the next succeeding general election as a candidate for any office.

(c) The name of a candidate for the office of judge of the circuit court who is defeated in the primary election in each contest for the office of circuit court judge in which the candidate appears on the ballot may not appear on the ballot at the succeeding general election as a candidate for any office.

§5-801.

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

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

- (1) with the board at which the certificate of candidacy was filed; and
  - (2)
    - (i) in the year of a gubernatorial election, by the first Tuesday in August immediately preceding the general election; or
    - (ii) in the year of a presidential election, by the first Tuesday in August immediately preceding the general election.
- (c) If a certificate of declination is filed under this section:
- (1) the certificate of nomination to which the certificate of declination relates is void;
  - (2) a vacancy in nomination is created to be filled in accordance with the provisions of Subtitle 10 of this title;
  - (3) the name of the individual who declined the nomination may not appear on the ballot unless the individual is selected to fill that vacancy; and
  - (4) the filing fee for the certificate of candidacy of that individual may not be refunded.
- (d) The name of each individual who does not decline a nomination shall appear on the general election ballot unless, by the 85th day preceding the general election, the individual's death or disqualification is known to the board with which the certificate of candidacy was filed.

§5-901.

- (a) This section does not apply to a vacancy in nomination in the office of a Governor and Lieutenant Governor unit.
- (b) This section applies to a vacancy in candidacy for a primary election that occurs because:
- (1) of the death, disqualification, or withdrawal of an unopposed candidate; or
  - (2) no candidate for the political party files a certificate of candidacy for the election.
- (c) (1) Except for a vacancy in candidacy for the election of a member of the Senate of Maryland or the House of Delegates as provided in paragraph (2) of this subsection, the vacancy in candidacy for a political party that is entitled to have a

candidate on the ballot for an office elected by the voters of more than one county shall be filled by the State central committee or governing body of that political party.

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

(ii) In filling the vacancy in candidacy under subparagraph (i) of this paragraph, the central committee of each county where the vacancy occurs shall cast a vote proportionate to its share of the total registered voters of the district as reported in the most recent statistical report by the State Board.

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

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

(e) (1) A central committee authorized to fill a vacancy in candidacy for an office under this section because of the withdrawal of an unopposed candidate or because no candidate filed for the office shall file a certificate of designation of candidacy with the appropriate board designated to receive the certificate of candidacy for that office 4 days after the withdrawal date provided in § 5–502 of this title.

(2) A central committee authorized to fill a vacancy in candidacy for an office under this section because of the death or disqualification of an unopposed candidate shall file a certificate of designation with the appropriate board designated to receive the certificate of candidacy for that office 4 days after the death or disqualification becomes known to the applicable board in accordance with § 5–504 of this title.

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

§5–902.

(a) 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 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 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 filing a certificate of candidacy by the date specified under subsection (b) of this section.

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

(1) the deadline for filing a certificate of candidacy for the primary election under § 5-303 of this title; or

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

§5-903.

(a) (1) If a candidate for Lieutenant Governor dies, withdraws the candidacy, or becomes disqualified for any reason after the deadline for filing a certificate of candidacy for a primary election under § 5-303 of this title, the remaining candidate for Governor of that unit may designate a successor candidate for Lieutenant Governor.

(2) Provided the successor candidate for Lieutenant Governor files a certificate of candidacy in accordance with subsection (b) of this section, the name of the successor candidate for Lieutenant Governor shall appear on the ballot.

(b) (1) The successor candidate for Lieutenant Governor designated by the candidate for Governor under subsection (a) of this section shall file a certificate of candidacy with the State Board.

(2) The certificate of candidacy shall be filed:

(i) by the fifth day following the withdrawal deadline specified under § 5–502 of this title, if the former Lieutenant Governor candidate files a certificate of withdrawal; or

(ii) by the fifth day following the death or disqualification of the former Lieutenant Governor candidate, if that former candidate dies or is disqualified less than 70 days before the day of the primary election.

(3) A certificate of candidacy for a successor candidate for Lieutenant Governor under subsection (b)(2)(ii) of this section may not be filed less than 65 days before the day of the primary election.

(c) If the death or disqualification of a former Lieutenant Governor candidate occurs less than 65 days before the day of the primary election, the existing Governor and Lieutenant Governor unit whose filing is complete:

(1) shall remain on the ballot; and

(2) if nominated, a vacancy in the nomination of the candidate for Lieutenant Governor shall be declared and be filled under § 5–1005(b) of this title as if the death or disqualification had occurred after the primary election.

§5–904.

(a) This section does not apply if only one Governor and Lieutenant Governor unit files a certificate of candidacy for the nomination of a political party for those offices in a primary election.

(b) (1) If a candidate for Governor dies, withdraws the candidacy, or becomes disqualified for any reason after the deadline for filing a certificate of candidacy for a primary election under § 5–303 of this title, the remaining candidate for Lieutenant Governor of that unit may:

(i) designate the Lieutenant Governor candidate as the successor candidate for Governor and appoint a successor candidate for Lieutenant Governor; or

(ii) designate a successor candidate for Governor.

(2) The names of any Governor and Lieutenant Governor candidate unit that is designated under paragraph (1) of this subsection shall be listed jointly on the primary election ballot.

(c) (1) The successor candidate for Governor designated by the Lieutenant Governor candidate under subsection (b)(1)(ii) of this section, or the former candidate for Lieutenant Governor who subsequently is designated as the candidate for Governor together with the candidate appointed as the successor candidate for Lieutenant Governor under subsection (b)(1)(i) of this section, each shall file a certificate of candidacy with the State Board.

(2) The certificate of candidacy shall be filed:

(i) by the fifth day following the withdrawal deadline specified under § 5–502 of this title, if the former candidate for Governor files a certificate of withdrawal; or

(ii) by the fifth day following the day of the death or disqualification of the former candidate for Governor, if that former candidate dies or is disqualified less than 70 days before the day of the primary election.

(3) A certificate of candidacy may not be filed under paragraph (2)(ii) of this subsection less than 65 days before the day of the primary election.

(d) If the death or disqualification of a former candidate for Governor occurs less than 65 days before the day of the primary election, the existing Governor and Lieutenant Governor unit whose filing is complete:

(1) shall remain on the ballot; and

(2) if nominated, a vacancy in the office of Governor shall be declared and filled under § 5–1005 of this title as if the death or disqualification had occurred after the primary election.

§5–905.

(a) If only a single Governor and Lieutenant Governor unit files for the nomination of a political party, and the candidate for Governor dies, withdraws the candidacy, or is disqualified for any reason after the filing deadline specified under § 5–303 of this title, the remaining candidate for Lieutenant Governor is disqualified.

(b) (1) In the event of a vacancy in nomination under subsection (a) of this section, the State central committee of the political party to which the candidates belong shall select a successor candidate for Governor.

(2) The State central committee shall make its selection by the 10th day following the death, withdrawal, or disqualification of the gubernatorial candidate.

(3) The candidate disqualified for the office of Lieutenant Governor under subsection (a) of this section is eligible to be chosen as the successor candidate for Governor.

(c) (1) The successor candidate for Governor selected by the State central committee under subsection (b) of this section promptly shall select a successor candidate for Lieutenant Governor.

(2) If the former candidate for Lieutenant Governor is not selected as the successor candidate for Governor, that individual is eligible to be selected again as the candidate for Lieutenant Governor.

(d) By the deadline date specified under subsection (b)(2) of this section for the selection of the successor candidate for Governor by the appropriate State central committee, in accordance with Subtitle 3 of this title:

(1) the State central committee making the selection shall file a certificate of designation for those offices with the State Board for:

(i) its successor candidate for Governor; and

(ii) the successor candidate for Lieutenant Governor designated under subsection (c)(1) of this section; and

(2) the successor candidates for Governor and Lieutenant Governor each shall file a certificate of candidacy for those offices with the State Board.

§5–1001.

(a) When a local board receives a certificate of designation and a certificate of candidacy to fill a vacancy in nomination under this subtitle, it shall notify the State Board of the change by the end of the next business day following the receipt of the certificates.

(b) When the State Board is notified by a local board of a change in nomination under subsection (a) of this section or when a certificate of designation

and a certificate of candidacy to fill a vacancy in nomination is filed directly with the State Board under this subtitle, the State Board shall:

(1) certify the nomination and substitute, for the name of the original nominee, the name of the individual who has been designated and determined to be qualified to have that individual's name placed on the ballot as a successor nominee; and

(2) certify the new nomination to the appropriate local boards.

(c) If the State Board has already issued a certificate of nomination for a nominee under this section, it promptly shall certify to the appropriate local boards:

(1) the name and residence of the individual designated by the State central committee of the political party as the successor nominee to fill the vacancy;

(2) the office for which the successor nominee is nominated;

(3) the political party the successor nominee represents; and

(4) the name of the individual for whom the successor nominee is substituted.

(d) If a successor nominee to fill a vacancy in office is certified by the State Board under this section, the certificate of nomination for the prior nominee is void.

§5-1002.

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

(b) (1) (i) A vacancy in nomination that occurs because a nominee declines the nomination shall be filled by the State central committee of the political party to which the nominee belongs by the 88th day before the general election.

(ii) A vacancy in nomination that occurs because a nominee dies or is disqualified for any cause shall be filled by the State central committee of the political party to which the nominee belongs by the 81st day before the general election.

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



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

§5-1003.

(a) This section applies to a vacancy in nomination for Representative in Congress, State Senator, or member of the House of Delegates, if the district includes more than one county.

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

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

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

(2) The central committee of each county shall cast a vote that is proportionate to its share of the total registered voters in that district as reported in the most recent statistical report by the State Board and promptly notify its State central committee of the results of its vote.

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

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

(4) Following the declination of the nominee, by the 88th day before the general election:

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

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

(5) Following the death or disqualification of the nominee, by the 81st day before the general election:

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

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

§5-1004.

(a) A vacancy in nomination for an office that is entirely in one county shall be filled by:

(1) a central committee in that county as provided in this section; or

(2) a State central committee for a nonprincipal political party that does not have a local central committee.

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

(2) If a nominee for an office that is entirely in one county dies or becomes disqualified, the vacancy in nomination shall be filled by the 81st day before the general election.

(c) (1) The vacancy shall be filled by the central committee of the same political party as the individual vacating the nomination.

(2) If the office is to be voted on by the voters of the entire county, the vacancy shall be filled by the central committee of that county.

(3) If the office is voted on only by the voters of one legislative district and the central committee is elected by legislative district, the vacancy shall be filled by the members of the central committee of that legislative district.

(4) If the office is for Representative in Congress and is a district that is wholly within one county, the vacancy shall be filled by the central committee for that county.

(5) By the deadline prescribed in subsection (b) of this section:

(i) the applicable central committee shall file a certificate of designation with the applicable board; and

(ii) the successor nominee designated by the applicable central committee under item (i) of this paragraph shall file a certificate of candidacy with the applicable board.

(d) If the vacancy results because of a tie vote between two or more candidates, the nominee selected by the central committee under this section shall be one of those candidates.

§5-1005.

(a) This section applies:

(1) to the nominees of a Governor and Lieutenant Governor unit; and

(2) whether or not a certificate of nomination has been issued to the nominees by the State Board.

(b) (1) If, after the primary election, a candidate for Lieutenant Governor dies, declines the nomination, or becomes disqualified, the remaining nominee for Governor of that unit may designate a successor nominee for Lieutenant Governor.

(2) By the fifth day following the day of the death, declination, or disqualification of the nominee for Lieutenant Governor:

(i) the nominee for Governor shall designate the successor nominee for Lieutenant Governor and notify the State central committee of the applicable political party of the selection;

(ii) the State central committee of the political party of the nominee shall file a certificate of designation with the State Board; and

(iii) the successor nominee for Lieutenant Governor shall file a certificate of candidacy with the State Board.

(c) (1) If a nominee for Governor dies, declines the nomination, or becomes disqualified after the primary election, the remaining nominee for Lieutenant Governor is disqualified, except as otherwise provided in this section.

(2) (i) The State central committee of the political party of the nominee for Lieutenant Governor disqualified under paragraph (1) of this subsection shall select a successor nominee for Governor.

(ii) The disqualified nominee for Lieutenant Governor is eligible to be chosen as the nominee for Governor.

(3) (i) The successor nominee for Governor promptly shall select a successor nominee for Lieutenant Governor and notify the State central committee of the applicable political party of the selection.

(ii) The disqualified nominee for Lieutenant Governor is eligible to be selected again as the nominee for Lieutenant Governor.

(4) Except as provided under paragraph (5) of this subsection, by the fifth day following the death, declination, or disqualification of the former nominee for Governor:

(i) the State central committee shall file a certificate of designation for the successor nominee for Governor and the successor nominee for Lieutenant Governor with the State Board; and

(ii) each of the successor nominees shall file a certificate of candidacy with the State Board.

(5) A State central committee may not file a certificate of designation for a successor nominee for Governor under this subsection within 65 days of the day of the general election.

(6) A Governor and Lieutenant Governor unit shall remain on the ballot for the general election if:

(i) a nominee for Governor dies, declines the nomination, or is disqualified less than 65 days before the general election; and

(ii) a certificate of designation and certificates of candidacy for successor nominees for Governor and Lieutenant Governor are not filed in accordance with this section.

(7) If a Governor and Lieutenant Governor unit comprised of a nominee for Governor who has died, declined the nomination, or become disqualified remains on the ballot as provided under paragraph (6) of this subsection, during the campaign period following the death, declination, or disqualification of the gubernatorial nominee until the general election, the Lieutenant Governor nominee officially becomes the gubernatorial nominee and may assert that status in the campaign.

(8) If a Governor and Lieutenant Governor unit comprised of a nominee for Governor who has died, declined the nomination, or become disqualified remains on the ballot as provided under paragraph (6) of this subsection and is elected, the vacancy resulting from the death, declination, or disqualification shall be filled as if it had occurred after the general election in accordance with applicable law.

§5-1101.

(a) This section applies to petition candidates for the office of Governor and Lieutenant Governor.

(b) (1) If either of the candidates of a Governor and Lieutenant Governor unit nominated by petition under § 5-703 of this title dies, withdraws a certificate of candidacy, or becomes disqualified prior to the deadline for filing a certificate of candidacy for a primary election under § 5-303 of this title, the remaining candidate may:

(i) select a successor candidate and:

1. file a certificate or designation with the State Board;  
and

2. have the individual designated file a certificate of candidacy with the State Board in accordance with paragraph (2) of this subsection;  
or

(ii) withdraw the certificate of candidacy and form a new unit for Governor and Lieutenant Governor.

(2) Each member of the successor unit for Governor and Lieutenant Governor formed under this section shall file a certificate of candidacy before the later of:

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

(ii) the fifth day following the death, withdrawal, or disqualification of the former nominee.

(c) (1) Subject to paragraph (2) of this subsection, if either of the nominees of a Governor and Lieutenant Governor unit nominated by petition dies, withdraws a certificate of candidacy, or becomes disqualified after the deadline for filing a certificate of candidacy for a primary election under § 5-303 of this title, the remaining nominee may:

(i) designate another nominee as the successor nominee for the vacancy in nomination; or

(ii) assume the vacancy in nomination of the prior nominee and designate another nominee for the position in the unit that formerly was held by the successor nominee who assumed the vacancy created by the death, withdrawal, or disqualification of the prior nominee.

(2) (i) The successor nominees or the nominee who exercises the option to assume a position in the Governor and Lieutenant Governor unit previously held by a nominee who dies, withdraws a certificate of candidacy, or becomes disqualified shall file with the State Board either:

1. a certificate of candidacy, if no certificate was filed previously; or

2. a change of candidacy, if the nominee is a candidate for a different office as a part of the successor unit.

(ii) The certificate of candidacy:

1. shall be filed by the fifth day following the death, withdrawal, or disqualification of a prior nominee after the deadline specified in paragraph (1) of this subsection; and

2. may not be filed within 65 days of the day of the general election.

(d) If a nominee for Governor or Lieutenant Governor subject to this section dies, withdraws a certificate of candidacy, or becomes disqualified less than 69 days before the day of the general election and the certificate of candidacy required by subsection (b) of this section is not filed with the State Board, the unit:

(1) shall remain on the ballot; and

(2) if elected, the vacancy resulting from the death, declination, or disqualification shall be filled as if it had occurred after the general election, in accordance with this article or other applicable provisions of law.

(e) (1) The certificate for nomination by petition for a nominee subject to this section shall be issued by the State Board under § 5–703 of this title.

(2) No additional petitions are required if one of the members of the original Governor and Lieutenant Governor unit remains a nominee of the successor unit.

§5-1201.

(a) (1) Except as otherwise specifically provided in this title, if either nominee of a Governor and Lieutenant Governor unit dies, declines the nomination, or is disqualified, the remaining nominee shall cease to be a candidate if:

(i) a successor nominee is not designated or selected under this subtitle; and

(ii) the certificate of designation and certificate of candidacy required under this subtitle are not filed in a timely manner.

(2) If a successor nominee for Governor or Lieutenant Governor is not designated or selected as required under this subtitle, the name of the remaining nominee may not appear on the ballot.

(b) If an individual designated as a successor nominee for an office other than Governor or Lieutenant Governor does not file the certificate of candidacy required under this subtitle or otherwise fails to comply with the requirements of this title, the name of that individual may not appear on the ballot.

§5-1202.

An individual selected or designated to fill a vacancy in candidacy or nomination under this title shall:

(1) file a certificate of candidacy with the appropriate board in accordance with Subtitle 3 of this title; and

(2) unless exempted under this title, pay the filing fee specified under § 5-401 of this title.

§5-1203.

(a) At each general election, the names of the following nominees shall be submitted to the voters:

(1) each candidate nominated under this title who has satisfied the requirements of this article or other provisions of law, provided the candidate has not:

(i) declined the nomination; or

(ii) died or become disqualified and the provisions of this article do not require that the name of the nominee nonetheless be submitted to the voters;

(2) each nominee who has qualified for a presidential election under Title 8, Subtitle 5 of this article; and

(3) each incumbent justice of the Supreme Court of Maryland or the Appellate Court of Maryland whose name is required to be submitted to the voters for continuance in office under Article IV, § 5A of the Maryland Constitution.

(b) In accordance with Title 9, Subtitle 2 of this article, the State Board shall certify to each local board the name of each nominee who has qualified for the general election ballot as the nominee's name is to appear on the ballots in that county.

§5-1301.

(a) Except for a candidate or nominee to fill a vacancy for the office of Governor or Lieutenant Governor, this subtitle applies to a candidate or nominee to fill a vacancy for any public office subject to this title.

(b) A nominee to fill a vacancy for Governor or Lieutenant Governor is subject to the requirements of Subtitle 10 of this title.

§5-1302.

(a) A certificate of designation may not be filed later than 10 days before the day of the general election.

(b) If the name of a nominee who has died, declined the nomination, or been disqualified appears on the ballot and receives a number of votes that would have been sufficient for election if the nominee had not died, declined, or been disqualified for the nomination, the vacancy thereby created shall be:

(1) deemed to have occurred after the day of the general election; and

(2) filled in accordance with this article or other provisions of law.

§5-1303.



(a) (1) If a nominee dies, declines the nomination, or is disqualified after the primary election but before a certificate of nomination is issued by the appropriate board with which candidates for that office must file a certificate of candidacy under § 5-302 of this title, the canvass and certification of the primary election results shall proceed as though the candidate had not died, declined the nomination, or been disqualified.

(2) If, following the canvass and certification, the individual who is certified as the nominee has died, declined the nomination, or been disqualified, a successor nominee may be named in the manner provided by law.

(b) (1) If a winning candidate dies, declines the office, or becomes disqualified after the general election but before the certification of the general election results, the canvass and certification shall proceed as though the candidate had not died, declined the office, or been disqualified.

(2) If, following the canvass and certification of the general election results, the individual who is declared elected has died, declined the office, or been disqualified, the office shall be declared vacant and filled in the manner provided by law.

§6–101.

(a) In this title the following words have the meanings indicated.

(b) “Affidavit” means a statement executed under penalty of perjury.

(c) “Chief election official” means:

(1) as to the State Board, the State Administrator; or

(2) as to a local board, the election director.

(d) “Circulator” means an individual who attests to one or more signatures affixed to a petition.

(e) “Election authority” means:

(1) the State Board; or

(2) as to a local petition, the local board for that county.

(f) “Legal authority” means:

(1) the Attorney General; or

(2) as to a local petition, the counsel to the local board appointed under § 2-205 of this article for that county.

(g) “Local petition” means a petition:

(1) on which the signatures from only one county may be counted;  
and

(2) that does not seek to:

(i) refer a public local law enacted by the General Assembly;  
or

(ii) nominate an individual for an office for which a certificate of candidacy is required to be filed with the State Board.

(h) “Page” means a piece of paper comprising a part of a petition.

(i) “Petition” means all of the associated pages necessary to fulfill the requirements of a process established by the law by which individuals affix their signatures as evidence of support for:

(1) placing the name of an individual, the names of individuals, or a question on the ballot at any election;

(2) the creation of a new political party; or

(3) the appointment of a charter board under Article XI-A, § 1A of the Maryland Constitution.

(j) “Sponsor” means the person who coordinates the collection of signatures for a petition and who, if the petition is filed, is named on the information page as required by § 6-201 of this title.

§6–102.

(a) Except as provided in subsection (b) of this section, this title applies to any petition authorized by law to place the name of an individual or a question on the ballot or to create a new political party.

(b) This title does not apply to a petition filed pursuant to Division II of the Local Government Article.

(c) This title may not be interpreted to conflict with any provision relating to petitions specified in the Maryland Constitution.

§6–103.

(a) (1) The State Board shall adopt regulations, consistent with this title, to carry out the provisions of this title.

(2) The regulations shall:

- (i) prescribe the form and content of petitions;
- (ii) specify procedures for the circulation of petitions for signatures;
- (iii) specify procedures for the verification and counting of signatures; and
- (iv) provide any other procedural or technical requirements that the State Board considers appropriate.

(b) (1) The State Board shall:

- (i) prepare guidelines and instructions relating to the petition process; and
- (ii) design and arrange to have sample forms available to the public conforming to this title for each purpose for which a petition is authorized by law.

(2) The guidelines, instructions, and forms shall be provided to the public, on request, without charge.

§6–201.

(a) A petition shall contain:

- (1) an information page; and
- (2) signature pages containing not less than the total number of signatures required by law to be filed.

(b) The information page shall contain:

(1) a description of the subject and purpose of the petition, conforming to the requirements of regulations;

(2) identification of the sponsor and, if the sponsor is an organization, of the individual designated to receive notices under this subtitle;

(3) the required information relating to the signatures contained in the petition;

(4) the required affidavit made and executed by the sponsor or, if the sponsor is an organization, by an individual responsible to and designated by the organization; and

(5) any other information required by regulation.

(c) Each signature page shall contain:

(1) a description of the subject and purpose of the petition, conforming to the requirements of regulations;

(2) if the petition seeks to place a question on the ballot, either:

(i) a fair and accurate summary of the substantive provisions of the proposal; or

(ii) the full text of the proposal;

(3) a statement, to which each signer subscribes, that:

(i) the signer supports the purpose of that petition process; and

(ii) based on the signer's information and belief, the signer is a registered voter in the county specified on the page and is eligible to have his or her signature counted;

(4) spaces for signatures and the required information relating to the signers;

(5) a space for the name of the county in which each of the signers of that page is a registered voter;

(6) a space for the required affidavit made and executed by the circulator; and

(7) any other information required by regulation.

(d) If the petition seeks to place a question on the ballot and the sponsor elects to print a summary of the proposal on each signature page as provided in subsection (c)(2)(i) of this section:

(1) the circulator shall have the full text of the proposal present at the time and place that each signature is affixed to the page; and

(2) the signature page shall state that the full text is available from the circulator.

(e) A signature page shall satisfy the requirements of subsections (c) and (d)(2) of this section before any signature is affixed to it and at all relevant times thereafter.

§6–202.

(a) (1) The format of the petition prepared by a sponsor may be submitted to the chief election official of the appropriate election authority, in advance of filing the petition, for a determination of its sufficiency.

(2) In making the determination under this subsection, the chief election official may seek the advice of the legal authority.

(b) (1) When determining the sufficiency under subsection (a) of this section of a petition that seeks to place a question regarding a local law or charter amendment on a ballot, the election director of the local board shall determine the sufficiency of any summary of the local law or charter amendment that is contained in the petition.

(2) If the election director determines that the summary of the local law or charter amendment is insufficient, the election director shall provide the sponsor with a clear, concise, and understandable explanation of the reasons for the determination.

(3) In making the determination under this subsection, the election director may seek the advice of:

(i) the counsel to the local board; or

- (ii) the Attorney General.

§6–203.

- (a) To sign a petition, an individual shall:

- (1) sign the individual's name as it appears on the statewide voter registration list or the individual's surname of registration and at least one full given name and the initials of any other names; and

- (2) include the following information, printed or typed, in the spaces provided:

- (i) the signer's name as it was signed;

- (ii) the signer's address;

- (iii) the date of signing; and

- (iv) other information required by regulations adopted by the State Board.

- (b) The signature of an individual shall be validated and counted if:

- (1) the requirements of subsection (a) of this section have been satisfied;

- (2) the individual is a registered voter assigned to the county specified on the signature page and, if applicable, in a particular geographic area of the county;

- (3) the individual has not previously signed the same petition;

- (4) the signature is attested by an affidavit appearing on the page on which the signature appears;

- (5) the date accompanying the signature is not later than the date of the affidavit on the page; and

- (6) if applicable, the signature was affixed within the requisite period of time, as specified by law.

- (c) (1) A signature may be removed:

(i) by the signer upon written application to the election authority with which the petition will be filed if the application is received by the election authority prior to the filing of that signature; or

(ii) prior to the filing of that signature, by the circulator who attested to that signature or by the sponsor of the petition, if it is concluded that the signature does not satisfy the requirements of this title.

(2) A signature removed pursuant to paragraph (1)(ii) of this subsection may not be included in the number of signatures stated on the information page included in the petition.

§6–204.

(a) Each signature page shall contain an affidavit made and executed by the individual in whose presence all of the signatures on that page were affixed and who observed each of those signatures being affixed.

(b) The affidavit shall contain the statements, required by regulation, designed to assure the validity of the signatures and the fairness of the petition process.

(c) A circulator must be at least 18 years old at the time any of the signatures covered by the affidavit are affixed.

§6–205.

(a) (1) Unless otherwise required by the Maryland Constitution, a petition shall be filed, in person by or on behalf of the sponsor, in the office of the appropriate election authority.

(2) If the Maryland Constitution provides that a petition shall be filed with the Secretary of State, the Secretary of State shall deliver the petition to the State Board within 24 hours.

(3) If the Maryland Constitution provides that a petition shall be filed with an official or a governmental body of a county, the official or governmental body, after determining that the petition is in conformance with the requirements of law, shall dispatch the petition to the local board for that county within 24 hours.

(4) A petition forwarded under paragraph (2) or (3) of this subsection shall be processed under this subtitle as if it had been filed with the election authority.

(b) The regulations adopted by the State Board may provide that the signature pages of a petition required to be filed with the State Board be delivered by the sponsor, or an individual authorized by the sponsor, to the appropriate local board or boards for verification and counting of signatures.

(c) A petition may not be accepted for filing unless the information page indicates that the petition satisfies any requirements established by law for the time of filing and for the number and geographic distribution of signatures.

(d) Subsequent to the filing of a petition under this subtitle, but prior to the deadline for filing the petition, additional signatures may be added to the petition by filing an amended information page and additional signature pages conforming to the requirements of this subtitle.

§6–206.

(a) Promptly upon the filing of a petition with an election authority, the chief election official of the election authority shall review the petition.

(b) Unless a determination of deficiency is made under subsection (c) of this section, the chief election official shall:

(1) make a determination that the petition, as to matters other than the validity of signatures, is sufficient; or

(2) defer a determination of sufficiency pending further review.

(c) The chief election official shall declare that the petition is deficient if the chief election official determines that:

(1) the petition was not timely filed;

(2) after providing the sponsor an opportunity to correct any clerical errors, the information provided by the sponsor indicates that the petition does not satisfy any requirements of law for the number or geographic distribution of signatures;

(3) an examination of unverified signatures indicates that the petition does not satisfy any requirements of law for the number or geographic distribution of signatures;

(4) the requirements relating to the form of the petition have not been satisfied;



(5) based on the advice of the legal authority:

(i) the use of a petition for the subject matter of the petition is not authorized by law; or

(ii) the petition seeks:

1. the enactment of a law that would be unconstitutional or the election or nomination of an individual to an office for which that individual is not legally qualified to be a candidate; or

2. a result that is otherwise prohibited by law; or

(6) the petition has failed to satisfy some other requirement established by law.

(d) A determination under this section may not be inconsistent with an advance determination made under § 6-202 of this subtitle.

(e) Notice of a determination under this section shall be provided in accordance with § 6-210 of this subtitle.

§6-207.

(a) (1) Upon the filing of a petition, and unless it has been declared deficient under § 6-206 of this subtitle, the staff of the election authority shall proceed to verify the signatures and count the validated signatures contained in the petition.

(2) The purpose of signature verification under paragraph (1) of this subsection is to ensure that the name of the individual who signed the petition is listed as a registered voter.

(b) The State Board, by regulation, shall establish the process to be followed by all election authorities for verifying and counting signatures on petitions.

(c) (1) The process established under subsection (b) of this section shall provide for optional verification of a random sample of signatures contained in a petition.

(2) Verification by random sample may only be used, with the approval of the State Board:

(i) for a single-county petition containing more than 500 signatures; or

(ii) in the case of a multicounty petition, by a local board that receives signature pages containing more than 500 signatures.

(3) Verification under this subsection shall require the random selection and verification of 500 signatures or 5% of the total signatures on the petition, whichever number is greater, to determine what percentage of the random sample is composed of signatures that are authorized by law to be counted. That percentage shall be applied to the total number of signatures in the petition to establish the number of valid signatures for the petition.

(4) (i) If the random sample verification establishes that the total number of valid signatures does not equal 95% or more of the total number required, the petition shall be deemed to have an insufficient number of signatures.

(ii) If the random sample verification establishes that the total number of valid signatures exceeds 105% of the total number required, the petition shall be deemed to have a sufficient number of signatures.

(iii) If the random sample verification establishes that the total number of valid signatures is at least 95% but not more than 105% of the total number required, a verification of all the signatures in the petition shall be conducted.

§6–208.

(a) At the conclusion of the verification and counting processes, the chief election official of the election authority shall:

(1) determine whether the validated signatures contained in the petition are sufficient to satisfy all requirements established by law relating to the number and geographical distribution of signatures; and

(2) if it has not done so previously, determine whether the petition has satisfied all other requirements established by law for that petition and immediately notify the sponsor of that determination, including any specific deficiencies found.

(b) If a petition sponsor's ballot issue committee fails to provide proof of filing the report required under § 13–309(e) of this article, the chief election official may not certify the petition.

(c) If the chief election official determines that a petition has satisfied all requirements established by law relating to that petition, the chief election official shall certify that the petition process has been completed and shall:

(1) with respect to a petition seeking to place the name of an individual or a question on the ballot, certify that the name or question has qualified to be placed on the ballot;

(2) with respect to a petition seeking to create a new political party, certify the sufficiency of the petition to the chairman of the governing body of the partisan organization; and

(3) with respect to the creation of a charter board under Article XI–A, § 1A of the Maryland Constitution, certify that the petition is sufficient.

(d) Notice of a determination under this section shall be provided in accordance with § 6–210 of this subtitle.

§6–209.

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

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

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

(2) The court may grant relief as it considers appropriate to ensure the integrity of the electoral process.

(3) A judicial proceeding under this section shall be conducted in accordance with the Maryland Rules, except that:

(i) the case shall be heard and decided without a jury and as expeditiously as the circumstances require; and

(ii) an appeal shall be taken directly to the Supreme Court of Maryland within 5 days after the date of the decision of the circuit court.

(4) The Supreme Court of Maryland shall give priority to hear and decide an appeal brought under paragraph (3)(ii) of this subsection as expeditiously as the circumstances require.

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

§6-210.

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

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

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

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

(c) (1) Except as provided in paragraph (2) of this subsection, the verification and counting of validated signatures on a petition shall be completed within 20 days after the filing of the petition.

(2) If a petition seeks to place the name of an individual on the ballot for a special election, the verification and counting of validated signatures on the petition shall be completed within 10 days after the filing of the petition.

(d) Within 1 business day of the completion of the verification and counting processes, or, if judicial review is pending, within 1 business day after a final judicial decision, the appropriate election official shall make the certifications required by § 6-208 of this subtitle.

(e) (1) Except as provided in paragraph (2) of this subsection, any judicial review of a determination, as provided in § 6-209 of this subtitle, shall be

sought by the 10th day following the determination to which the judicial review relates.

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

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

(iii) If the petition seeks to place the name of an individual on the ballot for a special election, judicial review shall be sought by the 2nd day following the determination to which the judicial review relates.

(3) (i) A judicial proceeding under this subsection shall be conducted in accordance with the Maryland Rules, except that:

1. the case shall be heard and decided without a jury and as expeditiously as the circumstances require; and

2. an appeal shall be taken directly to the Supreme Court of Maryland within 5 days after the date of the decision of the circuit court.

(ii) The Supreme Court of Maryland shall give priority to hear and decide an appeal brought under subparagraph (i)2 of this paragraph as expeditiously as the circumstances require.

§6–211.

Offenses and penalties relating to the petition process shall be as provided in Title 16 of this article.

§7–101.

This title applies to the following types of ballot questions:

(1) a question relating to:

(i) the creation or adoption of a new Constitution or the calling of a constitutional convention; or

(ii) an amendment pursuant to Article XIV of the Maryland Constitution;

(2) referral of an enactment of the General Assembly pursuant to Article XVI of the Maryland Constitution;

(3) a question pursuant to Article XI–A of the Maryland Constitution relating to:

(i) the creation of a charter home rule county government;

(ii) the approval of a county charter; or

(iii) the amendment of a county charter;

(4) a question relating to the creation of a code home rule county government pursuant to Article XI–F of the Maryland Constitution;

(5) a question relating to the alteration of county boundaries or the creation of a new county pursuant to Article XIII of the Maryland Constitution;

(6) a question referred to the voters pursuant to an enactment of the General Assembly;

(7) a question on an enactment of a charter county pursuant to § 9–205 of the Local Government Article or a code county pursuant to §§ 9–310 through 9–313 of the Local Government Article;

(8) a question relating to the incorporation of a new municipality pursuant to § 4–204 of the Local Government Article;

(9) a question on the issuance of a bond pursuant to § 9–934 of the Environment Article; and

(10) any other question that will be voted on in an election conducted pursuant to this article.

§7–102.

(a) (1) A question relating to the holding of a constitutional convention qualifies for the ballot automatically every 20 years pursuant to Article XIV, § 2 of the Maryland Constitution.

(2) A question relating to the adoption of a new or altered Constitution qualifies upon its adoption by a duly constituted convention pursuant to Article XIV, § 2 of the Maryland Constitution.

(3) An amendment to the Constitution qualifies upon its passage by the General Assembly pursuant to Article XIV, § 1 of the Maryland Constitution.

(b) A question on an act of the General Assembly pursuant to Article XVI of the Maryland Constitution qualifies upon the certification under Title 6 of this article, that the petition has satisfied all the requirements established by Article XVI.

(c) (1) A question relating to the creation of a home rule county government qualifies upon either:

(i) a determination by the appropriate local authority that the applicable petition has satisfied all the requirements established by law relating to the creation of a charter board; or

(ii) the adoption by the governing body of a county of an enactment proposing that the county become a code county.

(2) A question relating to the approval of a county charter qualifies upon the adoption of a proposed charter by a charter board pursuant to the requirements prescribed by Article XI-A of the Maryland Constitution.

(3) A question relating to the amendment of a county charter shall qualify either upon:

(i) the passage by the governing body of the county of a resolution proposing the amendment; or

(ii) a determination by the governing body of the county that a petition submitted has satisfied all the requirements established by law relating to petitions initiating charter amendments.

(d) A question relating to the creation of a new county or the alteration of county boundaries qualifies upon the enactment of the implementing public general law.

(e) A question referred to the voters as provided in an enactment of the General Assembly qualifies upon the enactment of the law calling for the question.

(f) (1) A question on an enactment by a charter county qualifies pursuant to local law and § 9–205 of the Local Government Article.

(2) A question on an enactment by a code county qualifies pursuant to local law and §§ 9–310 through 9–313 of the Local Government Article.

(g) A question relating to the incorporation of a new municipal corporation qualifies upon the determination by the county governing body that the applicable petition has satisfied all the requirements established by law for that petition.

(h) A referendum on a question of issuance of a bond pursuant to § 9-934 of the Environment Article qualifies upon submission of the question to the appropriate local board.

§7–103.

(a) (1) In this section the following words have the meanings indicated.

(2) “County attorney” means:

(i) the attorney or law department established by a county charter or local law to represent the county generally, including its legislative and executive officers; or

(ii) if the county charter or local laws provide for different attorneys to represent the legislative and executive branches of county government, the attorney designated to represent the county legislative body.

(3) “Municipal attorney” means:

(i) the attorney or law department established by a municipal charter or local law to represent the municipal corporation generally, including its legislative and executive officers; or

(ii) if the municipal charter or local laws provide for different attorneys to represent the legislative and executive branches of municipal government, the attorney designated to represent the municipal legislative body.

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

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

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



- (3) a brief descriptive title in boldface type;
- (4) a condensed statement of the purpose of the question; and
- (5) the voting choices that the voter has.

(c) (1) The Secretary of State shall prepare and certify to the State Board, not later than the 95th day before the general election, the information required under subsection (b) of this section, for all statewide ballot questions and all questions relating to an enactment of the General Assembly which is petitioned to referendum.

(2) The State Board shall prepare and certify to the appropriate local board, not later than the 105th day before the general election, the information required under subsection (b) of this section for all questions that have been referred to the voters of one county or part of one county pursuant to an enactment of the General Assembly.

(3) (i) The county attorney of the appropriate county shall prepare and certify to the State Board, not later than the 95th day before the general election, the information required under subsection (b) of this section for each question to be voted on in a single county or part of a county, except a question covered by paragraph (1) or paragraph (2) of this subsection.

(ii) If the information required under subsection (b) of this section has not been timely certified under subparagraph (i) of this paragraph, the clerk of the circuit court for the jurisdiction shall prepare and certify that information to the State Board not later than the first Friday in August.

(4) (i) The municipal attorney of the appropriate municipal corporation shall prepare and certify to the State Board, not later than the 95th day before the general election, the information required under subsection (b) of this section for each question to be voted on in the municipal corporation, except a question covered by paragraphs (1) through (3) of this subsection.

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

(5) The information required under subsection (b) of this section for a question that is being placed on the ballot by petition may be prepared before the petition is certified under § 6–208 of this article.

(d) (1) Each statewide question and each question relating to an enactment of the General Assembly which is petitioned to referendum shall be assigned a numerical identifier in the following order:

(i) by years of sessions of the General Assembly at which enacted; and

(ii) for each such session, by chapter numbers of the Session Laws of that session.

(2) A question that has been referred to the voters of one county or part of one county pursuant to an enactment of the General Assembly shall be assigned an alphabetical identifier in an order established by the State Board.

(3) Questions certified under subsection (c)(3)(i) or (ii) or (c)(4)(i) or (ii) of this section shall be assigned an alphabetical or alphanumeric identifier in an order established by the certifying authority in consultation with the State Board to prevent duplication or confusion, consistent with and following the questions certified by the State Board.

§7-104.

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

(b) A petition relating to a question arising under Article XI-A of the Maryland Constitution shall be filed with the appropriate governmental body or officer not later than the 99th day before the general election at which the question is to be voted on.

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

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

§7-105.

(a) A local board shall provide notice of each question to be submitted statewide and each question to be submitted to the voters of the county, by:

(1) specimen ballot mailed at least 1 week before any early voting period before the general election; or

(2) publication or dissemination by mass communication during the 3 weeks immediately preceding the general election at which a question will appear on the ballot.

(b) (1) For any question submitted under Article XIV or Article XVI of the Maryland Constitution, the notice required by subsection (a) of this section shall contain the information specified in § 7-103(b) of this title and a brief statement, prepared in clear and concise language, devoid of technical and legal terms to the extent practicable, summarizing the question.

(2) The statement required under paragraph (1) of this subsection shall be:

(i) prepared by the Department of Legislative Services;

(ii) approved by the Attorney General; and

(iii) submitted to the State Board by the first Monday in August.

(3) The statement required under paragraph (1) of this subsection is sufficient if it is:

(i) contained in an enactment by the General Assembly, and the enactment clearly specifies that the statement is to be used on the ballot; or

(ii) consistent with some other process mandated by the Maryland Constitution.

(c) The State Board shall adopt regulations governing notice of questions to appear on the ballot, including the use and content of specimen ballots and the publication or dissemination of notice by mass communication.

(d) (1) The complete text of a question shall be posted or available for public inspection in the office of the State Board and each applicable local board for 65 days prior to the general election.

(2) Copies of the complete text of all statewide questions shall be furnished by the State Board to the local boards in quantities as determined by the State Board, including quantities sufficient to provide one copy of each for posting in each polling place and in each local board office.

(3) An individual may receive without charge a copy of the complete text of all constitutional amendments and questions from a local board, either in person, by mail, or electronically.

§8-101.

(a) Under the supervision of the State Board, and in accordance with regulations and procedures adopted by the State Board, a local board shall conduct all elections held under this article in the county in which the board is located.

(b) Except where it would be inappropriate, or as otherwise provided in this article, the electoral process for primary elections, general elections, and special elections shall be uniform.

§8-102.

(a) Except as required under subsection (d) of this section, a local board shall provide notice of each election in its county to the registered voters of the county by either:

(1) specimen ballot mailed at least 1 week before the first day of any early voting period before the election; or

(2) publication or dissemination by mass communication during the calendar week preceding the election.

(b) The notice shall include:

(1) the time and place of the election; and

(2) the offices, candidate names, and questions contained on the ballot.

(c) (1) If a local board provides notice by mailing specimen ballots, a specimen ballot shall be mailed to all registered voters in the county who are eligible to vote in the election.

(2) The specimen ballot shall be a facsimile of the ballot that the voter is entitled to vote in the election.

(d) (1) In Prince George's County for the general election, the Board shall:

- (i) provide notice by mailing specimen ballots; and
  - (ii) mail a specimen ballot to the household of each registered voter in the county.

(2) The costs for mailing specimen ballots in Prince George's County shall be included in the county's annual budget appropriation to the local board.

(e) (1) Unless a local board mails a specimen ballot to its registered voters in accordance with subsection (c) or (d) of this section, the local board shall give notice of the election by newspaper publication or other means of mass communication.

(2) The notice of election under this subsection shall be arranged, if practicable, in the same order and form as the ballot.

(3) (i) If newspaper publication is used in a county, the notice shall be advertised in at least two newspapers of general circulation that are published in the county.

(ii) In a county in which only one newspaper is published, the notice shall be published in that newspaper.

§8-103.

(a) In the event of a state of emergency, declared by the Governor in accordance with the provisions of law, that interferes with the electoral process, the emergency proclamation may:

(1) provide for the postponement, until a specific date, of the election in part or all of the State;

(2) specify alternate voting locations; or

(3) specify alternate voting systems.

(b) (1) If emergency circumstances, not constituting a declared state of emergency, interfere with the electoral process, the State Board or a local board, after conferring with the State Board, may petition a circuit court to take any action the court considers necessary to provide a remedy that is in the public interest and protects the integrity of the electoral process.

(2) The State Board shall develop guidelines concerning methods for addressing possible emergency situations.

§8–201.

(a) (1) There shall be a statewide primary election in every even-numbered year.

(2) A primary election shall be held:

(i) in the year in which the Governor is elected, on the last Tuesday in June; and

(ii) in the year in which the President of the United States is elected, on the fourth Tuesday in April.

(b) In Baltimore City, there shall be a primary election for municipal offices on the fourth Tuesday in April in the year in which the President of the United States is elected.

§8–202.

(a) A principal political party, as determined by the statement of registration issued by the State Board:

(1) shall use the primary election to:

(i) nominate its candidates for public office; and

(ii) elect all members of the local central committees of the political party; and

(2) may use the primary election in the year of a presidential election to elect delegates to a national presidential nominating convention.

(b) Except for a nominee for President or Vice President, the name of a nominee of a principal political party may not appear on the ballot in a general election if the individual has not:

(1) been nominated in the primary election; or

(2) been designated to fill a vacancy in nomination in accordance with Title 5 of this article.

(c) If a political party chooses to permit voters not affiliated with the party to vote in the party's primary election, the chairman of the party's State central

committee shall so notify the State Board at least 6 months before the date of the primary election.

§8-203.

(a) Except as provided in subsection (b) of this section, in accordance with Title 9, Subtitle 2 of this article, the State Board shall certify to the local board of a county the names of candidates on the primary election ballots in that county.

(b) This section does not apply to a special primary election for the office of Representative in Congress.

§8-204.

If a candidate qualifies for the primary election ballot in accordance with § 5-601 of this article, and is unopposed for the nomination, the word “unopposed” shall be placed next to the candidate’s name.

§8-205.

A voter may not cast a write-in vote in a primary election.

§8-301.

(a) (1) There shall be a statewide general election in each even-numbered year.

(2) A statewide general election shall be held on the Tuesday following the first Monday in November.

(b) In Baltimore City, there shall be a general election for municipal offices on the Tuesday following the first Monday in November in the year in which the President of the United States is elected.

§8-401.

(a) A special primary election and a special general election may be held at a time other than the date of a regular primary election and a regular general election:

(1) to fill a vacancy in the office of Representative in Congress; or

(2) to fill a vacancy in the county council or in the office of chief executive officer or county executive if the charter of that county provides for special elections.

(b) (1) Special elections to fill a vacancy in the office of Representative in Congress shall be held at the time specified in Subtitle 7 of this title.

(2) (i) Special elections to fill vacancies in a county council or in the office of chief executive officer or county executive shall be held as provided in the county charter.

(ii) The date set for the special election to fill a vacancy under this paragraph shall allow at least 45 days between the date a local board makes an absentee ballot available to an absent uniformed services voter or overseas voter, as defined under the Uniformed and Overseas Citizens Absentee Voting Act, and the date of the special election.

(c) An election to fill a vacancy in the office of United States Senator shall be held concurrently with a regular election as provided in Subtitle 6 of this title.

(d) The State Board shall adopt regulations to establish requirements concerning:

(1) notice to absent uniformed services voters and overseas voters concerning a special election; and

(2) the process for absent uniformed services voters and overseas voters to:

(i) request an absentee ballot for a special election; and

(ii) return an absentee ballot by mail in a timely manner.

§8-501.

(a) Delegates and alternate delegates to the national presidential nominating convention of a political party shall be selected as provided in the national party rules of the party.

(b) The State central committee of each political party shall certify to the State Board, not later than October 1 in the year preceding the election:

(1) the number of delegates and alternate delegates to be selected in the State and the mode or modes of selection; and



(2) in the case of a principal political party:

(i) if delegates are to be elected by district, the number of delegates to be elected from each district;

(ii) provisions for placing on the ballot the name of a presidential candidate, or the word “uncommitted”, adjacent to the name of each candidate for delegate;

(iii) provisions for how, if a candidate for delegate withdraws in accordance with § 5–502 of this article and the withdrawing candidate’s name would have appeared on the ballot adjacent to the name of a presidential candidate, that presidential candidate will designate a replacement candidate for delegate no later than 5 days after the deadline established in § 5–502 of this article; and

(iv) any other provisions of the national party rules of the party that relate to the election of delegates or alternate delegates at the primary election.

§8–502.

(a) This section applies to the placement on the ballot in the primary election of the names of individuals who are candidates for nomination by principal political parties to the office of President of the United States.

(b) An individual who desires to run in the primary election may be placed on the ballot only:

(1) by direction of the Secretary of State in accordance with subsection (c) of this section; or

(2) by filing, in accordance with subsection (d) of this section, a petition containing the signatures of at least 400 registered voters from each congressional district in the State.

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

(2) The Secretary of State shall certify the name of a presidential candidate on the ballot when the Secretary has determined, in the Secretary’s sole discretion and consistent with party rules, that the candidate’s candidacy is generally advocated or recognized in the news media throughout the United States or in Maryland, unless the candidate executes and files with the Secretary of State an

affidavit stating without qualification that the candidate is not and does not intend to become a candidate for the office in the Maryland primary election.

(d) A candidate who seeks to be placed on the ballot by the petition process specified in subsection (b)(2) of this section shall file the petition, in the form prescribed by the State Board, on the 95th day before the day of the election.

(e) The State Board shall establish a procedure for the Democratic presidential primary through which votes may be cast as uncommitted to any presidential candidate.

(f) The names of the candidates for President qualifying under this section shall be certified to the local boards by the State Board and shall be printed on all ballots used for the primary election.

~~§8-503.~~ IN EFFECT

(a) Each political party shall nominate or provide for the nomination of candidates for presidential elector of the party in accordance with party rules.

(b) The number of candidates nominated by each political party shall be the number that this State is entitled to elect.

(c) (1) The names and residential addresses of individuals nominated as candidates for presidential elector by a political party shall be certified to the State Board by the presiding officers of the political party.

(2) The names and residential addresses of individuals nominated as candidates for presidential elector by a candidate for President of the United States who is nominated by petition shall be certified to the State Board by the candidate.

(3) The electors shall be certified to the State Board at least 30 days before the general election.

~~§8-503.~~ \*\* CONTINGENCY – NOT IN EFFECT – CHAPTERS 43 AND 44 OF 2007 \*\*

(a) Each political party shall nominate or provide for the nomination of candidates for presidential elector of the party in accordance with party rules.

(b) The number of candidates nominated by each political party shall be the number that this State is entitled to elect.

(c) (1) The names and residential addresses of individuals nominated as candidates for presidential elector by a political party shall be certified to the State Board by the presiding officers of the political party.

(2) The names and residential addresses of individuals nominated as candidates for presidential elector by a candidate for President of the United States who is nominated by petition shall be certified to the State Board by the candidate.

(3) The electors shall be certified to the State Board at least 30 days before the general election.

(d) If the number of presidential electors nominated is less than or greater than the State's number of electoral votes, presidential electors shall be nominated as provided for under Article III of § 8–5A–01 of this title.

§8–504. IN EFFECT

(a) (1) At the general election for President and Vice President of the United States there shall be elected, in accordance with subsection (b) of this section, the number of presidential electors to which this State is entitled.

(2) Presidential electors shall be elected at large by the voters of the entire State.

(b) (1) The names of the candidates for the office of presidential elector may not be printed on the ballot.

(2) A vote for the candidates for President and Vice President of a political party shall be considered to be and counted as a vote for each of the presidential electors of the political party nominated in accordance with § 8–503 of this subtitle.

§8–504. \*\* CONTINGENCY – NOT IN EFFECT – CHAPTERS 43 AND 44 OF 2007\*\*

(a) (1) At the general election for President and Vice President of the United States there shall be elected, in accordance with subsection (b) of this section, the number of presidential electors to which this State is entitled.

(2) Presidential electors shall be elected under the procedure provided in § 8–5A–01 of this title.

(b) (1) The names of the candidates for the office of presidential elector may not be printed on the ballot.

(2) A vote for the candidates for President and Vice President of a political party shall be considered to be and counted as a vote for each of the presidential electors of the political party nominated in accordance with § 8–503 of this subtitle.

§8–505. IN EFFECT

(a) (1) The individuals elected to the office of presidential elector shall meet in the State House in the City of Annapolis on the day provided by the Constitution and laws of the United States.

(2) The conduct of the meeting shall be consistent with the requirements of federal law.

(b) (1) Before proceeding to perform the duties of their office, the presidential electors who are present shall fill any vacancy in the office of elector, whether the vacancy is caused by absence or other reason.

(2) An individual appointed to fill a vacancy is entitled to all rights and privileges of the duly elected electors.

(c) After taking the oath prescribed by Article I, § 9 of the Maryland Constitution before the Clerk of the Court of Appeals or, in the Clerk's absence, before one of the Clerk's deputies, the presidential electors shall cast their votes for the candidates for President and Vice President who received a plurality of the votes cast in the State of Maryland.

§8–505. \*\* CONTINGENCY – NOT IN EFFECT – CHAPTERS 43 AND 44 OF 2007 \*\*

(a) (1) The individuals elected to the office of presidential elector shall meet in the State House in the City of Annapolis on the day provided by the Constitution and laws of the United States.

(2) The conduct of the meeting shall be consistent with the requirements of federal law.

(b) (1) Before proceeding to perform the duties of their office, the presidential electors who are present shall fill any vacancy in the office of elector, whether the vacancy is caused by absence or other reason.

(2) An individual appointed to fill a vacancy is entitled to all rights and privileges of the duly elected electors.

(c) After taking the oath prescribed by Article I, § 9 of the Maryland Constitution before the Clerk of the Court of Appeals or, in the Clerk's absence, before one of the Clerk's deputies, the presidential electors shall cast their votes for the candidates for President and Vice President who received a plurality of the votes cast in the national popular vote total defined in § 8–5A–01 of this title.

§8–5A–01.

The State of Maryland hereby enters the agreement among the states to elect the President by national popular vote as set forth in this section. The text of the agreement is as follows:

#### ARTICLE I. MEMBERSHIP.

Any state of the United States and the District of Columbia may become a member of this agreement by enacting this agreement.

#### ARTICLE II. RIGHT OF THE PEOPLE IN MEMBER STATES TO VOTE FOR PRESIDENT AND VICE PRESIDENT.

Each member state shall conduct a statewide popular election for President and Vice President of the United States.

#### ARTICLE III. MANNER OF APPOINTING PRESIDENTIAL ELECTORS IN MEMBER STATES.

Prior to the time set by law for the meeting and voting by the presidential electors, the chief election official of each member state shall determine the number of votes for each presidential slate in each state of the United States and in the District of Columbia in which votes have been cast in a statewide popular election and shall add such votes together to produce a “national popular vote total” for each presidential slate.

The chief election official of each member state shall designate the presidential slate with the largest national popular vote total as the “national popular vote winner.”

The presidential elector certifying official of each member state shall certify the appointment in that official's own state of the elector slate nominated in that state in association with the national popular vote winner.

At least six days before the day fixed by law for the meeting and voting by the presidential electors, each member state shall make a final determination of the

number of popular votes cast in the state for each presidential slate and shall communicate an official statement of such determination within 24 hours to the chief election official of each other member state.

The chief election official of each member state shall treat as conclusive an official statement containing the number of popular votes in a state for each presidential slate made by the day established by federal law for making a state's final determination conclusive as to the counting of electoral votes by Congress.

In event of a tie for the national popular vote winner, the presidential elector certifying official of each member state shall certify the appointment of the elector slate nominated in association with the presidential slate receiving the largest number of popular votes within that official's own state.

If, for any reason, the number of presidential electors nominated in a member state in association with the national popular vote winner is less than or greater than that state's number of electoral votes, the presidential candidate on the presidential slate that has been designated as the national popular vote winner shall have the power to nominate the presidential electors for that state and that state's presidential elector certifying official shall certify the appointment of such nominees.

The chief election official of each member state shall immediately release to the public all vote counts or statements of votes as they are determined or obtained.

This article shall govern the appointment of presidential electors in each member state in any year in which this agreement is, on July 20, in effect in states cumulatively possessing a majority of the electoral votes.

#### ARTICLE IV. OTHER PROVISIONS.

This agreement shall take effect when states cumulatively possessing a majority of the electoral votes have enacted this agreement in substantially the same form and the enactments by such states have taken effect in each state.

Any member state may withdraw from this agreement, except that a withdrawal occurring six months or less before the end of a President's term shall not become effective until a President or Vice President shall have been qualified to serve the next term.

The chief executive of each member state shall promptly notify the chief executive of all other states of when this agreement has been enacted and has taken effect in that official's state, when the state has withdrawn from this agreement, and when this agreement takes effect generally.

This agreement shall terminate if the electoral college is abolished.

If any provision of this agreement is held invalid, the remaining provisions shall not be affected.

#### ARTICLE V. DEFINITIONS.

For purposes of this agreement,

“chief executive” shall mean the Governor of a state of the United States or the Mayor of the District of Columbia;

“elector slate” shall mean a slate of candidates who have been nominated in a state for the position of presidential elector in association with a presidential slate;

“chief election official” shall mean the state official or body that is authorized to certify the total number of popular votes for each presidential slate;

“presidential elector” shall mean an elector for President and Vice President of the United States;

“presidential elector certifying official” shall mean the state official or body that is authorized to certify the appointment of the state’s presidential electors;

“presidential slate” shall mean a slate of two persons, the first of whom has been nominated as a candidate for President of the United States and the second of whom has been nominated as a candidate for Vice President of the United States, or any legal successors to such persons, regardless of whether both names appear on the ballot presented to the voter in a particular state;

“state” shall mean a state of the United States and the District of Columbia; and

“statewide popular election” shall mean a general election in which votes are cast for presidential slates by individual voters and counted on a statewide basis.

§8–601.

Except for a special election to fill a vacancy, an election for the office of United States Senator shall be held:

- (1) in 1998 and every sixth year thereafter; and
- (2) in 2000 and every sixth year thereafter.

§8-602.

(a) (1) (i) If there is a vacancy in the office of United States Senator, the Governor shall appoint an eligible individual to fill the vacancy as provided in this paragraph.

(ii) The Governor shall appoint one of three individuals whose names are submitted to the Governor in writing, within 30 days after the occurrence of the vacancy, by the State Central Committee of the political party, if any, with which the vacating Senator had been affiliated at the time of the Senator's last election or appointment.

(iii) Each individual whose name is submitted to the Governor must have been a registered voter affiliated with the political party of the vacating Senator on the date immediately preceding the date on which the vacancy occurred.

(iv) The Governor shall make the appointment within 15 days after names are submitted by the State Central Committee of the appropriate political party.

(v) If names are not submitted by the State Central Committee of the appropriate political party within 30 days after the occurrence of the vacancy, the Governor shall appoint within another period of 15 days any qualified individual who was a registered voter affiliated with the political party of the vacating Senator on the date immediately preceding the date on which the vacancy occurred.

(vi) If the vacating Senator was not affiliated with a political party at the time of the Senator's last election or appointment, the Governor shall appoint any qualified individual within 15 days after the occurrence of the vacancy.

(2) Except as provided in paragraph (3) of this subsection, the appointed individual shall serve until a successor is elected pursuant to subsection (b) of this section to fill the remainder of the term.

(3) The appointed individual shall serve for the remainder of the term if the vacancy occurs after the date that is 21 days before the deadline for filing certificates of candidacy for the election that is held in the fourth year of the term.

(b) If the vacancy occurs on or before the date that is 21 days before the deadline for filing certificates of candidacy for the next succeeding regular statewide election, the Governor shall issue a proclamation immediately after the occurrence of the vacancy declaring that a special primary election and a special general election



shall be held at the same time as the next regular statewide primary election and regular statewide general election.

§8–701.

(a) (1) The population count used after each decennial census for the purpose of creating the congressional districting plan used to elect the State's Representatives in Congress:

(i) may not include individuals who:

1. were incarcerated in State or federal correctional facilities, as determined by the decennial census; and

2. were not residents of the State before their incarceration; and

(ii) shall count individuals incarcerated in the State or federal correctional facilities, as determined by the decennial census, at their last known residence before incarceration if the individuals were residents of the State.

(2) Beginning with the 2020 decennial census:

(i) on or before October 31 in the year of each decennial census, the Department of Public Safety and Correctional Services shall submit to the Maryland Department of Planning and the Department of Legislative Services the following identifiable information, in electronic form, for each individual incarcerated in a State correctional facility on April 1 in the year of the decennial census:

1. the name of the individual;

2. the address of the individual's last known residence;

3. the individual's race or ethnicity; and

4. any other information necessary to fulfill the purposes of this section; and

(ii) on or before August 1 in the year of each decennial census, the Maryland Department of Planning and the Department of Legislative Services shall enter into a memorandum of understanding, the terms of which shall require the Department of Planning and the Department of Legislative Services to work collaboratively to:

1. summarize the results of the geocoded data created by the Department of Planning as required under COMAR 35.05.01;

2. using the geocoded data, identify the individuals incarcerated in a State correctional facility or federal correctional facility in the State that will be included in the adjusted census data under this section;

3. make any necessary changes to the Department of Planning's geocoded database;

4. jointly review for accuracy any changes to the census data by any software vendor or other entity; and

5. jointly certify, on or before March 15 in the year following each decennial census, the adjusted census data to be used for redistricting under this section.

(b) The State is divided into eight districts for the election of the State's Representatives in Congress.

(c) (1) The descriptions of congressional districts in this subtitle include the references indicated.

(2) (i) The references to:

1. election districts and wards are to the geographical boundaries of the election districts and wards as they existed on April 1, 2020; and

2. precincts are to the geographical boundaries of the precincts as reviewed and certified by the local boards or their designees, before they were reported to the U.S. Bureau of the Census as part of the 2020 census redistricting data program and as those precinct lines are specifically indicated in the P.L. 94-171 data or shown on the P.L. 94-171 census block maps provided by the U.S. Bureau of the Census and as reviewed and corrected by the Maryland Department of Planning.

(ii) Where precincts are split between congressional districts, census tract and block numbers, as indicated in P.L. 94-171 data or shown on the P.L. 94-171 census block maps provided by the U.S. Bureau of the Census and referred to in this subtitle, are used to define the boundaries of congressional districts.

§8-702.

- (a) The first congressional district consists of the following counties:
  - (1) Caroline County;
  - (2) Cecil County;
  - (3) Dorchester County;
  - (4) Harford County;
  - (5) Kent County;
  - (6) Queen Anne's County;
  - (7) Somerset County;
  - (8) Talbot County;
  - (9) Wicomico County; and
  - (10) Worcester County.
- (b) The district also includes the following parts of Baltimore County:
  - (1) election district 7, precinct 2;
  - (2) election district 10, precincts 1 and 3 through 6;
  - (3) election district 11, precincts 1 through 3, 5, 20, 22 through 24,  
and 26;
  - (4) election district 15, precincts 6 and 25;
  - (5) that part of election district 7, precinct 1 that consists of census tract 4070.02, blocks 1000 through 1022, 2000 through 2045, 2049 through 2051, 2053, 3000 through 3013, and 3019;
  - (6) that part of election district 7, precinct 3 that consists of census tract 4070.02, block 2055;
  - (7) that part of election district 11, precinct 4 that consists of the following:

(i) census tract 4111.02, blocks 2009, 2015, 2016, 2020 through 2026, and 2030; and

(ii) census tract 4113.02, blocks 1000, 1001, 1004, 1005, 1009 through 1035, 1041, 1049, 1050, 1052, 1053, 2005, 2011, 2012, 2017 through 2021, 2024 through 2026, and 2028;

(8) that part of election district 11, precinct 6 that consists of census tract 4114.06, blocks 1000 through 1009, 2000 through 2003, and 2008 through 2011; and

(9) that part of election district 11, precinct 14 that consists of the following:

(i) census tract 4113.08, blocks 1003 through 1005, 2000, 2001, 2003 through 2005, and 3000 through 3010; and

(ii) census tract 4113.09, blocks 3007 through 3009.

§8-703.

(a) The second congressional district consists of the following parts of Baltimore City:

(1) ward 13, precincts 1, 2, and 4;

(2) ward 27, precincts 40, 41, 42, 43, 44, 45, 47, and 49;

(3) that part of ward 13, precinct 3 that consists of the following:

(i) census tract 1306.00, blocks 4002 and 4003;

(ii) census tract 1307.00, blocks 4003, 4004, and 4006 through 4009;

(iii) census tract 1308.04, blocks 1002 through 1010, 2000 through 2006, 2013, and 2016; and

(iv) census tract 1308.06, block 1011;

(4) that part of ward 13, precinct 5 that consists of census tract 1308.06, block 1012;

(5) that part of ward 13, precinct 12 that consists of the following:

- (i) census tract 1306.00, blocks 4000 and 4001; and
  - (ii) census tract 1307.00, blocks 2002, 2006 through 2010, 3000, 3002, 3003, 3005 through 3007, 4005, and 6003 through 6007;
- (6) that part of ward 13, precinct 13 that consists of census tract 1307.00, blocks 3001 and 3004;
- (7) that part of ward 27, precinct 38 that consists of census tract 2711.01, blocks 2000, 2001, 2003 through 2005, 3014, and 3015;
- (8) that part of ward 27, precinct 39 that consists of census tract 2712.00, blocks 3000 through 3008, 3012, and 3013; and
- (9) that part of ward 27, precinct 46 that consists of the following:
  - (i) census tract 2711.02, block 1013; and
  - (ii) census tract 2714.00, blocks 3000 through 3017.
- (b) The district also includes the following parts of Baltimore County:
  - (1) election districts 4 through 6, 8, and 9;
  - (2) election district 1, precincts 3, 4, 11 through 13, and 17;
  - (3) election district 2, precincts 11 through 22, 24 through 27, 29, and 30;
  - (4) election district 3, precincts 2 and 5 through 14;
  - (5) election district 10, precincts 2 and 7;
  - (6) election district 11, precincts 7 through 13, 15 through 19, 21, 25, and 27;
  - (7) election district 14, precincts 1 through 7, 9, 10, and 12 through 14;
  - (8) election district 15, precincts 3 through 5, 7 through 19, 23, 24, and 26;

(9) that part of election district 1, precinct 2 that consists of the following:

(i) census tract 4015.06, blocks 1000, 1001, and 1003; and

(ii) census tract 4015.07, blocks 1003 through 1011, 1013 through 1016, 2000 through 2006, and 2008 through 2012;

(10) that part of election district 1, precinct 9 that consists of census tract 4009.00, blocks 1000 through 1005, 1007, 1013, 1015, 1019, 1021, and 1022;

(11) that part of election district 1, precinct 10 that consists of the following:

(i) census tract 4009.00, blocks 1006, 1008 through 1012, 1014, 1016 through 1018, 1020, and 1023 through 1025;

(ii) census tract 4010.00, blocks 1003 through 1005, 1010, 1015, and 2000 through 2010; and

(iii) census tract 4014.00, blocks 1000 through 1003 and 1008 through 1016;

(12) that part of election district 1, precinct 14 that consists of the following:

(i) census tract 4004.00, blocks 4006 through 4009 and 5000 through 5006; and

(ii) census tract 4005.00, block 1022;

(13) that part of election district 2, precinct 3 that consists of census tract 4024.07, blocks 1004, 1007, 1008, 1010, and 1013 through 1015;

(14) that part of election district 2, precinct 8 that consists of census tract 4026.04, blocks 1000 through 1007, 1011 through 1023, 2000, 2001, 2014 through 2019, and 2024;

(15) that part of election district 7, precinct 1 that consists of census tract 4070.02, blocks 2052 and 2058;

(16) that part of election district 7, precinct 3 that consists of the following:

(i) census tract 4070.01, blocks 1000 through 1021 and 2007 through 2026; and

(ii) census tract 4070.02, blocks 2056, 2059 through 2065, 2068, and 2069;

(17) that part of election district 11, precinct 4 that consists of census tract 4113.02, blocks 1036, 1037, 1048, and 2027;

(18) that part of election district 11, precinct 6 that consists of census tract 4114.06, block 2012;

(19) that part of election district 11, precinct 14 that consists of census tract 4113.03, block 4000;

(20) that part of election district 14, precinct 8 that consists of the following:

(i) census tract 4404.00, blocks 2015 through 2017 and 3008 through 3017;

(ii) census tract 4405.00, blocks 1015 and 1023 through 1027; and

(iii) census tract 4410.00, blocks 1000 through 1017, 1019 through 1022, 2000, 2008, and 2014;

(21) that part of election district 14, precinct 11 that consists of the following:

(i) census tract 4411.01, blocks 1010 through 1012; and

(ii) census tract 4411.02, blocks 1009, 2006, 2007, 2010 through 2012, and 3000 through 3007;

(22) that part of election district 15, precinct 1 that consists of census tract 4523.00, block 2000; and

(23) that part of election district 15, precinct 2 that consists of the following:

(i) census tract 4501.00, blocks 1000 through 1021, 2000, 2001, 2009 through 2012, 2022 through 2027, and 3000 through 3052; and

(ii) census tract 4512.00, blocks 1003, 1022 through 1025, 1027 through 1031, and 2033.

(c) The district also includes the following parts of Carroll County:

(1) election districts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12; and

(2) that part of election district 14, precinct 1 that consists of census tract 5141.00, blocks 1000 through 1009, 1013, and 2000 through 2022.

§8–704.

(a) The third congressional district consists of Howard County.

(b) The district also includes the following parts of Anne Arundel County:

(1) election districts 2, 3, 5, and 6;

(2) election district 1, precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, and 26;

(3) election district 4, precincts 14 and 15;

(4) that part of election district 1, precinct 23 that consists of census tract 7406.01, blocks 2000 through 2015, 2037, and 2038;

(5) that part of election district 4, precinct 2 that consists of the following:

(i) census tract 7403.03, block 2029; and

(ii) census tract 7403.04, block 1003;

(6) that part of election district 4, precinct 4 that consists of the following:

(i) census tract 7408.00, blocks 1003 through 1005, 1007, 1008, 1011, 1013 through 1025, 1027, 1028, 2000 through 2006, 2014 through 2017, 2019, 2020, and 2022; and

(ii) census tract 7517.00, blocks 1000 through 1011 and 1017 through 1019;



(7) that part of election district 4, precinct 7 that consists of the following:

- (i) census tract 7403.05, block 1000;
- (ii) census tract 7406.01, blocks 2016 and 2017;
- (iii) census tract 7406.02, blocks 3000 and 3003; and
- (iv) census tract 7406.03, block 2001;

(8) that part of election district 4, precinct 13 that consists of the following:

- (i) census tract 7408.00, blocks 1000 through 1002, 1009, 1010, 1012, and 1026; and
- (ii) census tract 7410.00, blocks 1000 through 1005, 1007, and 2014 through 2019; and

(9) that part of election district 4, precinct 26 that consists of census tract 7403.03, blocks 2027 and 2028.

(c) The district also includes the following parts of Carroll County:

- (1) election district 13;
- (2) election district 14, precincts 2 and 3; and
- (3) that part of election district 14, precinct 1 that consists of census tract 5141.00, blocks 1010 through 1012.

§8–705.

(a) The fourth congressional district consists of the following parts of Montgomery County:

- (1) election district 5, precincts 2, 19, 21, and 23;
- (2) that part of election district 5, precinct 4 that consists of census tract 7014.25, block 1001;
- (3) that part of election district 5, precinct 12 that consists of the following:

(i) census tract 7014.17, blocks 1004, 2002, and 2004 through 2006;

(ii) census tract 7014.18, blocks 1000 through 1004 and 2000 through 2005; and

(iii) census tract 7014.24, blocks 1000 through 1004, 2000 through 2005, 2007 through 2009, and 3000 through 3016;

(4) that part of election district 5, precinct 17 that consists of census tract 7014.09, block 2012;

(5) that part of election district 5, precinct 18 that consists of the following:

(i) census tract 7014.08, blocks 1000 through 1009 and 1012 through 1017;

(ii) census tract 7014.26, blocks 2000 through 2008 and 2010 through 2013; and

(iii) census tract 7014.27, blocks 1000 through 1007;

(6) that part of election district 8, precinct 6 that consists of census tract 7013.16, block 2010; and

(7) that part of election district 13, precinct 67 that consists of census tract 7017.04, blocks 2014 and 2015.

(b) The district also includes the following parts of Prince George's County:

(1) election districts 1, 2, 10, 12, 16, 17, 18, and 19;

(2) election district 5, precincts 3, 4, 5, 6, 9, 10, and 11;

(3) election district 6, precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 98, and 99;

(4) election district 9, precincts 1, 2, 4, 5, 7, 8, 12, and 13;

(5) election district 13, precincts 1, 2, 3, 7, 8, 16, 17, 18, 19, 20, 21, 22, 25, and 99;

- (6) election district 14, precincts 2, 7, 8, 16, and 17;
- (7) election district 20, precincts 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 97, 98, and 99;
- (8) election district 21, precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 91, 92, 94, 95, 96, 97, 98, and 99;
- (9) that part of election district 5, precinct 2 that consists of the following:
  - (i) census tract 8013.07, blocks 1000 through 1012, 1014 through 1023, and 1025 through 1029; and
  - (ii) census tract 8013.09, block 1009;
- (10) that part of election district 5, precinct 7 that consists of the following:
  - (i) census tract 8013.07, blocks 1024 and 2000 through 2020;
  - (ii) census tract 8013.08, blocks 1000 through 1007 and 1010 through 1013; and
  - (iii) census tract 8013.09, blocks 1000 through 1008, 1010, 1012 through 1025, and 2011;
- (11) that part of election district 5, precinct 8 that consists of census tract 8013.02, blocks 2000 and 2001;
- (12) that part of election district 6, precinct 10 that consists of the following:
  - (i) census tract 8019.04, blocks 1002, 1003, 1005, and 1006;
  - (ii) census tract 8019.06, blocks 1000 through 1002, 1005, and 1006;
  - (iii) census tract 8021.04, blocks 1001 through 1003 and 2000 through 2002; and
  - (iv) census tract 8021.06, blocks 1002, 1003, 2000, 2001, 2005 through 2007, and 3000 through 3002;

(13) that part of election district 6, precinct 23 that consists of census tract 8022.03, blocks 2000 through 2010;

(14) that part of election district 7, precinct 22 that consists of census tract 8005.14, blocks 1001 through 1013, 2000 through 2018, and 3000 through 3004;

(15) that part of election district 9, precinct 3 that consists of census tract 8019.04, blocks 1015, 1016, 1034, and 1035;

(16) that part of election district 9, precinct 10 that consists of the following:

(i) census tract 8012.10, blocks 1011 and 1012;

(ii) census tract 8012.11, blocks 2000, 2006 through 2008, 2012, and 2021;

(iii) census tract 8012.16, blocks 2007 through 2016; and

(iv) census tract 8012.17, blocks 1000 through 1012;

(17) that part of election district 13, precinct 9 that consists of census tract 8022.04, blocks 4000 through 4002, 4004 through 4016, and 4021 through 4023;

(18) that part of election district 13, precinct 10 that consists of census tract 8035.14, blocks 2000 through 2009 and 3000 through 3018;

(19) that part of election district 13, precinct 14 that consists of the following:

(i) census tract 8035.20, block 3011;

(ii) census tract 8035.21, blocks 1000 through 1035, 1042 through 1049, and 1054 through 1062; and

(iii) census tract 8036.01, blocks 1026, 2000 through 2002, 2004 through 2006, and 2012 through 2014;

(20) that part of election district 13, precinct 15 that consists of the following:

(i) census tract 8035.16, blocks 1000 through 1004, 2000, and 3004 through 3008; and

(ii) census tract 8035.20, blocks 1000 and 2000;

(21) that part of election district 13, precinct 23 that consists of census tract 8035.14, block 1015;

(22) that part of election district 14, precinct 1 that consists of census tract 8004.09, block 1014;

(23) that part of election district 14, precinct 12 that consists of census tract 8004.11, blocks 1017, 1020, 1022 through 1025, 2000 through 2008, and 2010;

(24) that part of election district 14, precinct 15 that consists of census tract 8004.09, block 1018;

(25) that part of election district 15, precinct 2 that consists of census tract 8022.04, blocks 4017, 4018, and 4020;

(26) that part of election district 20, precinct 3 that consists of the following:

(i) census tract 8035.20, block 3008; and

(ii) census tract 8036.01, blocks 1002, 1012 through 1025, 1027, and 2003; and

(27) that part of election district 21, precinct 14 that consists of the following:

(i) census tract 8073.01, blocks 1002, 1003, 2000, and 2001;

(ii) census tract 8073.04, blocks 1002 through 1010, 1014, 1015, and 1017 through 1020;

(iii) census tract 8073.05, blocks 1000 and 2000;

(iv) census tract 8074.05, blocks 3016 through 3018; and

(v) census tract 8074.09, blocks 1001 through 1006.

§8–706.

(a) The fifth congressional district consists of the following counties:

(1) Calvert County;

- (2) Charles County; and
  - (3) St. Mary's County.
- (b) The district also includes the following parts of Anne Arundel County:
- (1) election district 7;
  - (2) election district 1, precinct 99;
  - (3) election district 4, precincts 1, 3, 5, 6, 8, 9, 10, 11, 12, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, and 99;
  - (4) that part of election district 1, precinct 23 that consists of the following:
    - (i) census tract 7401.06, blocks 2008 through 2010 and 2016 through 2033;
    - (ii) census tract 7404.00, blocks 1000 through 1004;
    - (iii) census tract 7405.02, blocks 3000 through 3004; and
    - (iv) census tract 7406.01, blocks 1000 through 1003 and 1014;
  - (5) that part of election district 4, precinct 2 that consists of census tract 7403.04, blocks 1000 through 1002, 2000 through 2008, 2010, 2011, 3000 through 3002, 3015, 3017 through 3020, 3035, 3037, and 3038;
  - (6) that part of election district 4, precinct 4 that consists of census tract 7408.00, block 1006;
  - (7) that part of election district 4, precinct 7 that consists of the following:
    - (i) census tract 7403.05, blocks 1001 through 1010;
    - (ii) census tract 7406.01, blocks 1004 through 1013 and 2018 through 2036;
    - (iii) census tract 7406.02, blocks 1000 through 1016, 2000 through 2011, 3001, 3002, 3004, and 3005; and

(iv) census tract 7406.03, blocks 2002 through 2056, 2059 through 2068, and 2070;

(8) that part of election district 4, precinct 13 that consists of the following:

(i) census tract 7403.04, blocks 2013 through 2015; and

(ii) census tract 7410.00, blocks 1006 and 1008 through 1010;

and

(9) that part of election district 4, precinct 26 that consists of the following:

(i) census tract 7403.04, blocks 3003 through 3014, 3016, 3022 through 3026, 3031 through 3034, and 3036; and

(ii) census tract 7406.03, block 2069.

(c) The district also includes the following parts of Prince George's County:

(1) election districts 3, 4, 8, and 11;

(2) election district 5, precincts 1 and 12;

(3) election district 7, precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, and 24;

(4) election district 9, precincts 6, 9, 11, 14, and 15;

(5) election district 13, precincts 4, 5, 6, 11, 12, 13, and 24;

(6) election district 14, precincts 3, 4, 5, 6, 9, 10, 11, 13, and 14;

(7) election district 15, precincts 1, 3, 4, 5, and 6;

(8) that part of election district 5, precinct 2 that consists of census tract 8013.07, block 1013;

(9) that part of election district 5, precinct 7 that consists of census tract 8013.09, block 1011;

(10) that part of election district 5, precinct 8 that consists of census tract 8013.02, blocks 1000 through 1019 and 2002 through 2019;

(11) that part of election district 6, precinct 10 that consists of the following:

- (i) census tract 8019.04, blocks 1000, 1001, and 1004;
- (ii) census tract 8021.04, block 1000; and
- (iii) census tract 8022.01, blocks 1028 through 1030, 1046, and 1047;

(12) that part of election district 6, precinct 23 that consists of census tract 8022.01, blocks 1015 through 1023, 1026, and 1027;

(13) that part of election district 7, precinct 22 that consists of census tract 8005.18, blocks 1001, 1006, and 1008;

(14) that part of election district 9, precinct 3 that consists of the following:

- (i) census tract 8011.05, blocks 1000 through 1011 and 2000 through 2018; and
- (ii) census tract 8011.06, blocks 1000 through 1009, 2000 through 2003, and 3000 through 3012;

(15) that part of election district 9, precinct 10 that consists of the following:

- (i) census tract 8012.11, blocks 2001 through 2005; and
- (ii) census tract 8012.14, block 2017;

(16) that part of election district 13, precinct 9 that consists of census tract 8035.12, blocks 1000 through 1028, 2006 through 2010, 2012 through 2014, 3004, and 3005;

(17) that part of election district 13, precinct 10 that consists of the following:

- (i) census tract 8035.12, blocks 3000 through 3003; and
- (ii) census tract 8035.13, blocks 1000 through 1002 and 2000 through 2003;



(18) that part of election district 13, precinct 14 that consists of the following:

- (i) census tract 8035.20, block 3010; and
- (ii) census tract 8035.21, blocks 1036 through 1041, 1050 through 1053, 2000 through 2002, and 2006 through 2009;

(19) that part of election district 13, precinct 15 that consists of census tract 8035.20, blocks 1001 through 1009, 2006, and 2007;

(20) that part of election district 13, precinct 23 that consists of the following:

- (i) census tract 8035.14, blocks 1012 through 1014; and
- (ii) census tract 8035.27, blocks 1001, 1002, and 1007 through 1012;

(21) that part of election district 14, precinct 1 that consists of the following:

- (i) census tract 8004.03, block 1018;
- (ii) census tract 8004.09, blocks 1000 through 1009, 1011 through 1013, 2000, 2001, 3000 through 3008, and 3013; and
- (iii) census tract 8004.10, block 2030;

(22) that part of election district 14, precinct 12 that consists of the following:

- (i) census tract 8004.10, blocks 1013, 4012, 4014, and 4016;
- and
- (ii) census tract 8004.11, block 2009;

(23) that part of election district 14, precinct 15 that consists of census tract 8004.09, blocks 1010, 1015 through 1017, 2008, and 2009;

(24) that part of election district 15, precinct 2 that consists of the following:

(i) census tract 8007.01, blocks 1001, 1004, 1008, 3018 through 3030, and 3036 through 3039; and

(ii) census tract 8022.01, blocks 1000 through 1014, 1024, 1025, 1031 through 1045, and 1048 through 1058; and

(25) that part of election district 20, precinct 3 that consists of census tract 8035.20, block 3005.

§8-707.

(a) The sixth congressional district consists of the following counties:

- (1) Allegany County;
- (2) Frederick County;
- (3) Garrett County; and
- (4) Washington County.

(b) The district also includes the following parts of Montgomery County:

- (1) election districts 2, 3, and 11;
- (2) election district 6, precincts 7, 10, 11, 15, and 16;
- (3) election district 9, precincts 1, 3, 6, 7, 8, 11, 13, 15, 16, 18, 20, 24, 25, 26, 27, 28, 29, 30, 34, 35, 39, 40, and 41;
- (4) election district 12, precincts 2, 3, 4, and 5;

(5) that part of election district 6, precinct 3 that consists of the following:

- (i) census tract 7006.04, blocks 3000 through 3009;
- (ii) census tract 7006.10, blocks 1000 through 1004, 1006, 1008 through 1018, 1022, 1026 through 1035, and 1037; and
- (iii) census tract 7006.14, block 3012;

(6) that part of election district 6, precinct 5 that consists of census tract 7006.16, blocks 2000 and 3004;

(7) that part of election district 6, precinct 13 that consists of census tract 7006.16, blocks 3002 and 3003;

(8) that part of election district 9, precinct 2 that consists of the following:

(i) census tract 7007.18, blocks 3000 through 3015 and 4004;

(ii) census tract 7007.27, blocks 1000 through 1010;

(iii) census tract 7007.28, blocks 2013 through 2015 and 2019 through 2024;

(iv) census tract 7007.31, blocks 1000 through 1018;

(v) census tract 7007.32, blocks 1000 through 1018 and 2000 through 2005;

(vi) census tract 7008.37, blocks 1000, 3000, and 3001; and

(vii) census tract 7008.39, blocks 3000, 3001, 3007, and 3008;

(9) that part of election district 9, precinct 5 that consists of the following:

(i) census tract 7007.13, block 1000;

(ii) census tract 7008.12, blocks 1000 through 1006, 1010 through 1013, and 2009; and

(iii) census tract 7008.13, blocks 2003, 2006, 3006, and 4000 through 4003;

(10) that part of election district 9, precinct 10 that consists of census tract 7007.28, blocks 1001, 2000 through 2012, 2016 through 2018, and 2025 through 2033;

(11) that part of election district 9, precinct 12 that consists of the following:

(i) census tract 7008.10, blocks 1000 through 1007, 2000 through 2008, 2011, and 2012; and

2005;

(ii) census tract 7008.11, blocks 1000, 1003, 1004, 2004, and

(12) that part of election district 9, precinct 32 that consists of the following:

(i) census tract 7007.20, block 2007; and

(ii) census tract 7007.29, blocks 1004, 1005, and 1007;

(13) that part of election district 9, precinct 33 that consists of the following:

(i) census tract 7008.36, block 2000; and

(ii) census tract 7008.38, blocks 2002 through 2008 and 2013;

and

(14) that part of election district 12, precinct 1 that consists of the following:

(i) census tract 7002.04, blocks 1002, 1014, and 1016 through 1019;

(ii) census tract 7002.06, blocks 3001 through 3004 and 3011;

and

(iii) census tract 7002.08, blocks 1000, 1003 through 1005, and 2000 through 2007.

§8-708.

(a) The seventh congressional district consists of the following parts of Baltimore City:

(1) wards 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 28;

(2) ward 13, precincts 6, 7, 8, 9, 10, and 11;

(3) ward 27, precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 48, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, and 67;

(4) that part of ward 13, precinct 3 that consists of the following:

(i) census tract 1306.00, blocks 1007, 1023, 4004, 4005, and 4007 through 4009;

(ii) census tract 1308.04, blocks 2007 through 2012, 2014, 2015, and 2017 through 2022; and

(iii) census tract 1308.06, block 1021;

(5) that part of ward 13, precinct 5 that consists of census tract 1308.06, blocks 1002 through 1009, 1013 through 1020, 1025, and 1026;

(6) that part of ward 13, precinct 12 that consists of census tract 1306.00, blocks 3000, 3001, and 4006;

(7) that part of ward 13, precinct 13 that consists of census tract 1306.00, block 2000;

(8) that part of ward 27, precinct 38 that consists of census tract 2711.01, blocks 1000 through 1005, 2002, and 3000 through 3013;

(9) that part of ward 27, precinct 39 that consists of census tract 2712.00, blocks 3009 through 3011 and 3014 through 3020; and

(10) that part of ward 27, precinct 46 that consists of census tract 2711.02, blocks 1012, 1024, 1025, and 1031.

(b) The district also includes the following parts of Baltimore County:

(1) election districts 12 and 13;

(2) election district 1, precincts 1, 5 through 8, 15, and 16;

(3) election district 2, precincts 1, 2, 4 through 7, 9, 10, 23, 28, and 31;

(4) election district 3, precincts 1, 3, and 4;

(5) election district 15, precincts 20 through 22;

(6) that part of election district 1, precinct 2 that consists of census tract 4015.07, blocks 1000 through 1002 and 1012;

(7) that part of election district 1, precinct 9 that consists of the following:

(i) census tract 4008.00, blocks 1000 through 1025 and 2000 through 2016; and

(ii) census tract 4010.00, blocks 1000, 1001, 1006 through 1009, and 1012 through 1014;

(8) that part of election district 1, precinct 10 that consists of census tract 4010.00, blocks 1002 and 1011;

(9) that part of election district 1, precinct 14 that consists of the following:

(i) census tract 4004.00, blocks 2007 through 2014 and 5007 through 5009; and

(ii) census tract 4925.00, blocks 1000 through 1007;

(10) that part of election district 2, precinct 3 that consists of census tract 4024.07, blocks 1000 through 1003, 1005, 1006, 1009, 1011, and 1012;

(11) that part of election district 2, precinct 8 that consists of census tract 4023.05, blocks 1000 and 1001;

(12) that part of election district 14, precinct 8 that consists of census tract 4410.00, blocks 2001 through 2007, 2009 through 2013, and 2015 through 2025;

(13) that part of election district 14, precinct 11 that consists of census tract 4411.02, blocks 4000 through 4018;

(14) that part of election district 15, precinct 1 that consists of the following:

(i) census tract 4523.00, blocks 1000 through 1021 and 2001 through 2040; and

(ii) census tract 4524.00, blocks 1016 through 1025, 1049, and 1050; and

(15) that part of election district 15, precinct 2 that consists of census tract 4501.00, blocks 2002 through 2008, 2013 through 2021, and 2028 through 2030.

§8–709.

(a) The eighth congressional district consists of the following parts of Montgomery County:

- (1) election districts 1, 4, 7, and 10;
- (2) election district 5, precincts 1, 3, 5, 6, 8, 9, 10, 11, 13, 14, 15, 16, and 22;
- (3) election district 6, precincts 1, 2, 4, 6, 8, 9, and 14;
- (4) election district 8, precincts 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 14, and 15;
- (5) election district 9, precincts 4, 9, 14, 21, 22, 31, 36, 37, and 38;
- (6) election district 13, precincts 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 46, 47, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 63, 64, 65, 68, 69, 70, and 71;
- (7) that part of election district 5, precinct 4 that consists of census tract 7014.25, blocks 1000 and 1002 through 1004;
- (8) that part of election district 5, precinct 12 that consists of census tract 7014.24, block 2006;
- (9) that part of election district 5, precinct 17 that consists of census tract 7014.14, blocks 1000 through 1017, 2000 through 2007, and 3000 through 3011;
- (10) that part of election district 5, precinct 18 that consists of census tract 7014.08, block 1011;
- (11) that part of election district 6, precinct 3 that consists of census tract 7006.04, block 3010;
- (12) that part of election district 6, precinct 5 that consists of the following:
  - (i) census tract 7006.15, blocks 1000 through 1011 and 2000 through 2007; and

(ii) census tract 7006.16, blocks 1005 through 1007, 1013, 2001 through 2006, and 3013;

(13) that part of election district 6, precinct 13 that consists of the following:

(i) census tract 7006.06, blocks 3000 and 3011; and

(ii) census tract 7006.16, blocks 1000 through 1004, 1008 through 1012, 3000, 3001, 3006 through 3012, and 3014 through 3016;

(14) that part of election district 8, precinct 6 that consists of the following:

(i) census tract 7013.08, blocks 1000 through 1011; and

(ii) census tract 7013.16, blocks 1000 through 1012, 2000 through 2009, 2011 through 2013, 3018, 4007, 4010, and 4012;

(15) that part of election district 9, precinct 2 that consists of census tract 7007.18, blocks 1003, 1004, 4000 through 4003, 4005, and 4012;

(16) that part of election district 9, precinct 5 that consists of the following:

(i) census tract 7008.10, block 3004;

(ii) census tract 7008.11, block 2015;

(iii) census tract 7008.12, blocks 1007 through 1009, 2005, and 2006; and

(iv) census tract 7008.13, blocks 2000, 2001, 2004, and 2005;

(17) that part of election district 9, precinct 10 that consists of census tract 7007.28, blocks 1000 and 1002 through 1005;

(18) that part of election district 9, precinct 12 that consists of the following:

(i) census tract 7008.10, blocks 3000 through 3003 and 3005;

(ii) census tract 7008.11, block 2008; and



(iii) census tract 7008.13, block 2002;

(19) that part of election district 9, precinct 32 that consists of the following:

(i) census tract 7007.20, blocks 1001 through 1004, 2006, and 3003 through 3005; and

(ii) census tract 7007.29, blocks 1000 through 1002 and 1016;

(20) that part of election district 9, precinct 33 that consists of the following:

(i) census tract 7008.36, block 2001;

(ii) census tract 7008.38, blocks 1000 through 1002, 2000, 2001, 2009 through 2012, and 2014 through 2022; and

(iii) census tract 7008.39, block 3009;

(21) that part of election district 12, precinct 1 that consists of the following:

(i) census tract 7002.06, block 3000; and

(ii) census tract 7002.08, block 2008; and

(22) that part of election district 13, precinct 67 that consists of the following:

(i) census tract 7017.01, blocks 3005 through 3010; and

(ii) census tract 7017.04, blocks 1000, 1009 through 1022, 2000, 2003, 2004, 2006 through 2013, and 2016 through 2023.

(b) The district also includes that part of Prince George's County that consists of that part of election district 21, precinct 14 that consists of census tract 8073.04, block 1016.

§8–710.

(a) (1) Except as provided in paragraph (2) of this subsection, if there is a vacancy in the office of Representative in Congress, the Governor shall issue a proclamation, within 10 days after the date that the vacancy occurs or becomes

known to the Governor, declaring that a special primary election and a special general election shall be held to fill the vacancy.

(2) If the vacancy occurs during the period beginning 39 days before the regular primary election and ending on the last day of the term, the Governor may:

(i) decline to issue a proclamation; and

(ii) allow the office to remain vacant for the remainder of the term.

(b) (1) The Governor's proclamation shall specify the dates of the special primary election and the special general election.

(2) The special primary election shall be held on a Tuesday that is at least 80 days after the date of the proclamation.

(3) The special general election shall be held on a Tuesday that is at least 70 days after the date of the special primary election.

(c) (1) The Governor shall:

(i) immediately give public notice of the proclamation; and

(ii) deliver the proclamation to the State Administrator.

(2) The State Administrator shall:

(i) immediately notify the State Board members and the local boards of the counties that comprise the congressional district;

(ii) forward to each of those local boards a copy of the proclamation;

(iii) direct the local boards of election to make the absentee ballot for the special primary election or special general election available to an absent uniformed services voter or overseas voter, as defined under the Uniformed and Overseas Citizens Absentee Voting Act, at least 45 days before the date of the special election; and

(iv) ensure that the special election is conducted in compliance with all federal and State laws.

(d) (1) (i) Notwithstanding any other provision of this section, if the vacancy occurs or becomes known to the Governor during the period beginning 120 days before the regular primary election for Representatives in Congress and ending 40 days before the primary election, the Governor's proclamation shall order that:

1. the special primary election shall be merged with the regular primary election;

2. any individual who files a certificate of candidacy for the regular primary election shall be deemed to have filed a certificate of candidacy for the special primary election; and

3. except as provided in subparagraph (ii) of this paragraph, any other qualified individual may file a certificate of candidacy, for both the special primary election and the regular primary election, not later than 9 p.m. on the day that is 2 days after the issuance of the proclamation.

(ii) A qualified individual may not file a certificate of candidacy under subparagraph (i)3 of this paragraph if there are 64 days or less before the date of the election.

(2) A vote cast for a candidate in the merged primary election shall be deemed a vote for that candidate in both the special primary election and the regular primary election.

(3) Two certificates of nomination, one for the special primary election and one for the regular primary election, shall be issued to each candidate nominated in the merged primary election.

(4) Notwithstanding any provision of this article:

(i) a nominee for the special primary election may decline the nomination by notifying the State Board not later than 5 p.m. on the Wednesday following the primary election;

(ii) the appropriate political party shall fill the vacancy in nomination not later than 5 p.m. on the Thursday following the primary election; and

(iii) a petition for recount and recanvas of the special primary election shall be filed not later than 5 p.m. on the Wednesday following the primary election.

§8-711.

(a) At least 55 days before the special primary election, the State Board shall certify to the appropriate local boards the name, residence, and party affiliation of each candidate who qualifies to appear on the special primary election ballot.

(b) At least 55 days before the special general election, the State Board shall certify to the appropriate local boards the name, residence, and party affiliation of each nominee who qualifies to appear on the special general election ballot.

§8–801.

Except as otherwise provided in this subtitle and in Title 3 of the Education Article, the provisions of this article relating to the nomination and election of candidates to public office shall govern the nomination and election of members to an elected county board of education.

§8–802.

(a) (1) (i) Members of boards of education shall be elected on a nonpartisan basis.

(ii) In a primary election to nominate board of education candidates, any registered voter of the county, regardless of party affiliation or lack of party affiliation, is eligible to vote in those contests for nomination.

(2) Candidates for election to boards of education shall, without party designation or regard to party affiliation:

- (i) file certificates of candidacy;
- (ii) be certified to the ballot;
- (iii) appear on the ballot;
- (iv) be voted on; and
- (v) be nominated and elected.

(b) This section does not apply to candidates for nomination or election to a board of education if Title 3 of the Education Article requires a partisan election.

§8–803.

(a) Before certifying the name of a board of education candidate to appear on the ballot, the local board shall determine whether the candidate qualifies as provided under Title 3 of the Education Article and Title 5 of this article.

(b) Unless Title 3 of the Education Article requires a partisan election, an individual may not qualify as a board of education candidate or nominee by filing a petition or being nominated by a political party.

§8–804.

(a) In each year that one or more members of a board of education are to be elected, candidates shall be nominated at the primary election.

(b) (1) If a candidate dies or becomes disqualified before the ballots are printed, or at a time when the ballots can be reprinted, the name of the candidate may not appear on the ballot.

(2) If a candidate dies or becomes disqualified after the ballots are printed and too late for the ballot to be reprinted, any votes cast for that candidate may not be counted.

(c) (1) The candidates, equal in number to twice the number of offices to be filled, who receive the largest number of votes in the primary election shall be the nominated candidates.

(2) If two or more candidates each receive the lowest number of votes necessary to qualify for nomination, creating a tie for the last nomination for the office to be filled, each shall be a nominated candidate.

§8–805.

(a) (1) If, after the primary election but before the general election, a nominee dies, declines the nomination, or becomes disqualified before the ballots are printed or at a time when the ballots can be reprinted, the name of the nominee may not appear on the ballot.

(2) If the number of remaining nominees is less than the number of offices to be filled, a new nominee shall be appointed in the same manner as provided in the Education Article for filling a vacancy on the board of education.

(b) If a nominee dies, declines the nomination, or is disqualified after the ballots are printed and too late for the ballot to be reprinted, and if that nominee receives sufficient votes to have been elected, the office shall be deemed vacant and shall be filled as if the vacancy had occurred during the term of office.

§8–806.

(a) In a general election for board of education members, a voter may vote for a number of nominees equal to the number of members to be elected.

(b) (1) The nominees, equal in number to the number of offices to be filled, who receive the largest number of votes in a general election shall be declared elected.

(2) (i) If two or more nominees each receive the lowest number of votes necessary to qualify for election, creating a tie for the last office to be filled, the office shall be considered vacant.

(ii) A vacancy occurring under subparagraph (i) of this paragraph shall be filled:

1. as if the vacancy occurred during the term of office for which the election is being held; and

2. by the selection of one of the nominees who ties in the general election.

§9–101.

(a) The State Board, in consultation with the local boards, shall select and certify a voting system for voting in polling places and a voting system for absentee voting.

(b) The voting system selected and certified for voting in polling places and the voting system selected and certified for absentee voting shall be used in all counties.

(c) The State Board shall acquire:

(1) the voting system selected and certified for voting in polling places; and

(2) the voting system selected and certified for absentee voting.

§9–102.

(a) In this section, a “voter–verifiable paper record” includes:

(1) a paper ballot prepared by the voter for the purpose of being read by a precinct-based optical scanner;

(2) a paper ballot prepared by the voter to be mailed to the applicable local board, whether mailed from a domestic or an overseas location; and

(3) a paper ballot created through the use of a ballot marking device.

(b) The State Board shall adopt regulations for the review, certification, and decertification of voting systems.

(c) The State Board shall periodically review and evaluate alternative voting systems.

(d) The State Board may not certify a voting system unless the State Board determines that:

(1) the voting system will:

(i) protect the secrecy of the ballot;

(ii) protect the security of the voting process;

(iii) count and record all votes accurately;

(iv) accommodate any ballot used under this article;

(v) protect all other rights of voters and candidates;

(vi) be capable of creating a paper record of all votes cast in order that an audit trail is available in the event of a recount, including a manual recount; and

(vii) provide a voter-verifiable paper record that:

1. is an individual document that is physically separated from any other similar document and not part of a continuous roll;

2. is sufficiently durable to withstand repeated handling for the purposes of mandatory random audits and recounts; and

3. uses ink that does not fade, smear, or otherwise degrade and obscure or obliterate the paper record over time;

(2) the voting system has been:

(i) examined by an independent testing laboratory that is approved by the U.S. Election Assistance Commission; and

(ii) shown by the testing laboratory to meet the performance and test standards for electronic voting systems established by the Federal Election Commission or the U.S. Election Assistance Commission; and

(3) the public interest will be served by the certification of the voting system.

(e) In determining whether a voting system meets the required standards, the State Board shall consider:

(1) the commercial availability of the system and its replacement parts and components;

(2) the availability of continuing service for the system;

(3) the cost of implementing the system;

(4) the efficiency of the system;

(5) the likelihood that the system will malfunction;

(6) the system's ease of understanding for the voter;

(7) the convenience of voting afforded by the system;

(8) the timeliness of the tabulation and reporting of election returns;

(9) the potential for an alternative means of verifying the tabulation;

(10) accessibility for all voters with disabilities recognized by the Americans with Disabilities Act; and

(11) any other factor that the State Board considers relevant.

(f) A voting system selected, certified, and implemented under this section shall:



(1) provide access to voters with disabilities that is equivalent to access afforded voters without disabilities without creating a segregated ballot for voters with disabilities;

(2) ensure the independent, private casting, inspection, verification, and correction of secret ballots by voters with disabilities in an accessible media by both visual and nonvisual means, including synchronized audio output and enhanced visual display; and

(3) comply with both the Americans with Disabilities Act, P.L. 101–336, and the Help America Vote Act, P.L. 107–252, including accessibility standards adopted as part of the Voluntary Voting System Guidelines pursuant to the Help America Vote Act.

(g) (1) At least one voting system in each polling place on election day shall provide access for voters with disabilities in compliance with subsection (f) of this section.

(2) The State Board shall ensure that adequate backup equipment is available and contingency plans are established to ensure compliance with paragraph (1) of this subsection.

(h) Before the selection of a voting system, the State Board shall:

(1) ensure that an accessible voting system conforms to the access requirements of the Voluntary Voting System Guidelines developed in accordance with the Help America Vote Act in effect at the time of selection; and

(2) conduct an accessibility and usability evaluation of the voting system to assess its accessibility and usability by voters with disabilities, including:

(i) a public demonstration of the system; and

(ii) an evaluation by individuals representing a cross-section of voters with disabilities.

(i) (1) The State Board shall adopt regulations relating to requirements for each voting system selected and certified under § 9–101 of this subtitle.

(2) The regulations shall specify the procedures necessary to assure that the standards of this title are maintained, including:

(i) a description of the voting system;

(ii) a public information program by the local board, at the time of introduction of a new voting system, to be directed to all voters, candidates, campaign groups, schools, and news media in the county;

(iii) local election officials' responsibility for management of the system;

(iv) the actions required to assure the security of the voting system;

(v) the supplies and equipment required;

(vi) the storage, delivery, and return of the supplies and equipment necessary for the operation of the voting system;

(vii) standards for training election officials in the operation and use of the voting system;

(viii) before each election and for all ballot styles to be used, testing by the members of the local board to ensure the accuracy of tallying, tabulation, and reporting of the vote, and observing of that testing by representatives of political parties and of candidates who are not affiliated with political parties;

(ix) the number of voting stations or voting booths required in each polling place, in relation to the number of registered voters assigned to the polling place;

(x) the practices and procedures in each polling place appropriate to the operation of the voting system;

(xi) assuring ballot accountability in systems using a document ballot;

(xii) the actions required to tabulate votes; and

(xiii) postelection review and audit of the system's output.

(3) Certification of a voting system is not effective until the regulations applicable to the voting system have been adopted.

§9-103.

(a) The State Board:

(1) may decertify a voting system previously certified if the State Board determines that the system no longer merits certification; and

(2) shall decertify a previously certified voting system if the voting system no longer meets one or more of the standards in § 9–102(d)(1)(i) through (iii) of this subtitle.

(b) The State Board shall determine the effective date and conditions of the decertification.

#### §9–104.

(a) In this section, “bonds” means individual notes, bonds, or other evidences of indebtedness.

(b) A county may issue bonds to finance all or part of the costs of a voting system.

(c) A county may:

(1) issue general obligation bonds to finance all or part of the costs of a voting system without regard to any constitutional, statutory, charter, or other limitations on the borrowing power of the county; and

(2) pledge its full faith and credit and taxing power to the payment of the principal of and interest on the bonds.

(d) (1) This subsection applies to bonds issued under this section.

(2) The bonds of each issue shall be authorized by ordinance or resolution of the county governing body.

(3) The authorizing ordinance or resolution shall specify that the bonds:

(i) be dated;

(ii) bear interest at a rate or rates to be determined in the manner that is specified in the ordinance or resolution; and

(iii) mature at certain times.

(4) The authorizing ordinance or resolution may make the bonds redeemable before maturity:

- (i) at the price set before bonds are issued; and
  - (ii) under the terms and conditions set before bonds are issued.
- (5) The authorizing ordinance or resolution shall:
  - (i) cite the authority for the issuance of the bonds and the amount authorized;
  - (ii) determine the form of the bonds;
  - (iii) fix the denomination of the bonds; and
  - (iv) fix the place where principal and interest may be paid, which may include a bank or trust company inside or outside the State.
- (6) The bonds shall be signed, manually or by facsimile, by an officer of the issuing county, and the seal of the county or facsimile thereof shall be affixed to the bonds and attested to in the manner that the governing body determines.
- (7) The signature of an officer of the county or its facsimile that appears on a bond is valid even if that officer ceases to hold office before the bonds are delivered or takes office after the date of issuance of the bonds.
- (8) The bonds shall have all the qualities and incidents of negotiable instruments under the Maryland Uniform Commercial Code.
- (9) The bonds may be issued in such registered form as is specified in the authorizing ordinance or resolution.
- (10) The bonds may be sold:
  - (i) at public or private negotiated sale as the county determines to be in its best interest; and
  - (ii) at the price or prices determined in the manner that is specified in the authorizing ordinance or resolution.
- (e) (1) After payment of all costs and expenses incurred in connection with the preparation, sale, and delivery of the bonds, the entire proceeds from the sale of bonds issued under this section shall be used solely for the costs of the voting system for which the bonds were issued.

(2) Any balance remaining after the funding of costs of the voting system shall be used to provide for the payment of the principal of and the interest on, or the redemption of, the bonds.

(f) (1) (i) In each fiscal year in which general obligation bonds issued under this section are outstanding, the county shall levy or cause to be levied ad valorem taxes, on all of the assessable property within the county, at a rate or in an amount sufficient to provide for or assure the payment of the principal of and interest on the bonds when and as they become due and payable.

(ii) If the proceeds of taxes levied in any fiscal year prove inadequate for the payment, the county shall levy or cause to be levied additional taxes in the subsequent fiscal year to make up any deficiency.

(2) The proceeds of a levy under this subsection shall be used only to pay principal of and interest on outstanding bonds issued under this section.

(g) A bond issued under this section, its transfer, the interest payable on it, and the income from it, including any profit realized in the sale or exchange of it, shall at all times be and remain exempt from taxation of any kind and nature by:

(1) the State, a county, a municipal corporation, or other political subdivision of the State; or

(2) a unit of the State, a county, a municipal corporation, or other political subdivision of the State.

(h) Sections 19–205 and 19–206 of the Local Government Article do not apply to bonds issued under this section.

§9–105.

(a) Acquisition of a voting system shall be by purchase, lease, or rental and shall be exempt from State, county, or municipal taxation.

(b) (1) A local board may lease a voting system to any governmental or nongovernmental entity within the county.

(2) The local board shall determine the terms and conditions of the lease.

(3) The local board shall pay to the governing body of the county, within 30 days of receipt, the proceeds of the lease.

§9–106.

(a) Each county shall pay for its share of 50% of the State's cost of acquiring and operating the uniform statewide voting systems for voting in polling places and for absentee voting provided for in this title, including the cost of maintenance, storage, printing of ballots, technical support and programming, related supplies and materials, and software licensing fees.

(b) A county's share of the cost of acquiring and operating the uniform statewide voting systems shall be based on the county's voting age population.

§9–201.

(a) In any election conducted under this article:

- (1) all voting shall be by ballot; and
- (2) only votes cast on a ballot may be counted.

(b) All ballots shall comply with the provisions of this subtitle.

(c) A ballot may not be used for any purpose not authorized by this article.

§9–202.

(a) The State Board shall certify the content and the arrangement of each ballot to be used in an election that is subject to this article.

(b) Each local board shall place questions, names of candidates, and other material on the ballot in that county in accordance with the content and arrangement prescribed by the State Board.

§9–203.

Each ballot shall:

- (1) be easily understandable by voters;
- (2) present all candidates and questions in a fair and nondiscriminatory manner;
- (3) permit the voter to easily record a vote on questions and on the voter's choices among candidates;

- (4) protect the secrecy of each voter's choices; and
- (5) facilitate the accurate tabulation of the choices of the voters.

§9-204.

(a) Subject to the other provisions of this subtitle and to different presentations required or made desirable by different voting systems, all ballots used in an election shall be as uniform as possible.

(b) Except as otherwise specifically provided in this title, or unless a provision is clearly inappropriate to absentee ballots, the provisions of this subtitle relating to ballot content and arrangement shall apply to the arrangement of absentee ballots.

(c) If applicable for the voting system in use, the appropriate components of the voting system shall be configured for a primary election to permit the voter to vote only for the candidates for which the voter is entitled to vote.

§9-205.

Each ballot shall contain:

- (1) a heading as provided in § 9-206(a) of this subtitle;
- (2) a statement of each question that has met all of the qualifications to appear on the ballot;
- (3) the title of each office to be voted on;
- (4) the name, as specified in the certificate of candidacy, or as otherwise provided in Title 5 of this article, of each candidate who has been certified by the State Board;
- (5) a party designation for certain candidates as provided in this subtitle;
- (6) a means by which a voter may cast write-in votes, as provided in this subtitle; and
- (7) instructions to voters as provided in this subtitle.

§9-206.

(a) Except as provided in paragraph (2) of this subsection, a heading shall be printed at the top of the ballot and shall contain, in the following order:

- (1) the words “Official Ballot”;
- (2) the type of election, i.e., regular or special, primary or general, and any other information required to identify the election being held;
- (3) the date of the election;
- (4) the words “State of Maryland” and the name of the county;
- (5) in a primary election, the name of the political party or the words “nonpartisan ballot”, as applicable, for which the ballot or a portion of the ballot is to be used; and
- (6) if more than one ballot style will be used in the county in the election, the ballot style indicator.

(b) The provisions of subsection (a) of this section do not apply to a voting machine ballot if the State Board determines there is insufficient space.

§9-207.

(a) The State Board shall certify and publicly display the content and arrangement of each ballot:

- (1) for a primary election, at least 64 days before the election;
  - (2) for a general election, at least 64 days before the election;
  - (3) for a special primary election, at least 55 days before the election;
- and
- (4) for a special general election, not later than a date specified in the Governor’s proclamation.

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

(c) The State Board shall publicly display the content and arrangement of each certified ballot on its website.



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

(e) Unless a delay is required by court order, the State Board may begin to print the ballots after certification and 3 days of public display and correct any noted errors.

#### §9–208.

(a) After the printing of ballots has begun and if an error or a change in circumstances affecting the ballots requires the State Board to implement a change in how a voter may cast a valid ballot, the State Administrator shall determine what measures a local board may take to notify voters of:

- (1) the error or change in circumstances; and
- (2) the manner in which the voters may cast valid ballots for that election.

(b) The State Administrator shall immediately take all reasonable steps to notify all candidates on the ballot and any other persons whom the State Administrator considers appropriate:

- (1) on discovery of any change or correction affecting the ballots after the printing of ballots has begun; or
- (2) when the State Administrator implements a change under subsection (a) of this section.

#### §9–209.

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

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

- (1) correct an administrative error;
- (2) show cause why an administrative error should not be corrected;

or

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

(c) If an administrative error is discovered after the ballots have been publicly displayed, and the State Administrator fails to correct the administrative error, a registered voter may seek judicial review not later than the 62nd day preceding the election.

(d) (1) A judicial proceeding under this section shall be conducted in accordance with the Maryland Rules, except that:

(i) the case shall be heard and decided without a jury and as expeditiously as the circumstances require; and

(ii) an appeal shall be taken directly to the Supreme Court of Maryland within 5 days of the date of the decision of the circuit court.

(2) The Supreme Court of Maryland shall give priority to hear and decide an appeal brought under paragraph (1)(ii) of this subsection as expeditiously as the circumstances require.

§9–210.

(a) The offices to be voted on shall be arranged on the ballot in the following order, as applicable:

(1) public offices for which voters of the entire State may vote, in the following order:

(i) President of the United States, or President and Vice President of the United States;

(ii) Governor and Lieutenant Governor;

(iii) Comptroller;

(iv) Attorney General; and

(v) United States Senator;

(2) Representative in Congress;

(3) members of the General Assembly of Maryland, in the following order:

- (i) Senate of Maryland; and
  - (ii) House of Delegates;
- (4) members of the governing body of a county, in the following order:
  - (i) county executive; and
  - (ii) county council or county commissioner;
- (5) offices in the government of the City of Baltimore, in the following order:
  - (i) Mayor;
  - (ii) President of the City Council;
  - (iii) Comptroller; and
  - (iv) member of the City Council;
- (6) judicial offices, in the following order:
  - (i) judge of the circuit court; and
  - (ii) appellate judges, continuance in office, in the following order:
    - 1. Supreme Court of Maryland; and
    - 2. Appellate Court of Maryland;
- (7) public offices for which the voters of a county may vote, in the following order:
  - (i) county treasurer;
  - (ii) State's Attorney;
  - (iii) clerk of the circuit court;
  - (iv) register of wills;
  - (v) judge of the orphans' court;

(vi) sheriff; and

(vii) other offices filled by partisan election;

(8) party offices; and

(9) offices filled by nonpartisan election.

(b) Any office not specified in subsection (a) of this section shall be placed on the ballot following the offices specified in subsection (a) of this section.

(c) Within any category of offices, if the ballot contains one or more contests for at large election and one or more contests for election by district, the contest or contests to be voted on at large shall appear first.

(d) In a prominent position adjacent to the title of each office, there shall be instructions stating the number of candidates for whom the voter lawfully may vote.

(e) (1) A ballot shall contain the name of every candidate who is authorized under the provisions of this article to appear on the ballot.

(2) Each candidate shall be listed on the ballot in the contest for which the candidate has qualified.

(f) (1) In a general election, the voter shall be afforded the opportunity to cast a write-in vote for as many positions as are to be filled in a contest.

(2) On a document ballot, in each contest a blank line or lines for write-in voting shall follow the printed names on the ballot.

(3) This subsection does not apply to questions or the continuance in office of appellate judges.

(g) (1) Except for contests for judicial office or an office to be filled by nonpartisan election, the party affiliation of a candidate who is a nominee of a political party shall be indicated on the ballot.

(2) (i) A candidate who is not a nominee of a political party or affiliated with a partisan organization shall be designated as an “unaffiliated”.

(ii) A candidate who is affiliated with a partisan organization shall be designated under “other candidates”.

(3) The names of candidates for judge of the circuit court or for a county board of education, and the names of incumbent appellate judges, shall be placed on the ballot without a party label or other distinguishing mark or location which might indicate party affiliation.

(h) In an election of a member of the House of Delegates that is subject to the provisions of § 2–201(d) of the State Government Article, the name of a candidate shall be identified by the county in which the candidate resides.

(i) (1) If there is an election for members of the House of Delegates who are required to live in a specific county and only a certain number of delegates may be elected from that county, the ballot shall provide that a voter may not vote for more than that number of candidates from that specific county.

(2) In a legislative district where the delegates are to be elected by the voters of a multimember subdistrict that contains more than two counties or parts of more than two counties, a voter may cast a vote for the specified number of delegates to be elected in the subdistrict without regard to the county of residence of the candidate.

(j) (1) In a primary election:

(i) on a voting machine ballot, the names of the candidates for party nomination shall be grouped together by party; and

(ii) on a document ballot, the ballot shall include only the names of candidates for which the voter is entitled to vote.

(2) In a general election:

(i) on a voting machine ballot, the names of the candidates of a political party shall be grouped together in adjacent rows or columns, and the majority party candidates shall be placed in the first row or column, followed by the candidates of the principal minority party, followed by other political parties in descending order based on the number of voters registered with the party, and finally by candidates not nominees of a political party; and

(ii) on a document ballot, for each office the names of candidates shall be grouped together by party, with the majority party candidate or candidates listed first, followed by the candidate or candidates of the principal minority party, followed by the candidate or candidates of other political parties in descending order based on the statewide registration of the party, and finally by candidates who are not nominees of a political party.

(3) In both primary elections and general elections, when there is more than one candidate of the same political party for nomination or election to an office, the names of the candidates in the group shall be listed in alphabetical order by surname. In the primary election, candidates for Governor and Lieutenant Governor shall be arranged in the order of surnames of the gubernatorial candidates.

(k) On a voting machine ballot, the arrangement shall use the smallest number of rows or columns necessary, as evenly sized as possible, to accommodate all offices and candidates on the ballot.

#### §9–211.

(a) Questions to be voted upon shall be placed on the ballot in the following order:

(1) those relating to the creation or adoption of a new State Constitution;

(2) those proposing amendments to the Maryland Constitution;

(3) those relating to other enactments of the General Assembly;

(4) those relating to the creation or adoption of, or the amendment or other change in, the charter of a county;

(5) those relating to other enactments by the governing body of a county; and

(6) other questions.

(b) The numbering of questions on a ballot shall be as provided in Title 7 of this article.

#### §9–212.

If applicable to the voting system and the requirements of the election, instructions shall be printed on each ballot stating that additional candidates or questions appear on the reverse side of the ballot face or on other ballot faces.

#### §9–213.

The content of both an absentee ballot and a provisional ballot issued to a voter shall be identical to the ballot used in the polling place of the voter's residence.

§9-214.

Each local board shall provide specimen ballots, so labeled, for all ballots to be used in each election:

- (1) for mailing to registered voters under Title 8 of this article, if mailing of specimen ballots is chosen or required in the county; and
- (2) for other informational purposes in accordance with the provisions of this article.

§9-215.

- (a) Each ballot shall be printed:
  - (1) in plain, clear type in black ink; and
  - (2) on material of the size and arrangement that is required to fit the needs of the voting system.
- (b) Each local board shall arrange to have printed a supply of ballots that is at least the number that is the product of:
  - (1) the percentage of voters in the county who voted in the election that was 4 years prior, plus 10%; multiplied by
  - (2) the current number of registered voters in the county.
- (c) The regulations adopted by the State Board for the use of each voting system shall provide standards for the printing of ballots, which assure that:
  - (1) the ballots will be printed and received in a timely fashion;
  - (2) the ballots will be suitable for use in the election;
  - (3) the ballots are clear and legible; and
  - (4) the printing and paper stock employed are durable.

§9-216.

- (a) Consistent with the regulations adopted by the State Board for the voting system or systems used in the county, and subject to the approval of the State Board, each local board shall establish and maintain a system to account for, and

maintain control over, the ballots from the beginning of production through postelection storage and disposition.

(b) The State Board shall monitor and periodically review the performance of the local boards in their compliance with subsection (a) of this section.

§9–217.

(a) A person may not use, distribute, possess, print, or reproduce a ballot other than as authorized in this article.

(b) A person who violates the provisions of subsection (a) of this section shall be subject to the penalties provided in Title 16 of this article.

§9–301.

(a) This subtitle applies to every election governed by this article.

(b) The State Board shall prescribe all forms required to comply with:

(1) this subtitle; and

(2) any requirements of relevant federal law.

(c) The State Board and each local board shall:

(1) notwithstanding the use of the term “absentee” in this article, refer to absentee ballots as “mail-in ballots” and absentee voting as “mail-in voting” in all communications with voters and the general public; and

(2) include in public communications regarding “mail-in voting” a statement that “mail-in voting” is referred to as absentee voting in the Maryland Constitution, the Annotated Code of Maryland, and the Code of Maryland Regulations.

§9–302.

Each local board shall maintain a full record of absentee voting in the county, including, for each absentee voter:

(1) the date and time of the board’s receipt of an application for an absentee ballot;

(2) the action taken with regard to the application;



- (3) the appropriate ballot style;
- (4) the date of issuance of a ballot;
- (5) if mailed, the address to which the ballot is sent;
- (6) the date and time of the receipt of a voted absentee ballot; and
- (7) any other information specified by the State Board.

§9–303.

(a) The State Board shall establish guidelines for the administration of absentee voting by the local boards.

(b) The guidelines shall provide for:

- (1) the application process;
- (2) late application for absentee ballots;
- (3) ballot security, including storage of returned ballots;
- (4) determining timeliness of receipt of applications and ballots, including applications and ballots for overseas voters;
- (5) the canvass process;
- (6) notice of the canvass to candidates, political parties, campaign organizations, news media, and the general public;
- (7) observers of the process;
- (8) review of voted ballots and envelopes for compliance with the law and for machine tabulation acceptability;
- (9) standards for disallowance of ballots during the canvass;
- (10) storage and retention of ballots following canvass and certification; and
- (11) the permanent absentee ballot list.

(c) The State Board shall:

(1) in consultation with the local boards, assess the guidelines before each primary election; and

(2) revise the guidelines if indicated.

§9-304.

An individual may vote by absentee ballot except to the extent preempted under an applicable federal law.

§9-305.

(a) A voter may request an absentee ballot by completing and submitting:

(1) the State Board approved absentee ballot application;

(2) a form provided under federal law;

(3) subject to subsection (b) of this section, a written request that includes:

(i) the voter's name, residence address, and signature; and

(ii) the address to which the ballot is to be mailed, if different from the residence address; or

(4) the accessible online absentee ballot application provided by the State Board.

(b) A voter who uses the online absentee ballot application to request that an absentee ballot be sent by any method or who uses any method to request to receive a blank absentee ballot through the Internet shall provide the following information:

(1) a Maryland driver's license number or Maryland identification card number, the last four digits of the applicant's Social Security number, and other information identified by the State Board that is not generally available to the public but is readily available to the applicant; or

(2) if the applicant is an absent uniformed services voter or overseas voter as defined in the federal Uniformed and Overseas Citizens Absentee Voting Act

or a voter with a disability and does not have a Maryland driver's license or Maryland identification card, the last four digits of the applicant's Social Security number.

(c) The State-approved absentee ballot application shall include a statement explaining the process for returning a completed absentee ballot if the voter chooses to receive an absentee ballot by facsimile transmission or the Internet.

(d) An application for an absentee ballot must be received by a local board:

(1) if the voter requests the absentee ballot be sent by mail or facsimile transmission, not later than the Tuesday preceding the election, at the time specified in the guidelines;

(2) if the voter requests the absentee ballot be sent by the Internet, not later than the Friday preceding the election, at the time specified in the guidelines; or

(3) if the voter or the voter's duly authorized agent applies for an absentee ballot in person at the local board office, not later than the closing of the polls on election day.

§9-306.

(a) Promptly after receipt of an application, the election director shall review the application and determine whether the applicant qualifies to vote by absentee ballot.

(b) If the applicant qualifies to vote by absentee ballot, the local board shall provide the ballot by one of the following methods requested by the voter:

(1) mail;

(2) facsimile transmission;

(3) the Internet; or

(4) by hand during an in-person transaction.

(c) (1) Not later than 43 days before an election, the local board shall send a ballot to each voter who qualifies to vote by absentee ballot and has made a request at least 60 days before the election to receive the ballot by mail, facsimile transmission, or the Internet.

(2) A local board shall provide a ballot to a voter who qualifies to vote by absentee ballot and makes a request less than 60 days before an election:

(i) as soon as practicable after receipt of the request; or

(ii) immediately for an in-person transaction with a voter or the voter's duly authorized agent.

(d) (1) If the members of the local board determine that the applicant is not entitled to vote by absentee ballot, the local board shall notify the applicant as soon as practicable after receipt of the application of the reasons for the rejection.

(2) (i) The local board may delegate the determination under paragraph (1) of this subsection to the staff of the local board.

(ii) If the determination has been delegated, the applicant may appeal the rejection to the members of the local board, who shall decide the appeal as expeditiously as practicable.

(e) Not more than one absentee ballot may be issued to a voter unless the election director of the local board has reasonable grounds to believe that an absentee ballot previously issued to the voter has been lost, destroyed, or spoiled.

§9-307.

(a) A qualified applicant may designate a duly authorized agent to pick up and deliver an absentee ballot under this subtitle.

(b) An agent of the voter under this section:

(1) must be at least 18 years old;

(2) may not be a candidate on that ballot;

(3) shall be designated in a writing signed by the voter under penalty of perjury; and

(4) shall execute an affidavit under penalty of perjury that the ballot was:

(i) delivered to the voter who submitted the application;

(ii) marked and placed in an envelope by the voter, or with assistance as allowed by regulation, in the agent's presence; and

(iii) returned to the local board by the agent.

§9-308.

(a) A voter who requires assistance in casting an absentee ballot by reason of disability, inability to write, or inability to read the ballot may be assisted by any individual other than:

- (1) a candidate who is on that ballot;
- (2) the voter's employer or an agent of the employer; or
- (3) an officer or agent of the voter's union.

(b) An individual rendering assistance under this section shall execute a certification as prescribed by the State Board and included in the instructions under § 9-309 of this subtitle.

§9-308.1.

(a) In this section:

(1) "online ballot marking tool" includes a system that allows a voter to:

- (i) access a blank ballot through the Internet;
- (ii) electronically mark the ballot with the voter's selections;

and

(iii) print a paper copy of the marked ballot for mailing to a local board; and

(2) "online ballot marking tool" does not include a system that is capable of storing, tabulating, or transmitting votes or voted ballots by electronic or electromagnetic means through the Internet.

(b) The State Board may provide an accessible optional online ballot marking tool for use by a voter who requested to have the absentee ballot sent by the Internet.

(c) (1) Except as provided in paragraph (2) of this subsection, the State Board shall certify that an online ballot marking tool satisfies all of the certification

requirements under § 9–102(d) of this title before approving an online ballot marking tool for use by voters.

(2) An online ballot marking tool is not required to satisfy the requirements of:

(i) § 9–102(d)(2) of this title if the U.S. Election Assistance Commission has not approved specific performance and test standards for online ballot marking tools; or

(ii) § 9–102(d)(1)(iii) of this title.

(d) (1) This subsection applies if an online ballot marking tool utilizes a bar code that is used to generate a ballot that is acceptable for machine tabulation.

(2) A local board shall compare the vote in each contest on the ballot marked by the voter to the vote in each contest on the ballot generated from the bar code during the canvass.

(3) If there is a discrepancy in any contest between the vote on the ballot marked by the voter and the vote on the ballot generated from the bar code, the vote on the ballot marked by the voter shall be considered valid and shall be counted.

§9–309.

An absentee ballot shall be accompanied by instructions, prescribed by the State Board, for marking and returning the ballot.

§9–310.

(a) (1) This subsection applies only to an absentee ballot that is sent by mail.

(2) (i) An absentee ballot shall be enclosed in specially printed envelopes, the form and content of which shall be prescribed by the State Board.

(ii) The outgoing envelope shall include a statement, prominently placed, requesting that the recipient return the absentee ballot to the local board if the intended recipient no longer lives at that address.

(3) (i) A local board may use either two envelopes or three envelopes.

(ii) If two envelopes are used, the inner envelope shall be designated the “ballot/return envelope”, and, when issued, it shall fit inside the envelope designated the “outgoing envelope”.

(iii) If three envelopes are used, the innermost envelope shall be designated the “ballot envelope”, which shall fit inside the envelope designated the “return envelope”, both of which, when issued, shall fit inside the envelope designated the “outgoing envelope”.

(iv) The ballot/return envelope described under subparagraph (ii) of this paragraph and the return envelope described under subparagraph (iii) of this paragraph provided to a voter voting by absentee ballot shall include prepaid postage.

(4) (i) An absentee ballot shall be accompanied by instructions for postage of the ballot/return envelope or the return envelope.

(ii) The instructions for postage shall include:

1. a statement that the ballot/return envelope or return envelope includes prepaid postage and may be mailed as is; and

2. directions for how a voter may attach postage for the purpose of reducing the costs of the local board.

(5) When voted and returned to the local board, an absentee ballot shall be enclosed in a ballot envelope or ballot/return envelope, on which has been printed an oath prescribed by the State Board.

(b) The State Board shall reimburse each local board for 50% of the cost of prepaid postage included on ballot/return envelopes or return envelopes provided to a voter voting by absentee ballot under subsection (a)(3)(iv) of this section.

(c) If an absentee ballot is sent by the Internet or facsimile transmission, the local board shall provide the voter with an envelope template, the oath prescribed by the State Board, and instructions for marking and returning the absentee ballot.

§9-311.

(a) (1) The members of a local board shall each be entitled to extra compensation, in addition to their regular compensation, for duties actually performed under this subtitle.

(2) Except as provided in paragraph (3) of this subsection, the amount of the extra compensation shall be \$10 per day, or a greater amount set by the governing body of the county.

(3) In Baltimore City, the members of the local board shall receive \$200 per election for duties under this subtitle.

(b) Subject to § 9–106 of this title, the governing body of a county shall provide to the local board of the county an amount that is reasonable and necessary to pay for expenses, including the employment of temporary personnel, required for performing the duties required under this subtitle.

(c) Payments under this section shall be made by the county governing body in the same manner that other funding is provided to the local board.

#### §9–311.1.

(a) All voters are eligible for permanent absentee ballot status.

(b) To request permanent absentee ballot status a voter shall complete and submit:

(1) the State Board–approved absentee ballot application and indicate on the form that the voter wishes to have permanent absentee ballot status;

(2) a written request that includes the voter’s name, residence address, and signature; or

(3) the online absentee ballot application provided by the State Board and indicate on the form that the voter wishes to have permanent absentee ballot status.

(c) (1) A voter may apply for permanent absentee ballot status at any time.

(2) A voter who requests permanent absentee ballot status may not receive an absentee ballot for the next election if the request is made after the applicable deadline specified in § 9–305(c) of this subtitle.

(d) A voter shall specify in an absentee ballot application submitted in accordance with subsection (b) of this section:

(1) one of the following methods by which the voter chooses to receive an absentee ballot:



- (i) mail;
- (ii) facsimile transmission; or
- (iii) the Internet; and

(2) one of the following methods by which the voter chooses to be contacted by the State Board under subsection (g) of this section before each election:

- (i) nonforwardable mail;
- (ii) e-mail; or
- (iii) text message.

(e) A voter who uses the online absentee ballot application to request permanent absentee ballot status or who uses any method to request to receive a blank absentee ballot through the Internet shall provide the information required under § 9–305(b) of this subtitle.

(f) A voter who submits a proper request for permanent absentee ballot status shall be placed on the permanent absentee ballot list.

(g) (1) Not less than 75 days before the day on which a local board begins to send absentee ballots to voters, the State Board shall send a written communication to each voter who is on the permanent absentee ballot list as of a date that is at least 90 days before the upcoming election using the method chosen by the voter under subsection (d)(1) of this section.

(2) The communication required under paragraph (1) of this subsection shall include:

- (i) confirmation that the voter is included on the permanent absentee ballot list;
- (ii) the address of the voter;
- (iii) the method by which the voter has chosen to receive an absentee ballot; and
- (iv) a statement that the voter must notify the local board if any of the changes listed in subsection (j) of this section have occurred.

(3) If the State Board is unable to contact a voter using the method of communication chosen by the voter under subsection (d)(1) of this section, the State Board shall send the written communication using another method if the State Board has other contact information for the voter.

(4) If the communication required under this section is sent by mail, the envelope shall include a statement, prominently placed, requesting that the recipient return the communication to the State Board if the intended recipient no longer lives at that address.

(h) A local board shall send an absentee ballot to each voter on the permanent absentee ballot list each time there is an election.

(i) A voter who has permanent absentee ballot status shall be removed from the permanent absentee ballot list if:

(1) the voter requests to be removed from the list;

(2) the voter is removed from the statewide voter registration list under Title 3, Subtitle 5 of this article;

(3) the voter fails to return an absentee ballot for two consecutive statewide general elections; or

(4) any mail sent to the voter by the State Board or a local board is returned undeliverable.

(j) A voter shall notify the local board if any of the following changes occur while the voter has permanent absentee ballot status:

(1) the voter no longer wishes to have permanent absentee ballot status;

(2) the address to which the voter's absentee ballot should be sent has changed; or

(3) the voter wishes to receive an absentee ballot by a different method from the method previously indicated by the voter.

(k) If a voter who has permanent absentee ballot status gives notice of a change of address under § 3–304 of this article, the local board shall enclose with the confirmation notice sent to the voter under § 3–502(b) of this article a notification that:

- and
  - (1) the voter remains included on the permanent absentee ballot list;
  - (2) the voter's absentee ballot will be sent to the voter's new address.

§9-312.

Any person who is convicted of a violation of any of the provisions of this subtitle is subject to a fine of not more than \$1,000 or imprisonment for not more than 2 years or both.

§9-401.

- (a) This subtitle applies to every election governed by this article.
- (b) The State Board shall prescribe all forms required to comply with:
  - (1) this subtitle; and
  - (2) any requirements of relevant federal law.
- (c) The budget of the State Board for each fiscal year shall include funding necessary to support any additional personnel costs associated with the implementation of the provisional ballot system required under this article.

§9-402.

Each local board shall maintain a full record of provisional ballot voting in the county, including, for each voter who votes using a provisional ballot:

- (1) the action taken with regard to the registration;
- (2) the appropriate ballot style; and
- (3) any other information specified by the State Board.

§9-403.

- (a) The State Board shall establish guidelines for the administration of provisional ballot voting by the local boards.
- (b) The guidelines shall provide for:
  - (1) the provisional ballot application process;

- (2) ballot security, including storage of returned ballots;
- (3) the canvass process;
- (4) notice of the canvass to candidates, political parties, campaign organizations, news media, and the general public;
- (5) observers of the process;
- (6) review of ballots and envelopes submitted for compliance with the law and for machine tabulation acceptability;
- (7) standards for disallowance of ballots during the canvass;
- (8) storage and retention of ballots following canvass and certification; and
- (9) the free access system required under § 11-303(f) of this article.

(c) The State Board shall:

- (1) in consultation with the local boards, assess the guidelines before each primary election; and
- (2) revise the guidelines if indicated.

§9-404.

(a) If an individual is eligible under subsection (b) of this section, the individual shall be issued and may cast a provisional ballot:

- (1) at a polling place on election day;
- (2) at an early voting center during early voting; or
- (3) at the local board office in the county where the individual resides after the close of registration and before the closing of the polls on election day.

(b) An individual is eligible to cast a provisional ballot if:

- (1) the individual declares in a written affirmation submitted with the provisional ballot that the individual is a registered voter in the State and is eligible to vote in that election; and

- (2) (i) the individual's name does not appear on the election register;
- (ii) an election official asserts that the individual is not eligible to vote; or
- (iii) the individual does not have the necessary identification.

(c) In addition to the individuals who cast provisional ballots under subsections (a) and (b) of this section, any individual who appears to vote during a period covered by a court order or other order extending the time for closing the polls shall cast a provisional ballot. A provisional ballot cast under this subsection shall be separated and held apart from other provisional ballots cast by those not affected by the order.

§9-405.

Before an individual casts a provisional ballot:

- (1) the individual shall complete and sign the provisional ballot application prescribed by the State Board; and
- (2) the election official issuing the ballot shall give the individual written information advising the individual that, and describing how, the individual will be able to ascertain whether the vote was counted and, if it was not counted, the reason it was not.

§9-406.

(a) A voter who requires assistance in casting a provisional ballot by reason of disability, inability to write, or inability to read the ballot may be assisted by any individual other than:

- (1) a candidate who is on that ballot;
- (2) the individual's employer or an agent of the employer; or
- (3) an officer or agent of the individual's union.

(b) An individual rendering assistance under this section shall execute a certification as prescribed by the State Board and included in the instructions under § 9-407 of this subtitle.

§9-407.

(a) A provisional ballot shall be accompanied by instructions, prescribed by the State Board, for marking and returning the ballot.

(b) When voted, a provisional ballot shall be:

(1) enclosed in an envelope designated “provisional ballot/return envelope”; or

(2) stored in an electronic format, as specified by the State Board.

§9-408.

Any person who is convicted of a violation of any of the provisions of this subtitle is subject to a fine of not more than \$1,000 or imprisonment for not more than 2 years or both.

§9-501.

(a) This subtitle applies only to a special election that is not held concurrently with a regularly scheduled primary or general election.

(b) Voting by mail may be utilized in a special election in accordance with this subtitle.

(c) A special election to fill a vacancy in the Office of Representative in Congress shall be conducted by mail if the Governor’s proclamation issued under § 8-710 of this article directs that the election be conducted by mail.

(d) (1) In this subsection, “local special election” means a special election to:

(i) fill a vacancy in the offices of county council member, chief executive officer, or county executive of a charter county if the charter of that county provides for special elections;

(ii) fill a vacancy in the board of county commissioners of a code home rule county if a local law enacted by that county provides for special elections;

(iii) fill a vacancy in the board of county commissioners of a commission county if a law provides for special elections;

(iv) fill a vacancy in a local board of education if State law provides for special elections;

(v) elect members of a charter board or submit a proposed charter to the voters for adoption or rejection in accordance with Article XI–A, § 1A of the Maryland Constitution; or

(vi) submit a local law enacted by a code home rule county to the voters for adoption or rejection in accordance with § 9–313 of the Local Government Article.

(2) A local special election shall be conducted by mail if the resolution of the county council or board of county commissioners establishing the date of the special election directs that the election be conducted by mail.

(e) Except as otherwise provided in this subtitle:

(1) provisions of this article relating to absentee voting apply to voting by mail; and

(2) all pertinent State or local laws relating to the conduct of a special election apply to a special election conducted under this subtitle.

(f) Provisions of this article relating to the conduct of elections apply to a special election conducted under this subtitle, unless a law specifically relevant to a special election applies.

§9–502.

(a) (1) Except as provided in paragraph (2) of this subsection, a local board shall mail by nonforwardable mail a vote–by–mail ballot to each registered voter who is eligible to vote in a special election.

(2) A local board is not required to mail a vote–by–mail ballot to a voter if the voter has requested that the ballot be sent by other means.

(b) A voter is not required to submit an application to receive a vote–by–mail ballot.

(c) In Montgomery County:

(1) each vote–by–mail ballot shall be accompanied by a postage–paid envelope in which a voter may return the voted ballot to the local board; and

(2) the local board shall pay the cost of postage-paid envelopes provided under this subsection.

(d) A local board shall send a vote-by-mail ballot to each eligible voter at least 14 days before the day of a special election.

(e) (1) Except as provided in paragraph (2) of this subsection, a vote-by-mail ballot shall be mailed to the address that is on file in the statewide voter registration list for each eligible voter.

(2) A registered voter may request to receive a vote-by-mail ballot at an address other than the address that is on file in the statewide voter registration list by:

(i) submitting an absentee ballot application in accordance with § 9-305(a) of this title not later than the Tuesday preceding the day of a special election, if the voter is temporarily absent from the address that is on file in the statewide voter registration list; or

(ii) notifying a local board of a change of address not later than the Tuesday preceding the day of a special election, if the voter's residence has changed from the address that is on file in the statewide voter registration list to another location within the State.

(f) A local board shall issue a replacement vote-by-mail ballot to a voter if the election director of the local board has reasonable grounds to believe that the vote-by-mail ballot previously issued to the voter has been lost, destroyed, spoiled, or not received.

§9-503.

(a) Each local board shall establish at least one voting center for the use of any eligible voter who chooses to cast a ballot in person in a special election in accordance with this section.

(b) (1) A voting center shall be located at a local board office or another location within the constituency where the special election is being held.

(2) In Montgomery County:

(i) in a special election held in a single county council district, at least one voting center shall be established in the county council district where the special election is being held; and



(ii) in a countywide special election, at least one voting center shall be established in each county council district.

(c) A voting center established under this section shall:

(1) provide access to a voting system that is accessible to voters with disabilities in accordance with the federal Americans with Disabilities Act and the federal Help America Vote Act;

(2) provide for provisional voting in accordance with Subtitle 4 of this title;

(3) satisfy the requirements of § 10–101 of this article; and

(4) (i) unless otherwise specified in the proclamation issued by the Governor that directs that the special election be conducted by mail, and except as provided in item (ii) of this item, be open for voting each day beginning 6 days before the day of a special election through the day of a special election during the hours between:

1. 10 a.m. and 8 p.m. Monday through Saturday; and

2. 12 noon to 6 p.m. on Sunday; and

(ii) in Montgomery County, be open for voting during the days and for the hours that the county council directs in the resolution under § 9–501(d)(2) of this subtitle.

(d) If necessary to expedite the conduct of a special election and subject to the approval of the State Board, a local board may establish a voting center under this section during a period when a change in polling places is prohibited under § 2–303 of this article.

(e) The process for applying in person for an absentee ballot at the office of a local board under § 9–305 of this title does not apply to a special election conducted by mail.

(f) Except as otherwise provided in this section, any provision of this article that applies to voting at a polling place on election day also applies to voting at a voting center established under this section.

§9–504.

(a) A voter may return a vote-by-mail ballot to a local board:

- (1) by mail;
- (2) in person during regular office hours; or
- (3) through a duly authorized agent in accordance with subsection (b) of this section.

(b) (1) A voter may designate a duly authorized agent in accordance with § 9–307 of this title to return a vote-by-mail ballot to a local board during regular office hours.

(2) Notwithstanding § 9–307(b)(4)(i) of this title, an agent is required only to:

- (i) witness the voter mark the ballot and place it in an envelope; and
- (ii) return the ballot to a local board.

§9–505.

(a) A vote-by-mail ballot is considered timely and may be counted if the ballot:

(1) is returned in person to the office of a local board by the voter or the voter’s duly authorized agent no later than 8 p.m. on the day of a special election; or

(2) (i) is received by mail by a local board no later than 10 a.m. on the second Friday after a special election; and

(ii) was mailed on or before election day, as verified:

1. by a postmark; or
2. if the return envelope does not contain a postmark or the postmark is illegible, by the voter’s affidavit that the ballot was mailed on or before election day.

(b) A vote-by-mail ballot that does not meet the requirements of subsection (a) of this section is not timely and may not be counted.

§9–506.

(a) Except as provided in subsection (b) of this section, a local board may commence the canvass of vote-by-mail ballots at 2 p.m. on the day of a special election.

(b) The State Board may adopt regulations authorizing a local board to commence the canvass of vote-by-mail ballots before the time specified in subsection (a) of this section.

(c) The State Board shall adopt regulations that provide for:

(1) public observation of the canvass of vote-by-mail ballots in accordance with § 11-301(a-1) of this article; and

(2) procedures for maintaining the secrecy of the election results until after 12 a.m. on the day after a special election.

§9-507.

The State Board may adopt regulations as necessary to implement this subtitle.

§10-101.

(a) (1) Each local board shall designate a polling place that meets the requirements of this subsection for each precinct in the county as established by the local board in accordance with Title 2 of this article.

(2) Each polling place shall:

(i) provide an environment that is suitable to the proper conduct of an election;

(ii) be located as conveniently as practicable for the majority of registered voters assigned to that polling place;

(iii) except as authorized in paragraph (4) of this subsection, be in a public building;

(iv) be in the precinct that it serves unless no suitable location for a polling place can be found within that precinct, in which case the board may establish the polling place in an adjacent precinct; and

(v) whenever practicable, be selected and arranged to avoid architectural and other barriers that impede access or voting by elderly and physically disabled voters.

(3) (i) The public official responsible for the use of any public building requested by a local board for a polling place shall make available to the local board, without charge, the space that is needed in the building for the proper conduct of an election.

(ii) Light, heat, and custodial and janitorial services for the space shall be provided to the local board without charge.

(iii) 1. Subject to subsubparagraph 2 of this subparagraph, electioneering shall be allowed on the premises of the public building up to the electioneering boundary established under § 16–206(b) of this article.

2. Campaign signs shall be allowed on the premises of the public building, at a minimum, from:

A. 5 p.m. the day immediately preceding election day until 8 a.m. on the day immediately following election day; and

B. 5 p.m. the day before an early voting period begins under § 10–301.1 of this title until 8 a.m. the day after the early voting period ends.

(4) (i) If suitable space in a public building is not available, a local board may pay a reasonable fee for the use of space in a privately owned building.

(ii) A polling place may not be located in a privately owned building unless the owner of the building agrees to:

1. allow electioneering on the premises up to the electioneering boundary established under § 16–206(b) of this article; and

2. allow campaign signs on the premises, at a minimum, from:

A. 5 p.m. the day immediately preceding election day until 8 a.m. on the day immediately following election day; and

B. 5 p.m. the day before an early voting period begins under § 10–301.1 of this title until 8 a.m. the day after the early voting period ends.

(5) If a polling place is located in a building owned or leased by a volunteer fire company or rescue squad, the volunteer fire company or rescue squad may require the local board to pay for the use of the space that is needed in the building for the proper conduct of any election.

(b) (1) (i) In Baltimore City, public buildings shall be used for polling places to the greatest extent feasible.

(ii) For rental of privately owned polling places in Baltimore City, the local board shall pay an amount as determined in the ordinance of estimates, provided that the amount is uniform on a citywide basis.

(2) In Charles County, the local board may use private firehouses, private halls, and other buildings for polling places.

(3) In Montgomery County, the County Board of Education shall make available the space and custodial service as needed for the proper conduct of elections upon application by the local board.

(c) (1) The State Board shall adopt regulations governing the use of a building or part of a building that is owned, occupied, or partially occupied by an establishment that holds an alcoholic beverages license as a polling place.

(2) The regulations adopted under paragraph (1) of this subsection shall require a local board to prioritize the placement of polling locations in buildings that are not owned, occupied, or partially occupied by an establishment that holds an alcoholic beverages license.

§10–102.

(a) If the polling place assigned to an elderly or disabled voter is not structurally barrier free, the voter may request a reassignment by the local board.

(b) (1) To qualify for a reassignment by the local board, the voter shall submit a request in writing to the local board not later than the close of registration for the election.

(2) The request may be made on a form prescribed by the State Board.

(c) On receipt of a request from an elderly or disabled voter under subsection (b) of this section, the local board shall either:

(1) assign the voter to an election district, ward, or precinct in the voter's county that contains a structurally barrier free polling place; or

(2) issue the voter an absentee ballot in accordance with the procedures established under Title 9, Subtitle 3 of this article.

(d) Any ballot issued to a voter under subsection (c)(2) of this section shall be identical to the ballot used in the polling place originally assigned to the voter.

§10-201.

(a) (1) (i) Except as provided in subparagraph (ii) of this paragraph, each local board shall provide at least four election judges to be the staff for each polling place.

(ii) In a precinct with fewer than 200 registered voters, the local board may provide two election judges for that precinct's polling place.

(2) An election judge shall be appointed in accordance with the requirements of § 10-203 of this subtitle.

(b) (1) Except as provided in paragraph (2) of this subsection, each polling place shall have an equal number of election judges from:

(i) the majority party; and

(ii) the principal minority party.

(2) (i) If the total number of election judges for a precinct is six or more:

1. a local board may provide one or more election judges who are not registered with either the majority party or principal minority political party; and

2. a local board may provide one or more election judges who are minors.

(ii) The number of election judges provided under this paragraph may not exceed the lesser of:

1. the number of election judges who belong to the majority party; or

2. the number of election judges who belong to the principal minority party.

§10-202.

(a) (1) Except as provided in paragraph (2) of this subsection, an election judge shall be a registered voter who resides in the county for which the election judge is appointed.

(2) (i) If a qualified individual residing in the county cannot be found with reasonable effort, the local board may appoint a registered voter residing in any part of the State.

(ii) Subject to the provisions of § 3-210(c) of the Labor and Employment Article, a minor who is at least 16 years old and who is a registered voter may be appointed and serve as an election judge.

(b) An election judge shall be able to speak, read, and write the English language.

(c) An election judge may not engage in any partisan or political activity that is proscribed by § 2-301 of this article.

(d) A State employee who serves as an election judge during hours that the employee is otherwise scheduled to work for the State:

(1) may use 1 hour of administrative leave for each hour of service as an election judge, up to a total of 8 hours for each day of service; and

(2) shall receive the election judge compensation as specified in § 10-205 of this subtitle.

(e) A local board may adopt guidelines consistent with the provisions of this title for the determination of the qualifications of persons considered for appointment and for the process of appointment as election judges. To the extent not inconsistent with this subtitle, the guidelines may provide for the appointment of an election judge, other than the chief judge, to serve for less than a full day and for the judge to be compensated, on a pro rata basis, in accordance with the fees set under § 10-205 of this subtitle for a judge serving a full day.

§10-203.

(a) The election director, with the approval of the local board, shall appoint the election judges for each polling place for a term that begins on the Tuesday that is 13 weeks before each statewide primary election.

(b) One or two election judges in each precinct shall:

(1) be designated chief judge; and

(2) supervise the staff at the polling place.

(c) The term of office for an election judge continues until the Tuesday that is 13 weeks before the next statewide primary election unless:

(1) the local board excuses the person for good cause; or

(2) a special election is held during the election judge's term of office and the State Board determines that a local board may not need the service of all of the appointed election judges.

(d) A local board shall fill each vacant election judge position in the same manner as set forth in subsection (a) of this section.

§10-204.

(a) (1) Each election judge shall take and subscribe to a written oath prescribed in Article I, § 9 of the Maryland Constitution.

(2) The signed oath, when returned to the local board, shall constitute the commission of office for the election judge.

(b) The State Board shall prescribe a form for the combined oath and commission required under this section.

§10-205.

(a) In this section, "compensation" includes stipends for transportation, training, and bonus payments.

(b) (1) (i) The county governing body shall provide sufficient funding to meet the minimum compensation levels required under this section.

(ii) Within the limits authorized by the county governing body, a local board may fix the compensation of election judges above the minimum compensation levels required under this section.



(2) A local board shall pay an election judge for:

(i) each course of instruction required under § 10–206(g)(1) of this subtitle that the election judge completes; and

(ii) each election day and each early voting day that the election judge actually serves.

(3) (i) For each election judge who has not previously served as an election judge, the compensation for each election day and each early voting day actually served shall be at least \$250 per day.

(ii) For each election judge who has previously served as an election judge, the compensation for each election day and each early voting day actually served shall be at least \$100 more per day than the compensation provided to an election judge who has not previously served as an election judge.

(4) The compensation for each completed course of instruction required under § 10–206(g)(1) of this subtitle shall be at least \$50.

(c) The State Board shall reimburse each local board for \$50 of the extra compensation required under subsection (b)(3)(ii) of this section that is paid to each returning election judge.

(d) (1) The State Board shall develop and provide to the local boards a marketing campaign to recruit individuals to serve as election judges in polling places in the State.

(2) The marketing campaign shall:

(i) disseminate information on the importance of election judges;

(ii) disseminate information on how to apply to be an election judge, eligibility requirements, and compensation; and

(iii) target diverse voter populations, including multilingual individuals.

§10–206.

(a) In consultation with the local boards, the State Board shall:

- (1) develop a program of instruction of election judges; and
  - (2) oversee the implementation of the program of instruction.
- (b) The training materials utilized by the program may include:
  - (1) an instruction manual and other written directives;
  - (2) curriculum for training sessions; and
  - (3) audiovisuals.
- (c) The State Board shall develop a process for the evaluation of the training program and the performance of the polling place staff in each county.
- (d) To the extent appropriate, the training program shall be specific to each of the voting systems used in polling places in the State.
- (e) The State Board shall provide election judges with uniform statewide training on the voting system, including:
  - (1) all features of the voting system that provide access to voters with disabilities; and
  - (2) the rights of voters with disabilities, including those rights guaranteed by State and federal law.
- (f) Each local board shall conduct election judge training based on the program developed by the State Board.
- (g)
  - (1) Except as provided in paragraph (2) of this subsection, each election judge shall participate in the training program provided for in subsection (a) of this section.
  - (2) An election judge who is appointed under emergency circumstances is not required to attend the course of instruction.

§10-207.

- (a) A local board shall investigate promptly each complaint it receives regarding the fitness, qualification, or performance of an individual appointed to be an election judge.

(b) A local board shall remove any election judge who is unfit or incompetent for the office.

§10-301.

(a) On an election day, a polling place shall be open from 7 a.m. until 8 p.m.

(b) A voter who has appeared at a polling place by the closing hour to cast a ballot shall be allowed to vote.

§10-301.1.

(a) Except as provided under Title 9, Subtitle 3 of this article, during any regularly scheduled primary or general election a voter may vote:

(1) in the voter's assigned precinct on election day; or

(2) at an early voting center in the voter's county of residence on any early voting day in accordance with this section.

(b) (1) Each county shall have at least one early voting center established in the county as prescribed in this subsection.

(2) A county with fewer than 50,000 registered voters shall have one early voting center established in the county.

(3) A county with at least 50,000 registered voters but fewer than 100,000 registered voters shall have two early voting centers established in the county.

(4) A county with at least 100,000 registered voters but fewer than 200,000 registered voters shall have three early voting centers established in the county.

(5) A county with at least 200,000 registered voters but fewer than 300,000 registered voters shall have five early voting centers established in the county.

(6) A county with at least 300,000 registered voters but fewer than 400,000 registered voters shall have seven early voting centers established in the county.

(7) A county with at least 400,000 registered voters but fewer than 500,000 registered voters shall have nine early voting centers established in the county.

(8) A county with at least 500,000 registered voters but fewer than 600,000 registered voters shall have 11 early voting centers established in the county.

(9) A county with at least 600,000 registered voters shall have 13 early voting centers established in the county.

(10) In addition to the early voting centers required in this subsection, each county may establish one additional early voting center if:

(i) first, the local board and the governing body of the county agree to establish an additional early voting center; and

(ii) then, the State Board approves the establishment of the additional early voting center.

(c) (1) No later than 6 months before a primary election, the local board in each county shall, subject to the approval of the State Board, designate each early voting center in that county.

(2) A local board shall take into account the following factors when determining the location of an early voting center:

(i) accessibility of the early voting center to historically disenfranchised communities, including cultural groups, ethnic groups, and minority groups;

(ii) proximity of the early voting center to dense concentrations of voters;

(iii) accessibility of the early voting center by public transportation;

(iv) ensuring equitable distribution of early voting centers throughout the county; and

(v) maximizing voter participation, including through the use of community centers and public gathering places as locations for early voting centers.

(d) Each early voting center shall be open for voting as follows:

(1) beginning the second Thursday before a primary or general election through the Thursday before the election; and

(2) during the hours between 7 a.m. and 8 p.m. each early voting day.

(e) Each early voting center shall satisfy the requirements of § 10–101 of this title.

(f) Beginning 30 days prior to each early voting period the State Board and each local board shall undertake steps to inform the public about early voting and the location of early voting centers in each county, including:

(1) a series of public service media announcements;

(2) mailings to all registered voters in each county; and

(3) other measures as appropriate.

(g) Except as expressly provided in this section, any provision of this article that applies to voting on election day also applies to early voting.

(h) The State Board shall adopt regulations and guidelines in accordance with the requirements of this section for the conduct of early voting.

#### §10–302.

(a) In a timely manner for each election, the local board shall provide for the delivery to each polling place the supplies, records, and equipment necessary for the conduct of the election.

(b) Each polling place shall be equipped with a computer device that contains a record of all registered voters in the county and that is capable of being networked to other polling place computer devices.

(c) Each polling place and early voting center shall have a paper or electronic backup copy of the election register available for the use of the election judges if the computer devices required under subsection (b) of this section do not function properly during an election.

#### §10–303.

(a) Under the supervision of a chief judge, an election judge shall:

(1) carry out the tasks assigned by the local board, including those set forth in any election judge instruction manual developed in accordance with § 10-206 of this title, during the period of time that begins before the election through the close of the polls and the return of materials to the local board; and

(2) take measures throughout election day to ensure that:

- (i) each voter's right to cast a ballot in privacy is maintained;
- (ii) the integrity of the voting process is preserved;
- (iii) the accuracy of the counting process is protected;
- (iv) order in the polling place is maintained; and
- (v) all election laws are observed.

(b) While serving as an election judge on an election day, an election judge shall wear a badge that:

- (1) is in plain view;
- (2) identifies the person as an election judge; and

(3) identifies the person by name and by the ward and precinct or election district for which the person is an election judge.

(c) An election judge shall:

- (1) keep the peace; and
- (2) order the arrest of any person who:
  - (i) breaches the peace;
  - (ii) breaches any provision of this article; or

(iii) interferes with the work of the judges in conducting the election and carrying out their assigned tasks.

(d) (1) An election judge shall protect a challenger or watcher in the exercise of the rights of a challenger or watcher as provided in § 10-311 of this subtitle.

(2) (i) An election judge is not required to admit a challenger or watcher to a polling place before the polls open if the challenger or watcher was not present at the polling place at least one-half hour before its opening.

(ii) An election judge may require challengers and watchers to leave a polling place before it opens if a majority of the election judges present agrees that the presence of the challengers and watchers will prevent the timely opening of the polling place.

(3) An election judge shall designate reasonable times for challengers and watchers to examine polling lists.

§10-304.

(a) (1) A police officer who is on duty at a polling place shall obey the order of an election judge for that polling place.

(2) A police officer making an arrest under an order of an election judge is fully protected in so doing as if the police officer received a valid warrant to make the arrest.

(b) A police officer who is on duty at a polling place shall protect a challenger or watcher in the discharge of the duties of the challenger or watcher.

§10-305.

(a) If there is a vacancy in the polling place staff during voting hours:

(1) the local board may fill the vacancy with a substitute election judge who has been recruited and trained; or

(2) an election judge who is present at the polling place may fill the position of the absent election judge by appointing a person registered with the same party affiliation as the absent election judge.

(b) If a substitute election judge is appointed under subsection (a) of this section:

(1) either the election director, the election director's designee, or the election judge making the substitute appointment shall administer the oath required under § 10-204 of this title; and

(2) a chief election judge shall document any change in the polling place staff in the records of the polling place.

§10–306.

(a) (1) The State Board, in consultation with the election directors of the local boards, shall specify and produce the following informational materials to be posted in each polling place:

- (i) a specimen ballot for that precinct;
- (ii) instructions relating to the availability of assistance to elderly and disabled voters;
- (iii) information regarding the date of the election and the hours during which the polling places will be open;
- (iv) instructions on how to vote, including how to cast a vote;
- (v) instructions for mail-in registrants and first-time voters;
- (vi) general information on voting rights under applicable federal and State laws and instructions on how to contact the appropriate local board if these rights are alleged to have been violated;
- (vii) information regarding provisional voting, including:
  - 1. information on the right of an individual to cast a provisional ballot;
  - 2. how to fill out the provisional ballot application and cast the provisional ballot; and
  - 3. the standards that will be applied in determining whether a provisional ballot will be counted; and
- (viii) general information on federal and State laws regarding prohibitions on acts of fraud and misrepresentation.

(2) A local board may produce other materials appropriate for the polling places in the county.

(b) Before the polls open, the election judges for each precinct shall post all information specified under subsection (a) of this section.

§10–307.



(a) The members of each local board shall be available as needed on an election day.

(b) The local board shall provide the staff of each polling place with the means to contact and obtain support from the office of the local board on election day.

§10–308.

(a) An election judge shall allow the following individuals to have access to the voting room at a polling place:

(1) a voter;

(2) an individual who accompanies a voter in need of assistance in accordance with § 10–310(c) of this subtitle;

(3) polling place staff;

(4) a member or other representative of the State Board or local board;

(5) an accredited watcher or challenger under § 10–311 of this subtitle;

(6) an individual under the age of 18 who accompanies a voter in accordance with § 10–310(c) of this subtitle, provided that:

(i) the individual is in the care of the voter and does not disrupt or interfere with normal voting procedures; and

(ii) the individual is not eligible to vote in that election; and

(7) any other individual authorized by the State Board or local board.

(b) Notwithstanding the provisions of subsection (a)(6) of this section, not more than two individuals under the age of 18 may accompany a voter in accordance with § 10–310(c) of this subtitle.

§10–309.

(a) In accordance with instructions provided by the election director, an election judge shall arrive at the polling place and, under the direction of the chief

judge, set up the polling place to assure that the polls will be open and operational at 7 a.m.

(b) Except as provided in § 10-303(d)(2)(ii) of this subtitle, an election judge shall admit an accredited challenger or watcher one-half hour before the polling place is open.

§10-310.

(a) For each individual who seeks to vote, an election judge, in accordance with instructions provided by the local board, shall:

(1) locate the individual's name in the election register and locate the preprinted voting authority card and then authorize the individual to vote a regular ballot;

(2) (i) if the individual's name is not found on the election register, search the inactive list and if the name is found, authorize the individual to vote a regular ballot; or

(ii) if the individual's name is not on the inactive list, refer the individual for provisional ballot voting under § 9-404 of this article;

(3) establish the identity of the voter by requesting the voter to state the month and day of the voter's birth and comparing the response to the information listed in the election register;

(4) (i) except if a voter's personal information has been deemed confidential by the local board, verify the address of the voter's residence; or

(ii) conduct an alternative verification as established by the State Board, if the voter's personal information has been deemed confidential by the local board;

(5) if any changes to the voting authority card are indicated by a voter, make the appropriate changes in information on the card or other appropriate form; and

(6) have the voter sign the voting authority card and either issue the voter a ballot or send the voter to a machine to vote.

(b) On the completion of the procedures set forth in subsection (a) of this section, a voter may vote in accordance with the procedures appropriate to the voting system used in the polling place.

(c) (1) Before a voter enters a voting booth, at the request of the voter, an election judge shall:

(i) instruct the voter about the operation of the voting system;  
and

(ii) allow the voter an opportunity to operate a model voting device, if appropriate to the voting system in use.

(2) (i) 1. After a voter enters the voting booth, at the request of the voter, two election judges representing different political parties shall instruct the voter on the operation of the voting device.

2. An election judge may not suggest in any way how the voter should vote for a particular ticket, candidate, or position on a question.

3. After instructing the voter, the election judges shall exit the voting booth and allow the voter to vote privately.

(ii) A voter may take into the polling place any written or printed material to assist the voter in marking or preparing the ballot.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, a voter who requires assistance in marking or preparing the ballot because of a physical disability or an inability to read the English language may choose any individual to assist the voter.

(ii) A voter may not choose the voter's employer or agent of that employer or an officer or agent of the voter's union to assist the voter in marking the ballot.

(4) If the voter requires the assistance of another in voting but declines to select an individual to assist, an election judge, in the presence of another election judge that represents another political party, shall assist the voter in the manner prescribed by the voter.

(5) An individual assisting a voter may not suggest in any way how the voter should vote for a particular ticket, candidate, or position on a question.

(6) If a voter requires assistance under paragraph (4) or (5) of this subsection, the election judge shall record, on a form prescribed by the State Board, the name of the voter who required assistance and the name of the individual providing assistance to the voter.

(7) Except as provided in paragraph (3) or (4) of this subsection, an individual over the age of 17 years may not accompany a voter into a voting booth.

§10-311.

(a) (1) The following persons or entities have the right to designate a registered voter as a challenger or a watcher at each place of registration and election:

- (i) the State Board for any polling place in the State;
- (ii) a local board for any polling place located in the county of the local board;
- (iii) a candidate;
- (iv) a political party; and
- (v) any other group of voters supporting or opposing a candidate, principle, or proposition on the ballot.

(2) A person who appoints a challenger or watcher may remove the challenger or watcher at any time.

(b) Except as provided in § 10-303(d)(2) of this subtitle and subsection (d) of this section, a challenger or watcher has the right to:

- (1) enter the polling place one-half hour before the polls open;
- (2) enter or be present at the polling place at any time when the polls are open;
- (3) remain in the polling place until the completion of all tasks associated with the close of the polls under § 10-314 of this subtitle and the election judges leave the polling place;
- (4) maintain a list of registered voters who have voted, or individuals who have cast provisional ballots, and take the list outside of the polling place; and
- (5) enter and leave a polling place for the purpose of taking outside of the polling place information that identifies registered voters who have cast ballots or individuals who have cast provisional ballots.

(c) (1) (i) A certificate signed by any party or candidate shall be sufficient evidence of the right of a challenger or watcher to be present in the voting room.

(ii) The State Board shall prescribe a form that shall be supplied to the challenger or watcher by the person or entity designating the challenger or watcher.

(2) A challenger or watcher shall be positioned near the election judges and inside the voting room so that the challenger or watcher may see and hear each person as the person offers to vote.

(d) (1) A challenger or watcher may not attempt to:

- (i) ascertain how a voter voted or intends to vote;
- (ii) converse in the polling place with any voter;
- (iii) assist any voter in voting; or
- (iv) physically handle an original election document.

(2) An election judge may eject a challenger or watcher who violates the prohibitions under paragraph (1) of this subsection.

(e) (1) Except as provided in paragraphs (2) and (3) of this subsection, an election judge shall permit an individual other than an accredited challenger or watcher who desires to challenge the right to vote of any other individual to enter the polling place for that purpose.

(2) A majority of the election judges may limit the number of nonaccredited challengers and watchers allowed in the polling place at any one time for the purpose of challenging the right of an individual to vote.

(3) A nonaccredited challenger or watcher shall leave the polling place as soon as a majority of the election judges decides the right to vote of the individual challenged by the challenger or watcher.

(4) In addition to restrictions provided under this subsection, all restrictions on the actions of an accredited challenger or watcher provided under this subtitle apply to a nonaccredited challenger or watcher.

§10-312.

(a) (1) The right of an individual to vote may be challenged at the polls only on the grounds of identity.

(2) An individual whose right to vote is challenged at the polls may establish the individual's identity by presenting any of the following forms of identification:

(i) the individual's voter registration card;

(ii) the individual's Social Security card;

(iii) the individual's valid Maryland driver's license;

(iv) any identification card issued to the individual by a political subdivision of the State, the State, the federal government, or any unit of a political subdivision of the State, the State, or the federal government;

(v) any employee identification card of the individual that contains a photograph of the individual and is issued by the employer of the individual in the ordinary course of the employer's business; or

(vi) a copy of a current bill, bank statement, government check, paycheck, or other government document that shows the name and current address of the individual.

(3) If an individual establishes the individual's identity under paragraph (2) of this subsection, an election judge shall authorize the individual to vote a regular ballot.

(b) A challenge to an individual's right to vote shall be made before the individual is issued a ballot or a voting authority card.

(c) If a challenge is made, and the challenged individual does not present any of the forms of identification specified under subsection (a)(2) of this section, the election judge receiving the challenge shall:

(1) require the challenger to provide in writing, under penalty of perjury, the reasons for the challenge;

(2) offer the challenged individual the opportunity to:

(i) cast a provisional ballot; and

(ii) submit an attestation, witnessed by the election judge, of the individual's identity; and

(3) submit the provisional ballot and other materials related to the challenge to the local board.

(d) During the canvass of provisional ballots, the local board shall determine, based on the information submitted by the challenger and the challenged individual, whether the challenged individual is:

(1) the registered voter he or she claims to be; and

(2) otherwise qualified to vote.

#### §10-313.

(a) In any general election or special general election, a voter may write in a name for any office.

(b) (1) When requested by a voter, an election judge shall provide information on write-in voting.

(2) (i) If a voter requests information on write-in voting, an election judge shall assure that the voter is fully informed of the procedure before voting.

(ii) If a voter is unable to write, the voter may have assistance as provided in § 10-310(c) of this subtitle.

#### §10-314.

(a) (1) The local board shall provide election judges with detailed procedures for the closing of the polls, specific to the voting system used.

(2) The procedures shall include directions on:

(i) the tabulation, recording, and reporting of votes if these activities are undertaken in the polling place;

(ii) the preparation, signing, and sealing of documents and other election materials;

(iii) the security of all equipment and materials in the polling place; and

(iv) the return of equipment and materials to the local board.

(b) If election results are produced in the polling place, the election judge shall admit watchers to hear the announced results.

(c) A chief judge shall release an election judge from duty after the completion of the election judge's assigned tasks.

§10-315.

(a) Every employer in the State shall permit any employee who claims to be a registered voter in the State a period not to exceed 2 hours absence from work on election day in order to cast a ballot if the employee does not have 2 hours of continuous off-duty during the time that the polls are open.

(b) The employer shall pay the employee for the 2 hours absence from work.

(c) (1) Each employee shall furnish to the employer proof that the employee has voted or attempted to vote.

(2) The proof that an employee has voted or attempted to vote shall be on a form prescribed by the State Board.

§10-401.

(a) In this subtitle the following words have the meanings indicated.

(b) "Page" means a student selected by a local board participating in the Program to assist the local board and election judges in performing election day duties in a polling place on election day.

(c) "Program" means the Election Day Page Program.

§10-402.

(a) There is an Election Day Page Program.

(b) The purpose of the Program is to:

(1) stimulate the interest of students in the election process;

(2) provide assistance to election judges in polling places on election day; and



(3) ensure the safe entry and exit of elderly voters and voters with disabilities from polling places.

(c) The State Board:

(1) shall develop a page training program for use by participating local boards that includes the duties, responsibilities, and prohibited conduct of pages at a polling place on election day; and

(2) may adopt regulations to carry out the provisions of this subtitle.

§10–403.

(a) (1) A local board may participate in the Program.

(2) A participating local board shall implement or use components of the page training program developed by the State Board under § 10–402(c)(1) of this subtitle.

(3) A participating local board may request from the State Board a waiver from a requirement established under this subtitle.

(b) Each participating local board shall:

(1) be responsible for the staffing of and implementation of a page training program;

(2) ensure each page receives the required training before election day; and

(3) encourage individuals at least 16 years old who apply to the Program to train as an election judge.

(c) An individual may not work as a page in a polling place unless the individual has completed the training provided by the local board.

(d) Each participating local board, in collaboration with the local school system, shall establish a procedure for the selection of pages by the local board.

(e) Each participating local board may recognize and certify community service hours for pages.

(f) This section does not require a local board to participate in the Program.

§10–404.

- (a) To qualify as a page, an individual must:
  - (1) be at least 14 years old;
  - (2) apply to the local board in the individual's county of residence;
  - (3) be available to work at least one full 4-hour shift on election day;and
  - (4) complete the required training before election day.
- (b) A page may not:
  - (1) engage in any partisan activity while working at a polling place;
  - (2) handle or touch a marked ballot at any time.or
- (c) A page may work up to two 4-hour shifts at a polling place on election day.
- (d) Each page shall:
  - (1) serve under the direct supervision of the chief election judges for the assigned polling place; and
  - (2) assist election judges with election day duties, as directed.

§10–405.

- (a) Each page shall take and subscribe to a written oath.
- (b) The signed oath, when returned to the local board, shall constitute the commission of the position of election day page.
- (c) Each local board shall prescribe a form for the combined oath and commission required under this section.

§11–101.

- (a) In this title the following words have the meanings indicated.

(b) “Board of canvassers” means the local board of elections in a county after the local board organizes itself for the purpose of canvassing the vote for an election in that county.

(c) (1) “Canvass” means the entire process of vote tallying, vote tabulation, and vote verification, culminating in the production and certification of the official election results.

(2) For absentee ballots, the “canvass” includes the opening of any envelope accompanying an absentee ballot and the assembly and review of absentee ballots in preparation for vote tallying.

(3) For provisional ballots, the “canvass” includes the review of the provisional ballot applications described in § 11–303 of this title and the assembly and review of provisional ballots in preparation for vote tallying.

(4) For votes cast during early voting, the “canvass” includes the vote tabulation of votes cast during early voting.

(5) For votes cast in a special election conducted by mail under Title 9, Subtitle 5 of this article, the “canvass” includes:

(i) the opening of any envelope accompanying a vote-by-mail ballot and the assembly and review of vote-by-mail ballots in preparation for vote tabulation; and

(ii) the tabulation of vote-by-mail ballots.

(d) “Counting center” means one or more central locations designated by a local board to conduct the canvass.

(e) “Removable data storage device” means a read-only memory device that is programmed to record votes as they are cast on an electronic voting system.

(f) (1) “Unofficial returns” means vote totals reported on election night after the polls close.

(2) “Unofficial returns” does not include the provisional ballot count.

(g) “Vote tabulation” or “vote counting” means the aggregation of the votes cast by individual voters to produce vote totals at any level.

(h) “Vote tallying” means the recording of votes cast by individual voters on a certified voting system.

§11–201.

The State Board shall adopt regulations consistent with the provisions of this title governing the canvass.

§11–202.

(a) (1) Each qualified voter present at the polls at 8 p.m. on election day shall be allowed to vote before the election judges commence their duties under this section.

(2) In accordance with the provisions of this article and regulations adopted by the State Board, after the last voter has voted in an election, the election judges shall follow the instructions issued by the election director for closing the polls and for performing the tasks required in the postclosing period.

(b) In accordance with this section, the election judges shall:

(1) secure the voting system to prevent further voting;

(2) if appropriate to the voting system, record the vote, produce vote totals for the polling place, and announce results to those present;

(3) complete all documents, records, and reports required by law or regulation after the closing of the polls;

(4) perform any other tasks assigned by the election director;

(5) assemble and account for materials to be returned to the local board, including, if applicable for the voting system used in that election:

(i) removable data storage devices from voting equipment;

(ii) voted ballots;

(iii) precinct registers;

(iv) voting authority cards;

(v) signs and posters;

documents;

- (vi) records, reports, logs, affidavits, certificates, and other

- (vii) keys to voting devices;

- (viii) poll books; and

- (ix) any other materials specified by the election director;

- (6) assure that equipment and materials left in the polling place for retrieval at a later time are stored in a secure manner; and

- (7) deliver materials and equipment to the local board and obtain receipts from the board certifying the delivery of the items.

(c) Judges may be observed, while performing their duties under this section, until they have finished their work and leave the premises by:

- (1) authorized challengers, watchers, and observers in accordance with § 10-311 of this article;

- (2) any candidate; and

- (3) any other person lawfully present.

§11-301.

(a) A board of canvassers shall:

- (1) convene at the designated counting center for that county on or before the day of the election, but not later than 5 p.m. on that day, and be sworn in; and

- (2) meet only in public session.

(a-1) (1) Subject to paragraph (3) of this subsection, a board of canvassers and the staff of a local board may be observed as they complete each part of the canvass by authorized observers designated under paragraph (2) of this subsection and any other individuals who wish to be present.

(2) The following individuals or entities have the right to designate a registered voter as an observer at each counting center:

- (i) a candidate;

(ii) a political party; and

(iii) any other group of voters supporting or opposing a candidate, principle, or proposition on the ballot.

(3) The State Board may adopt regulations prohibiting public observation of a part of the canvass only if prohibiting public observation is necessary to ensure:

(i) the integrity or accuracy of the canvass; or

(ii) that the canvass process is not impeded.

(4) The State Board shall ensure that the requirements of this subsection are implemented uniformly and consistently by each local board.

(b) Each board of canvassers shall elect by majority vote a chairman and secretary from among its members.

(c) Each member of the board of canvassers shall take an oath, administered and recorded by the clerk of the circuit court, to canvass and declare the votes cast truthfully and to perform other duties required by law.

(d) (1) At the first meeting of the board of canvassers for the purpose of canvassing, a majority of the whole board of canvassers shall be a quorum.

(2) If a quorum is not present, the members present shall adjourn until the next day.

(e) Except as otherwise provided in this article, all decisions shall be reached by a majority vote of the members present.

(f) In Montgomery County and Prince George's County, if a member is not present at the scheduled time for vote canvassing, a substitute member of the board of canvassers may be sworn in.

(g) At least one member of the board of canvassers present shall be a registered voter of the principal minority party.

(h) Once the board has satisfied the requirements of subsections (a) through (g) of this section, it may proceed with the canvass in accordance with the regulations of the State Board.

§11-302.

(a) (1) Each local board shall meet at its designated counting center to canvass the absentee ballots cast in that election in accordance with the regulations and guidelines established by the State Board.

(2) Promptly after receipt of an absentee ballot, a local board shall review the ballot envelope or ballot/return envelope for the omission of the voter's signature on the oath.

(3) A local board shall record the receipt of an absentee ballot in the statewide voter registration system and make the information available through the free access system established under COMAR 33.11.06.03 as soon as practicable, but not later than:

(i) 2 business days after receipt of an absentee ballot provided by mail; or

(ii) 4 business days after receipt of an absentee ballot provided through the Internet or by facsimile transmission.

(b) (1) (i) Except as provided in subparagraph (ii) of this paragraph and subject to paragraph (4) of this subsection, a local board shall begin processing absentee ballots on the day that is 8 business days before the first day of early voting.

(ii) The State Administrator may grant a waiver to a local board from the requirement under subparagraph (i) of this paragraph if the local board seeks a determination by the State Administrator that early canvassing is not:

1. necessary due to the low number of absentee ballots received by the local board; or

2. practicable due to limited resources or other constraints on the local board.

(2) A local board may not delay the commencement of the canvass to await the receipt of late-arriving, timely absentee ballots.

(3) A local board may conduct vote tallying when absentee ballots are processed under paragraph (1)(i) of this subsection.

(4) (i) A local board or an employee of a local board may not conduct absentee ballot vote tabulation before the polls open on election day.

(ii) A local board may not release absentee ballot vote totals before the polls close on election day.

(c) (1) An absentee ballot shall be deemed timely received if it is received in accordance with the regulations and guidelines established by the State Board.

(2) An absentee ballot that is received after the deadline specified by the regulations and guidelines may not be counted.

(d) (1) The State Board shall adopt regulations that reflect the policy that the clarity of the intent of the voter is the overriding consideration in determining the validity of an absentee ballot or the vote cast in a particular contest.

(2) Subject to § 11–303.2 of this subtitle, a local board may not reject an absentee ballot except by unanimous vote and in accordance with regulations of the State Board.

(3) The local board shall reject an absentee ballot if:

(i) the voter failed to sign the oath on the ballot envelope or ballot/return envelope and failed to correct the omission before 10 a.m. on the day that is 10 days after election day;

(ii) the local board received more than one ballot from the same individual for the same election in the same ballot envelope; or

(iii) the local board determines that an absentee ballot is intentionally marked with an identifying mark that is clearly evident and placed on the ballot for the purpose of identifying the ballot.

(4) (i) The State Board shall adopt regulations requiring a local board:

1. as soon as practicable but not later than 3 business days after the date on which it was determined that a voter failed to sign the oath on the ballot envelope or ballot/return envelope, to notify the voter of the failure; and

2. to provide the voter an opportunity to correct the omission and have the ballot counted.

(ii) The regulations under this paragraph shall allow a voter:



1. to supply a signature to the local board through a digital picture message sent by mobile telephone or e-mail if the voter failed to sign the oath on the ballot envelope or ballot/return envelope; and

2. to choose among multiple methods of communicating with the local board to correct the failure to sign the oath on the ballot envelope or ballot/return envelope, including:

A. text message;

B. e-mail;

C. an accessible online portal;

D. a mailed form; and

E. an in-person visit to the local board office.

(5) If the intent of the voter is not clearly demonstrated, the local board shall reject only the vote for that office or question.

(6) If an absentee voter casts a vote for an individual who has ceased to be a candidate, the vote for that candidate may not be counted, but that vote does not invalidate the remainder of the ballot.

(e) Beginning after the polls close on election day, at the end of each day of canvassing, a local board shall prepare and release a report of the unofficial returns of the absentee ballot vote tabulation.

§11-303.

(a) Following an election, each local board shall meet at its designated counting center to canvass the provisional ballots cast in that election in accordance with the regulations and guidelines established by the State Board.

(b) A local board may not open an envelope of a provisional ballot until the local board has approved the provisional ballot application.

(c) The State Board shall adopt regulations to implement this section.

(d) (1) Subject to § 11-303.2 of this subtitle, a local board may not reject a provisional ballot except by unanimous vote and in accordance with regulations of the State Board.

(2) The local board shall reject a provisional ballot if:

(i) pursuant to paragraph (4) of this subsection, the local board determines that the individual who cast the provisional ballot is not qualified to vote that provisional ballot;

(ii) the individual failed to sign the oath on the provisional ballot application; or

(iii) the local board determines that a provisional ballot is intentionally marked with an identifying mark that is clearly evident and placed on the ballot for the purpose of identifying the ballot.

(3) If the intent of the voter with respect to a particular contest is not clearly demonstrated, the local board shall reject only the vote for that contest.

(4) For the purposes of this section, an individual is qualified to vote the provisional ballot cast if the local board determines that:

(i) the individual is registered in the State;

(ii) if the provisional ballot was cast because the voter failed to provide required identification, the individual who cast the provisional ballot has met the identification requirements established by the State Board; and

(iii) if the provisional ballot was cast during a period covered by a court order or other order extending the time for closing the polls, the order has not been invalidated by a subsequent court order.

(e) A local board shall count:

(1) the entire provisional ballot if the address on the provisional ballot application is within the precinct where the provisional ballot was cast; or

(2) only the votes cast by the voter for each candidate or question applicable to the precinct in which the voter resides, as determined by the address on the provisional ballot application of the voter.

(f) (1) The State Board shall ensure the establishment of a system that any individual who casts a provisional ballot may access without cost to discover whether the ballot was counted and, if not counted, the reason it was not.

(2) The system established under paragraph (1) of this subsection shall ensure the confidentiality of the individual who accesses the system and the secrecy of each ballot.

§11-303.1.

A ballot properly cast by a voter who dies before the ballot is canvassed shall be counted in full unless a law or regulation requires that the ballot be fully or partially rejected for a reason unrelated to the death of the voter.

§11-303.2.

Subject to § 11-302(d)(3)(ii) of this subtitle, if a local board receives more than one ballot from the same individual, the local board shall:

(1) count the first ballot from the individual that the local board determines is legally sufficient; and

(2) reject any other ballot.

§11-304.

(a) A candidate or absentee voter aggrieved by the decision of a local board to reject, or not to reject, an absentee ballot shall have the right of appeal to the circuit court for the county.

(b) The appeal must be filed within 5 days from the date of the completion of the official canvass by the board of all the votes cast at the election.

(c) The appeal shall be heard de novo, without a jury, as soon as possible.

(d) (1) The decision of the circuit court may be appealed to the Appellate Court of Maryland, provided the appeal is taken within 48 hours from the entry of the decision of the circuit court.

(2) The appeal shall be heard and decided on the original papers, including a written transcript of the testimony taken in the case.

(3) The original papers and the transcript shall be transmitted to the Appellate Court of Maryland within 5 days from the taking of the appeal, and the appeal shall be heard as soon as possible.

§11-305.

Any person who asserts that an election official has violated the provisions of this article relating to provisional ballots may file an administrative complaint under procedures established by the State Board.

§11-306.

The person designated to maintain custody of the documents and records required under this title shall maintain and secure those items in accordance with the regulations adopted by the State Board.

§11-307.

(a) If a board of canvassers determines that there appears to be an error in the documents or records produced at the polling place following an election, then it immediately shall investigate the matter to ascertain whether the records or documents are correct.

(b) The board of canvassers may correct a document or record only in accordance with the regulations of the State Board.

§11-308.

(a) Within 10 days after any election, and before certifying the results of the election, each board of canvassers shall verify the vote count in accordance with the regulations prescribed by the State Board for the voting system used in that election.

(b) Upon completion of the verification process, the members of the board of canvassers shall:

(1) certify in writing that the election results are accurate and that the vote has been verified; and

(2) provide copies of the election results to the persons specified under § 11-401 of this title.

(c) (1) If a member of a board of canvassers dissents from a determination of an election result or reasonably believes that the conduct of a local board member or local board proceeding was not in compliance with applicable law or regulation or was otherwise illegal or irregular, the member shall prepare and file with the local board a distinct written statement of the reasons for the dissent or concern.

(2) The State Board shall maintain a file of the written statements submitted under this subsection by members of the local boards.

§11–309.

(a) (1) In this section the following words have the meanings indicated.

(2) “Manual audit” means inspection of voter–verifiable paper records by hand and eye to obtain vote totals in a contest that are compared to the vote totals produced for that contest by the electronic voting system.

(3) “Previous comparable general election” means:

(i) in a presidential election year, the presidential election held 4 years earlier; and

(ii) in a gubernatorial election year, the gubernatorial election held 4 years earlier.

(4) “Voter–verifiable paper record” has the meaning stated in § 9–102 of this article.

(b) Following each statewide general election, the State Board shall conduct an audit of the accuracy of the voting system’s tabulation of votes by completing:

(1) an automated software audit of the electronic images of all ballots cast in the election; and

(2) a manual audit of voter–verifiable paper records in accordance with subsection (d) of this section.

(c) Following each statewide primary election, the State Board:

(1) shall complete an automated software audit of the electronic images of all ballots cast in the election; and

(2) may complete a manual audit of voter–verifiable paper records in a manner prescribed by the State Board.

(d) (1) Following each statewide general election, the State Board shall complete a manual audit of:

(i) at least 2% of precincts statewide, including:

1. at least one randomly chosen precinct in each county; and

2. additional precincts selected by the State Board; and

(ii) a number of votes equal to at least 1% of the statewide total in the previous comparable general election of each of the following, including at least a minimum number of each of the following in each county, as prescribed by the State Board:

1. early votes;

2. absentee votes; and

3. provisional votes.

(2) The manual audit shall be completed within 120 days after the general election.

(3) If the manual audit shows a discrepancy, the State Board may:

(i) expand the manual audit; and

(ii) take any other actions it considers necessary to resolve the discrepancy.

(4) Within 14 days after the conclusion of the audit, the State Board shall post on its website a report that describes:

(i) the precincts and number of votes selected for the manual audit in each county and the manner in which the precincts and votes were selected;

(ii) the results of the manual audit; and

(iii) any discrepancy shown by the manual audit and how the discrepancy was resolved.

(5) The State Board shall allow for public observation of each part of the manual audit process to the extent practicable.

(e) An audit under this section:

(1) may not have any effect on the certified election results; and

(2) shall be used to improve the voting system and voting process for future elections.

- (f) The State Board shall adopt regulations to carry out this section.

§11-401.

(a) (1) After each election, each board of canvassers shall transmit one certified copy of the election results in its county, attested by the signatures of the chairperson and secretary of the board of canvassers, to:

- (i) the Governor;
- (ii) the State Board; and
- (iii) the clerk of the circuit court for the appropriate county.

- (2) The statement may be mailed or delivered in person.

(b) After each general election in which votes have been cast for a write-in candidate, each board of canvassers shall transmit a statement of returns of the votes cast for write-in candidates who have filed a certificate of candidacy.

(c) (1) The transmittal shall be made on the second Friday after a primary or general election or, if the canvass is completed after that date, within 48 hours after the completion of the canvass.

(2) (i) Except as specified in subparagraph (ii) of this paragraph, after a special primary or special general election, the transmittal shall be made as soon as possible, but no later than the second Friday after the election.

(ii) After a special primary or special general election that is held at the same time as a primary or general election, the transmittal shall be made in accordance with paragraph (1) of this subsection.

(d) The clerk of the circuit court shall record the election results filed with the court under this section.

§11-402.

(a) Unless otherwise provided by the Maryland Constitution, and subject to subsection (b) of this section, each board of canvassers shall prepare a statement of election results for each candidate or question voted on at the election and declare:

- (1) who is elected or nominated for office:

(i) in county government; or

(ii) for any other office voted for only within that county, if the certificate of candidacy for that office was issued by the local board; and

(2) whether or not a question is adopted or approved.

(b) The statement prepared by the board of canvassers under subsection (a) of this section shall report the early, absentee, and provisional vote separately.

(c) (1) In addition to the statement of election results specified under subsection (a) of this section, the State Board shall make available in an electronic format a report of election results for each candidate or question voted on at the election:

(i) by precinct, including the early, absentee, and provisional vote;

(ii) by State legislative district, including any subdistrict;

(iii) by county legislative district; and

(iv) for each county as a whole.

(2) The State Board may make the report specified under paragraph (1) of this subsection available to the public at cost.

§11-403.

(a) (1) Except as provided in subsection (b) of this section, and in accordance with regulations adopted by the State Board, the equipment and documentation of a voting system, including all paper and electronic documentation, shall remain secured following the verification required by § 11-306 of this title until:

(i) the expiration of the period allowed for initiating a recount;

(ii) in the event of a recount, the recount is completed; and

(iii) the resolution of any election contest.

(2) After the expiration of the period specified in paragraph (1) of this subsection, the equipment and documentation of the voting system shall be maintained in accordance with regulations of the State Board.



(b) A voting system may be opened and the documents and equipment associated with it examined in the presence of the officer having custody of the voting system upon:

- (1) the order of any court of competent jurisdiction; or
- (2) the direction of any legislative committee charged with investigating a contested election affected by the use of the voting system.

§11-501.

(a) Following each gubernatorial primary or special primary election to fill a vacancy in the office of Representative in Congress, the State Board shall:

- (1) convene within 2 days after the certified official election results are received from the local boards;
- (2) if a majority of the members of the State Board is not present, adjourn for not more than 1 day;
- (3) determine which candidates, by the greatest number of votes, have been nominated to each office and which questions have received a sufficient number of votes to be adopted or approved; and
- (4) prepare and certify statewide election results based on the certified copies of the statements made by the boards of canvassers.

(b) (1) If a member of the State Board dissents from a determination of an election result or reasonably believes that the conduct of a Board member or Board proceeding was not in compliance with applicable law or regulation or was otherwise illegal or irregular, the member shall prepare and file with the Board a distinct written statement of the reasons for the dissent or concern.

(2) The State Board shall maintain a file of the written statements submitted under this subsection by members of the Board.

§11-502.

(a) The Board of State Canvassers consists of the following members:

- (1) the Secretary of State;
- (2) the Comptroller;

- (3) the State Treasurer;
- (4) the Clerk of the Supreme Court of Maryland; and
- (5) the Attorney General.

(b) Three members of the Board of State Canvassers constitute a quorum.

(c) The State Administrator of the State Board of Elections serves as secretary to the Board of State Canvassers.

(d) The State Treasurer may appoint, as the Treasurer's designee, a deputy treasurer to serve on the Board of State Canvassers.

§11-503.

(a) The Board of State Canvassers shall:

(1) (i) convene only after a presidential primary election, a State general election, or a general or special general election that includes a candidate for member of the Congress of the United States;

(ii) convene within 35 days of that election; and

(iii) if a majority of members of the Board of State Canvassers is not present, adjourn for not more than 1 day;

(2) determine which candidates, by the greatest number of votes, have been elected to each office and which questions have received a sufficient number of votes to be adopted or approved;

(3) prepare statewide election results for each candidate and question, based on the certified copies of the statements made by the boards of canvassers; and

(4) prepare and transmit a certified statement of the election results to the State Board of Elections.

(b) (1) If a member of the Board of State Canvassers dissents from a determination of an election result or reasonably believes that the conduct of a Board member or Board proceeding was not in compliance with applicable law or regulation or was otherwise illegal or irregular, the member shall prepare and transmit a distinct written statement of the reasons for the dissent or concern to the State Board of Elections.

(2) The State Board of Elections shall maintain a file of the written statements submitted under this subsection by members of the Board of State Canvassers.

§11-601.

(a) On receipt, in accordance with this subtitle, of the returns of an election for electors to choose a President and Vice President of the United States or of an election to choose a member of Congress, the Governor shall:

(1) ascertain and enumerate the number of votes cast for each candidate for President and Vice President of the United States and declare elected the presidential electors of the candidates who receive the highest number of votes; and

(2) in each contest, ascertain and enumerate the number of votes cast for each candidate voted for as a member of Congress and declare elected the candidate who receives the highest number of votes.

(b) After ascertaining and enumerating the number of votes for candidates as required by subsection (a) of this section, the Governor shall:

(1) sign and issue a proclamation declaring the name of each candidate who is elected; and

(2) cause the proclamation to be published in newspapers.

§11-602.

The Governor shall issue a commission to an individual elected to or continued in office only if the individual's election is certified by the State Board.

§11-603.

(a) The State Board shall certify election results in accordance with the provisions of this article and regulations adopted by the State Board.

(b) The State Board shall:

(1) promptly deliver under its seal a certified statement notifying:

(i) each individual who is declared elected;

(ii) each individual who is continued in office;

(iii) the Secretary and presiding officer of the United States Senate, in the case of the election of a United States Senator to represent the State; and

(iv) the Clerk and presiding officer of the United States House of Representatives, in the case of the election of a member of the House of Representatives to represent the State; and

(2) publish a sufficient number of copies of the certified statements of the votes cast throughout the State that are delivered to it by the Board of State Canvassers and make the copies available to the public at cost.

#### §11-604.

A certificate issued by the State Board to the Secretary and presiding officer of the United States Senate or to the Clerk and presiding officer of the House of Representatives of the United States under § 11-603(b)(1)(iii) and (iv) of this subtitle constitutes prima facie evidence of the right of the individual certified to be seated for office in the United States Congress.

#### §11-605.

(a) In a county, municipal corporation, or other political subdivision in which a referendum vote is held on a law, ordinance, or resolution, the executive head of the county, municipal corporation, or other political subdivision promptly shall report the results of the referendum to the clerk of the court for the county.

(b) As promptly as possible thereafter, the clerk of the court shall certify the results of the referendum to the State Board.

#### §12-101.

(a) (1) Except as provided in paragraph (2) of this subsection, a candidate for public or party office who has been defeated based on the certified results of any election conducted under this article may petition for a recount of the votes cast for the office sought.

(2) A candidate may not petition for a recount if the margin of difference between the number of votes received by an apparent winner and the losing candidate with the highest number of votes for the office is greater than 5% of the total votes cast for those candidates.

(b) The petition shall specify that the recount be conducted:

- (1) in all of the precincts in which the office was on the ballot; or
- (2) only in the precincts designated in the petition.

(c) The petition shall be filed with the board with which the candidate's certificate of candidacy was filed.

(d) The petition must be filed within 3 days after the results of the election have been certified.

(e) (1) The State Board shall promptly notify each appropriate local board of a petition that is filed with the State Board.

(2) A local board shall promptly notify the State Board of a petition that is filed with the local board.

§12-102.

(a) An opposing candidate of the petitioner under § 12-101 of this subtitle may file a counterpetition if:

(1) the petition filed under § 12-101 of this subtitle did not specify all of the precincts in which the office was on the ballot; and

(2) on completion of the recount, the winner of the election is changed.

(b) A counterpetition shall be a request for a recount of the votes for the office in the precincts not specified by the petitioner under § 12-101 of this subtitle.

(c) The opposing candidate shall file the counterpetition with the board with which the candidate's certificate of candidacy was filed.

(d) The petition must be filed within 2 days of the determination under subsection (a)(2) of this section.

(e) (1) The State Board shall promptly notify each appropriate local board of a counterpetition that is filed with the State Board.

(2) A local board shall promptly notify the State Board of a counterpetition that is filed with the local board.

§12-103.

(a) (1) Except as provided in paragraph (2) of this subsection, a petition for a recount based on the certified results of a question on the ballot in an election conducted under this article may be filed by a registered voter eligible to vote for that question.

(2) A registered voter may not file a petition for a recount if the margin of difference between the number of votes cast for and the number of votes cast against the question is greater than 5%.

(b) The petition shall specify that the recount be conducted:

(1) in all of the precincts in which the question was on the ballot; or

(2) only in precincts designated in the petition.

(c) (1) If the question was on the ballot in one county, the petition shall be filed in that county.

(2) If the question was on the ballot in more than one county, the petition shall be filed with the State Board.

(d) The petition must be filed within 3 days after the results of the election are certified.

(e) (1) The State Board shall promptly notify each appropriate local board of a petition that is filed with the State Board.

(2) A local board shall promptly notify the State Board of a petition that is filed with the local board.

§12-104.

(a) A counterpetition to a question filed under § 12-103 of this subtitle may be filed by a voter eligible to vote for that question, if:

(1) the petition filed under § 12-103 of this subtitle did not specify all of the precincts in which the question was on the ballot; and

(2) on completion of the recount, the outcome of the election is changed.

(b) A counterpetition shall be a request for a recount of the votes for the question in the precincts not specified by the petitioner under § 12-103 of this subtitle.

(c) (1) If the question was on the ballot in one county, the counterpetition shall be filed in that county.

(2) If the question was on the ballot in more than one county, the counterpetition shall be filed with the State Board.

(d) The petition shall be filed within 2 days of the determination under subsection (a)(2) of this section.

(e) (1) The State Board shall promptly notify each appropriate local board of a counterpetition that is filed with the State Board.

(2) A local board shall promptly notify the State Board of a counterpetition that is filed with the local board.

#### §12-105.

(a) A petition or counterpetition filed under this subtitle shall be filed with a bond as provided under subsection (b) of this section.

(b) (1) If a recount is being conducted in only one county, a judge of the circuit court of the county shall determine and set the bond to be filed by the petitioner or counterpetitioner sufficient to pay the reasonable costs of the recount.

(2) If the recount is being conducted in more than one county, a judge of the Circuit Court for Anne Arundel County shall determine and set the bond.

#### §12-106.

(a) In accordance with regulations adopted by the State Board, the local board shall:

(1) conduct the recount and certify the official result of the election or question which is the subject of the recount; and

(2) ensure the public's ability to be present while the recount is conducted.

(b) The State Board shall monitor and support the work of any local board conducting a recount to ensure compliance with this subtitle.

(c) The State Board shall establish a procedure that will allow petitioners and counterpetitioners to request that a recount be terminated prior to its completion.

(d) When a recount is completed, the local board, and when appropriate the State Board, shall correct the primary, general, or special election returns and certificates that were made by a canvassing board.

#### §12-107.

(a) In this section, “petitioner” includes a counterpetitioner.

(b) (1) Except as provided in paragraph (2) of this subsection, each petitioner shall pay the cost of a recount requested under this subtitle and the petitioner’s bond is liable for the cost.

(2) The petitioner is not liable for the costs of the recount if:

(i) the outcome of the election is changed;

(ii) the petitioner has gained a number of votes, for the petitioner’s candidacy or for or against the question that is the subject of the petition, equal to 2% or more of the total votes cast for the office or on the question, in all precincts being recounted; or

(iii) 1. the margin of difference in the number of votes received by an apparent winner and the losing candidate with the highest number of votes for an office is 0.25% or less of the total votes cast for those candidates; or

2. in the case of a question, the margin of difference between the number of votes cast for and the number cast against the question is 0.25% or less.

(c) If the petitioner is not liable for the costs of the recount as provided in subsection (b) of this section, a county shall pay the costs of the recount in that county.

#### §12-201.

This subtitle applies to an issue arising in an election conducted under this article.

#### §12-202.

(a) If no other timely and adequate remedy is provided by this article, a registered voter may seek judicial relief from any act or omission relating to an



election, whether or not the election has been held, on the grounds that the act or omission:

(1) is inconsistent with this article or other law applicable to the elections process; and

(2) may change or has changed the outcome of the election.

(b) A registered voter may seek judicial relief under this section in the appropriate circuit court within the earlier of:

(1) 10 days after the act or omission or the date the act or omission became known to the petitioner; or

(2) 7 days after the election results are certified, unless the election was a gubernatorial primary or special primary election, in which case 3 days after the election results are certified.

#### §12–203.

(a) A proceeding under this subtitle shall be conducted in accordance with the Maryland Rules, except that:

(1) the proceeding shall be heard and decided without a jury and as expeditiously as the circumstances require;

(2) on the request of a party or sua sponte, the chief administrative judge of the circuit court may assign the case to a three–judge panel of circuit court judges; and

(3) an appeal shall be taken directly to the Supreme Court of Maryland within 5 days of the date of the decision of the circuit court.

(b) The Supreme Court of Maryland shall give priority to hear and decide an appeal brought under subsection (a)(3) of this section as expeditiously as the circumstances require.

#### §12–204.

(a) The court may provide a remedy as provided in subsection (b) or (c) of this section if the court determines that the alleged act or omission materially affected the rights of interested parties or the purity of the elections process and:

(1) may have changed the outcome of an election already held; or

(2) may change the outcome of a pending election.

(b) If the court makes an affirmative determination that an act or omission was committed that changed the outcome of an election already held, the court shall:

(1) declare void the election for the office or question involved and order that the election be held again at a date set by the court; or

(2) order any other relief that will provide an adequate remedy.

(c) If the court makes an affirmative determination that an act or omission has been committed that may change the outcome of a pending election, the court may:

(1) order any relief it considers appropriate under the circumstances; and

(2) if the court determines that it is the only relief that will provide a remedy, direct that the election for the office or question involved be postponed and rescheduled on a date set by the court.

(d) A determination of the court under subsection (a) of this section shall be based on clear and convincing evidence.

#### §12–301.

(a) In this subtitle the following words have the meanings indicated.

(b) (1) “Contested election” means an election subject to:

(i) a recount under Subtitle 1 of this title; or

(ii) a judicial challenge under Subtitle 2 of this title.

(2) “Contested election” includes an election that may be subject to a recount under Subtitle 1 of this title, but for which a recount does not occur because neither candidate files a formal recount petition or initiates a judicial action.

(c) “Contested election committee” means an entity formed for the exclusive purpose of receiving donations and making disbursements relating to a contested election.

#### §12–302.

(a) This subtitle applies only to a person that accepts public campaign financing under:

- (1) Title 15 of this article; or
- (2) § 13–505 of this article.

(b) A person may accept a donation or make a disbursement relating to a contested election only if the person:

- (1) establishes a contested election committee; and
- (2) discloses the donations and disbursements in accordance with this subtitle.

§12–303.

A person may establish a contested election committee at any time by filing a statement of organization with the State Board that includes:

- (1) the appointment of a treasurer; and
- (2) any other information that the State Board requires.

§12–304.

(a) A contested election committee shall:

- (1) deposit all donations received in a designated bank account; and
- (2) make all disbursements from the designated bank account.

(b) Disbursements of a contested election committee shall:

- (1) pass through the hands of the treasurer; and
- (2) be in accordance with the purpose of the entity.

§12–305.

(a) (1) A person that accepts public campaign financing under Title 15 of this article may not solicit or accept a donation on behalf of a contested election

committee in excess of the contribution limits established under Title 15 of this article.

(2) A person that accepts public campaign financing under § 13–505 of this article may not solicit or accept a donation on behalf of a contested election committee in excess of the contribution limits established in law by the governing body of the county in accordance with § 13–505 of this article.

(b) (1) A contested election committee may not accept a loan other than a loan from:

(i) a financial institution or other entity in the business of making loans; or

(ii) the personal funds of a candidate or the candidate's spouse if the contested election committee was established to finance a recount of an election in which the candidate was on the ballot.

(2) A loan under this subsection may be of any amount.

#### §12–306.

(a) The treasurer of a contested election committee shall maintain detailed and accurate records of all:

- (1) donations received by the contested election committee;
- (2) disbursements made by the contested election committee; and
- (3) outstanding obligations of the contested election committee.

(b) A contested election committee shall retain the records required to be maintained under subsection (a) of this section for a period of 2 years after filing a final report.

#### §12–307.

(a) The treasurer of a contested election committee shall file reports with the State Board as required in this subtitle:

- (1) using an electronic format;
- (2) with the electronic signature of the treasurer filing the report;

(3) under oath; and

(4) subject to the penalties for perjury.

(b) The State Board shall make the reports submitted under this subtitle publicly available on the Internet.

§12-308.

(a) A report filed by the treasurer of a contested election committee under this subtitle shall include the information required by the State Board with respect to all donations, disbursements, and outstanding obligations of the contested election committee during the reporting period.

(b) (1) If the person who established the contested election committee has filed a petition for a recount under Subtitle 1 of this title or has filed a complaint in the circuit court under Subtitle 2 of this title, the treasurer of the contested election committee shall file the contested election committee's first report on or before the first day after the earlier of:

(i) the day the person who established the contested election committee filed the petition for a recount; or

(ii) the day the person who established the contested election committee filed the complaint in the circuit court.

(2) If the person who established the contested election committee has not filed a petition for a recount under Subtitle 1 of this title or filed a complaint in the circuit court under Subtitle 2 of this title, the treasurer of the contested election committee shall file the contested election committee's first report on or before the day that is 7 days after the day that the contested election committee of the opposing candidate or opposing party filed its first report under paragraph (1) of this subsection.

(c) The treasurer of a contested election committee shall file subsequent reports on or before:

(1) the Monday that is 30 days after the due date of the first report filed by the contested election committee under subsection (b) of this section;

(2) the Monday that is 60 days after the due date of the first report filed by the contested election committee under subsection (b) of this section; and

(3) the third Wednesday in January of each year that the contested election committee remains in existence.

(d) The State Board shall, by regulation, establish the reporting periods for each of the reports required under this subtitle.

(e) If the treasurer of a contested election committee fails to provide all the information required on a report under this subtitle:

(1) the State Board shall notify the treasurer in writing of the particular deficiencies; and

(2) the treasurer shall file an amended report that includes all the information required within 30 days after service of the notice.

§12–309.

(a) (1) The State Board shall assess late filing fees for failure to properly file a report under this subtitle.

(2) The State Board shall assess the fees in the following amounts for each day or part of a day that a report under this subtitle is overdue:

(i) \$20 for each of the first 7 days;

(ii) \$35 for each of the following 7 days; and

(iii) \$50 for each day thereafter.

(3) The maximum fee payable for a report is \$1,000.

(b) (1) (i) Subject to subparagraph (ii) of this paragraph, a late filing fee under this section shall be paid by the contested election committee.

(ii) If the contested election committee has insufficient funds with which to pay the full amount of the late filing fee in a timely manner, after the account of the contested election committee is exhausted the balance of the late filing fee is the liability of the treasurer.

(2) Late filing fees shall be distributed to the Fair Campaign Financing Fund established under § 15–103 of this article.

(3) (i) The State Board shall accept an overdue report that is submitted without payment of the late filing fee, but the report is not considered filed until the fee has been paid.

(ii) After an overdue report is received under subparagraph (i) of this paragraph, no further late filing fee shall be incurred.

(4) The treasurer of a contested election committee that fails to properly file a report may seek relief from a late filing fee imposed under this section for just cause as provided in § 13–337 of this article.

#### §12–310.

(a) (1) If the State Board determines that there has been for more than 30 days a failure to file a report or pay a late filing fee under this subtitle, the State Board shall issue the notice required under paragraph (2) of this subsection to the treasurer of the contested election committee in violation.

(2) The notice shall demand that, within 30 days after service of the notice, either:

(i) the failure to file be rectified and any late filing fee due be paid; or

(ii) the treasurer show cause why the State Board should not ask the appropriate prosecuting authority to prosecute the treasurer for a violation of this subtitle.

(3) In its discretion, the appropriate prosecuting authority may refer the matter for action to the Central Collection Unit within the Department of Budget and Management.

(b) A treasurer who fails, without cause, to file the report and pay the late filing fee within 30 days after service of the notice required under subsection (a)(2) of this section is guilty of a misdemeanor and on conviction is subject to the penalties prescribed in § 13–603 of this article.

#### §12–311.

(a) A candidate whose contested election committee has failed to file a report or pay a late filing fee that is due under this subtitle on or before the deadline for declining the nomination specified under § 5–801(b) of this article may not be issued a certificate of nomination under § 5–705 of this article.

(b) A candidate whose contested election committee has failed to file a report or pay a late filing fee that is due under this subtitle may not, until the report is filed or the late filing fee is paid:

- (1) be deemed to be elected to a public or party office in the State;
- (2) take the oath or otherwise assume the duties of the office; or
- (3) receive a salary or compensation for the office.

(c) An official of the State or any of its political subdivisions may not issue a commission or administer an oath of office to an individual until that official receives certification from the State Board that all reports due under this subtitle from or on behalf of that individual have been filed.

#### §12–312.

(a) The State Board may impose a civil penalty on a contested election committee in accordance with this section for the following violations:

- (1) making a disbursement for a purpose not related to a contested election;
- (2) failure to dispose of surplus funds in accordance with § 12–313 of this subtitle;
- (3) failure to maintain the records required under § 12–306 of this subtitle; or
- (4) failure to report all donations, disbursements, and outstanding obligations as required under § 12–308 of this subtitle.

(b) A civil penalty imposed under this section shall be assessed in the amount and in the manner specified in § 13–604.1 of this article.

(c) (1) Subject to paragraph (2) of this subsection, a civil penalty imposed under this section shall be paid by the contested election committee.

(2) If the contested election committee has insufficient funds with which to pay the full amount of the civil penalty in a timely manner, after the account of the contested election committee is exhausted, the balance of the civil penalty is the liability of the treasurer.

#### §12–313.



(a) (1) Any part of a public contribution made to a contested election committee that is not spent shall be repaid to the appropriate government entity.

(2) In computing whether part of a public contribution is not spent, all private contributions to the person shall be treated as spent before the expenditure of any public contribution.

(b) After repaying remaining public contributions under subsection (a) of this section and before filing a final report, a contested election committee shall pay all outstanding obligations and dispose of all its remaining assets by returning the remaining balance in the account of the contested election committee to the donors on a pro rata basis.

#### §13-101.

(a) This title applies to each election conducted in accordance with this article.

(b) This title does not apply to:

(1) campaign activity required to be governed solely by federal law;  
or

(2) an election conducted at the request of a municipality under § 4-108.3 of the Local Government Article.

#### §13-102.

Except for a candidate, this title does not prohibit an individual who acts independently of any other person from:

(1) expressing personal views on any subject; or  
(2) making an expenditure of personal funds to purchase campaign material.

#### §13-103.

(a) (1) The State Board shall prepare a summary of the election law that relates to campaign finance activity and provide for distribution of the summary.

(2) When a certificate of candidacy is filed, the board receiving the certificate shall provide the candidate with:

- (i) a copy of the summary; and
- (ii) each form the candidate is required to file under this title.

(b) The State Board shall provide to a local board samples of such of the forms required under this title as the local board may request.

§13–104.

The State Board may accept an electronic signature for any form, document, report, or affidavit required by the State Board under this title.

§13–105.

(a) (1) In this section the following words have the meanings indicated.

(2) “Donation” includes an in-kind donation.

(3) “Inaugural committee” means an entity formed by the Governor and Lieutenant Governor for the exclusive purpose of receiving private donations and making disbursements to finance the inaugural festivities of the Governor and Lieutenant Governor.

(4) “Inaugural festivities” includes any ceremony, party, reception, or other event that is organized, approved, or authorized by the Governor and Lieutenant Governor to celebrate the inauguration of the Governor and Lieutenant Governor.

(b) The inaugural festivities of the Governor and Lieutenant Governor may be financed with private donations only if the private donations are:

(1) received by or on behalf of an inaugural committee; and

(2) disclosed by the inaugural committee in accordance with this section.

(c) An inaugural committee may not receive or disburse money or any other thing of value unless the inaugural committee files a statement of organization with the State Board that includes:

(1) the appointment of a treasurer; and

(2) any other information that the State Board requires.

(d) (1) The treasurer shall maintain detailed and accurate records of all donations received and disbursements made by or on behalf of the inaugural committee.

(2) A person who makes an in-kind private donation to an inaugural committee shall provide to the treasurer sufficiently detailed information to allow the treasurer to maintain an adequate record of the donation.

(3) An inaugural committee shall retain the records required to be kept under this subsection for a period of 2 years after filing a final report.

(e) An inaugural committee shall:

(1) deposit all monetary donations received in a designated bank account; and

(2) make all disbursements from the designated bank account.

(f) The treasurer of an inaugural committee shall file a report with the State Board as required in this section:

(1) using an electronic format;

(2) with the electronic signature of the treasurer at the time of filing the report;

(3) under oath or affirmation; and

(4) subject to the penalties for perjury.

(g) A report filed by the treasurer of an inaugural committee under this section shall include the information required by the State Board with respect to all donations received and disbursements made by or on behalf of the inaugural committee during the reporting period.

(h) The treasurer of an inaugural committee shall file a report in full and accurate detail on or before:

(1) March 7 of the inauguration year, for the period from the date of organization of the inaugural committee through the preceding March 1;

(2) July 7 of the inauguration year, for the period from the closing date of the previous report through the preceding July 1;

(3) January 7 of the year following the inauguration, for the period from the closing date of the previous report through the preceding January 1; and

(4) January 7 of each subsequent year, for the period from the closing date of the previous report through the preceding January 1, until the inaugural committee files a final report.

(i) The State Board shall make the reports submitted under this section publicly available on the Internet.

(j) (1) The State Board shall assess a late filing fee for failure to properly file a report or amended report under this section.

(2) The fee is \$10 for each day or part of a day that a report or amended report is overdue.

(3) The maximum fee payable for a report or amended report is \$500.

(4) Late filing fees under this subsection shall be paid by:

(i) the inaugural committee; or

(ii) if the inaugural committee has insufficient funds with which to pay a late filing fee in a timely manner, the treasurer.

(5) Late filing fees shall be distributed to the Fair Campaign Financing Fund established under § 15–103 of this article.

(6) If the treasurer of an inaugural committee fails to provide all the information required on a report under this section:

(i) the State Board shall notify the treasurer in writing of the particular deficiencies; and

(ii) the treasurer shall file an amended report that includes all of the information required within 30 days after service of the notice.

(7) (i) The State Board shall accept an overdue report or amended report that is submitted without payment of the late filing fee, but the report or amended report is not considered filed until the fee has been paid.

(ii) After an overdue report or amended report is received under subparagraph (i) of this paragraph, no further late filing fee shall be incurred.

(8) The treasurer of an inaugural committee that fails to properly file a report or amended report may seek relief from a late filing fee imposed under this subsection for just cause as provided in § 13–337 of this title.

(k) An inaugural committee may not make:

(1) a contribution to a political committee;

(2) an independent expenditure;

(3) a disbursement for an electioneering communication as defined in § 13–307 of this title; or

(4) a disbursement for any purpose other than financing the inaugural festivities of the Governor and Lieutenant Governor.

(l) An inaugural committee shall terminate and file a final report within 1 year of the later of:

(1) the end of the Governor and Lieutenant Governor's most recent term of office; or

(2) the payment of the final debt or other obligation of the inaugural committee.

(m) Before filing a final report, an inaugural committee shall pay all outstanding obligations and dispose of all its remaining assets by:

(1) returning the remaining balance in the account of the inaugural committee to the donors on a pro rata basis; or

(2) contributing the remaining balance in the account of the inaugural committee to:

(i) a charitable organization; or

(ii) the Fair Campaign Financing Fund established under § 15–103 of this article.

§13–106.

(a) A person may not use any contributor information from any report or statement required under this title for commercial solicitation purposes.

(b) A person may not publish any contributor information from any report or statement required under this title in newspapers, magazines, books, websites, or other similar media for the purpose of facilitating commercial solicitation.

§13–201.

Unless otherwise provided by law, this subtitle applies to all campaign finance activity associated with an election under this article.

§13–202.

(a) This section does not apply to a candidate for election to the central committee of a political party if the candidate during an election cycle does not:

- (1) spend more than \$1,000 in personal funds; or
- (2) accept contributions.

(b) Unless otherwise expressly authorized by law, all campaign finance activity for an election under this article shall be conducted through a campaign finance entity.

(c) An individual may not file a certificate of candidacy or a declaration of intent under § 5–703 or § 5–703.1 of this article until the individual establishes, or causes to be established, an authorized candidate campaign committee.

(d) A circulator may not collect signatures for a petition under Article XI–A, Article XI–F, or Article XVI of the Maryland Constitution or under § 9–205 of the Local Government Article until the sponsor of the petition establishes a ballot issue committee.

§13–203.

Each campaign finance entity shall comply with the reporting requirements of Subtitle 3 of this title.

§13–207.

(a) This section applies to a political committee other than a political club.

(b) A political committee may not receive or disburse money or any other thing of value unless the political committee is established in accordance with the requirements of this section.

(c) To establish a political committee:

(1) a chairman and a treasurer shall be appointed on a form that the State Board prescribes and that is signed by the chairman and treasurer and includes:

(i) the residence addresses of the chairman and the treasurer;

(ii) if the chairman and treasurer affirmatively consent to receiving notice under this title only by electronic mail, the electronic mail address of the chairman and the treasurer; and

(iii) the information required by § 13–208 of this subtitle; and

(2) the form shall be filed with the State Board.

(3) The chairman or treasurer of a political committee shall notify the State Board of a change in the residence address of the chairman or treasurer no later than 21 days before the day on which the political committee's next campaign finance report is due under § 13–309 of this title.

(4) The chairman or treasurer of a political committee shall notify the State Board of a change in the electronic mail address of the chairman or treasurer by the date specified in paragraph (3) of this subsection if the chairman and treasurer of the political committee have affirmatively consented to receiving notice under this title only by electronic mail.

(d) (1) A chairman or treasurer of a political committee may resign by completing a resignation form that the State Board prescribes and filing the form with the State Board.

(2) If a vacancy occurs in the office of chairman or the office of treasurer, the political committee promptly shall appoint a new chairman or treasurer in accordance with this section.

(3) A political committee may not receive or disburse money or any other thing of value if there is a vacancy in the office of chairman or the office of treasurer.

§13–208.

(a) This section applies to a political committee other than a political club.

(b) A political committee shall provide, with the filing required by § 13-207(c) of this subtitle, a statement of organization that includes its name and a statement of purpose.

(c) The statement of purpose shall specify:

(1) each candidate or ballot question, if any, that the political committee was formed to promote or defeat;

(2) the identity of each special interest, including any business or occupation, that the organizers of or contributors to the political committee have in common; and

(3) whether the political committee will participate in presidential, gubernatorial, Baltimore City, or multiple elections.

(d) (1) A political committee may not use a name that is intended or operates to deceive people as to the political committee's true nature or character.

(2) A political committee established by and for a single candidate shall disclose within the political committee's name the name of the candidate.

(3) A political committee sponsored by or affiliated with another entity or group shall identify within the political committee's name the other entity or group.

(e) A change in the information reported under this section shall be disclosed in the campaign finance report next filed by the political committee.

#### §13-208.1.

(a) Each political party may establish one legislative party caucus committee for each House of the General Assembly.

(b) The State Board shall adopt regulations governing the establishment, structure, and operation of legislative party caucus committees.

#### §13-209.

(a) Two or more candidates who have established separate campaign finance entities may form a slate.

(b) After establishing a campaign finance entity in accordance with § 13-202(c) of this subtitle, a candidate may join a slate.



(c) (1) To join a slate, a candidate shall file a written notice with the State Board.

(2) The notice shall specify:

(i) the name of the slate that the candidate has joined; and

(ii) the date on which the candidate joined the slate.

(d) A candidate may join a slate or continue as a member of a slate only if:

(1) the candidate has filed a certificate of candidacy; or

(2) (i) the candidate is an incumbent officeholder; and

(ii) the deadline for filing a certificate of candidacy for the office the candidate holds has not passed.

§13–210.

(a) In this section, “lobbyist” means a regulated lobbyist as described in the State Government Article.

(b) A lobbyist, or person acting on behalf of a lobbyist, may be subject to the limitations on campaign finance activity prescribed in the General Provisions Article.

§13–212.

An individual may appoint a campaign manager by:

(1) completing a form that the State Board prescribes and that includes the name and address of that campaign manager; and

(2) filing the form with the board where the individual is required to file a certificate of candidacy.

§13–214.

(a) The responsible officers of a campaign finance entity are jointly and severally responsible for:

(1) filing all campaign finance reports in full and accurate detail; and

(2) except as otherwise provided in this title, all other actions of the entity.

(b) Notice shall be provided to a campaign finance entity by serving the responsible officers.

(c) The State Board satisfies all notice requirements under this title by sending notices to the addresses provided by the responsible officers of a campaign finance entity under § 13–207(c) of this subtitle.

#### §13–215.

(a) Each chairman, treasurer, and campaign manager shall be a registered voter of the State.

(b) (1) Subject to paragraph (2) of this subsection, a candidate may not act:

(i) as the treasurer of a campaign finance entity of the candidate; or

(ii) with respect to any other campaign finance entity:

1. as the campaign manager or treasurer; or

2. in any other position that exercises general overall responsibility for the conduct of the entity.

(2) (i) An incumbent member of a central committee who is a candidate for election to party office may act as the treasurer of that central committee.

(ii) With respect to any campaign finance entity other than the candidate's own campaign finance entity, a candidate for delegate to the Democratic National Convention or a candidate for delegate to the Republican National Convention may act:

1. as the campaign manager or treasurer; or

2. in any other position that exercises general overall responsibility for the conduct of the entity.

(c) Subject to subsection (b) of this section, the chairman, treasurer, or campaign manager of a campaign finance entity may serve as the chairman, treasurer, or campaign manager of another campaign finance entity.

§13-218.

(a) All assets received by or on behalf of a campaign finance entity shall be:

- (1) delivered to the treasurer; and
- (2) maintained by the treasurer for the purposes of the campaign finance entity.

(b) (1) Assets of a campaign finance entity may be disbursed only:

- (i) if they have passed through the hands of the treasurer; and
- (ii) in accordance with the purposes of the entity.

(2) Subject to § 13-220(b)(2) and (c) of this subtitle and except as provided in subsection (d) of this section, the treasurer shall approve all disbursements for the campaign finance entity.

(c) The treasurer of a State or county central committee of a political party may not approve any disbursement of the central committee's assets, or incur any liability on its behalf, without authority and direction from the chairman of the central committee.

(d) (1) If the treasurer of a campaign finance entity is temporarily unable to perform the duties of the office, the chairman of the campaign finance entity may approve a disbursement on behalf of the campaign finance entity in the same manner as the treasurer.

(2) If the chairman approves a disbursement under this subsection, within 7 days after approving the disbursement, the chairman shall submit a report to the treasurer for the account book of the campaign finance entity, including:

- (i) a statement of the expenditure approved under the authority of the chairman;
- (ii) the name and address of the person to whom the expenditure was made;
- (iii) the purpose for which the expenditure was made; and

(iv) a copy of the receipt for the expenditure that was made.

(3) A chairman who is a candidate may not approve a disbursement for a campaign finance entity.

§13–220.

(a) (1) Each campaign finance entity shall designate one or more campaign accounts.

(2) Each designated campaign account shall:

(i) be in a financial institution; and

(ii) be registered in a manner that identifies it as the account of a campaign finance entity.

(3) A campaign finance entity shall deposit all funds received in a designated campaign account.

(b) (1) Subject to paragraph (2) of this subsection and subsection (c) of this section, a campaign finance entity may not directly or indirectly make a disbursement except from a campaign account designated under subsection (a) of this section.

(2) A campaign finance entity, or a person authorized by the campaign finance entity, may pay an expense of the campaign finance entity from funds other than a campaign account if:

(i) the expense is supported by a receipt that is provided to the campaign finance entity; and

(ii) the campaign finance entity reimburses the person who paid the expense from the campaign account and reports the expense as an expenditure of the campaign finance entity in accordance with Subtitle 3 of this title.

(c) (1) A campaign finance entity may maintain a petty cash fund.

(2) The campaign finance entity shall maintain a separate account book for the petty cash fund.

(3) The petty cash fund:

(i) may not exceed \$250 at any time; and

(ii) may be replenished only by check from a campaign account designated under subsection (a) of this section.

(4) Not more than \$25 may be disbursed from the petty cash fund in a primary or general election to a single recipient.

(5) Each petty cash expenditure shall be supported by a receipt and reported by category on the appropriate campaign finance report.

(6) This subsection does not authorize an expenditure that otherwise is unlawful under this article.

(d) (1) Subject to paragraph (3) of this subsection, a campaign finance entity may make a disbursement only by:

(i) check; or

(ii) an electronic method that the State Board authorizes by regulation.

(2) An electronic method of making a disbursement that the State Board authorizes under this subsection shall ensure that:

(i) the identity of the person making the disbursement may be verified;

(ii) the transaction is secure; and

(iii) there is an adequate record of the transaction.

(3) A campaign finance entity may make a disbursement to compensate a responsible officer of the campaign finance entity only by check.

(e) Within 30 days after filing a campaign finance report at the State Board, the treasurer of an authorized candidate campaign committee shall provide both the candidate and the chairman with a copy of the most recent campaign account bank statement.

§13–220.1.

(a) Each central committee of a political party or legislative party caucus committee may establish one administrative account.

(b) Disbursements from an administrative account may be made only for nonelectoral purposes.

(c) A donation to an administrative account:

(1) may be made only if the donor is aware that the donation will be used for nonelectoral purposes and consents to that use before making the donation; and

(2) is not subject to § 13–226(b) of this subtitle.

(d) A campaign finance entity may not make a transfer to an administrative account.

(e) The State Board shall adopt regulations that:

(1) define permissible nonelectoral disbursements from an administrative account; and

(2) require disclosure of:

(i) donations to an administrative account; and

(ii) disbursements from an administrative account.

§13–220.2.

(a) Each political action committee may establish one compliance account.

(b) Disbursements from a political action committee compliance account may be made only for purposes of record keeping, reporting, and any other work necessary to comply with the requirements of this title, including accounting and legal services.

(c) A disbursement from a political action committee compliance account may not be made for the purpose of soliciting contributions for the political action committee.

(d) A donation to a political action committee compliance account:

(1) may be made only if the donor is aware that the donation will be used for the purposes described in subsection (b) of this section and consents to that use before making the donation; and

(2) is not subject to § 13–226 of this subtitle.

(e) A campaign finance entity may not make a transfer to a political action committee compliance account.

(f) The State Board shall adopt regulations that:

(1) define permissible donations to and disbursements from a political action committee compliance account; and

(2) require disclosure of:

(i) donations to a political action committee compliance account; and

(ii) disbursements from a political action committee compliance account.

§13–221.

(a) (1) The treasurer of a campaign finance entity shall keep a detailed and accurate account book of all assets received, expenditures made, and obligations incurred by or on behalf of the entity.

(2) Except as provided in § 13–240 of this subtitle, as to each asset received or expenditure made, the account book shall state:

(i) its amount or value;

(ii) the date of the receipt or expenditure;

(iii) the name and address of the person from whom the asset was received or to whom the expenditure was made; and

(iv) a description of the asset received or the purpose for which the expenditure was made.

(3) (i) To the extent practicable, the treasurer of a campaign finance entity shall record the occupation and employer of an individual who makes contributions to the campaign finance entity in a cumulative amount of \$500 or more during an election cycle.

(ii) The State Board shall:

1. promptly provide notice to the treasurer of a campaign finance entity if a contributor included on a campaign finance report submitted by the treasurer has made contributions to the campaign finance entity in a cumulative amount of \$500 or more during the election cycle; and

2. require a standard response that a treasurer shall include in the campaign finance report if a contributor does not supply the information required concerning the contributor's occupation and employer.

(4) Each expenditure made from a campaign account shall be supported by a receipt.

(b) The account books and related records of a campaign finance entity shall be preserved until the earlier of:

(1) 10 years after the creation of an account book entry or related record; or

(2) 2 years after the campaign finance entity files a final campaign finance report under Subtitle 3 of this title.

(c) A candidate for election to the central committee of a political party who is exempt under § 13–202(a) of this subtitle shall:

(1) keep a detailed and accurate account book of all expenditures made by the candidate; and

(2) preserve the account book required under item (1) of this subsection for auditing purposes until 2 years after the end of the election cycle.

§13–222.

(a) (1) By the next deadline for filing a campaign finance report after receiving a contribution specified in paragraph (2) of this subsection, a treasurer shall issue a campaign contribution receipt on the form that the State Board prescribes.

(2) A campaign contribution receipt shall be mailed or delivered to each person who makes one or more contributions in the cumulative amount of \$51 or more.

(3) At the request of a contributor, a treasurer shall issue a campaign contribution receipt for any other contribution.



(4) A campaign contribution receipt issued under this section is evidence of the contribution.

(b) The information from a campaign contribution receipt shall be included in the campaign finance report filed by the treasurer under this title.

§13–225.

Except as otherwise provided by law, contributions may be made only in accordance with this Part V of this subtitle.

§13–226.

(a) The limits on contributions in this section do not apply to:

- (1) a contribution to a ballot issue committee; or
- (2) those contributions defined as transfers.

(b) Subject to subsections (c) and (d) of this section, a person may not, either directly or indirectly, in an election cycle make aggregate contributions in excess of:

- (1) \$6,000 to any one campaign finance entity; or
- (2) \$24,000 to all campaign finance entities.

(c) (1) Notwithstanding subsection (b) of this section, a central committee of a political party or legislative party caucus committee may make aggregate in-kind contributions to a single candidate during an election cycle that are not in excess of:

(i) for a State central committee or legislative party caucus committee, \$1 for every two registered voters in the State; and

(ii) for a local central committee, \$1 for every two registered voters in the county.

(2) For the purposes of paragraph (1) of this subsection, the number of registered voters is determined, regardless of party affiliation, as of the first day of the election cycle.

(d) The limit on contributions to the campaign finance entity of a candidate applies regardless of the number of offices sought by the candidate or campaign finance entities formed to support the candidate.

(e) (1) In this subsection, “business entity” includes a corporation, a sole proprietorship, a general partnership, a limited partnership, a limited liability company, a real estate investment trust, or other entity.

(2) Contributions by two or more business entities shall be considered as being made by one contributor if:

(i) one business entity is a wholly owned subsidiary of another; or

(ii) the business entities are owned or controlled by at least 80% of the same individuals or business entities.

§13–227.

(a) In this section, a “campaign finance entity” includes a nonfederal out-of-state political committee.

(b) The limits on transfers set forth in subsection (c) of this section do not apply to a transfer:

(1) by a campaign finance entity to a ballot issue committee;

(2) by the authorized candidate campaign committee of a member of a slate to a slate of which the candidate is a member;

(3) by the authorized candidate campaign committees of the candidates that a legislative party caucus committee seeks to elect to the legislative party caucus committee; and

(4) between or among:

(i) political committees that are State or local central committees of the same political party;

(ii) a slate and the authorized candidate campaign committees of its members, if the only members of the slate are a candidate for Governor and a candidate for Lieutenant Governor who are running on the same ticket; and

(iii) the authorized candidate campaign committee of a candidate.

(c) (1) Subject to paragraphs (2) and (3) of this subsection, during an election cycle, a campaign finance entity may not directly or indirectly make transfers in a cumulative amount of more than \$6,000 to any one other campaign finance entity.

(2) During an election cycle, a slate may not make transfers directly or indirectly to the authorized candidate campaign committee of any single member of the slate in a cumulative amount of more than \$24,000.

(3) During an election cycle, a legislative party caucus committee may not make transfers directly to the authorized candidate campaign committee of a candidate that the legislative party caucus committee seeks to elect in a cumulative amount of more than \$24,000.

(d) (1) All affiliated campaign finance entities are treated as a single entity in determining:

(i) the amount of transfers made by a campaign finance entity; and

(ii) the amount of transfers received by a campaign finance entity.

(2) Campaign finance entities are deemed to be affiliated if they:

(i) are organized and operated in coordination and cooperation with each other; or

(ii) otherwise conduct their operations and make their decisions relating to transfers and other contributions under the control of the same individual or entity.

(e) The limit on transfers to the campaign finance entities of a candidate prescribed in subsection (c) of this section applies regardless of the number of offices sought by the candidate.

§13-228.

A political action committee that makes a transfer to the campaign finance entity of a candidate or to a slate shall:

(1) display its official name, as filed with the State Board under this subtitle, in a prominent place on the face of the check by which the funds are transferred; and

(2) include in a prominent place on the face of the check:

(i) the words “political action committee” or the notation “PAC”, to indicate that the transferor is a political action committee; or

(ii) if the political action committee is organized under Maryland law, the words “Maryland registered political action committee” or the notation “MD registered PAC” to indicate that the transferor is a Maryland political action committee.

§13–229.

A transfer is not allowed if it is intended to conceal the source of the funds or the intended recipient.

§13–230.

(a) A loan to a campaign finance entity is considered a contribution in the amount of the outstanding principal balance of the loan unless:

(1) the loan is from a financial institution or other entity in the business of making loans; or

(2) the loan is to the campaign finance entity of a candidate and:

(i) repayment of the loan is personally guaranteed by the candidate; and

(ii) the election cycle immediately following the election cycle in which the loan was made has not ended.

(b) (1) Subject to subsection (c)(2) of this section, uncharged interest on a loan is a contribution.

(2) Uncharged interest is the amount by which, during a reporting period, the interest actually charged on the loan is less than the interest on the loan computed at the prime rate applicable on the day the loan was made.

(c) (1) Subject to paragraph (2) of this subsection, the terms of a loan to a campaign finance entity shall:

(i) be in writing;

- (ii) include the lender's name, address, and signature;
- (iii) state the schedule for repayment of the loan;
- (iv) state the interest rate of the loan; and
- (v) be attached to the campaign finance report required of the entity under Subtitle 3 of this title for the reporting period during which the loan was made.

(2) (i) A loan by a candidate or the candidate's spouse to a campaign finance entity of the candidate is not required to comply with paragraph (1) of this subsection.

(ii) Unless a loan by a candidate or the candidate's spouse to a campaign finance entity of the candidate complies with paragraph (1) of this subsection:

- 1. the loan may not accrue interest;
- 2. any interest foregone on the loan is not a contribution under subsection (b) of this section; and
- 3. the campaign finance entity is not subject to:
  - A. § 13-310(a) and (b) of this title so long as the loan has an outstanding principal balance; and
  - B. subsection (a)(2)(ii) of this section.

(d) (1) A loan may not be made to a campaign finance entity of a candidate, or accepted on behalf of the entity, without the express written consent of the candidate.

(2) The written consent of the candidate constitutes the personal guarantee of the candidate for repayment of the loan only if the document expressly so provides.

(3) A copy of the candidate's written consent shall be:

- (i) furnished to the lender when the loan is made; and

(ii) attached to the campaign finance report required of the entity under Subtitle 3 of this title for the reporting period during which the loan was made.

§13-231.

(a) (1) Contributions or loans to a campaign finance entity of a candidate from the personal funds of the candidate or the candidate's spouse are not subject to the contribution limits under § 13-226 of this subtitle.

(2) Expenditures from personal funds by the candidate or the candidate's spouse for personal expenses of the candidate for filing fees, telecommunication services, travel, and food are not contributions.

(b) A contribution or loan to a campaign finance entity of a candidate by the candidate or the candidate's spouse shall pass through the hands of the treasurer of the entity and be reported in accordance with Subtitle 3 of this title.

§13-232.

(a) Except as provided in subsection (b) of this section, a contribution is attributable to the election cycle in which it is received.

(b) A contribution by check is attributable to the election cycle in which the check is issued.

§13-233.

This Part V of this subtitle does not affect the right of an individual to volunteer the individual's time or, for transportation incident to an election, personal vehicle.

§13-234.

(a) A contribution of money may be made only by:

(1) check;

(2) credit card;

(3) cash, if the contribution does not exceed \$100 in an election cycle;

or

(4) an electronic method that the State Board authorizes by regulation.

(b) An electronic method of making a contribution that the State Board authorizes under this section shall ensure that:

(1) the identity of the person making the contribution may be verified;

(2) the transaction is secure; and

(3) there is an adequate record of the transaction.

§13–235.

(a) This section applies to the following officials:

(1) the Governor;

(2) the Lieutenant Governor;

(3) the Attorney General;

(4) the Comptroller; and

(5) a member of the General Assembly.

(b) Except as provided in subsection (c), (d), or (e) of this section, during a regular session of the General Assembly an official described in subsection (a) of this section, or a person acting on behalf of the official, may not, as to a candidate for federal, State, or local office, or a campaign finance entity of the candidate or any other campaign finance entity organized under this title and operated in coordination with a candidate:

(1) receive a contribution;

(2) conduct a fund–raising event;

(3) solicit a contribution; or

(4) deposit or use any contribution of money that was not deposited prior to the session.

(c) An official described in subsection (a) of this section, or a person acting on behalf of the official, is not subject to this section when engaged in activities solely related to the official's election to an elective federal or local office for which the official is a filed candidate.

(d) Under the Public Financing Act, a gubernatorial ticket, during the year of the election only, may accept eligible private contributions and any disbursement of funds by the State Board that is based on the eligible private contributions.

(e) An official described in subsection (a) of this section, or a person acting on behalf of the official, may deposit a contribution during the legislative session if the contribution was made electronically before the start of the session.

(f) (1) As to a violation of this section, the campaign finance entity of the official in violation is liable for a civil penalty as provided in § 13–604.1 of this title.

(2) A civil penalty imposed under this subsection shall be distributed to the Fair Campaign Financing Fund established under § 15–103 of this article.

§13–236.

An entity that at any time during an election cycle derives the majority of its operating funds from the State may not make a contribution to any campaign finance entity during that election cycle.

§13–236.1.

(a) In this section, “foreign principal” has the meaning stated in 22 U.S.C. § 611(b).

(b) A foreign principal may not:

(1) make a contribution to a ballot issue committee; or

(2) make a donation to a person that makes independent expenditures or electioneering communications relating to a ballot issue.

§13–237.

(a) (1) In this section the following words have the meanings indicated.

(2) “Own” has the meaning stated in § 9–1A–01 of the State Government Article.



(3) “Video lottery facility” has the meaning stated in § 9–1A–01 of the State Government Article.

(4) “Video lottery operation license” has the meaning stated in § 9–1A–01 of the State Government Article.

(b) This section applies to the following persons:

(1) an applicant for a video lottery operation license;

(2) a holder of a video lottery operation license; or

(3) a person who owns an interest in the operation of a video lottery facility in this State.

(c) This section does not apply to gaming activity that an eligible organization is authorized to conduct under the Criminal Law Article.

(d) A person subject to this section may not, directly or indirectly, make a contribution to:

(1) the campaign finance entity of a candidate for any nonfederal public office in the State; or

(2) any other campaign finance entity organized in support of a candidate for any nonfederal public office in the State.

§13–238.

(a) (1) A person may not make a monetary contribution using any currency other than United States currency.

(2) A person may not make a monetary donation using any currency other than United States currency to a person required to register under § 13–306 or § 13–307 of this title.

(b) (1) A campaign finance entity may not accept a monetary contribution made using any currency other than United States currency.

(2) A person required to register under § 13–306 or § 13–307 of this title may not accept a monetary donation made using any currency other than United States currency.

§13–239.

Except as provided in § 13–240 of this subtitle, if a campaign finance entity receives a contribution from an anonymous source, the campaign finance entity:

- (1) may not use the contribution for any purpose; and
- (2) shall remit the contribution to the Fair Campaign Financing Fund established under § 15–103 of this article.

§13–239.1.

If a campaign finance entity receives a contribution as a result of a violation of § 13–602(a)(5) of this title for which the contributor has been convicted, the campaign finance entity:

- (1) may not use the contribution for any purpose; and
- (2) shall remit the contribution to the Fair Campaign Financing Fund established under § 15–103 of this article.

§13–240.

(a) This section applies to a spin or chance on a paddle wheel or wheel of fortune or a raffle that is authorized under the laws of this State to operate at a campaign fund–raising event.

(b) Except as provided in § 13–304(d) of this title, but notwithstanding § 13–239 of this subtitle or any other law that prohibits an anonymous contribution, a political committee may accept contributions received from the sale of a spin or chance or a raffle ticket, and need not identify the individual contributor on its campaign finance reports, if:

- (1) the account book of the political committee includes:
  - (i) the net amount received by the political committee from the raffle, spin, or chance at the fundraising event at which the sale was made; and
  - (ii) the name and address of each person who attended the event;
- (2) no spin or chance is sold at the event for more than \$2;
- (3) the net income of the sponsoring political committee from spins and chances at the event does not exceed \$1,500 in a 24–hour period;

(4) the total receipts of the sponsoring political committee from spins and chances in that election do not exceed \$2,500;

(5) a raffle is conducted in accordance with § 12–106(b) of the Criminal Law Article; and

(6) the political committee includes on its campaign finance report:

(i) a lump sum contribution of the net amount received by the political committee from the raffle, spin, or chance at the fundraising event; and

(ii) the total number of persons purchasing a raffle ticket, spin, or chance at the event.

(c) If a political committee raises funds in excess of a limit specified in this section, the political committee shall:

(1) donate the excess to a charity of its choice; or

(2) identify in its account book the amount received from each individual who purchased a spin or chance.

(d) The State Board shall adopt regulations to implement this section.

§13–241.

(a) An employer may establish a program for collecting from employees by means of payroll deductions voluntary contributions to one or more campaign finance entities selected by the employer.

(b) Periodic contributions collected by payroll deductions under a program established under subsection (a) of this section shall be combined and accumulated in a segregated escrow account maintained solely for that purpose.

(c) An employer shall keep detailed and accurate records of each payroll deduction made under subsection (a) of this section, including:

(1) the name and address of the contributor;

(2) the date on which the contribution is withheld;

(3) the amount of the contribution; and

(4) the disposition of the contribution.

(d) Within 3 months after withholding a contribution under this section, the employer shall transmit the contribution to the appropriate campaign finance entity, together with the information recorded under subsection (c)(1), (2), and (3) of this section.

(e) In soliciting an employee to make a contribution to a campaign finance entity by payroll deduction, an employer shall inform the employee of:

(1) the political purposes of the campaign finance entity; and

(2) the employee's right to refuse to contribute to the campaign finance entity without reprisal.

(f) An employer may not receive or use money or anything of value under this section if it is obtained:

(1) by actual or threatened:

(i) physical force;

(ii) job discrimination; or

(iii) financial reprisal; or

(2) as:

(i) a result of a commercial transaction; or

(ii) dues, fees, or other assessment required as a condition of membership in a labor organization or employment.

§13-242.

(a) (1) In this section the following words have the meanings indicated.

(2) "Affiliated political action committee" means a political action committee affiliated with an employee membership entity.

(3) "Employee membership entity" means an organization whose membership includes employees of the employer.

(b) If an employer withholds from employees by payroll deduction the employees' dues to an employee membership entity:

(1) the employee also may make contributions by payroll deduction to one or more affiliated political action committees selected by the employee; and

(2) the employer shall collect the contributions and transmit them to the employee membership entity designated by the employee in accordance with the requirements of subsection (c) of this section.

(c) Periodic contributions collected by payroll deductions pursuant to a program established under subsection (b) of this section shall be:

(1) combined and accumulated in a segregated escrow account maintained solely for that purpose; and

(2) transmitted to the employee membership entity within 30 days of being withheld, together with the information required under subsection (d)(1) through (4) of this section.

(d) An affiliated political action committee, in conjunction with its employee membership entity and the employer, shall keep detailed and accurate records of each contribution under subsection (b) of this section, including:

(1) the name and address of the contributor;

(2) the date on which the contribution was made;

(3) the amount of the contribution;

(4) the name of the affiliated political action committee designated by the employee to receive the contribution; and

(5) the date on which the contribution was received by the employee membership entity and the affiliated political action committee.

(e) (1) Within 30 days after it receives a contribution under subsection (c) of this section, the employee membership entity shall transmit the contribution:

(i) to its affiliated political action committee; or

(ii) if a contribution is designated for a political action committee affiliated with a State or local chapter of the employee membership entity, to the State or local chapter of the employee membership entity.

(2) Within 5 days after it receives a contribution under paragraph (1)(ii) of this subsection, the State or local chapter of the employee membership entity shall transmit the contribution to its affiliated political action committee.

(3) An employee membership entity, including a State or local chapter, that transfers contributions in accordance with paragraph (1) or (2) of this subsection shall include the information recorded under subsection (d) of this section that is received from the employer.

(f) An employer, employee membership entity, or affiliated political action committee, may not solicit, receive, or use employee contributions in a manner that would be prohibited under § 13–241(e) and (f) of this subtitle if performed by an employer.

#### §13–243.

(a) (1) In this section the following words have the meanings indicated.

(2) “Affiliated political action committee” means a political action committee affiliated with a membership entity.

(3) “Membership entity” means an organization that collects dues from its members.

(b) A membership entity may establish a program for periodically collecting from its members and accumulating voluntary contributions by the members to an affiliated political action committee if those contributions are collected together with:

(1) membership dues invoiced and collected by the membership entity; or

(2) contributions by the members to a political action committee established under federal law, if that political action committee is also affiliated with the membership entity.

(c) A membership entity shall keep detailed and accurate records of each contribution received under subsection (b) of this section, including:

(1) the name and address of the contributor;

(2) the date on which the contribution is withheld;

(3) the amount of the contribution; and

(4) the disposition of the contribution.

(d) Within 30 days after being received, a contribution under this section shall be transmitted by the membership entity, with the information recorded under subsection (c)(1), (2), and (3) of this section, to its affiliated political action committee.

(e) In soliciting a member, by joint invoice for membership dues or for a contribution to an affiliated federal political action committee, to make a contribution to its affiliated political action committee, a membership entity shall inform the member of:

(1) the political purposes of the affiliated political action committee;  
and

(2) the member's right to refuse to contribute to the political action committee without reprisal.

(f) An employee membership entity or its affiliated political action committee entity may not receive or use money or anything of value under this section if it is obtained:

(1) by actual or threatened:

(i) physical force;

(ii) membership discrimination; or

(iii) financial or professional reprisal; or

(2) as dues, fees, or other assessment required as a condition of membership.

§13-244.

(a) (1) In this section the following words have the meanings indicated.

(2) "Electioneering communication" has the meaning stated in § 13-307 of this title.

(3) "Person" includes a vendor for:

(i) a political committee; or

(ii) a person making independent expenditures or electioneering communications.

(b) (1) A person soliciting a recurring contribution for a political committee or a recurring donation for an independent expenditure or electioneering communication may accept the recurring contribution or donation only if the contributor or donor gives affirmative consent for the recurring contribution or donation.

(2) The passive action of a contributor or donor, including failing to uncheck a pre-checked box authorizing a recurring contribution or donation, does not meet the requirement of affirmative consent under paragraph (1) of this subsection.

(c) If a contributor or donor affirmatively consents to making a recurring contribution or donation, the person soliciting the recurring contribution or donation shall:

(1) in addition to the receipt required under § 13–222 of this subtitle, provide a receipt to the contributor or donor for each contribution or donation that clearly and conspicuously discloses:

(i) the frequency of the recurring contributions or donations;

(ii) the duration of the recurring contributions or donations;

and

(iii) all information needed to cancel a recurring contribution or donation; and

(2) immediately cancel the recurring contributions or donations at the request of the contributor or donor.

(d) (1) (i) A political committee that obtains a contribution in violation of this section shall return the contribution to the contributor immediately after obtaining the contribution.

(ii) The amount of any contribution obtained in violation of this section is an outstanding obligation of the political committee that obtained the contribution until the contribution is repaid to the contributor.

(2) (i) A person making independent expenditures or electioneering communications who obtains a donation in violation of this section shall return the donation to the donor immediately after obtaining the donation.



(ii) The amount of any donation obtained in violation of this section is an outstanding obligation of the person making independent expenditures or electioneering communications who obtained the donation until the donation is repaid to the donor.

§13-245.

(a) In this section, “walk-around services” means the following activities if performed for money while the polls are open:

- (1) distributing campaign material;
- (2) stationing a person, including oneself, or an object in the path of a voter;
- (3) electioneering or canvassing as described in § 16-206 of this article;
- (4) communicating in any other manner a voting preference or choice; or
- (5) performing any other service as a poll worker or distributor of sample ballots.

(b) This section does not apply to:

- (1) meals, beverages, and refreshments served to campaign workers;
- (2) salaries of regularly employed personnel in campaign headquarters;
- (3) media advertising, including newspaper, radio, television, billboard, or aerial advertising;
- (4) rent and regular office expenses; or
- (5) the cost of telephoning voters or transporting voters to and from polling places.

(c) (1) A campaign finance entity, or a person acting on its behalf, may not at any time, directly or indirectly, pay or incur an obligation to pay, and a person may not, directly or indirectly, receive any money or thing of value, for a political endorsement.

(2) (i) A campaign finance entity, or a person acting on its behalf, that pays any person for walk-around services shall make all payments by check from a campaign account designated under § 13-220(a) of this subtitle.

(ii) All payments made under subparagraph (i) of this paragraph shall be reported in accordance with § 13-304 of this title.

§13-246.

A person who claims that money is due from a campaign finance entity shall present a claim for payment to the treasurer or subtreasurer not later than 30 days after the election for which the liability was incurred.

§13-247.

After all campaign expenditures have been made and before filing a final campaign finance report under Subtitle 3 of this title, any remaining balance in the account of a campaign finance entity shall be returned pro rata to the contributors or paid to:

(1) if the campaign finance entity is a political committee formed to support a candidate or act for a political party:

(i) the State central committee of the political party:

1. of which the candidate is a member; or
2. for which the political committee is acting;

(ii) the local central committee of the political party:

1. of which the candidate is a member in a county in which the candidate resides or which the candidate seeks to represent; or
2. for which the political committee is acting;

(iii) the legislative party caucus committee of the political party:

1. of which the candidate is a member; or
2. for which the political committee is acting; or

(iv) the board of education of a county in which the candidate resides or which the candidate seeks to represent;

(2) a nonprofit organization that provides services or funds for the benefit of pupils or teachers;

(3) a charitable organization registered or exempt from registration under the Maryland Charitable Solicitations Act;

(4) the Fair Campaign Financing Fund established under § 15–103 of this article; or

(5) a public or private institution of higher education in the State if:

(i) that institution possesses a certificate of approval from the Maryland Higher Education Commission; and

(ii) the payment is designated for use by the institution solely to award scholarships, grants, or loans to students attending the institution.

§13–248.

If a responsible officer of a campaign finance entity has a compensation agreement with the campaign finance entity, before making a disbursement for the compensation, the campaign finance entity shall submit to the State Board:

(1) a copy of the compensation agreement; and

(2) if the campaign finance entity is an authorized candidate campaign committee, the written consent of the candidate.

§13–249.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) “Candidate” has the meaning stated in § 1–101 of this article.

(ii) For purposes of this section, “candidate” includes a candidate, an authorized candidate campaign committee, a slate committee, and agents of a candidate, an authorized candidate campaign committee, or a slate committee.

(3) “Communication” includes social media interactions with a candidate.

(4) (i) “Coordinated expenditure” means a disbursement or an action to cause a disbursement that:

1. promotes the success or defeat of a candidate or a political party at an election; and

2. is made in cooperation, consultation, understanding, agreement, or concert with, or at the request or suggestion of, the candidate or political party that is the beneficiary of the disbursement.

(ii) “Coordinated expenditure” includes a disbursement for any communication that republishes or disseminates, in whole or in part, a video, a photograph, audio footage, a written graphic, or any other form of campaign material prepared by the candidate or political party that is the beneficiary of the disbursement.

(iii) “Coordinated expenditure” does not include a disbursement for any communication that is not a public communication.

(5) “Coordinated spender” means a person that makes a disbursement to promote the success or defeat of a candidate or political party at an election and for which one of the following applies:

(i) during the election cycle, the person was directly or indirectly formed or established by or at the request or suggestion of, or with the encouragement of, the candidate or political party that is the beneficiary of the disbursement, including during the time before the individual became a candidate; or

(ii) during the election cycle, the person is established, financed, directed, or managed by a member of the immediate family of the candidate who is the beneficiary of the disbursement, or the person or an agent of the person has had substantive discussions about the candidate’s campaign with a member of the immediate family of the candidate who is the beneficiary of the disbursement.

(6) “Disbursement” includes a deposit of money or a gift, a subscription, an advance, or other thing of value.

(7) “Donation” means a gift or transfer, or promise of gift or transfer, of money or other thing of value to a person.

(8) “Immediate family” has the meaning stated in § 9004(e) of the Internal Revenue Code of 1986.

(9) (i) “Person” includes an individual, a partnership, a political committee, an association, a corporation, a labor organization, and any other organization or group of persons.

(ii) “Person” does not include a political committee that exclusively accepts contributions that are subject to the limits under § 13–226 of this subtitle.

(10) (i) “Political party” has the meaning stated in § 1–101 of this article.

(ii) For purposes of this section, “political party” includes a political party, a central committee, a legislative party caucus committee, and agents of a political party, central committee, or legislative party caucus committee.

(11) (i) “Professional services” means any paid services in support of a political campaign, including advertising, message, strategy, policy, polling, communications development, allocation of campaign resources, fund–raising, and campaign operations.

(ii) “Professional services” does not include accounting, legal, print, or mail services.

(12) “Public communication” has the meaning stated in § 13–306 of this title.

(b) (1) A person may not:

(i) make a coordinated expenditure in excess of the limits established under § 13–226 of this subtitle; or

(ii) make a donation to a person for the purpose of furthering a coordinated expenditure in excess of the limits under § 13–226 of this subtitle.

(2) A candidate or political party may not, directly or indirectly, be the beneficiary of a coordinated expenditure in excess of the limits under § 13–226 of this subtitle.

(c) A person may not be considered to have made a coordinated expenditure solely on the grounds that the person or the person’s agent engaged in discussions or communications with a candidate regarding a position on a legislative or policy

matter, provided that there is no communication between the person and the candidate regarding the candidate's campaign advertising, message, strategy, polling, allocation of campaign resources, fund-raising, or other campaign activities.

(d) A person that makes a disbursement to promote the success or defeat of a candidate or political party at an election is presumed to have made a coordinated expenditure if:

(1) the person is a coordinated spender with respect to the candidate or political party that is the beneficiary of the disbursement;

(2) during the 18-month period preceding the disbursement, the person employs or retains a responsible officer of a political committee affiliated with the candidate or political party that is the beneficiary of the disbursement;

(3) during the 18-month period preceding the disbursement, the person employs or retains a strategic political campaign, media, or fund-raising advisor or consultant of the candidate or political party that is the beneficiary of the disbursement; or

(4) (i) during the 18-month period preceding the disbursement, the person has retained the professional services of a vendor, an advisor, or a consultant that, during the election cycle, has provided professional services to the candidate or political party that is the beneficiary of the disbursement; and

(ii) the vendor, advisor, or consultant has not established a firewall to restrict the sharing of strategic campaign information between individuals who are employed by or who are agents of the person and the candidate or political party that is the beneficiary of the disbursement.

(e) A person may rebut the presumption under subsection (d) of this section by presenting sufficient contrary evidence and obtaining a declaratory ruling from the State Board before making a disbursement to promote the success or defeat of a candidate or political party at an election.

(f) (1) A person that willfully and knowingly violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding:

(i) 300% of the amount by which the coordinated expenditure made by the person exceeded the applicable contribution limit under § 13-226 of this subtitle; or

(ii) 300% of the amount of the donation made to a person for the purpose of furthering a coordinated expenditure in excess of the limits prescribed under § 13–226 of this subtitle.

(2) A candidate or political party that willfully and knowingly violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding 300% of the amount by which the coordinated expenditure of which the candidate or political party was the beneficiary exceeded the applicable contribution limit under § 13–226 of this subtitle.

(g) (1) The State Administrator or the State Administrator’s designee may investigate a potential violation of this section.

(2) The State Administrator or the State Administrator’s designee shall:

(i) notify a person, candidate, or political party that is subject to an investigation under this subsection of the circumstances that gave rise to the investigation; and

(ii) provide the person, candidate, or political party ample opportunity to be heard at a public meeting of the State Board.

(3) (i) In furtherance of an investigation under paragraph (1) of this subsection, the State Administrator or the State Administrator’s designee may issue a subpoena for the attendance of a witness to testify or the production of records.

(ii) A subpoena issued under this paragraph shall be served in accordance with the Maryland Rules.

(iii) In order for a subpoena to be issued under this paragraph, the State Administrator shall make a finding that the subpoena is necessary to and in furtherance of an investigation being conducted under paragraph (1) of this subsection.

(iv) Any filing submitted to a court with respect to a subpoena under this paragraph shall be sealed on filing.

(v) If a person fails to comply with a subpoena issued under this paragraph, on petition of the State Administrator, a circuit court of competent jurisdiction may compel compliance with the subpoena.

(4) At the conclusion of the investigation and following the hearing under paragraph (2)(ii) of this subsection, the State Board shall issue a public report of its findings and may:

(i) impose a civil penalty as provided in paragraph (5) of this subsection if the State Board determines that a person, candidate, or political party has unintentionally violated this section; or

(ii) refer the matter for further investigation by the State Prosecutor if the State Board has reasonable cause to believe that a person, candidate, or political party has willfully and knowingly violated this section.

(5) A civil penalty under paragraph (4)(i) of this subsection:

(i) shall be assessed in the manner specified in § 13–604.1 of this title; and

(ii) may not exceed:

1. 100% of the amount by which the coordinated expenditure made by the person exceeded the applicable contribution limit under § 13–226 of this subtitle;

2. 100% of the amount of the donation made to a person for the purpose of furthering a coordinated expenditure in excess of the limits prescribed under § 13–226 of this subtitle; or

3. 100% of the amount by which the coordinated expenditure of which the candidate or political party was the beneficiary exceeded the applicable contribution limit under § 13–226 of this subtitle.

(h) (1) Except as provided in paragraph (2) of this subsection, a fine or penalty imposed under this section shall be paid by the person that committed the violation or by a political committee of the candidate or political party that committed the violation.

(2) Subject to paragraph (3) of this subsection, a fine or penalty under this section is the joint and several liability of the candidate or a director, a manager, an officer, or any other individual exercising direction or control over the activities of the person, authorized candidate campaign committee, or political party if the penalty is not paid by the person or by a political committee of the candidate or political party before the expiration of the 1-year period that begins on the later of:

(i) the date the fine or penalty was imposed; or



(ii) the date of the final judgment following any judicial review of the imposition of the fine or penalty.

(3) A candidate may not be jointly and severally liable for a fine or penalty under this section unless a court or the State Board finds that the candidate engaged in conduct that constitutes coordination with a person under this section.

(i) A fine or penalty imposed under this section shall be distributed to the Fair Campaign Financing Fund established under § 15–103 of this article.

(j) The State Board may adopt regulations as necessary to implement this section.

§13–250.

A campaign finance entity, or a person acting on its behalf, may not make a monetary expenditure using any currency other than United States currency.

§13–301.

(a) In this section, “out-of-state political committee” means a nonfederal political committee organized under the law of another state.

(b) (1) An out-of-state political committee shall register with the State Board on a form that the State Board prescribes within 48 hours after directly or indirectly making transfers in a cumulative amount of \$6,000 or more in an election cycle to one or more campaign finance entities organized under Subtitle 2, Part II of this title.

(2) The registration form the State Board prescribes shall require an out-of-state political committee to designate the election year in which the committee is participating.

(c) After registering with the State Board, an out-of-state political committee shall file reports with the State Board for the election year in which the committee is participating on or before each date that a campaign finance entity of a candidate is required to file a campaign finance report under § 13–309 of this subtitle.

(d) The reports under subsection (c) of this section shall:

(1) disclose all expenditures made in the State by the out-of-state political committee:

(i) from the beginning of the election cycle in the case of the first report filed by the out-of-state political committee; or

(ii) during the applicable reporting period under § 13–312 of this subtitle for each subsequent report filed by the out-of-state political committee;

(2) describe how to access the campaign finance reports filed by the out-of-state political committee in the state where the committee is registered and files the reports; and

(3) be filed in the manner and subject to the sanctions provided in Parts VI and VII of this subtitle.

§13–304.

(a) (1) From the date of its organization until its termination under the provisions of this title, a campaign finance entity, except a political club, shall file a campaign finance report at the State Board at the times and for the periods required by §§ 13–309, 13–312, and 13–316 of this subtitle.

(2) A campaign finance report submitted using an electronic format shall:

(i) be made under oath or affirmation;

(ii) require an electronic signature from the treasurer at the time of the filing of the campaign finance report; and

(iii) be made subject to the penalties for perjury.

(b) A campaign finance report filed by a campaign finance entity under subsection (a) of this section shall include:

(1) the information required by the State Board with respect to all contributions received and all expenditures made by or on behalf of the campaign finance entity during the designated reporting period; and

(2) the information regarding the occupations and employers of contributors required to be recorded by the treasurer of a campaign finance entity under § 13–221 of this title.

(c) (1) During the period specified in paragraph (2) of this subsection, a campaign finance entity that is liable for a civil penalty imposed under § 13–

604.1(b)(1), (2), (3), (4), (5), or (6) of this title shall submit, with each campaign finance report filed under subsection (a) of this section, bank statements that:

(i) document all expenditures made by or on behalf of the campaign finance entity during the reporting period; and

(ii) have all personal identifying information, including bank account numbers, redacted.

(2) Subject to paragraph (3) of this subsection, a campaign finance entity shall submit bank statements in accordance with paragraph (1) of this subsection during the period that:

(i) begins on the first closing date for a campaign finance report that occurs after the campaign finance entity became liable for a civil penalty imposed under § 13–604.1(b)(1), (2), (3), (4), (5), or (6) of this title; and

(ii) ends at the later of:

1. the conclusion of the election cycle in which the campaign finance entity became liable for the civil penalty issued under § 13–604.1(b)(1), (2), (3), (4), (5), or (6) of this title; or

2. the due date of the last campaign finance report that is due within 2 years after the campaign finance entity became liable for the civil penalty imposed under § 13–604.1(b)(1), (2), (3), (4), (5), or (6) of this title.

(3) If a campaign finance entity has submitted bank statements with at least one campaign finance report as required under paragraph (1) of this subsection, the State Board may, at its discretion, waive the requirement that a campaign finance entity submit bank statements during the remainder of the period specified under paragraph (2) of this subsection.

(d) (1) In this subsection, “eligible contribution” means a contribution or series of contributions made by the same person for which a receipt is not required to be issued under § 13–222 of this title.

(2) The requirements of this subsection prevail to the extent of any conflict with § 13–240(b) of this title.

(3) Except as provided in paragraphs (4) and (5) of this subsection, a political committee shall report the following information on its campaign finance reports for each contribution the committee receives:

(i) the amount of each contribution; and

(ii) the name and residential address of each contributor, unless a contributor receives a confidentiality waiver from the State Board for a residential address, in which case a suitable alternative address approved by the State Board may be used.

(4) A campaign finance entity of a candidate may report a maximum of a cumulative amount of \$25,000 in eligible contributions in an election cycle on its campaign finance reports without providing the information required under paragraph (3) of this subsection.

(5) A political committee may report eligible contributions collected in accordance with § 13–241 or § 13–242 of this title on its campaign finance reports in the manner specified in paragraph (4) of this subsection if the following is included on the political committee’s campaign finance report:

(i) a lump sum contribution of the total amount received by the political committee in the form of eligible contributions;

(ii) the number of individuals making eligible contributions;  
and

(iii) the average amount of the eligible contributions received by the political committee.

(e) A campaign finance report prescribed by this subtitle for the campaign finance entity of a candidate is required whether or not:

(1) the candidate files a certificate of candidacy;

(2) the candidate withdraws, declines a nomination, or otherwise ceases to be a candidate;

(3) the candidate’s name appears on the primary ballot; or

(4) the candidate is successful in the election.

§13–305.

(a) Instead of filing a report required under § 13–309 of this subtitle, a treasurer may file an affidavit stating that the campaign finance entity has not raised or spent a cumulative amount of \$1,000 or more, exclusive of the filing fee, and regardless of the balance of the campaign account, since:

- (1) establishing the campaign finance entity; or
- (2) filing the campaign finance entity's last campaign finance report.

(b) The affidavit shall be filed on or before the date a campaign finance report is due to be filed under § 13–309 of this subtitle.

#### §13–305.1.

A candidate for election to the central committee of a political party who is exempt under § 13–202(a) of this title shall file with the certificate of candidacy an affidavit stating that the candidate during the election cycle will not:

- (1) spend more than \$1,000 in personal funds; or
- (2) accept contributions.

#### §13–306.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) “Donation” means the gift or transfer, or promise of gift or transfer, of money or other thing of value to a person who makes independent expenditures.

(ii) “Donation” does not include any amount of money or any other thing of value:

1. received by a person in the ordinary course of any trade or business conducted by the person, whether for profit or not for profit, or in the form of investments in the person's business; or

2. A. that the donor and the person receiving the money or thing of value expressly agree in writing may not be used for independent expenditures; and

B. in the case of a monetary donation, is deposited in a separate bank account that is never used for independent expenditures.

(3) “E–mail blast” means a transmission of electronic mail messages of an identical or substantially similar nature to 5,000 or more e–mail accounts simultaneously.

(4) “Mass mailing” means a mailing by United States mail or facsimile of more than 500 pieces of mail matter of an identical or substantially similar nature within any 30-day period.

(5) (i) “Person” includes an individual, a partnership, a committee, an association, a corporation, a labor organization, and any other organization or group of persons.

(ii) “Person” does not include a campaign finance entity organized under Subtitle 2, Part II of this title.

(6) (i) “Public communication” means a communication by means of any broadcast television or radio communication, cable television communication, satellite television or radio communication, newspaper, magazine, outdoor advertising facility, mass mailing, e-mail blast, text blast, qualifying paid digital communication, or telephone bank to the general public, or any other form of general public political advertising.

(ii) “Public communication” does not include:

1. a news story, a commentary, or an editorial disseminated by a broadcasting station, including a cable television operator, programmer, or producer, satellite television or radio provider, website, newspaper, magazine, or other periodical publication, including any Internet or electronic publication, that is not controlled by a candidate or political party;

2. an internal membership communication by a business or other entity to its stockholders or members and executive and administrative personnel and their immediate families, or by a membership entity, as defined under § 13-243 of this title, to its members, executive and administrative personnel and their immediate families; or

3. a candidate debate or forum.

(7) “Telephone bank” means more than 500 telephone calls of an identical or substantially similar nature within any 30-day period.

(8) “Text blast” means a transmission of text messages of an identical or substantially similar nature to 5,000 or more telephone numbers simultaneously.

(b) Within 48 hours after a person makes aggregate independent expenditures of \$5,000 or more in an election cycle for campaign material that is a public communication, the person shall file a registration form with the State Board.

(c) Within 48 hours after a day on which a person makes aggregate independent expenditures of \$10,000 or more in an election cycle for campaign material that is a public communication, the person shall file an independent expenditure report with the State Board.

(d) A person who files an independent expenditure report under subsection (c) of this section shall file an additional independent expenditure report with the State Board within 48 hours after a day on which the person makes aggregate independent expenditures of \$10,000 or more for campaign material that is a public communication following the closing date of the person's previous independent expenditure report.

(e) An independent expenditure report shall include the following information:

(1) the identity of the person making the independent expenditures and of the person exercising direction or control over the activities of the person making the independent expenditures;

(2) the business address of the person making the independent expenditures;

(3) the amount and date of each independent expenditure during the period covered by the report and the person to whom the expenditure was made;

(4) the candidate or ballot issue to which the independent expenditure relates and whether the independent expenditure supports or opposes that candidate or ballot issue; and

(5) the identity of each person who made cumulative donations of \$6,000 or more to the person making the independent expenditures during the period covered by the report.

(f) For purposes of this section, a person shall be considered to have made an independent expenditure if the person has executed a contract to make an independent expenditure.

(g) The cost of creating and disseminating campaign material, including any design and production costs, shall be considered in determining the aggregate amount of independent expenditures made by a person for campaign material that is a public communication under this section.

(h) The treasurer or other individual designated by an entity required to file an independent expenditure report under this section:

(1) shall sign each independent expenditure report; and

(2) is responsible for filing independent expenditure reports in full and accurate detail.

(i) (1) Within 48 hours after a person makes aggregate independent expenditures of \$50,000 or more in an election cycle for campaign material that is a public communication, the person shall identify a registered agent located in the State for service of process.

(2) A person making independent expenditures shall identify a registered agent on a form prescribed by the State Board.

(j) (1) A person who fails to provide on an independent expenditure report all of the information required by this section shall file an amended report as provided in § 13-327(b) of this subtitle.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, in addition to any other sanction provided by law, the State Board may assess a civil penalty for failure to file properly an independent expenditure report or an amended independent expenditure report in an amount not exceeding the greater of:

1. \$1,000 for each day or part of a day that an independent expenditure report or amended independent expenditure report is overdue; or

2. 10% of the amount of the donations or independent expenditures that were not reported in a timely manner.

(ii) If the failure to file properly an independent expenditure report or an amended independent expenditure report occurs more than 28 days before the day of a primary or general election, the State Board may assess a civil penalty in an amount not exceeding the greater of:

1. \$100 for each day or part of a day that an independent expenditure report or amended independent expenditure report is overdue; or

2. 10% of the amount of the donations or disbursements for independent expenditures that were not reported in a timely manner.

(3) A civil penalty under paragraph (2) of this subsection shall be:



(i) assessed in the manner specified in § 13–604.1 of this title;

(ii) distributed to the Fair Campaign Financing Fund established under § 15–103 of this article; and

(iii) the joint and several liability of:

1. the person making independent expenditures;
2. the treasurer or other individual who signs and files the reports required by this section for the person making independent expenditures; and
3. the person exercising direction or control over the activities of the person making independent expenditures.

(4) A person who fails to file properly an independent expenditure report or amended independent expenditure report under this section may seek relief from a penalty under paragraph (2) of this subsection for just cause as provided in § 13–337 of this subtitle.

(k) If a treasurer of a person making independent expenditures or a person exercising direction or control over the activities of a person making independent expenditures has failed to pay any civil penalty or late fee under this title for which the individual is responsible, the individual may not:

- (1) serve as the responsible officer of a political committee;
- (2) serve in any position of responsibility in any other entity subject to regulation under this title; or
- (3) assist in the formation of a political committee or any other entity subject to regulation under this title.

(l) (1) An entity required to file an independent expenditure report under this section shall do at least one of the following, unless neither are applicable to the entity:

(i) if the entity submits regular, periodic reports to its shareholders, members, or donors, include in each report, in a clear and conspicuous manner, the information specified in subsection (e)(3) through (5) of this section for each independent expenditure made during the period covered by the report that must be included in an independent expenditure report; or

(ii) if the entity maintains an Internet site, post on that Internet site a hyperlink from its homepage to the Internet site where the entity's independent expenditure report information is publicly available.

(2) An entity shall post the hyperlink required under paragraph (1)(ii) of this subsection within 24 hours of the entity's independent expenditure report information being made publicly available on the Internet, and the hyperlink shall remain posted on the entity's Internet site until the end of the election cycle during which the entity filed an independent expenditure report.

(m) (1) A person required to file an independent expenditure report under this section shall keep detailed and accurate records of:

(i) all independent expenditures made by the person for campaign material that is a public communication; and

(ii) all donations received by the person.

(2) Records required to be kept under this subsection shall be preserved for 2 years after the end of the election cycle in which the person filed the independent expenditure report to which the records relate.

(n) The State Board may adopt regulations as necessary to implement the requirements of this section.

§13-307.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) "Donation" means the gift or transfer, or promise of gift or transfer, of money or other thing of value to a person that makes disbursements for electioneering communications.

(ii) "Donation" does not include any amount of money or any other thing of value:

1. received by a person in the ordinary course of any trade or business conducted by the person, whether for profit or not for profit, or in the form of investments in the person's business; or

2. A. that the donor and the person receiving the money or thing of value expressly agree in writing may not be used for electioneering communications; and

B. in the case of a monetary donation, is deposited in a separate bank account that is never used for electioneering communications.

(3) (i) “Electioneering communication” means a broadcast television or radio communication, a cable television communication, a satellite television or radio communication, a mass mailing, an e-mail blast, a text blast, a telephone bank, a qualifying paid digital communication, or an advertisement in a print publication that:

1. refers to a clearly identified candidate or ballot issue;

2. is made within 60 days of an election day on which the candidate or ballot issue is on the ballot;

3. is capable of being received by:

A. 50,000 or more individuals in the constituency where the candidate or ballot issue is on the ballot, if the communication is transmitted by television or radio; or

B. 5,000 or more individuals in the constituency where the candidate or ballot issue is on the ballot, if the communication is a mass mailing, an e-mail blast, a text blast, a telephone bank, a qualifying paid digital communication, or an advertisement in a print publication; and

4. is not made in coordination with, or at the request or suggestion of, a candidate, a campaign finance entity of a candidate, an agent of a candidate, or a ballot issue committee.

(ii) “Electioneering communication” does not include:

1. an independent expenditure;

2. a news story, a commentary, or an editorial disseminated by a broadcasting station, including a cable television operator, programmer, or producer, or satellite television or radio provider, website, newspaper, magazine, or other periodical publication, including any Internet or electronic publication, that is not controlled by a candidate or political party;

3. a candidate debate or forum;

4. an internal membership communication by a business or other entity to its stockholders or members and executive and administrative personnel and their immediate families, or by a membership entity, as defined under § 13–243 of this title, to its members, executive and administrative personnel and their immediate families; or

5. a communication that proposes a commercial transaction.

(iii) For purposes of this paragraph, “clearly identified” means:

1. the name of a candidate appears;
2. a photograph or drawing of a candidate appears; or
3. the identity of a candidate or ballot issue is apparent by unambiguous reference.

(4) “E–mail blast” means a transmission of electronic mail messages of an identical or substantially similar nature to 5,000 or more e–mail accounts simultaneously.

(5) “Mass mailing” means a mailing by United States mail or facsimile of more than 5,000 pieces of mail matter of an identical or substantially similar nature within any 30–day period.

(6) (i) “Person” includes an individual, a partnership, a committee, an association, a corporation, a labor organization, and any other organization or group of persons.

(ii) “Person” does not include a campaign finance entity organized under Subtitle 2, Part II of this title.

(7) “Telephone bank” means more than 5,000 telephone calls of an identical or substantially similar nature within any 30–day period.

(8) “Text blast” means a transmission of text messages of an identical or substantially similar nature to 5,000 or more telephone numbers simultaneously.

(b) Within 48 hours after a person makes aggregate disbursements of \$5,000 or more in an election cycle for electioneering communications, the person shall file a registration form with the State Board.

(c) Within 48 hours after a day on which a person makes aggregate disbursements of \$10,000 or more in an election cycle for electioneering communications, the person shall file an electioneering communication report with the State Board.

(d) A person who files an electioneering communication report under subsection (c) of this section shall file an additional electioneering communication report with the State Board within 48 hours after a day on which the person makes aggregate disbursements of \$10,000 or more for electioneering communications following the closing date of the person's previous electioneering communication report.

(e) An electioneering communication report shall include the following information:

(1) the identity of the person making disbursements for electioneering communications and of the person exercising direction or control over the activities of the person making the disbursements for electioneering communications;

(2) the business address of the person making the disbursements for electioneering communications;

(3) the amount and date of each disbursement for electioneering communications during the period covered by the report and the person to whom the disbursement was made;

(4) the candidate or ballot issue to which the electioneering communications relate; and

(5) the identity of each person who made cumulative donations of \$6,000 or more to the person making the disbursements for electioneering communications during the period covered by the report.

(f) (1) For purposes of this section, a person shall be considered to have made a disbursement for an electioneering communication if the person has executed a contract to make a disbursement for an electioneering communication.

(2) A person who makes a contribution to a campaign finance entity may not be considered to have made a disbursement for electioneering communications under this section because of the contribution.

(g) The cost of creating and disseminating electioneering communications, including any design and production costs, shall be considered in determining the

aggregate amount of disbursements for electioneering communications made by a person under this section.

(h) The treasurer or other individual designated by an entity required to file an electioneering communication report under this section:

(1) shall sign each electioneering communication report; and

(2) is responsible for filing electioneering communication reports in full and accurate detail.

(i) (1) Within 48 hours after a person makes aggregate disbursements of \$50,000 or more in an election cycle for electioneering communications, the person shall identify a registered agent located in the State for service of process.

(2) A person making disbursements for electioneering communications shall identify a registered agent on a form prescribed by the State Board.

(j) (1) A person who fails to provide on an electioneering communication report all of the information required by this section shall file an amended report as provided in § 13–327(b) of this subtitle.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, in addition to any other sanction provided by law, the State Board may assess a civil penalty for failure to file properly an electioneering communication report or an amended electioneering communication report in an amount not exceeding the greater of:

1. \$1,000 for each day or part of a day that an electioneering communication report or amended electioneering communication report is overdue; or

2. 10% of the amount of the donations or disbursements for electioneering communications that were not reported in a timely manner.

(ii) If the failure to file properly an electioneering communication report or an amended electioneering communication report occurs more than 28 days before the day of a primary or general election, the State Board may assess a civil penalty in an amount not exceeding the greater of:

1. \$100 for each day or part of a day that an electioneering communication report or amended electioneering communication report is overdue; or

2. 10% of the amount of the donations or disbursements for electioneering communications that were not reported in a timely manner.

(3) A penalty under paragraph (2) of this subsection shall be:

(i) assessed in the manner specified in § 13–604.1 of this title;

(ii) distributed to the Fair Campaign Financing Fund established under § 15–103 of this article; and

(iii) the joint and several liability of:

1. the person making disbursements for electioneering communications;

2. the treasurer or other individual who signs and files the reports required by this section for the person making disbursements for electioneering communications; and

3. the person exercising direction or control over the activities of the person making disbursements for electioneering communications.

(4) A person who fails to file properly an electioneering communication report or amended electioneering communication report under this section may seek relief from a penalty under paragraph (2) of this subsection for just cause as provided in § 13–337 of this subtitle.

(k) If a treasurer of a person making disbursements for electioneering communications or a person exercising direction or control over the activities of a person making disbursements for electioneering communications has failed to pay any civil penalty or late fee under this title for which the individual is responsible, the individual may not:

(1) serve as the responsible officer of a political committee;

(2) serve in any position of responsibility in any other entity subject to regulation under this title; or

(3) assist in the formation of a political committee or any other entity subject to regulation under this title.

(l) (1) An entity required to file an electioneering communication report under this section shall do at least one of the following, unless neither are applicable to the entity:

(i) if the entity submits regular, periodic reports to its shareholders, members, or donors, include in each report in a clear and conspicuous manner, the information specified in subsection (e)(3) through (5) of this section for each disbursement for electioneering communications made during the period covered by the report that must be included in an electioneering communication report; or

(ii) if the entity maintains an Internet site, post on that Internet site a hyperlink from its homepage to the Internet site where the entity's electioneering communication report information is publicly available.

(2) (i) An entity shall post the hyperlink required under paragraph (1)(ii) of this subsection within 24 hours of the entity's electioneering communication report information being made publicly available on the Internet.

(ii) The hyperlink shall remain posted on the entity's Internet site until the end of the election cycle during which the entity filed an electioneering communication report.

(m) (1) A person required to file an electioneering communication report under this section shall keep detailed and accurate records of:

(i) all disbursements for electioneering communications made by the person; and

(ii) all donations received by the person.

(2) Records required to be kept under this subsection shall be preserved until 2 years after the end of the election cycle in which the person filed the electioneering communication report to which the records relate.

(n) The State Board may adopt regulations as necessary to implement the requirements of this section.

§13-309.



(a) Subject to other provisions of this subtitle and except as provided in subsection (d) of this section, a campaign finance entity shall file campaign finance reports as follows:

(1) in the gubernatorial election year only, except for a ballot issue committee, on or before the third Tuesday in April, if the campaign finance entity did not file the annual campaign finance report specified under subsection (b)(2) of this section on the immediately preceding third Wednesday in January;

(2) except for a ballot issue committee, on or before the fifth Tuesday immediately preceding each primary election;

(3) except for a ballot issue committee, on or before the second Friday immediately preceding a primary election;

(4) on or before the last Tuesday in August immediately preceding a general election;

(5) for a ballot issue committee only, on or before the fourth Friday immediately preceding a general election;

(6) on or before the second Friday immediately preceding a general election; and

(7) on or before the second Tuesday after a general election.

(b) (1) A campaign finance entity is subject to subsection (a) of this section and this subsection only as to the election in which the entity designates that it will participate.

(2) In addition to the campaign finance reports required under subsection (a) of this section, but subject to paragraph (4) of this subsection, a campaign finance entity shall file a campaign finance report on the third Wednesday in January.

(3) (i) If subsequent to the filing of its declaration under § 13–208(c)(3) of this title, a campaign finance entity participates in an election in which it was not designated to participate, the campaign finance entity shall file all campaign finance reports prescribed under subsection (a) of this section for that election.

(ii) A violation of subparagraph (i) of this paragraph constitutes a failure to file by the campaign finance entity, and the responsible officer

is guilty of a misdemeanor and on conviction is subject to the penalties prescribed under Part VII of this subtitle.

(4) If a campaign finance entity has neither a cash balance nor an outstanding obligation at the end of a reporting period, a campaign finance report for that period, clearly marked as “final”, shall be filed on or before the due date, and no further report is required.

(c) In addition to the campaign finance reports required under subsection (a) of this section, a continuing political committee shall file a campaign finance report on the third Wednesday in January of each year the committee is in existence.

(d) An authorized candidate campaign committee of a candidate for election to the central committee of a political party:

(1) shall file a campaign finance report on or before the third Tuesday after a gubernatorial primary election; and

(2) except as provided in subsection (c) of this section and § 13–310 of this subtitle, is not required to file any other campaign finance reports.

(e) (1) This subsection applies to a ballot issue committee formed to support or oppose a prospective question under Article XI–A, Article XI–F, or Article XVI of the Maryland Constitution or under § 9–205 of the Local Government Article.

(2) A petition sponsor’s ballot issue committee shall file a campaign finance report at the time the petition is filed under § 6–205 of this article.

(3) A ballot issue committee opposing a prospective question shall file a campaign finance report within 10 business days after the petition to place the question on the ballot is filed under § 6–205 of this article.

#### §13–309.1.

(a) In this section, “electioneering communication” has the meaning stated in § 13–307(a) of this subtitle.

(b) This section applies to a political action committee that exclusively makes:

(1) independent expenditures; or

(2) disbursements for electioneering communications.

(c) For purposes of this section, a political action committee shall be considered to have made an expenditure if the political action committee has executed a contract to make an expenditure.

(d) (1) The disclosure reports required under this section are in addition to the campaign finance reports required under § 13–309 of this subtitle.

(2) The political action committee shall include all of the information reported on a disclosure report on its regularly filed campaign finance reports.

(e) A political action committee shall file a disclosure report within 48 hours after a day on which the political action committee makes aggregate expenditures of \$10,000 or more on campaign material during the reporting period covered by its next campaign finance report.

(f) A political action committee shall file an additional disclosure report within 48 hours after a day on which the political action committee makes aggregate expenditures of \$10,000 or more on campaign material following the closing date of the immediately preceding disclosure report filed by the political action committee.

(g) A disclosure report shall include the information required by the State Board with respect to all contributions received and all expenditures made by or on behalf of the political action committee during the reporting period.

(h) In addition to any other sanction provided by law, the State Board may assess a penalty for failure to file properly a disclosure report or an amended disclosure report required under this section in an amount not exceeding the greater of:

(1) \$1,000 for each day or part of a day that a disclosure report or an amended campaign finance report is overdue; or

(2) 10% of the amount of the contributions or expenditures that were not reported in a timely manner.

(i) A person who fails to file properly a disclosure report or an amended disclosure report under this section may seek relief from a penalty under subsection (h) of this section for just cause as provided in § 13–337 of this subtitle.

(j) A penalty under subsection (h) of this section shall be:

(1) assessed in the manner specified in § 13–604.1 of this title; and

(2) distributed to the Fair Campaign Financing Fund established under § 15–103 of this article.

(k) If a responsible officer of a political action committee subject to this section has failed to pay any civil penalty or late fee under this title for which the individual is responsible, the individual may not:

(1) serve as the responsible officer of any other political committee;

(2) serve in any position of responsibility in any other entity subject to regulation under this title; or

(3) assist in the formation of a political committee or any other entity subject to regulation under this title.

§13–309.2.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) “Donation” means the gift or transfer, or promise of gift or transfer, of money or any other thing of value to a participating organization.

(ii) “Donation” does not include any amount of money or other thing of value:

1. received by a participating organization in the ordinary course of any trade or business conducted by the participating organization, whether for profit or not for profit, or in the form of investments in the participating organization’s business; or

2. A. that the donor and the participating organization expressly agree in writing may not be used for political disbursements; and

B. in the case of a monetary donation, is deposited in a separate bank account that is never used for political disbursements.

(3) “Participating organization” means any entity that:

(i) is organized under § 501(c)(4) or (6) or § 527 of the Internal Revenue Code; and

(ii) makes political disbursements.

(4) “Political disbursements” means:

(i) a contribution to a political committee organized under the laws of the State;

(ii) a disbursement to a person making an independent expenditure or a disbursement for electioneering communications in the State; or

(iii) a disbursement to an out-of-state political committee that makes a disbursement in the State.

(b) (1) Within 48 hours after a participating organization makes aggregate political disbursements of more than \$6,000 in an election cycle, the participating organization shall file a registration form with the State Board.

(2) The registration form shall include:

(i) a statement of whether the participating organization plans to file the reports required under subsection (c) of this section or provide a link on the homepage of its Web site as specified in subsection (d) of this section; and

(ii) the identity of the person exercising direction or control over the activities of the participating organization.

(c) (1) Except as provided in subsection (d) of this section, within 48 hours after a participating organization makes aggregate political disbursements of \$10,000 or more in an election cycle, the participating organization shall file a participating organization report with the State Board.

(2) Except as provided in subsection (d) of this section, a participating organization shall file an additional participating organization report with the State Board within 48 hours after the participating organization makes aggregate political disbursements of \$10,000 or more after the closing date of the participating organization’s previous participating organization report.

(3) A participating organization report shall include:

(i) the amount and date of each political disbursement made by the person in the State or to influence a State election during the period covered by the report;

(ii) the identity of each person that made cumulative donations of \$10,000 or more to the participating organization during the period covered by the report; and

(iii) any other information required by the State Board concerning the political disbursements and donations of the participating organization.

(4) A participating organization report shall cover:

(i) for the first report filed by a participating organization, the period beginning 2 years before the date the report is filed; and

(ii) for any subsequent reports filed by a participating organization, the period after the closing date of the participating organization's previous report.

(d) (1) A participating organization is not required to file any participating organization reports if the participating organization provides a link on the homepage of its Web site to the information required under subsection (c)(3) of this section concerning the participating organization's political disbursements and donations to the participating organization.

(2) A participating organization shall continually update the information required under paragraph (1) of this subsection within 48 hours until the end of the election cycle.

(e) The treasurer or other individual designated by a participating organization to file a report required under this section:

(1) shall sign each participating organization report; and

(2) is responsible for filing participating organization reports in full and accurate detail.

(f) (1) Within 48 hours after a participating organization makes aggregate political disbursements of \$50,000 or more in an election cycle, the participating organization shall identify a registered agent located in the State for service of process.

(2) A participating organization shall identify a registered agent on a form prescribed by the State Board.

(g) (1) A participating organization that fails to provide on a participating organization report all of the information required by this section shall file an amended report as provided in § 13-327(b) of this subtitle.

(2) In addition to any other sanction provided by law, the State Board may assess a civil penalty for failure to file properly a participating organization report or an amended participating organization report in an amount not exceeding the greater of:

(i) \$1,000 for each day or part of a day that a participating organization report or an amended participating organization report is overdue; or

(ii) 10% of the amount of the donations or political disbursements that were not reported in a timely manner.

(3) A civil penalty under paragraph (2) of this subsection shall be:

(i) assessed in the manner specified in § 13–604.1 of this title;

(ii) distributed to the Fair Campaign Financing Fund established under § 15–103 of this article; and

(iii) the joint and several liability of:

1. the participating organization;

2. the treasurer or other individual who signs and files the reports required by this section for the participating organization; and

3. the person exercising direction or control over the activities of the participating organization.

(4) A participating organization that fails to file properly a participating organization report or an amended participating organization report under this section may seek relief from a penalty under paragraph (2) of this subsection for just cause as provided in § 13–337 of this subtitle.

(h) If a treasurer of a participating organization or a person exercising direction or control over the activities of a participating organization has failed to pay any civil penalty or late fee under this title for which the individual is responsible, the individual may not:

(1) serve as the responsible officer of a political committee;

(2) serve in any position of responsibility in any other entity subject to regulation under this title; or

(3) assist in the formation of a political committee or any other entity subject to regulation under this title.

(i) (1) A participating organization subject to this section shall keep detailed and accurate records of:

(i) all political disbursements made in the State or affecting a State election by the participating organization; and

(ii) all donations received by the participating organization.

(2) Records required to be kept under this subsection shall be preserved for 2 years after the end of the election cycle in which the participating organization made political disbursements.

(j) The State Board may adopt regulations as necessary to implement the requirements of this section.

§13–310.

(a) This section applies to the campaign finance entity of an individual if the individual is not a filed candidate or the incumbent in any office filled by an election under this article.

(b) A campaign finance entity shall terminate and file a final campaign finance report within 8 years after the later of:

(1) the end of the individual's most recent term of office; and

(2) the date of the election in which the individual last was a filed candidate.

(c) Not later than 6 months before a campaign finance entity is required to terminate under this section, the State Administrator shall notify the responsible officers of the campaign finance entity and the candidate affiliated with the campaign finance entity of the date by which the campaign finance entity is required to:

(1) pay all outstanding obligations;

(2) dispose of all its remaining assets in accordance with § 13–247 of this title; and

(3) terminate and file a final campaign finance report.



§13-310.1.

(a) Within 1 year after a candidate dies, the candidate's authorized candidate campaign committee shall:

- (1) pay all outstanding obligations;
- (2) subject to subsection (b) of this section, dispose of any funds remaining after the payment of all outstanding obligations in accordance with § 13-247 of this title; and
- (3) terminate and file a final campaign finance report.

(b) Before disposing of any funds under subsection (a)(2) of this section, the treasurer of the candidate's authorized candidate campaign committee shall consider the preferences expressed by the candidate, if any, when determining where to dispose of any funds remaining in the account of a campaign finance entity.

§13-311.

Before a campaign finance entity files a final campaign finance report, the entity shall pay all outstanding obligations and dispose of all of its remaining assets in accordance with § 13-247 of this title.

§13-312.

(a) Campaign finance reports filed under § 13-304 of this subtitle shall cover the following reporting periods:

(1) the first campaign finance report shall cover the period from the date of organization of the campaign finance entity through the day specified in item (3) of this subsection;

(2) each subsequent campaign finance report shall cover the period from the closing date of the previous campaign finance report through the day specified in item (3) of this subsection;

(3) (i) except as provided in item (ii) of this item, each campaign finance report shall cover the period that includes the seventh day before the day the campaign finance report is due; but

(ii) the campaign finance report that is required on or before the second Friday immediately preceding an election shall cover the period through and including the preceding Sunday; and

(4) if no contribution is received and no expenditure is made during the period covered by a campaign finance report, the campaign finance entity shall file a campaign finance report or an affidavit under § 13–305 of this subtitle to that effect.

(b) A campaign finance report preceded by an affidavit filed in accordance with this subtitle shall cover the period from the closing date of the previous campaign finance report or date of organization of the campaign finance entity through the day specified in subsection (a)(3) of this section.

#### §13–313.

(a) The State Board may terminate a campaign finance entity if the State Board determines that good cause exists and that:

(1) the campaign finance entity could be terminated under § 13–309(b)(4) of this subtitle except for the existence of one or more outstanding obligations and each of those obligations is more than 5 years old;

(2) no responsible officer currently is appointed and serving; or

(3) other extenuating circumstances exist to justify terminating the campaign finance entity.

(b) The termination of a campaign finance entity under this title does not limit the right of:

(1) the State Board, or the State Prosecutor or the State’s Attorney, to pursue an enforcement action against the former responsible officers of, or any candidate formerly affiliated with, the campaign finance entity; or

(2) a creditor to bring an action against the former responsible officers of, or any candidate affiliated with, the campaign finance entity.

#### §13–316.

A campaign finance report required by § 13-304 of this subtitle shall be filed with the State Board.

#### §13–320.

The State Board shall prescribe the forms for the campaign finance reports and other documents required by this subtitle.

§13-321.

(a) (1) In accordance with paragraph (2) of this subsection, the State Board shall notify each campaign finance entity that is required under this subtitle to file campaign finance reports of each campaign finance report required to be filed by that entity.

(2) The notice shall be provided:

(i) at least 10 but not more than 20 days before the filing date for each campaign finance report; and

(ii) by first-class mail, unless the responsible officers of a campaign finance entity affirmatively consent to receiving the notice only by electronic mail.

(b) The notice required under subsection (a) of this section shall include:

(1) the filing date;

(2) the telephone number, business hours, and location of the State Board; and

(3) the penalty for failure to file a timely campaign finance report.

§13-322.

A campaign finance report is timely if:

(1) regardless of when it is received, the United States Postal Service has affixed a mark on the envelope or on a receipt verifying that the campaign finance report was mailed on or before the filing deadline; or

(2) it is received by the State Board within 3 days after the filing deadline and a private postal meter postmark or a receipt by a private carrier verifies that the campaign finance report was mailed or delivered to the private carrier on or before the filing deadline.

§13-323.

A board shall provide a receipt for a campaign finance report that is hand-delivered.

§13-324.

(a) (1) Except as provided in paragraph (2) of this subsection, campaign finance reports required to be filed with the State Board shall be submitted using an electronic storage medium, and in a format, that the State Board approves.

(2) The State Board may exempt a campaign finance entity with de minimis financial activity from the requirement to submit campaign finance reports using an electronic medium.

(b) On request the State Board shall supply to a person who is required to file campaign finance reports using an electronic medium the computer software and the disks or other media on which the required information is to be entered.

(c) Campaign finance reports received by the State Board in an electronic storage format shall be maintained in accordance with § 13-341 of this subtitle.

(d) The State Board shall make the campaign finance reports that are maintained in an electronic storage format under subsection (c) of this section widely and easily accessible to the public:

(1) using any existing public or private systems for data dissemination;

(2) on terms that the State Board determines are consistent with the purposes and requirements of this article; and

(3) by making any computer disk submitted by a person available for duplication.

(e) The State Board may refuse to accept or process a campaign finance report that is not submitted in accordance with the requirements of this section.

(f) The State Board shall:

(1) develop specifications for submitting campaign finance reports using an electronic medium; and

(2) adopt regulations to implement this section.

§13-327.

(a) A campaign finance entity that fails to file a campaign finance report, an affidavit, or an amended campaign finance report required by this subtitle is subject to the sanctions provided in Part VII of this subtitle.

(b) If a campaign finance entity fails to provide on a campaign finance report required by § 13–304 of this subtitle all of the information required of the campaign finance entity by the State Board under this subtitle:

(1) the State Board shall notify the responsible officers in writing of the particular deficiencies; and

(2) the responsible officers shall file an amended campaign finance report that includes all of the information required within 30 days after service of the notice.

#### §13–328.

(a) Within 10 days after the deadline for the filing of any campaign finance report that is required to be filed with the State Board, the State Board shall compile a list of the campaign finance entities that failed to file the campaign finance report and distribute the list, or a portion of the list, to such local boards as is required to implement this subtitle.

(b) For the purposes of subsection (a) of this section, the failure to provide on a campaign finance report all of the information required of the campaign finance entity by the State Board under this subtitle is deemed a failure to file.

#### §13–331.

(a) In accordance with subsection (b) of this section, the State Board shall assess late filing fees for a failure to file a campaign finance report, an affidavit, or an amended campaign finance report, as specified in § 13–327 of this subtitle.

(b) (1) The State Board shall assess the fees in the following amounts for each day or part of a day that a campaign finance report, an affidavit, or an amended campaign finance report is overdue:

- (i) \$20 for each of the first 7 days;
- (ii) \$35 for each of the following 7 days; and
- (iii) \$50 for each day thereafter.

(2) The maximum fee payable for a campaign finance report, an affidavit, or an amended campaign finance report is \$1,000.

(c) (1) The State Board shall accept an overdue campaign finance report, affidavit, or amended campaign finance report that is submitted without payment of the late filing fee, but the campaign finance report, affidavit, or amended campaign finance report is not considered filed until the fee has been paid.

(2) After an overdue campaign finance report, affidavit, or amended campaign finance report is received under paragraph (1) of this subsection no further late filing fee shall be incurred.

(d) (1) Subject to paragraph (2) of this subsection, a late filing fee shall be paid by the campaign finance entity.

(2) If the campaign finance entity has insufficient funds with which to pay a late filing fee in a timely manner, the late filing fee is the joint and several liability of the responsible officers.

#### §13-332.

(a) An individual may not become a candidate for any public or party office in this State or become a treasurer for a campaign finance entity if, as to any campaign finance report due under § 13-304 of this subtitle from, or on behalf of, that individual during the preceding five calendar years:

(1) there exists a failure to file as specified in § 13-327 of this subtitle; or

(2) the individual has failed to pay a late filing fee that is due.

(b) An individual may not become a candidate for any public or party office in this State or become a treasurer for a campaign finance entity if the individual has failed to pay any civil penalty due under § 13-604.1 of this title from, or on behalf of, the individual during the immediately preceding 5 calendar years.

#### §13-332.1.

(a) A candidate may not be issued a certificate of nomination under § 5-705 of this article if, on or before the deadline for declining the nomination specified under § 5-801(b) of this article, the candidate has failed to:

(1) file a campaign finance report, an affidavit, or an amended campaign finance report that is due under this subtitle from, or on behalf of, that candidate;

(2) pay a late filing fee that is due under § 13–331 of this subtitle; or

(3) pay a civil penalty that is due under § 13–604.1 of this title.

(b) Not later than 20 days before the deadline for declining the nomination specified under § 5–801(b) of this article, the State Board shall send a written notice to each candidate who was successful in the primary election and has failed to file a campaign finance report or an affidavit or pay a late filing fee or civil penalty under § 13–604.1 of this title that the candidate will be deemed to have declined the nomination if the candidate does not rectify the failure on or before the deadline for declining the nomination specified under § 5–801(b) of this article.

(c) A vacancy in nomination that occurs as a result of subsection (a) of this section shall be filled in accordance with Title 5, Subtitle 10 of this article.

#### §13–333.

(a) An individual who, within the meaning of § 13–327 of this subtitle, has failed to file a campaign finance report that is due from, or on behalf of, that individual, or who has an unpaid civil penalty under § 13–604.1 of this title, may not, until the individual corrects the failure to file or pay the penalty:

(1) be deemed to be elected to a public or party office in this State;

(2) take the oath or otherwise assume the duties of the office; or

(3) receive any salary or compensation for the office.

(b) An official of the State or any of its political subdivisions may not issue a commission or administer an oath of office to an individual until that official receives certification from the State Board that:

(1) all campaign finance reports due under § 13–304 of this subtitle from, or on behalf of, that individual have been filed; and

(2) the individual has no unpaid civil penalties under § 13–604.1 of this title.

#### §13–334.

(a) This section applies to each individual holding public office in this State who is subject to prosecution under § 13-335(b) of this subtitle.

(b) The State Board shall:

(1) investigate each circumstance that causes an individual to become subject to this section;

(2) notify the individual; and

(3) provide the individual an opportunity to be heard.

(c) If the State Board determines, after an opportunity for a hearing, that the individual has failed to file a campaign finance report within the meaning of § 13-327 of this subtitle, was provided notice under § 13-335 of this subtitle, and has not rectified the failure and paid any late filing fee due, the State Board shall direct the appropriate financial officer to withhold the salary of the individual as to that public office until:

(1) the failure to file is rectified and any late filing fee is paid; and

(2) any salary previously paid to the individual for the public office while the individual was in violation is restored to the State or local government involved.

#### §13-335.

(a) (1) If the State Board determines that there has been, for more than 30 days, a failure to file a campaign finance report within the meaning of § 13-327 of this subtitle, the State Board shall issue the notice prescribed in paragraph (2) of this subsection to the responsible officers of the campaign finance entity in violation.

(2) The notice shall demand that, within 30 days after service of the notice, either:

(i) the failure to file be rectified and any late filing fee due be paid; or

(ii) the responsible officers show cause why the State Board should not ask the appropriate prosecuting authority to prosecute the responsible officers for a violation of this subtitle.



(3) In its discretion, the appropriate prosecuting authority may refer the matter for action to the Central Collection Unit within the Department of Budget and Management.

(b) A responsible officer who fails, without cause, to file the campaign finance report and pay the late fee within 30 days after service of the notice prescribed in subsection (a)(2) of this section is guilty of a misdemeanor and on conviction is subject to the penalties prescribed in § 13-603 of this title.

§13-336.

Subject to § 13-337 of this subtitle, the provisions of this part and Part VI of this subtitle and the provisions of this subtitle governing the filing of campaign finance reports are mandatory and not directory.

§13-337.

(a) A sanction may not be imposed for failure to file a campaign finance report or to pay a late filing fee if a court of competent jurisdiction finds just cause for the failure.

(b) (1) On request of a responsible officer subject to the assessment of a late filing fee and with the approval of the State Board, the State Administrator may waive the late filing fee for just cause.

(2) The decision of the State Administrator on a waiver request shall be in writing and state the circumstances surrounding the late filing and the reasons for the decision.

(3) The State Administrator may make a decision on a waiver request without notice or hearing.

§13-340.

Fees for late filing of campaign finance reports, affidavits, or amended campaign finance reports imposed under § 13-331 of this subtitle shall be distributed to the Fair Campaign Financing Fund established under § 15-103 of this article.

§13-341.

(a) (1) Each board shall receive and preserve all campaign finance reports that are required to be filed with it under this article.

(2) Subject to paragraph (3) of this subsection, the campaign finance reports received by a board shall be kept as part of its records for:

(i) a period not to exceed 5 years after the campaign finance report is filed; or

(ii) a longer period if required by a court of competent jurisdiction or the State Board by regulation.

(3) (i) Notwithstanding paragraph (2) of this subsection, if the campaign finance report is that of a campaign finance entity of a candidate, the board shall keep the campaign finance report as a part of its records for at least 1 year after the expiration of the term of the public or party office for which the candidate sought nomination or election.

(ii) Subparagraph (i) of this paragraph applies whether or not:

1. the candidate is nominated, elected, or completes the term of office; and

2. the campaign finance report relates to more than one candidate.

(b) Campaign finance reports shall be open for public inspection during the regular office hours of the board that retains them.

(c) Subject to subsection (a) of this section, a board shall transfer the campaign finance reports filed with it to the State Archives.

(d) (1) Before transferring a campaign finance report to the State Archives, a board shall make a record of any overdue campaign finance report from the same campaign finance entity and submit a copy of the record to the State Archives and, if made by a local board, to the State Board.

(2) The record shall include:

(i) the name of the campaign finance entity;

(ii) the name of the treasurer;

(iii) an identification of the missing campaign finance report;

and

(iv) if no later campaign finance report has been filed by the entity, the amount of any outstanding balance, and any outstanding obligations, shown on the last campaign finance report filed.

(e) A copy of a campaign finance report may be used as evidence in a court in accordance with § 10-204 of the Courts Article.

§13-401.

(a) (1) Except as otherwise provided in this section, each item of campaign material shall contain, set apart from any other message, an authority line that states:

(i) as to campaign material published, distributed, or disseminated by a campaign finance entity:

1. the name and address of the treasurer of each campaign finance entity responsible for the campaign material; and

2. as to each treasurer named under item 1 of this item, the name of each campaign finance entity for which the treasurer is acting; and

(ii) as to campaign material published, distributed, or disseminated by any other person, the name and address of the person responsible for the campaign material.

(2) The authority line may omit an address that is on file with the State Board or a local board.

(3) If the campaign material is too small to include all the information specified in paragraph (1) of this subsection in a legible manner, the authority line need only contain the information required by regulations adopted by the State Board.

(4) The authority line for campaign material that is a commercial advertisement need only contain the information specified in paragraphs (1) and (2) of this subsection for one campaign finance entity or other person responsible for the advertisement.

(b) Campaign material that is published or distributed in support of or in opposition to a candidate, but is not authorized by the candidate, shall include the following statement:

“This message has been authorized and paid for by (name of payor or any organization affiliated with the payor), (name and title of treasurer or president). This message has not been authorized or approved by any candidate.”

§13–401.1.

(a) (1) In this section the following words have the meanings indicated.

(2) “Bot” means an automated online account where all or substantially all of the actions or posts of that account are not the result of a person.

(3) “Online” means appearing on any public-facing Internet website, web application, or digital application, including a social network or publication.

(b) (1) This section applies to any candidate, campaign finance entity, person required to register under § 13–306, § 13–307, or § 13–309.2 of this title, or an agent of a candidate, campaign finance entity, or person required to register under § 13–306, § 13–307, or § 13–309.2 of this title.

(2) In addition to the requirements under §§ 13–401 and 13–403 of this subtitle, a person subject to this section that uses a bot to publish, distribute, or disseminate campaign material online to another person in the State for the purpose of influencing an election shall disclose in a clear and conspicuous manner on the campaign material that the person is using a bot to publish, distribute, or disseminate the campaign material.

(3) If a person subject to this section violates the requirement under paragraph (2) of this subsection, the State Board may seek to remove the bot.

(c) This section does not impose a duty on service providers of online platforms, including web hosting and Internet service providers.

§13–402.

(a) Subject to subsection (b) of this section, a person publishing a newspaper or periodical in the State may not charge a candidate for State or local public office a rate for political advertising that exceeds the local rate regularly charged for commercial advertising by the person publishing that newspaper or periodical.

(b) If a candidate uses an advertising or press agency to place a political advertisement, the person publishing the newspaper or periodical may charge the national rate regularly charged by that newspaper or periodical for commercial advertising.

§13–403.

(a) (1) Subject to paragraph (2) of this subsection, each campaign finance entity, each person required to register under § 13–306(b) of this title, and each person required to register under § 13–307(b) of this title that is responsible for, publisher of, and distributor of, an item of campaign material shall keep a sample copy of the item for at least 1 year after the general election next following the date when the item was published or distributed.

(2) For each item of campaign material disseminated through the Internet, the sample copy shall be:

- (i) a paper facsimile; or
- (ii) a copy on an electronic medium that can be produced as a paper facsimile on request.

(b) Subsection (a) of this section does not apply to a billboard or a sign.

§13–404.

(a) In this section, “electronic media” means any electronic medium, except television or radio, that may be used to transmit campaign material.

(b) The State Board shall adopt regulations governing the application of §§ 13–401 and 13–403 of this subtitle to campaign material transmitted through electronic media.

(c) The regulations adopted by the State Board under this section:

(1) shall define what constitutes “publication” or “distribution” of campaign material through electronic media under § 1–101(k) of this article;

(2) shall require public disclosure of the identity of persons who are responsible for transmitting campaign material through electronic media; and

(3) may modify the requirements of §§ 13–401 and 13–403 of this subtitle as they apply to electronic media to the extent necessary to accommodate a particular technology.

§13–405.

(a) (1) A person who directly or indirectly requests placement of a qualifying paid digital communication on an online platform shall expressly notify

the online platform at the time the request for placement of a qualifying paid digital communication is made that the communication is a qualifying paid digital communication.

(2) The notice required under paragraph (1) of this subsection:

(i) shall be provided using the method prescribed by the online platform; and

(ii) may not be provided through the inclusion of the authority line required under § 13-401 of this subtitle on the qualifying paid digital communication.

(3) If an online platform does not provide a method for a requester of a qualifying paid digital communication to give notice as required by paragraph (2)(i) of this subsection, the requester shall:

(i) notify the State Board that the online platform is not in compliance with paragraph (2)(i) of this subsection; and

(ii) provide the information required under subsection (b)(6) of this section to the State Board.

(b) (1) An online platform shall make available for public inspection on the Internet in a machine-readable format the records described in paragraph (6) of this subsection regarding qualifying paid digital communications disseminated through the online platform for which the online platform has received notice in accordance with subsection (a) of this section.

(2) An online platform shall allow the public to search the records described in paragraph (6) of this subsection by purchaser.

(3) Except as provided in paragraph (5) of this subsection, the records described in paragraph (6) of this subsection shall be available for public inspection on the Internet in a clearly identifiable location on the online platform's website:

(i) within 48 hours after a qualifying paid digital communication is purchased; and

(ii) for at least 1 year after the general election following the date when the online platform disseminated the qualifying paid digital communication to which the records relate.

(4) For purposes of paragraph (3) of this subsection, a person shall be considered to have purchased a qualifying paid digital communication if the person has executed a contract to purchase a qualifying paid digital communication.

(5) (i) An online platform may apply to the State Board for a compliance waiver to allow the online platform to make the records described in paragraph (6) of this subsection available for public inspection on the Internet within up to 7 days after a qualifying paid digital communication is purchased.

(ii) The State Board shall require an applicant for a compliance waiver under subparagraph (i) of this paragraph to:

1. describe why complying with the requirements under paragraph (3) of this subsection presents an unreasonable burden on the applicant; and

2. present measures the applicant will take to meet the requirements under paragraph (3) of this subsection within 6 months after the date the compliance waiver is granted.

(iii) The State Board may not grant:

1. more than one compliance waiver to an online platform; and

2. a compliance waiver to an online platform within 30 days before an election.

(iv) A compliance waiver is not effective during the 30 days immediately preceding an election.

(v) If an online platform will apply for a compliance waiver under subparagraph (i) of this paragraph, the online platform shall apply for the compliance waiver before receiving payment for a qualifying paid digital communication.

(6) For each qualifying paid digital communication a purchaser requests to disseminate through an online platform and for which the purchaser has provided notice in accordance with subsection (a) of this section, the online platform shall maintain the following records:

(i) for each qualifying paid digital communication purchased by a political committee:

1. the name of the person and any contact information for the person required by the State Board, of the political committee;

2. the treasurer of the political committee; and

3. the total amount paid by the purchaser to the online platform for the placement of the qualifying paid digital communication;

(ii) for each qualifying paid digital communication purchased by a person other than a political committee or an ad network:

1. the name of the person and any contact information for the person required by the State Board, of the person;

2. the identity of the individuals exercising direction or control over the activities of the person, including the chief executive officer or board of directors, if applicable; and

3. the total amount paid by the purchaser to the online platform for the placement of the qualifying paid digital communication; and

(iii) for each qualifying paid digital communication purchased by an ad network:

1. the contact information for the ad network; or

2. a hyperlink to the ad network's website where the contact information is located.

(c) (1) An online platform shall maintain and make available to the State Board on request the records described in paragraph (3) of this subsection regarding qualifying paid digital communications disseminated through the online platform for which the online platform has received notice in accordance with subsection (a) of this section.

(2) The records described in paragraph (3) of this subsection shall be available on the request of the State Board:

(i) within 48 hours after a qualifying paid digital communication is first disseminated on the online platform; and

(ii) for at least 1 year after the general election following the date when the online platform disseminated the qualifying paid digital communication to which the records relate.



(3) For each qualifying paid digital communication a purchaser requests to disseminate through an online platform and for which the purchaser has provided notice in accordance with subsection (a) of this section, the online platform shall maintain the following records:

(i) the candidate or ballot issue to which the qualifying paid digital communication relates and whether the qualifying paid digital communication supports or opposes that candidate or ballot issue;

(ii) the dates and times that the qualifying paid digital communication was first disseminated and last disseminated;

(iii) a digital copy of the content of the qualifying paid digital communication;

(iv) an approximate description of the geographic locations where the qualifying paid digital communication was disseminated;

(v) an approximate description of the audience that received or was targeted to receive the qualifying paid digital communication; and

(vi) the total number of impressions generated by the qualifying paid digital communication.

(4) Information obtained by the State Board under this subsection is not subject to inspection under the Public Information Act.

(d) (1) A purchaser of a qualifying paid digital communication shall provide the online platform that disseminates the qualifying paid digital communication with the information necessary for the online platform to comply with subsections (b) and (c) of this section.

(2) An online platform may rely in good faith on the information provided by a purchaser of a qualifying paid digital communication to comply with subsections (b) and (c) of this section.

(e) An online platform shall make reasonable efforts to allow the State Board to:

(1) obtain the information required under subsections (b) and (c) of this section;

(2) obtain the information that a purchaser of a qualifying paid digital communication provided to the online platform in accordance with subsection (d) of this section; and

(3) otherwise request that a purchaser of a qualifying paid digital communication comply with this section or § 13–401 of this subtitle.

(f) An online platform that disseminates qualifying paid digital communications shall make reasonable efforts, in accordance with the federal Stored Communications Act, to comply with any subpoena that is issued in connection with an investigation concerning the compliance of a purchaser of a qualifying paid digital communication with this section or § 13–401 of this subtitle.

#### §13–405.1.

(a) (1) The State Administrator may investigate a potential violation of § 13–401 or § 13–405 of this subtitle by a purchaser of a qualifying paid digital communication.

(2) In furtherance of an investigation under paragraph (1) of this subsection, the State Administrator may issue a subpoena for the attendance of a witness to testify or the production of records.

(3) A subpoena issued under this subsection shall be served in accordance with the Maryland Rules.

(4) If a person fails to comply with a subpoena issued under this subsection, on petition of the State Administrator, a circuit court of competent jurisdiction may compel compliance with the subpoena.

(b) (1) At the conclusion of an investigation under subsection (a)(1) of this section, subject to paragraph (2) of this subsection, the State Board may request that the Attorney General institute an action in a circuit court for injunctive relief in accordance with the Maryland Rules to:

(i) require a purchaser of a qualifying paid digital communication to comply with § 13–401 or § 13–405 of this subtitle; or

(ii) require an online platform to remove a qualified paid digital communication that does not comply with § 13–401 of this subtitle or if the purchaser of the communication does not comply with § 13–405 of this subtitle.

(2) Before requesting that the Attorney General seek an injunction under paragraph (1) of this subsection, the State Board shall:

(i) notify a purchaser of a qualifying paid digital communication who is the subject of an investigation of the circumstances that gave rise to the investigation; and

(ii) provide the person reasonable opportunity to be heard at a public meeting of the State Board.

(3) A circuit court may grant injunctive relief under this subsection only if the Attorney General shows by clear and convincing evidence that a violation of § 13–401 or § 13–405 of this subtitle is being committed.

(4) A person who violates an injunction issued under this subsection is subject to the penalties provided in § 13–605(b) of this title.

#### §13–405.2.

(a) In this section, “electioneering communication” has the meaning stated in § 13–307(a) of this title.

(b) A person may not purchase campaign material or an electioneering communication using any currency other than United States currency.

(c) A person may not willfully and knowingly sell campaign material or an electioneering communication to a person who uses any currency other than United States currency to pay for the campaign material or electioneering communication.

#### §13–406.

(a) In this Part II of this subtitle the following words have the meanings indicated.

(b) “Incumbent” means a member of the General Assembly.

(c) “Publication expense” means an expenditure relating to writing, publishing, printing, issuing, mailing, or distributing an unofficial legislative newsletter.

(d) “Unofficial legislative newsletter” means an unsolicited document used by an incumbent, without supervision by or coordination with the General Assembly, to disseminate information to a constituent, voter, or potential voter about:

(1) the incumbent’s performance in legislative office; or

- (2) one or more issues of public interest chosen by the incumbent.

§13–407.

Part II of this subtitle does not restrict the use by the General Assembly of any funds appropriated in the State budget.

§13–408.

- (a) Publication expenses may not be paid from public funds.

- (b) Publication expenses:

- (1) may be paid by an authorized candidate campaign committee of the incumbent if the authorized candidate campaign committee complies with all other requirements of this title regarding expenditures and campaign material; and

- (2) may not be paid from the personal funds of any individual.

§13–501.

As to contributions to the Prince George’s County Executive, a member of the Prince George’s County Council, or a candidate for either of those offices, Title 5, Subtitle 8, Part V of the General Provisions Article may apply.

§13–502.

As to contributions to the Montgomery County Executive, a member of the County Council of Montgomery County, or a candidate for either of those offices, Title 5, Subtitle 8, Part VI of the General Provisions Article may apply.

§13–503.

As to contributions to the Howard County Executive, a member of the County Council of Howard County, or a candidate for either of those offices, Title 5, Subtitle 8, Part VIII of the General Provisions Article may apply.

§13–504.

As to contributions to the County Executive of Frederick County or to a member of the Frederick County Council or a candidate for election as the County Executive of Frederick County or as a member of the Frederick County Council, Title 5, Subtitle 8, Part IX of the General Provisions Article may apply.

§13–504.1.

As to contributions to the County Executive of Anne Arundel County or to a member of the Anne Arundel County Council or a candidate for election as the County Executive of Anne Arundel County or as a member of the Anne Arundel County Council, Title 5, Subtitle 8, Part XI of the General Provisions Article may apply.

§13–505.

(a) In this section, “contested election committee” means a contested election committee established under Title 12, Subtitle 3 of this article.

(b) (1) Subject to the provisions of this section, the governing body of a county may establish, by law, a system of public campaign financing for elective offices in the executive or legislative branches of county government.

(2) A system of public financing established under paragraph (1) of this subsection may include public financing of a contested election committee.

(3) When establishing a system of public campaign financing for elective offices in the executive or legislative branches of county government, the governing body of a county shall:

(i) specify the criteria that are to be used to determine whether an individual is eligible for public campaign financing; and

(ii) provide the funding and staff necessary for the operation, administration, and auditing of the system of public campaign financing.

(c) A system of public campaign financing enacted under subsection (b) of this section:

(1) shall provide for participation of candidates in public campaign financing on a strictly voluntary basis;

(2) may not regulate candidates who choose not to participate in public campaign financing;

(3) shall prohibit the use of public campaign financing for any campaign except a campaign for county elective office;

(4) shall require a candidate who accepts public campaign financing to:

(i) establish a campaign finance entity solely for the campaign for county elective office; and

(ii) use funds from that campaign finance entity only for the campaign for county elective office;

(5) shall prohibit a candidate who accepts public campaign financing from transferring funds:

(i) to the campaign finance entity established to finance the campaign for county elective office from any other campaign finance entity established for the candidate; and

(ii) from the campaign finance entity established to finance the campaign for county elective office to any other campaign finance entity;

(6) shall provide for a public election fund for county elective offices that is administered by the chief financial officer of the county; and

(7) shall be subject to regulation and oversight by the State Board to ensure conformity with State law and policy to the extent practicable.

(d) A system of public campaign financing enacted under subsection (b) of this section may:

(1) provide for more stringent regulation of campaign finance activity by candidates who choose to accept public campaign financing, including contributions, expenditures, reporting, and campaign material, than is provided for by State law;

(2) provide for administrative penalties for violations, in accordance with § 10–202 of the Local Government Article; and

(3) allow a publicly financed candidate to transfer any amount of funds from the candidate's campaign finance entity to the candidate's contested election committee.

§13–601.

(a) A person may not willfully make a false, fraudulent, or misleading statement or entry in any campaign finance report or other filing that is under oath and is required by this article.

(b) A person may not make an electronic submission of a prescribed form, affidavit, campaign finance report, or other document on behalf of another person without that person's express consent.

(c) A person who violates this section is guilty of perjury and on conviction subject to the penalty provided under the Criminal Law Article.

§13-602.

(a) (1) A person may not directly or indirectly give, offer, or promise money, aid, a gift, an advantage, a preferment, an emolument, or any other valuable thing to another person for the purpose of inducing or procuring that person to vote or refrain from voting for or against:

(i) an individual, question, or measure at an election or political convention; or

(ii) the election of an officer by the General Assembly.

(2) A person may not directly or indirectly receive, accept, request, or solicit money, aid, a gift, an advantage, a preferment, an emolument, or any other valuable thing from another person for the purpose of inducing or procuring a third person to vote or refrain from voting for or against an individual, question, or measure at an election or political convention.

(3) A person may not vote or refrain from voting for or against an individual, question, or measure at an election or a political convention, in consideration of money, aid, a gift, an advantage, a preferment, an emolument, or any other valuable thing paid, received, accepted, or promised to the advantage of that person or of another person.

(4) (i) A person, to defray the costs of a campaign finance entity, may not directly or indirectly pay, give, or promise money or any other valuable thing to any person other than a campaign finance entity.

(ii) Subparagraph (i) of this paragraph does not apply to:

1. dues regularly paid for membership in a political club if all of the money that is spent by that political club in connection with any campaign finance activity is paid through a treasurer as provided in this title;

2. an individual volunteering the individual's time or personal vehicle in accordance with § 13-232 of this title;

3. an employer's accumulation of employee contributions in accordance with § 13-242 of this title; or

4. advertising costs or other expenses incident to the expression of personal views in accordance with § 13-102 of this title.

(5) A person may not directly or indirectly pay or promise to pay a campaign finance entity in a name other than the person's name.

(6) A responsible officer of a campaign finance entity may not knowingly receive a payment or promise of payment and enter it or cause it to be entered in an account book in a name that the responsible officer knows is not the name of the person that made the payment or the promise to pay.

(7) An employer who pays employees in envelopes may not mark on or enclose in the envelopes a political motto, device, or argument that contains express or implied threats intended to influence the political opinions or actions of those employees.

(8) During the 90 days before an election, an employer may not exhibit in the employer's workplace:

(i) a threat, a notice, or information that, on the election or defeat of a particular ticket or candidate:

1. work will cease, wholly or partly;
2. the workplace will close; or
3. employees' wages will be reduced; or

(ii) any other threat, expressed or implied, intended to influence the political opinions or actions of the employer's employees.

(9) A person may not:

(i) publish or distribute, or cause to be published or distributed, campaign material that violates § 13-401 of this title; or

(ii) publish, distribute, or disseminate, or cause to be published, distributed, or disseminated, campaign material that violates § 13-401.1 of this title.



(10) A candidate may not make a payment, contribution, or expenditure, or incur a liability to pay, contribute, or expend, from the candidate's personal funds any money or valuable thing in a manner not authorized by § 13–230 of this title.

(11) An individual may not sign the name of any other individual on any form or other document under this title, without the authority of the individual whose name is signed.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is:

(1) subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both; and

(2) ineligible to hold any public or party office for 4 years after the date of the offense.

(c) (1) The State Prosecutor may prosecute, in any jurisdiction of the State, a person that the State Prosecutor believes to be guilty of a willful violation of this section.

(2) A State's Attorney may prosecute a person that the State's Attorney believes to be guilty of a willful violation of this section in the county in which the State's Attorney serves.

§13–603.

Except as otherwise expressly provided in this subtitle, a person who knowingly and willfully violates a provision of this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$25,000 or imprisonment not exceeding 1 year or both.

§13–604.

(a) (1) A person who violates a provision of this title without knowing that the act is illegal shall pay a civil penalty in accordance with subsections (b) through (g) of this section.

(2) The penalty imposed under this section may not exceed \$5,000.

(3) An infraction described in paragraph (1) of this subsection is a civil offense.

(4) This section does not apply to a violation of another section in which a penalty is expressly provided.

(b) (1) If the State Prosecutor or the State's Attorney with jurisdiction determines that a person unintentionally, and without criminal intent, has violated a provision of this title, the State Prosecutor, the State's Attorney, or both, shall issue to the person a civil citation that contains:

- (i) the name and address of the person cited;
- (ii) the nature, time, and place of the violation;
- (iii) the manner in which the violation occurred;
- (iv) the maximum penalty for the violation;
- (v) the manner and time in which to pay the penalty;
- (vi) where to pay the penalty; and

(vii) a statement that the person receiving the citation has a right to a trial in the District Court.

(2) The prosecuting authority who issues a citation under paragraph (1) of this subsection shall file it in the District Court.

(c) The citation shall be served in accordance with the Maryland Rules.

(d) (1) On receipt of the return of service, the District Court shall schedule the case for trial and notify the person named in the citation of the trial date.

(2) The trial in the District Court shall be conducted in the same manner as set forth for municipal infractions under §§ 6–108, 6–109, and 6–111 through 6–115 of the Local Government Article.

(3) The District Court shall distribute all late fees collected to the Fair Campaign Financing Fund established under § 15–103 of this article.

(4) An adjudication of a violation under this subsection:

- (i) is not a criminal conviction; and

(ii) does not carry with it any of the civil disabilities that arise from a criminal conviction.

(e) A person who is adjudicated in violation as set forth in a citation issued under subsection (b) of this section is liable for the cost of the District Court proceedings.

(f) If a person who has been served with a citation fails to appear for trial, the court, at the request of the prosecutor, may dismiss the citation or enter a civil judgment against the person:

(1) in favor of the State Board;

(2) in accordance with the Maryland Rules; and

(3) in an amount not exceeding the maximum fine set forth in subsection (a) of this section and any late fees owed to the State Board.

(g) A civil penalty imposed under this section shall be distributed to the Fair Campaign Financing Fund established under § 15–103 of this article.

§13–604.1.

(a) In this section, “person” includes a political committee.

(b) The State Board may impose a civil penalty in accordance with this section for the following violations:

(1) making a disbursement in a manner not authorized in § 13–218(b)(2), (c), and (d) of this title;

(2) failure to maintain a campaign bank account as required in § 13–220(a) of this title;

(3) making a disbursement by a method not authorized in § 13–220(d) of this title;

(4) failure to maintain detailed and accurate account books and records as required in § 13–221 of this title;

(5) fund–raising during the General Assembly session in a manner not authorized in § 13–235 of this title;

(6) failure to report all contributions received and expenditures made as required in § 13–304(b) of this title;

(7) failure to include an authority line on campaign material as required in § 13–401 of this title;

(8) failure to retain a copy of campaign material as required in § 13–403 of this title;

(9) failure to include a disclosure on online campaign material as required in § 13–401.1(b) of this title;

(10) soliciting a recurring contribution or donation without the affirmative consent of the contributor or donor as required in § 13–244 of this title;

(11) making a monetary contribution or monetary donation using any currency other than United States currency or accepting a monetary contribution or monetary donation made using any currency other than United States currency in violation of § 13–238 of this title; and

(12) making a monetary expenditure using any currency other than United States currency in violation of § 13–250 of this title.

(c) A civil penalty imposed under this section for a violation specified in subsection (b) of this section is in addition to any other sanction provided by law.

(d) (1) Except as otherwise provided in this title or as provided in paragraph (2) of this subsection, the amount of a civil penalty imposed under this section may not exceed \$1,000 for each violation.

(2) As to a violation of § 13–235 of this title, the campaign finance entity that receives a contribution as a result of a violation shall:

(i) refund the contribution to the contributor; and

(ii) pay a civil penalty that equals \$1,000 plus the amount of the contribution, unless the State Board at its discretion assesses a lesser penalty for good cause.

(e) The civil penalty is payable to the State Board by the person charged in a citation within 20 calendar days after service of the citation.

(f) (1) Subject to paragraphs (2) and (3) of this subsection, a civil penalty imposed under this section shall be paid by the campaign finance entity.

(2) If the campaign finance entity has insufficient funds with which to pay the full amount of the civil penalty in a timely manner, after the campaign account of the finance entity is exhausted the balance of the civil penalty is the joint and several liability of the responsible officers.

(3) If a violation is committed by a person not acting on behalf of, or at the request or suggestion of, a candidate or a campaign finance entity, the civil penalty shall be paid by the person who committed the violation.

(g) The State Board may issue a citation to any person the State Board believes is committing or has committed a violation specified in subsection (b) of this section.

(h) The citation shall be served on the defendant in accordance with the Maryland Rules.

(i) The citation shall contain:

(1) the certification by the State Board attesting to the truth of the matter set forth in the citation;

(2) the name and address of the person charged;

(3) the nature, time, and place of the violation;

(4) the manner in which the violation occurred;

(5) the amount of the penalty assessed;

(6) the manner, time, and location to pay the penalty;

(7) a statement that the person receiving the citation has a right to trial in the District Court; and

(8) the effect of failing to pay the assessed fine or of failing to demand a trial within the prescribed time.

(j) (1) A person charged in a citation may elect to stand trial for the violation by notifying the State Board in writing of the person's intent to stand trial.

(2) The written notice shall be given at least 5 days before the date of payment as set forth in the citation.

(k) (1) On receipt of the written notice of intent to stand trial, the State Board shall forward to the State Prosecutor a copy of the citation and the written notice.

(2) The State Prosecutor shall forward to the District Court having venue a copy of the citation and the written notice.

(3) On receipt of the citation and the written notice:

(i) the State Prosecutor shall assume responsibility for prosecuting the violation; and

(ii) the District Court shall schedule the case for trial, notify the defendant of the trial date, and summon the defendant to appear.

(l) (1) If a person charged in a citation fails to pay the penalty by the date of payment set forth in the citation and fails to deliver to the State Board the written notice of intent to stand trial, the person is liable for the assessed penalty.

(2) The State Prosecutor, on behalf of the State Board, may double the penalty to an amount not to exceed \$2,000 and request adjudication of the case through the District Court by filing a demand for judgment on affidavit.

(m) The defendant's failure to respond to the summons of the District Court shall result in the entry of judgment against the defendant in favor of the State Board in the amount set forth in the citation if a proper demand for judgment on affidavit has been made.

(n) If a person is found by the District Court to have committed a violation:

(1) (i) the District Court shall order the person to pay the penalty set forth in the citation and may double the amount of the penalty to an amount not to exceed \$2,000;

(ii) the penalty imposed shall constitute a judgment in favor of the State Board; and

(iii) if the penalty remains unpaid for 30 days following the date of its entry, the judgment shall be enforceable in the same manner and to the same extent as other civil judgments for money unless the court has suspended or deferred payment of the penalty as provided in item (2) of this subsection;

(2) the District Court may suspend or defer the payment of any penalty under conditions that the court sets;

(3) the defendant shall be liable for the costs of the proceedings in the District Court; and

(4) the District Court may order the person to abate the violation.

(o) If a defendant fails to pay any penalty or cost imposed by the District Court without good cause, the District Court may punish the failure as contempt of court.

(p) Adjudication of a violation under this section:

(1) is not a criminal conviction; and

(2) does not impose any of the civil disabilities that arise from a criminal conviction.

(q) In a District Court proceeding relating to a violation under this section:

(1) the State Prosecutor has the burden to prove that the defendant has committed the violation by clear and convincing evidence;

(2) the District Court shall apply the evidentiary standards as provided by law or rule for the trial of civil causes;

(3) the District Court shall ensure that the defendant has received a copy of the charges against the defendant and that the defendant understands those charges;

(4) the defendant may cross-examine all witnesses who appear against the defendant, produce evidence or witnesses in the defendant's own behalf, or testify in the defendant's own behalf;

(5) the defendant shall be entitled to be represented by counsel of the defendant's own selection and at the defendant's own expense;

(6) the defendant may enter a plea of guilty or not guilty of the violation as charged; and

(7) the verdict of the District Court shall be guilty of a violation or not guilty of a violation, or the District Court may, before rendering judgment, place the defendant on probation.

(r) The State Board shall consider the following in determining the amount of a penalty under this section:

- (1) the severity of the violation for which the penalty is to be assessed;
- (2) the good faith of the violator; and
- (3) any history of prior violations.

(s) Penalties collected under this section shall be distributed to the Fair Campaign Financing Fund established under § 15–103 of this article.

§13–604.2.

(a) A candidate for election to the central committee of a political party shall pay a civil penalty of \$1,000 in accordance with subsections (b) through (f) of this section if the candidate:

- (1) is not exempt from § 13–202 of this title and fails to conduct campaign finance activity through a campaign finance entity; or
- (2) violates § 13–221(c) or § 13–305.1 of this title.

(b) (1) If the State Prosecutor or the State’s Attorney with jurisdiction determines that a candidate is required to pay a civil penalty under subsection (a) of this section, the State Prosecutor, the State’s Attorney, or both shall issue to the candidate a civil citation that contains:

- (i) the name and address of the candidate cited;
- (ii) the nature, time, and place of the violation;
- (iii) the manner in which the violation occurred;
- (iv) the penalty for the violation;
- (v) the manner and time in which to pay the penalty;
- (vi) where to pay the penalty; and
- (vii) a statement that the candidate receiving the citation has a right to a trial in the District Court.



(2) The prosecuting authority who issues a citation under paragraph (1) of this subsection shall file the citation in the District Court.

(c) The citation shall be served in accordance with the Maryland Rules.

(d) (1) On receipt of the return of service, the District Court shall schedule the case for trial and notify the candidate named in the citation of the trial date.

(2) The trial in the District Court shall be conducted in the same manner as set forth for municipal infractions under §§ 6–108, 6–109, and 6–111 through 6–115 of the Local Government Article.

(3) An adjudication of a violation under this subsection:

(i) is not a criminal conviction; and

(ii) does not carry with it any of the civil disabilities that arise from a criminal conviction.

(e) A candidate who is adjudicated in violation as set forth in a citation issued under subsection (b) of this section is liable for the cost of the District Court proceedings.

(f) If a candidate who has been served with a citation fails to appear for trial, the District Court, at the request of the prosecutor, may dismiss the citation or enter a civil judgment against the candidate:

(1) in favor of the State Board;

(2) in accordance with the Maryland Rules; and

(3) in an amount of \$1,000.

(g) Penalties collected under this section shall be distributed to the Fair Campaign Financing Fund established under § 15–103 of this article.

§13–604.3.

(a) The State Administrator or the State Administrator’s designee may investigate a potential violation of § 13–238 or § 13–250 of this title.

(b) The State Administrator or the State Administrator’s designee shall:

(1) notify a person that is subject to an investigation under this section of the circumstances that gave rise to the investigation; and

(2) provide the person ample opportunity to be heard at a public meeting of the State Board.

(c) (1) In furtherance of an investigation under this section, the State Administrator or the State Administrator's designee may issue a subpoena for the attendance of a witness to testify or the production of records.

(2) A subpoena issued under this subsection shall be served in accordance with the Maryland Rules.

(3) In order for a subpoena to be issued under this subsection, the State Administrator shall make a finding that the subpoena is necessary to and in furtherance of an investigation being conducted under this section.

(4) Any filing submitted to a court with respect to a subpoena under this subsection shall be sealed on filing.

(5) If a person fails to comply with a subpoena issued under this subsection, on petition of the State Administrator, a circuit court of competent jurisdiction may compel compliance with the subpoena.

(d) At the conclusion of the investigation and following the hearing under subsection (b)(2) of this section, the State Board shall issue a public report of its findings and may:

(1) impose a civil penalty in the amount and manner specified in § 13-604.1 of this subtitle; or

(2) refer the matter for further investigation by the State Prosecutor if the State Board has reasonable cause to believe that a person has willfully and knowingly violated § 13-238 or § 13-250 of this title.

§13-605.

(a) The Secretary of State may seek an immediate injunction against any violation of this title.

(b) A person who violates an injunction issued under this section:

(1) is in criminal contempt; and

(2) is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$250 or imprisonment not exceeding 30 days or both.

§14–101.

(a) In this title the following words have the meanings indicated.

(b) “Applicable contribution” means a contribution or donation by a person or attributed to a person to or for the benefit of a candidate for an office of a governmental entity with which the person is doing public business.

(c) “Business entity” includes a firm, corporation, trust, unincorporated association, or other organization, whether or not conducted for profit.

(d) “Candidate” includes an incumbent office holder.

(e) (1) “Contract” means an agreement in any form entered into by a governmental entity for a procurement as defined in § 11–101(n)(1) of the State Finance and Procurement Article.

(2) “Contract” does not include:

(i) a collective bargaining agreement with an employee organization;

(ii) an agreement with a contractual employee, as defined in § 1–101(d) of the State Personnel and Pensions Article;

(iii) a Medicaid, Judicare, or similar reimbursement contract for which law sets:

1. user or recipient eligibility; and

2. price payable by the State; or

(iv) a Medicaid contract with a managed care organization, as defined in § 15–101(e) of the Health – General Article as to which regulations adopted by the Department establish:

1. recipient eligibility;

2. minimum qualifications for managed care organizations; and

3. criteria for enrolling recipients in managed care organizations.

(f) (1) Subject to paragraph (2) of this subsection, “contribution” has the meaning stated in § 1–101 of this article.

(2) “Contribution” does not include:

(i) a bona fide gift by a spouse or relative within the third degree of consanguinity; or

(ii) an honorary membership in a social, service, or fraternal organization presented as a courtesy by the organization.

(g) “Director” means a member of the board of directors of a business entity.

(h) (1) “Doing public business” means making or having a single contract with a single governmental entity involving cumulative consideration of at least \$200,000.

(2) “Doing public business” does not include receiving a salary from a governmental entity.

(i) “Governmental entity” means:

(1) the State, a county, a municipal corporation, or other political subdivision of the State; and

(2) a unit of the State, a county, a municipal corporation, or other political subdivision of the State.

(j) “Make a contribution” includes to cause a contribution to be made.

(k) “Officer” means an individual who serves as a business entity’s chief executive officer, president, vice president, secretary, treasurer, chief financial officer, managing partner, managing member, or principal, or in any other formal or informal role in which the individual exercises substantial independent responsibility for managing the affairs of a business entity.

(l) (1) “Subsidiary” means a business entity that is 30% or more owned or controlled by another business entity.

(2) “Subsidiary” does not include a business entity that does not have a contract doing public business and is directly or indirectly owned or controlled by another business entity:

- (i) the securities of which are traded on a national exchange;
- (ii) for which no individual owns or controls more than 10% of the business entity; and
- (iii) that is defined under 12 U.S.C. § 1841(a).

§14–102.

For purposes of this title, words and phrases defined under § 1-101 of this article shall be deemed, as the case may be, to include or apply to an individual who seeks or holds elective office in a municipal corporation and a campaign fundraising entity for that individual.

§14–103.

A contribution to a campaign finance entity of a candidate shall be deemed to be a contribution to the candidate for the purposes of this title.

§14–104.

(a) A person doing public business shall file a statement with the State Board as provided in this section.

(b) (1) When a contract is awarded that causes a person to be doing public business, an initial statement shall be filed at that time, covering the preceding 24 months.

(2) (i) A person who files an initial statement under paragraph (1) of this subsection, a person who was doing public business on December 31, 2014, or a person who has obtained approval from the State Board under subsection (c)(2) of this section, shall file a semi-annual statement in accordance with this paragraph for each reporting period specified in subparagraph (ii) of this paragraph if performance remains uncompleted on the contract that caused the person to be doing public business.

(ii) 1. The statements required by subparagraph (i) of this paragraph shall cover 6-month reporting periods ending on April 30 or October 31.

2. A statement required by subparagraph (i) of this paragraph shall be filed on or before the last day of the month immediately following the day on which the reporting period ends.

(c) (1) The statement required by this section shall be made under oath and, except as provided in paragraph (2) or (3) of this subsection, shall contain:

(i) the name of each candidate, if any, to whom one or more applicable contributions in a cumulative amount of \$500 or more were made during the reporting period;

(ii) the office sought by each candidate named in item (i) of this paragraph;

(iii) the amount of aggregate contributions made to each candidate named in item (i) of this paragraph;

(iv) the name of each unit of a governmental entity with which the person did public business during the reporting period;

(v) the nature and amount of public business done with each unit of a governmental entity; and

(vi) if the public business was done or the contribution was made by another person but is attributed to the person filing the statement, the name of the person who did the public business or made the contribution and the relationship of that person to the person filing the statement.

(2) (i) The information required by paragraph (1)(iv) and (v) of this subsection may be omitted on the written approval of the State Board if the State Board finds that:

1. requiring the information would be unduly burdensome;

2. the public interest would not be impaired substantially by the omission of this information; and

3. the person filing the statement stipulates that the person has done public business during the reporting period.

(ii) A person who has obtained approval from the State Board under this paragraph:

1. is not required to file an initial statement under subsection (b)(1) of this section;

2. shall file the statements required under subsection (b)(2) of this section if performance remains uncompleted on any contract that causes the person to be doing public business; and

3. shall include in each statement the information required under paragraph (1)(i), (ii), (iii), and (vi) of this subsection for all contributions by the person or attributed to the person in a cumulative amount of \$500 or more to or for the benefit of a candidate for an office of any governmental entity.

(3) If a person doing public business did not make applicable contributions in a cumulative amount of \$500 or more to a candidate during the reporting period, the statement filed by the person under this section is required to contain only the following:

(i) the name of each unit of a governmental entity with which the person did public business during the reporting period, unless the person has obtained approval from the State Board under paragraph (2) of this subsection to omit this information; and

(ii) a stipulation that the person did not make applicable contributions in a cumulative amount of \$500 or more to a candidate during the reporting period.

(d) The State Board shall retain each statement filed under this title as a public record for at least 2 years after its receipt and shall make the statement publicly available on the Internet.

(e) A person shall file a statement required under this section in an electronic format required by the State Board.

§14–105.

(a) Except as provided in subsection (f) of this section, an applicable contribution made by an officer, director, or partner of a business entity doing public business shall be attributed to the business entity.

(b) Except as provided in subsection (f) of this section, each officer, director, or partner of a business entity doing public business who makes an applicable contribution shall report the applicable contribution to the chief executive officer of the business entity.

(c) An applicable contribution by an officer, director, partner, employee, agent, or other person made at the suggestion or direction of a business entity doing public business shall be attributed to the business entity.

(d) Each officer, director, partner, employee, agent, or other person who, at the suggestion or direction of a business entity doing public business, makes an applicable contribution shall report the applicable contribution to the chief executive officer of the business entity.

(e) (1) Business done with a governmental entity by a subsidiary of a business entity shall be attributed to the business entity.

(2) Applicable contributions made by or attributed to a subsidiary shall be attributed to the business entity.

(f) (1) In this subsection:

(i) “officer” means an individual who serves as an organization’s president or chairman, vice-president or vice-chairman, secretary, treasurer, or executive director, or any individual exercising duties comparable to those typically exercised by an individual holding one of those titles in a nonprofit organization; and

(ii) “officer” does not include an individual holding a title but not exercising substantial independent responsibility on behalf of the organization similar to the responsibility typically exercised by an individual holding one of the titles under item (i) of this paragraph.

(2) Subject to paragraph (3) of this subsection, an applicable contribution made by an individual who serves as a trustee or member of the board of directors or as an officer of a nonprofit organization doing public business is not attributable to the organization, and the individual is not required to report the applicable contribution to the chief executive officer of the organization.

(3) This subsection does not apply if:

(i) the applicable contribution is made on the recommendation of the nonprofit organization; or

(ii) the individual described in paragraph (2) of this subsection is paid by the nonprofit organization.



(g) (1) A person doing public business shall maintain detailed and accurate records of:

(i) contracts made by the person or attributed to the person that cause the person to be doing public business; and

(ii) applicable contributions made by the person or attributed to the person.

(2) Records required to be kept under this subsection shall be preserved until the earlier of:

(i) 10 years after the creation of the record; or

(ii) 4 years after performance is completed on the contract that caused the person to be doing public business.

§14–106.

If a contract involves consideration to be paid over multiple reporting periods, the total ascertainable consideration to be paid under the contract shall be attributable to the date when the contract is made.

§14–107.

(a) (1) A governmental entity that has awarded a person a contract that causes the person to be doing public business shall:

(i) require the person to certify that the person has filed the statement required under § 14–104(b)(1) of this title; and

(ii) provide the State Board with the person's name, address, and any other contact information required by the State Board.

(2) (i) A governmental entity may comply with paragraph (1)(ii) of this subsection by sending to the State Board a quarterly report on a form provided by the State Board.

(ii) A quarterly report sent under subparagraph (i) of this paragraph shall:

1. include the required information for any person that was awarded a contract that caused the person to be doing public business with the governmental entity during the preceding calendar quarter; and

2. be submitted to the State Board no later than 10 business days after the close of each calendar quarter.

(b) (1) If a person files a statement under § 14–104 of this title that does not include all the information required, the State Board shall notify the person in writing of the particular deficiencies.

(2) Within 30 days after service of the notice under paragraph (1) of this subsection, the person shall file an amended statement that includes all the information required.

(c) (1) As provided in this subsection, the State Board may impose fees for late filing of:

(i) a statement required under § 14–104 of this title; or

(ii) an amended statement required under subsection (b) of this section.

(2) The State Board may impose late filing fees in the same amounts and in the same manner as provided under §§ 13–331, 13–335, and 13–337 of this article for late filing of campaign finance reports.

(3) Late filing fees imposed under this subsection shall be distributed to the Fair Campaign Financing Fund established under § 15–103 of this article.

§14–108.

(a) (1) A person who violates a provision of this title without knowing that the act is illegal shall pay a civil penalty in accordance with subsections (b) through (g) of this section.

(2) A penalty imposed under this section may not exceed \$5,000.

(3) An infraction described in paragraph (1) of this subsection is a civil offense.

(b) (1) If the State Prosecutor determines that a person unintentionally, and without criminal intent, has violated a provision of this title, the State Prosecutor shall issue to the person a civil citation that contains:

(i) the name and address of the person cited;

- (ii) the nature, time, and place of the violation;
- (iii) the manner in which the violation occurred;
- (iv) the maximum penalty for the violation;
- (v) the manner and time in which to pay the penalty;
- (vi) where to pay the penalty; and
- (vii) a statement that the person receiving the citation has a right to a trial in the District Court.

(2) The State Prosecutor shall file the citation in the District Court.

(c) The citation shall be served in accordance with the Maryland Rules.

(d) (1) On receipt of the return of service, the District Court shall schedule the case for trial and notify the person named in the citation of the trial date.

(2) The trial in the District Court shall be conducted in the same manner as set forth for municipal infractions under §§ 6–108, 6–109, and 6–111 through 6–115 of the Local Government Article.

(3) The District Court shall distribute all late fees collected to the Fair Campaign Financing Fund established under § 15–103 of this article.

(4) An adjudication of a violation under this subsection:

- (i) is not a criminal conviction; and
- (ii) does not carry with it any of the civil disabilities that arise from a criminal conviction.

(e) A person who is adjudicated in violation as set forth in a citation issued under subsection (b) of this section is liable for the cost of the District Court proceedings.

(f) If a person who has been served with a citation fails to appear for trial, the District Court, at the request of the State Prosecutor, may dismiss the citation or enter a civil judgment against the person:

- (1) in favor of the State Board;

(2) in accordance with the Maryland Rules; and

(3) in an amount not exceeding the maximum fine set forth in subsection (a) of this section and any late fees owed to the State Board.

(g) A civil penalty imposed under this section shall be distributed to the Fair Campaign Financing Fund established under § 15–103 of this article.

§14–109.

(a) A person who knowingly and willfully violates this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$25,000 or imprisonment not exceeding 1 year or both.

(b) An officer or a partner of a business entity who knowingly authorizes or participates in a violation of this title by the business entity is subject to the penalty provided in subsection (a) of this section.

(c) (1) A person may not willfully make a false, fraudulent, or misleading statement or entry in any filing that is under oath and is required by this title.

(2) A person may not make an electronic submission of a statement required under § 14–104 of this title or any other document required by this title on behalf of another person without that person's express consent.

(3) A person who violates this subsection is guilty of perjury and on conviction is subject to the penalty provided under the Criminal Law Article.

§14–110.

(a) The State Board may impose a civil penalty in accordance with this section for the following violations:

(1) failure to report all applicable contributions made as required under § 14–104 of this title; and

(2) failure to maintain detailed and accurate records and reports as required in § 14–105 of this title.

(b) A civil penalty imposed under this section for a violation specified in subsection (a) of this section is in addition to any other sanction provided by law.

(c) Except as otherwise provided in this title, the amount of a civil penalty imposed under this section may not exceed the maximum amount provided under § 13–331 of this article for late filing of campaign finance reports.

(d) A civil penalty is payable to the State Board by the person charged in a citation within 20 calendar days after service of the citation.

(e) The State Board may issue a citation to any person the State Board believes is committing or has committed a violation specified in subsection (a) of this section.

(f) The citation shall be served on the defendant in accordance with the Maryland Rules.

(g) The citation shall contain:

(1) the certification by the State Board attesting to the truth of the matter set forth in the citation;

(2) the name and address of the person charged;

(3) the nature, time, and place of the violation;

(4) the manner in which the violation occurred;

(5) the amount of the penalty assessed;

(6) the manner, time, and location to pay the penalty;

(7) a statement that the person receiving the citation has a right to trial in the District Court; and

(8) the effect of failing to pay the assessed fine or of failing to demand a trial within the prescribed time.

(h) (1) A person charged in a citation may elect to stand trial for the violation by notifying the State Board in writing of the person's intent to stand trial.

(2) The written notice shall be given at least 5 days before the date of payment as set forth in the citation.

(i) (1) On receipt of the written notice of intent to stand trial, the State Board shall forward to the State Prosecutor a copy of the citation and the written notice.

(2) The State Prosecutor shall forward to the District Court having venue a copy of the citation and the written notice.

(3) On receipt of the citation and the written notice:

(i) the State Prosecutor shall assume responsibility for prosecuting the violation; and

(ii) the District Court shall schedule the case for trial, notify the defendant of the trial date, and summon the defendant to appear.

(j) (1) If a person charged in a citation fails to pay the penalty by the date of payment set forth in the citation and fails to deliver to the State Board the written notice of intent to stand trial, the person is liable for the assessed penalty.

(2) The State Prosecutor, on behalf of the State Board, may double the penalty to an amount not to exceed \$2,000 and request adjudication of the case through the District Court by filing a demand for judgment on affidavit.

(k) The defendant's failure to respond to the summons of the District Court shall result in the entry of judgment against the defendant in favor of the State Board in the amount set forth in the citation if a proper demand for judgment on affidavit has been made.

(l) If a person is found by the District Court to have committed a violation:

(1) (i) the District Court shall order the person to pay the penalty set forth in the citation and may double the amount of the penalty to an amount not to exceed \$2,000;

(ii) the penalty imposed shall constitute a judgment in favor of the State Board; and

(iii) if the penalty remains unpaid for 30 days following the date of its entry, the judgment shall be enforceable in the same manner and to the same extent as other civil judgments for money unless the court has suspended or deferred payment of the penalty as provided in item (2) of this subsection;

(2) the District Court may suspend or defer the payment of any penalty under conditions that the court sets;

(3) the defendant shall be liable for the costs of the proceedings in the District Court; and

(4) the District Court may order the person to abate the violation.

(m) If a defendant fails to pay any penalty or cost imposed by the District Court without good cause, the District Court may punish the failure as contempt of court.

(n) Adjudication of a violation under this section:

(1) is not a criminal conviction; and

(2) does not impose any of the civil disabilities that arise from a criminal conviction.

(o) In a District Court proceeding relating to a violation under this section:

(1) the State Prosecutor has the burden to prove that the defendant has committed the violation by clear and convincing evidence;

(2) the District Court shall apply the evidentiary standards as provided by law or rule for the trial of civil causes;

(3) the District Court shall ensure that the defendant has received a copy of the charges against the defendant and that the defendant understands those charges;

(4) the defendant may cross-examine all witnesses who appear against the defendant, produce evidence or witnesses in the defendant's own behalf, or testify in the defendant's own behalf;

(5) the defendant shall be entitled to be represented by counsel of the defendant's own selection and at the defendant's own expense;

(6) the defendant may enter a plea of guilty or not guilty of the violation as charged; and

(7) the verdict of the District Court shall be guilty of a violation or not guilty of a violation, or the District Court may, before rendering judgment, place the defendant on probation.

(p) The State Board shall consider the following in determining the amount of a penalty under this section:

(1) the severity of the violation for which the penalty is to be assessed;

(2) the good faith of the violator; and

(3) any history of prior violations.

(q) Penalties collected under this section shall be distributed to the Fair Campaign Financing Fund established under § 15–103 of this article.

§14–111.

This title shall be liberally construed to require full disclosure.

§14–112.

The State Board may adopt regulations to implement this title.

§15–101.

The General Assembly recognizes that our system of representative government depends in part on guaranteeing that election campaigns are funded by and for the people and on eliminating the corrupting and undemocratic effects of large private contributions. Accordingly, the General Assembly finds and declares that an equitable means of public campaign financing is necessary in these times in order for representative democracy to continue to function effectively.

§15–102.

(a) In this title the following words have the meanings indicated.

(b) “Comptroller” means the Comptroller of the State.

(c) “Contribution card” means a document signed, including by electronic signature, by a donor attesting that the contribution made to a campaign is made with the personal funds of the donor.

(d) “Eligible gubernatorial ticket” means a gubernatorial ticket that qualifies to receive a public contribution.

(e) “Eligible private contribution” means a monetary private contribution from an individual who is a resident of the State that does not exceed \$250 in the aggregate for the election cycle and is accompanied by a contribution card.



(f) “Fund” means the “Fair Campaign Financing Fund”.

(g) “Gubernatorial ticket” means a Governor–Lieutenant Governor unit.

(h) “Private contribution” means a contribution or series of contributions from an individual that does not exceed \$250 in the aggregate for the election cycle in which the contribution is made.

(i) “Public contribution” means money distributed from the Fund to a gubernatorial ticket under this title.

§15–103.

(a) There is a Fair Campaign Financing Fund.

(b) The Comptroller shall administer the Fund in accordance with this section.

(c) In accordance with this title, the Comptroller shall:

(1) credit to the Fund:

(i) all money collected or appropriated under this title;

(ii) voluntary contributions to the Fund made electronically through the State Board’s website;

(iii) fees, fines, and penalties assessed under this article or the General Provisions Article that are expressly allocated to the Fund by law;

(iv) an anonymous contribution paid to the Fund under § 13–239 of this article;

(v) an illegal contribution paid to the Fund under § 13–239.1 of this article;

(vi) surplus campaign funds paid to the Fund under § 13–247 of this article; and

(vii) contributions to the Fund made through the checkoff on the individual income tax return established under § 2–113.1 of the Tax – General Article;

(2) subject to the usual investing procedures for State funds, invest the money in the Fund; and

(3) make distributions from the Fund promptly on authorization by the State Board.

(d) The Comptroller shall distribute public contributions:

(1) only on authorization of the State Board; and

(2) as to each eligible gubernatorial ticket, to the campaign account of a single campaign finance entity established under Title 13, Subtitle 2 of this article to receive public contributions.

(e) The Comptroller shall submit a statement of the Fund's balance to the State Board each month.

(f) (1) On or before June 30 of the third year immediately preceding a year of a gubernatorial election, the State Board shall determine whether the balance of the Fund is sufficient to provide for a full contribution for:

(i) in a primary election, two gubernatorial tickets; and

(ii) in a general election, one gubernatorial ticket.

(2) If the balance of the Fund is determined to be insufficient to provide the public contributions described under paragraph (1) of this subsection:

(i) on or before August 1 of the third year immediately preceding a year of a gubernatorial election, the State Board shall send a notice to the Governor of the amount of money needed to provide the public contributions described under paragraph (1) of this subsection; and

(ii) the Governor shall include in the annual budget bill for the appropriate fiscal year an appropriation in an amount equal to the amount submitted to the Governor under item (i) of this paragraph.

(3) For fiscal year 2023, the Governor shall include in the annual budget bill an appropriation of at least \$4,000,000 to the Fund.

(g) To pay costs directly related to the administration of this title, the State Board may expend in each fiscal year an amount of money in the Fund that does not exceed the lesser of:

(1) 3% of the Fund's balance, as calculated on the last day of the immediately preceding fiscal year; or

(2) \$100,000.

§15–104.

(a) Before receiving a private contribution, a gubernatorial ticket shall:

(1) on or before the deadline to file a certificate of candidacy under § 13–303 of this article, file with the State Board a notice of intent to participate as a publicly financed candidate for both the primary and general elections; and

(2) establish a campaign finance entity for complying with the requirements of this title.

(b) (1) A campaign finance entity established under subsection (a)(2) of this section may accept only:

(i) a private contribution;

(ii) an eligible private contribution;

(iii) a public contribution; and

(iv) subject to paragraph (2) of this subsection, a contribution or loan from a member of a gubernatorial ticket or the spouse of a member of the gubernatorial ticket.

(2) A member of a gubernatorial ticket or the spouse of a member of a gubernatorial ticket may not make a contribution of or lend a combined total of more than \$50,000 to the campaign of the gubernatorial ticket.

(c) To qualify as an eligible gubernatorial ticket, a gubernatorial ticket shall collect within the qualifying period at least:

(1) 1,500 eligible private contributions; and

(2) an aggregate total of \$120,000.

§15–105.

(a) For principal political party candidates, the qualifying period is from the first day of the election cycle for a gubernatorial election until the first Monday in May, inclusive, of the election year.

(b) For all other participating candidates, the qualifying period to qualify for only the general election is from the first day of the election cycle for a gubernatorial election until the first Monday in August, inclusive, of the election year.

§15–106.

(a) After filing a notice of intent to qualify for a public contribution under this title, a gubernatorial ticket or a person acting on behalf of the gubernatorial ticket may not, for the benefit of any political committee or any person required to register with the State Board under § 13–306 or § 13–307 of this article or for a participating organization organized under § 13–309.2 of this article:

(1) solicit contributions, including the authorized use of the names or images of the gubernatorial ticket in the solicitation; or

(2) operate in coordination with any entity for fundraising activities.

(b) After filing a notice of intent to qualify for a public contribution under this title, the members of a gubernatorial ticket may not be a member of a slate that does not receive a public contribution.

(c) Until a final campaign finance report is filed with the State Board and any remaining funds of the public contribution distributed to a gubernatorial ticket are repaid to the Comptroller for redeposit in the Fund in accordance with § 15–109 of this title, any authorized candidate campaign committee organized under Title 13 of this article on behalf of the members of a gubernatorial ticket may not engage in campaign finance activity.

§15–107.

(a) (1) In accordance with subsection (c) of this section and regulations adopted by the State Board, the State Board shall authorize distribution of money in the Fund on a continuing basis on certification that the qualifications under § 15–104 of this title have been met.

(2) Distributions shall begin not earlier than January 1 of the year of the election.

(b) If the State Board determines that there is not, or may not be, sufficient money in the Fund to provide a full public contribution to all eligible gubernatorial

tickets, the State Board shall allocate the available money so that each eligible gubernatorial ticket in that election receives a proportionate share of the full public contribution to which the gubernatorial ticket otherwise would be entitled.

(c) (1) The State Board shall authorize distribution of the money that is designated for distribution as provided in this subsection.

(2) The State Board shall distribute a public contribution from the Fund to each gubernatorial ticket during the distribution period in matching dollars equal to:

(i) \$8 for each dollar of an eligible private contribution received for the first \$50 of each eligible private contribution;

(ii) \$6 for each dollar of an eligible private contribution received for the second \$50 of each eligible private contribution;

(iii) \$2 for each dollar of an eligible private contribution received for the third \$50 of each eligible private contribution; and

(iv) \$0 for each dollar of an eligible private contribution received for the remaining \$100 of each eligible private contribution.

(3) The total public contribution payable to a gubernatorial ticket for either a primary or general election may not exceed \$3,000,000.

(4) The State Board may not distribute matching dollars from the Fund to a gubernatorial ticket for:

(i) a contribution or loans from the gubernatorial ticket or the spouse of a member of the gubernatorial ticket; or

(ii) an in-kind contribution of property, goods, or services.

(5) A gubernatorial ticket that is unopposed in a primary election shall receive one-third of the public contribution amount the gubernatorial ticket would otherwise be entitled to receive.

§15–108.

(a) A gubernatorial ticket may withdraw from participation as a publicly funded candidate at any time before a public contribution is received by the gubernatorial ticket's campaign finance entity.

(b) If a public contribution has been received by an eligible gubernatorial ticket's campaign finance entity, the eligible candidate may withdraw from participating if the gubernatorial ticket:

(1) files a statement of withdrawal on a form prescribed by the State Board; and

(2) repays to the Fund the full amount of any public contribution received, with interest established in regulation by the State Board.

§15–109.

(a) A public contribution may be spent only:

(1) in accordance with § 13–218 of this article;

(2) to further the gubernatorial ticket's nomination or election;

(3) for expenses incurred not later than 45 days after the election for which the public contribution was made;

(4) for purposes that do not violate State law; and

(5) for an expenditure that is accompanied by a receipt.

(b) An eligible gubernatorial ticket may not make:

(1) a transfer; or

(2) an expenditure relating to fundraising activity by any other political committee organized under this article.

(c) (1) Any part of a public contribution that is not spent shall be repaid to the Comptroller for redeposit in the Fund not later than 90 days after the election for which the public contribution was made.

(2) In computing whether part of a public contribution is not spent, all private contributions to the gubernatorial ticket shall be treated as spent before the expenditure of any of the public contribution.

(d) The members of a gubernatorial ticket and the responsible officers of the campaign finance entity that received a public contribution are jointly and severally personally liable civilly and criminally for repaying to the Comptroller any part of a

public contribution that is not spent or that was spent in violation of subsection (a) of this section.

§15–110.

(a) Except as provided in subsection (b) of this section, any balance in the Fund after a gubernatorial election shall remain in the Fund for the purposes of this title.

(b) If general funds are appropriated to the Fund under § 15–103(f)(2) of this title, the State Board shall authorize repayment to the General Fund of the State of the amount that exceeds the amount necessary to provide for a full contribution for eligible candidates described under § 15–103(f)(1) of this title.

§15–111.

(a) (1) Subject to § 15–103 of this title, the State Board shall administer this title.

(2) The State Board may request the assistance of the Comptroller to administer this title.

(b) (1) The State Board shall adopt comprehensive regulations to implement this title.

(2) The regulations shall include provisions relating to:

(i) the deadline for a gubernatorial ticket to submit a request for a public contribution;

(ii) the dates when the State Board will authorize, and the Comptroller will make, distributions of public contributions to gubernatorial tickets in accordance with this title;

(iii) a proportionate distribution when there is not, or may not be, sufficient money in the Fund;

(iv) thresholds for in-kind contributions that are not considered contributions or expenditures for the purposes of this title;

(v) distributions to a write-in gubernatorial ticket; and

(vi) the purposes for which a public contribution may not be used.

§15–112.

A person who violates this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$5,000 or imprisonment not exceeding 1 year or both for each violation.

§15–113.

(a) In this section, “person” includes a political committee.

(b) (1) This subsection applies only to violations committed, as applicable, by:

(i) the eligible gubernatorial ticket;

(ii) the eligible gubernatorial ticket’s campaign finance entity;

(iii) the chairman of the eligible gubernatorial ticket’s campaign finance entity;

(iv) the treasurer of the eligible gubernatorial ticket’s campaign finance entity; or

(v) a person acting on behalf of a person listed in item (i), (ii), (iii), or (iv) of this paragraph.

(2) The State Board may impose a civil penalty in accordance with this section for the following violations:

(i) making a disbursement in a manner not authorized under § 13–218(b)(2), (c), and (d) of this article;

(ii) failure to maintain a campaign bank account as required under § 13–220(a) of this article;

(iii) making a disbursement by a method not authorized under § 13–220(d) of this article;

(iv) failure to maintain detailed and accurate account books and records as required under § 13–221 of this article;

(v) fund–raising during the General Assembly session in a manner not authorized in § 13–235 of this article;



(vi) failure to report all contributions received and expenditures made as required in § 13–304(b) of this article;

(vii) failure to include an authority line on campaign material as required in § 13–401 of this article; or

(viii) failure to retain a copy of campaign material as required in § 13–403 of this article.

(c) A civil penalty imposed under this section for a violation specified in subsection (b) of this section is in addition to any other sanction provided by law.

(d) (1) Except as otherwise provided in this title or as provided in paragraph (2) of this subsection, the amount of a civil penalty imposed under this section may not exceed \$1,000 for each violation.

(2) As to a violation of § 13–235 of this article, the campaign finance entity that receives a contribution as a result of a violation shall:

(i) refund the contribution to the contributor; and

(ii) pay a civil penalty that equals \$1,000 plus the amount of the contribution, unless the State Board at its discretion assesses a lesser penalty for good cause.

(e) The civil penalty is payable to the State Board by the person charged in a citation within 20 calendar days after service of the citation.

(f) (1) Subject to paragraphs (2) and (3) of this subsection, a civil penalty imposed under this section shall be paid by the campaign finance entity.

(2) If the campaign finance entity has insufficient funds with which to pay the full amount of the civil penalty in a timely manner, after the campaign account of the finance entity is exhausted the balance of the civil penalty is the joint and several liability of the responsible officers.

(3) If a violation is committed by a person not acting on behalf of, or at the request or suggestion of, a candidate or a campaign finance entity, the civil penalty shall be paid by the person who committed the violation.

(g) The State Board may issue a citation to any person the State Board believes is committing or has committed a violation specified in subsection (b) of this section.

(h) The citation shall be served on the defendant in accordance with the Maryland Rules.

(i) The citation shall contain:

(1) the certification by the State Board attesting to the truth of the matter set forth in the citation;

(2) the name and address of the person charged;

(3) the nature, time, and place of the violation;

(4) the manner in which the violation occurred;

(5) the amount of the penalty assessed;

(6) the manner, time, and location to pay the penalty;

(7) a statement that the person receiving the citation has a right to trial in the District Court; and

(8) the effect of failing to pay the assessed fine or of failing to demand a trial within the prescribed time.

(j) (1) A person charged in a citation may elect to stand trial for the violation by notifying the State Board in writing of the person's intent to stand trial.

(2) The written notice shall be given at least 5 days before the date of payment as set forth in the citation.

(k) (1) On receipt of the written notice of intent to stand trial, the State Board shall forward to the State Prosecutor a copy of the citation and the written notice.

(2) The State Prosecutor shall forward to the District Court having venue a copy of the citation and the written notice.

(3) On receipt of the citation and the written notice:

(i) the State Prosecutor shall assume responsibility for prosecuting the violation; and

(ii) the District Court shall schedule the case for trial, notify the defendant of the trial date, and summon the defendant to appear.

(l) (1) If a person charged in a citation fails to pay the penalty by the date of payment set forth in the citation and fails to deliver to the State Board the written notice of intent to stand trial, the person is liable for the assessed penalty.

(2) The State Prosecutor, on behalf of the State Board, may double the penalty to an amount not to exceed \$2,000 and request adjudication of the case through the District Court by filing a demand for judgment on affidavit.

(m) The defendant's failure to respond to the summons of the District Court shall result in the entry of judgment against the defendant in favor of the State Board in the amount set forth in the citation if a proper demand for judgment on affidavit has been made.

(n) If a person is found by the District Court to have committed a violation:

(1) (i) the District Court shall order the person to pay the penalty set forth in the citation and may double the amount of the penalty to an amount not to exceed \$2,000;

(ii) the penalty imposed shall constitute a judgment in favor of the State Board; and

(iii) if the penalty remains unpaid for 30 days following the date of its entry, the judgment shall be enforceable in the same manner and to the same extent as other civil judgments for money unless the court has suspended or deferred payment of the penalty as provided in item (2) of this subsection;

(2) the District Court may suspend or defer the payment of any penalty under conditions that the court sets;

(3) the defendant shall be liable for the costs of the proceedings in the District Court; and

(4) the District Court may order the person to abate the violation.

(o) If a defendant fails to pay any penalty or cost imposed by the District Court without good cause, the District Court may punish the failure as contempt of court.

(p) Adjudication of a violation under this section:

(1) is not a criminal conviction; and

(2) does not impose any of the civil disabilities that arise from a criminal conviction.

(q) In a District Court proceeding relating to a violation under this section:

(1) the State Prosecutor has the burden to prove that the defendant has committed the violation by clear and convincing evidence;

(2) the District Court shall apply the evidentiary standards as provided by law or rule for the trial of civil causes;

(3) the District Court shall ensure that the defendant has received a copy of the charges against the defendant and that the defendant understands those charges;

(4) the defendant may cross-examine all witnesses who appear against the defendant, produce evidence or witnesses in the defendant's own behalf, or testify in the defendant's own behalf;

(5) the defendant shall be entitled to be represented by counsel of the defendant's own selection and at the defendant's own expense;

(6) the defendant may enter a plea of guilty or not guilty of the violation as charged; and

(7) the verdict of the District Court shall be guilty of a violation or not guilty of a violation, or the District Court may, before rendering judgment, place the defendant on probation.

(r) The State Board shall consider the following in determining the amount of a penalty under this section:

(1) the severity of the violation for which the penalty is to be assessed;

(2) the good faith of the violator; and

(3) any history of prior violations.

(s) Penalties collected under this section shall be distributed to the Fair Campaign Financing Fund established under § 15-103 of this title.

§15–114.

This title is the Public Financing Act.

§16–101.

(a) A person may not willfully and knowingly:

(1) impersonate a voter or other person in order to register or attempt to register in the name of the voter or other person;

(2) register to vote more than once;

(3) falsify residence in an attempt to register in the wrong location;

(4) secure registration through any unlawful means;

(5) cause by unlawful means the name of a qualified voter to be stricken from the statewide voter registration list;

(6) prevent, hinder, or delay a person having a lawful right to register from registering, through the use of force, threat, menace, intimidation, bribery, reward, or offer of reward;

(7) falsify any name on a registration;

(8) misrepresent any fact relating to registration; or

(9) induce or attempt to induce a person to violate any prohibition in items (1) through (8) of this subsection.

(b) A person acting under color of law may not discriminate against an individual based on the individual's declination to register to vote or voter registration information.

(c) A person who violates this section is guilty of a misdemeanor and subject to a fine of not more than \$1,000 or imprisonment for not more than 5 years or both.

(d) A person who violates this section is subject to § 5–106(b) of the Courts Article.

(e) A person who unintentionally becomes registered to vote under § 3–203 of this article:

(1) shall be considered to have become registered to vote based on information provided to the State Board by an automatic voter registration agency; and

(2) may not be considered to have violated this section because of the unintended registration.

§16–201.

(a) A person may not willfully and knowingly:

(1) (i) impersonate another person in order to vote or attempt to vote; or

(ii) vote or attempt to vote under a false name;

(2) vote more than once for a candidate for the same office or for the same ballot question;

(3) vote or attempt to vote more than once in the same election, or vote in more than one election district or precinct;

(4) vote in an election district or precinct without the legal authority to vote in that election district or precinct;

(5) influence or attempt to influence a voter's voting decision through the use of force, threat, menace, intimidation, bribery, reward, or offer of reward;

(6) influence or attempt to influence a voter's decision, through the use of force, fraud, threat, menace, intimidation, bribery, reward, or offer of reward, whether to:

(i) go to the polls to cast a vote; or

(ii) vote by other lawful means; or

(7) engage in conduct that results or has the intent to result in the denial or abridgement of the right of any citizen of the United States to vote on account of race, color, or disability.

(b) Except as provided in § 16–1002 of this title, a person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine of not more than \$5,000 or imprisonment for not more than 5 years or both.

(c) A person who violates this section is subject to § 5–106(b) of the Courts Article.

§16–202.

(a) A person who has been convicted of a felony and is currently serving a court-ordered sentence of imprisonment for the conviction, and has been rendered ineligible to vote pursuant to § 3–102(b) of this article, may not vote or attempt to vote during the time that the person is rendered ineligible to vote.

(b) A person who violates this section is guilty of a felony and is subject to imprisonment for not less than 1 year nor more than 5 years.

§16–203.

(a) A person may not willfully disobey the lawful command of an election official at a polling place on election day.

(b) A person who violates this section shall be guilty of a misdemeanor and shall be subject to a fine of not less than \$10 nor more than \$250 or imprisonment for not less than 30 days nor more than 6 months or both.

§16–204.

(a) A person may not hinder or impede the conduct of official electoral activities by:

- (1) breach of the peace;
- (2) disorder; or
- (3) violence or threat of violence.

(b) A person who violates this section shall be guilty of a misdemeanor and shall be subject to imprisonment for not less than 30 days nor more than 1 year or by a fine of not less than \$50 nor more than \$1,000 or both.

§16–205.

(a) (1) A person may not interfere with an election official in the performance of the official duties of the election official.

(2) A person may not interfere with an individual lawfully present at a polling place or at the canvass of votes.

(b) A person who violates this section is guilty of a misdemeanor and is subject to a fine of not less than \$50 nor more than \$1,000 or imprisonment for not less than 3 months nor more than 1 year or both.

§16–206.

(a) A person may not:

(1) place any distinguishing mark on the person's own or another person's ballot for the purpose of identifying the ballot;

(2) misrepresent the person's ability to mark a ballot or operate voting equipment;

(3) interfere or attempt to interfere with a voter while the voter is inside the polling room, marking a ballot, or operating voting equipment;

(4) induce or attempt to induce a voter to mark the voter's ballot in a certain way;

(5) except for servicing by an authorized person, unlock any locked compartment of a voting device unless instructed to do so by the election director;

(6) destroy or deface a ballot;

(7) remove a ballot from a building in which voting occurs, except as otherwise provided in this article;

(8) delay the delivery of a ballot;

(9) possess on or before the day of election an official ballot printed for the election, unless the possession of the ballot is necessary and appropriate for carrying out the election process;

(10) canvass, electioneer, or post any campaign material in the polling place or beyond a line established by signs posted in accordance with subsection (b) of this section;

(11) canvass, electioneer, or post any campaign material in a manner that obstructs access to a ballot drop box; or

(12) place any campaign material or any other unauthorized material on a ballot drop box.



(b) (1) At each polling place, one election judge from each principal political party shall be designated by the local board and, acting jointly, shall post signs delineating a line around the entrance and exit of the building that are closest to that part of the building in which voting occurs.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, the line shall be located as near as practicable to 100 feet from the entrance and exit and shall be established after consideration of the configuration of the entrance and the effect of placement on public safety and the flow of pedestrian and vehicular traffic.

(ii) In Montgomery County, on approval of the local board, the line may be located at any point between 25 feet and 100 feet from the entrance and exit.

(3) The signs shall contain the words “No Electioneering Beyond this Point”.

(c) A person who violates this section is guilty of a misdemeanor and is subject to a fine of not less than \$50 nor more than \$500 or imprisonment for not more than 60 days or both.

§16–207.

(a) In this section, “alcoholic beverages” has the meaning provided in § 1–101 of the Alcoholic Beverages and Cannabis Article.

(b) A person may not bring, send, or attempt to bring or send any alcoholic beverages into a polling place during the hours that the polling place is open.

(c) A person who violates this section is guilty of a misdemeanor and is subject to a fine of not less than \$10 nor more than \$100.

§16–301.

(a) An election official or an official of a political party may not willfully neglect official duties under this article or engage in corrupt or fraudulent acts in the performance of official duties under this article.

(b) A person who violates this section is subject to a fine of not less than \$50 nor more than \$1,000 or imprisonment for not less than 30 days nor more than 3 years or both.

§16–302.

(a) A person may not fraudulently tamper with election records of any kind, whether on paper or in any other medium.

(b) A person who violates this section is guilty of a felony and is subject to imprisonment for not less than 1 year nor more than 5 years.

§16–303.

(a) An election judge, while performing official duties at a polling place, may not willfully and knowingly:

(1) interfere in any way with the casting of a vote by a person who the election judge knows is lawfully entitled to vote at an election;

(2) fail to challenge a person who the election judge has reason to believe is not entitled to vote;

(3) refuse to follow the instructions of the election director with respect to the qualification of voters, the use of voting equipment, or the casting of votes; or

(4) obstruct the view at any time of any person, lawfully present in the polling place, who wishes to see the ballot box or voting equipment used during an election.

(b) An election judge who violates this section is guilty of a misdemeanor and subject to imprisonment for not less than 3 months nor more than 2 years.

§16–304.

(a) In a polling place on election day, an election judge may not willfully and knowingly:

(1) permit a ballot or ballots to be placed into a ballot receptacle prior to the time for voting; or

(2) place a ballot in a ballot receptacle unless the ballot is offered by a properly registered voter or is a provisional ballot placed with other provisional ballots of the same character.

(b) A person may not:

(1) cause or permit a ballot, including a provisional ballot, to be cast or deposited in a ballot receptacle, voting device, or other receptacle designed for the collection of ballots other than by a person entitled under this article to cast a ballot; or

(2) substitute, alter, add, or remove a submitted ballot from a ballot receptacle, voting device, or other receptacle designed for the collection of ballots, except when instructed to do so by the election director.

(c) A person who violates this section is guilty of a felony and is subject to imprisonment for not less than 1 year nor more than 5 years.

§16-401.

(a) A person may not willfully and knowingly:

(1) give, transfer, promise, or offer anything of value for the purpose of inducing another person to sign or not sign any petition;

(2) request, receive, or agree to receive, anything of value as an inducement to sign or not to sign any petition;

(3) misrepresent any fact for the purpose of inducing another person to sign or not to sign any petition;

(4) sign the name of any other person to a petition;

(5) falsify any signature or purported signature to a petition;

(6) obtain, or attempt to obtain, any signature to a petition by fraud, duress, or force;

(7) circulate, cause to be circulated, or file with an election authority a petition that contains any false, forged, or fictitious signatures;

(8) sign a petition that the person is not legally qualified to sign;

(9) sign a petition more than once; or

(10) alter any petition after it is filed with the election authority.

(b) Each violation of this section shall be considered a separate offense.

(c) A person who violates this section is guilty of a misdemeanor and is subject to the penalties provided in Subtitle 10 of this title.

§16-501.

(a) A person may not willfully and falsely take an oath or affirmation prescribed:

(1) by the State Board; or

(2) pursuant to this article.

(b) A person may not willfully induce or procure, or offer to induce or procure, another person to willfully and falsely take an oath or affirmation prescribed:

(1) by the State Board; or

(2) pursuant to this article.

(c) Any person who violates subsection (a) of this section is guilty of perjury and shall be punished according to the laws of the State for perjury.

(d) Any person who violates subsection (b) of this section is guilty of subornation of perjury and shall be punished according to the laws of the State for subornation of perjury.

§16-601.

(a) An election judge or other election official may not willfully and knowingly:

(1) make, sign, publish, or deliver a false certificate or statement of the result of the election or any other false report of any kind; or

(2) deface, destroy, or conceal any statement, tally, certificate, or other document entrusted to the official's care and custody.

(b) A person who violates this section is guilty of a felony and is subject to imprisonment for not less than 1 year nor more than 10 years.

§16-701.

(a) A person with custody of election records may not willfully and knowingly:

(1) destroy, deface, falsify, remove, or conceal any record related to voting;

(2) make a fraudulent entry or alteration, or permit another person to make a fraudulent entry or alteration, of any record related to voting; or

(3) allow any other person to do the acts prohibited in items (1) and (2) of this subsection.

(b) Any person who does not have custody over election items may not:

(1) do an act prohibited by subsection (a) of this section; or

(2) advise, procure, or abet the commission of an act prohibited by subsection (a) of this section.

(c) This section does not apply to the disposition of obsolete records in the ordinary course of the operation of the State Board or a local board.

(d) Each violation of this section is a separate offense.

(e) A person who violates this section is guilty of a felony and is subject to imprisonment for not less than 1 year nor more than 10 years.

§16–801.

(a) A person may not willfully:

(1) conceal, damage, or destroy voting equipment used or intended to be used on the day of election; or

(2) remove voting equipment from the custody of the election judges or other election officials.

(b) A person who violates this section is guilty of a felony and is subject to a fine of not more than \$10,000 or imprisonment for not more than 3 years or both.

§16–802.

(a) A person may not willfully and knowingly:

(1) tamper with, damage, or attempt to damage any voting equipment that is used or will be used in an election; or

(2) prevent or attempt to prevent the correct operation of any voting equipment that is used or will be used on the day of election.

(b) An unauthorized person may not make or have in the person's possession a key to any voting equipment that is used or will be used on the day of election.

(c) A person who violates this section is guilty of a felony and is subject to a fine of not more than \$10,000 or imprisonment for not more than 3 years or both.

#### §16-803.

(a) A person may not remove, deface, or destroy equipment or supplies placed in a polling place by election officials during an election.

(b) A person who violates this section is guilty of a felony and is subject to a fine of not more than \$10,000 or imprisonment for not more than 3 years or both.

#### §16-804.

(a) When an electronic voting system is used, a person may not willfully and knowingly:

(1) access the system unless authorized to do so by the appropriate election authority; or

(2) tamper with or alter the hardware, system components, or software utilized by the voting system, for the purpose of affecting the vote count.

(b) A person who violates this section is guilty of a felony and on conviction shall be subject to a fine of not more than \$50,000 or imprisonment for not more than 10 years or both.

#### §16-901.

(a) A person may not falsely or fraudulently:

(1) make, deface, or destroy a certificate of candidacy or certificate of nomination or any part of the certificate; or

(2) file or suppress a certificate of candidacy or certificate of nomination that has been duly filed.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine of not less than \$100 nor more than \$1,000 or imprisonment for not more than 3 years or both.

§16-902.

(a) A person may not make a bet or wager on the outcome of an election held under this article.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine of not less than \$50 nor more than \$500 to be paid to the State.

(c) Any deposit of money as a bet or a wager on the outcome of an election shall be forfeited and paid to the governing body of the county where the money is deposited.

§16-903.

(a) Except as provided in subsection (b) of this section, a person may not attire or equip an individual, or permit an individual to be attired or equipped, in a manner which creates the appearance that the individual is performing an official or governmental function in connection with an election, including:

(1) wearing a public or private law enforcement or security guard uniform;

(2) using an armband; or

(3) except as required by law or by regulation adopted by the State Board in connection with ballot security activities, carrying or displaying a gun or badge within 100 feet of a polling site on election day.

(b) (1) A law enforcement officer or security guard who is on duty or traveling to or from duty may vote while wearing a uniform.

(2) A law enforcement officer who is performing an official governmental function may wear a uniform at a polling site.

(c) A person who violates this section is subject to the civil penalty specified under § 16-1002 of this title.

§16–1001.

(a) A person convicted of a misdemeanor under this article for which no penalty is specifically provided is subject to a fine of not less than \$10 nor more than \$250 or imprisonment for not less than 30 days nor more than 6 months or both.

(b) A person who is convicted of any criminal violation of this article shall be disqualified permanently from serving as an election judge, board member, or employee of a board.

(c) A candidate who is convicted of any practice prohibited by this article shall be ineligible to be elected or appointed to any public office or employment for a period of 5 years following the date of the conviction.

§16–1002.

A person who violates § 16-201(a)(6) or (7) or § 16-903 of this title without knowing that the act is illegal shall pay a civil penalty and have the matter adjudicated in accordance with § 13-604 of this article.

§16–1003.

Notwithstanding any other provision of law, a fine imposed for a criminal violation of this article shall be distributed to the Fair Campaign Financing Fund established under § 15–103 of this article.

§16–1004.

(a) (1) Except as provided in paragraph (2) of this subsection, the Attorney General may institute an action in a circuit court of the State for injunctive relief in accordance with the Maryland Rules to prohibit a person from committing an imminent violation or continuing to commit a violation of § 16–201 of this title.

(2) (i) This paragraph applies if the Attorney General is a candidate in a contest on the ballot in an election.

(ii) The Attorney General may not seek injunctive relief under paragraph (1) of this subsection if a violation of § 16–201 of this title is committed by:

1. the Attorney General;
2. a person acting on behalf of the Attorney General;



3. a candidate who is opposing the Attorney General in a contest on the ballot; or

4. a person acting on behalf of a candidate who is opposing the Attorney General in a contest on the ballot.

(iii) The State Prosecutor may seek injunctive relief in accordance with this section in any circumstance in which the Attorney General is prohibited from seeking injunctive relief under subparagraph (ii) of this paragraph.

(b) Injunctive relief may be granted under this section only:

(1) to prevent a violation of § 16–201 of this title from affecting a pending election; and

(2) based on a showing by clear and convincing evidence that a violation of § 16–201 of this title is imminent or is being committed.

(c) The circuit court shall hear and determine the matter as soon as practicable after filing of the application.

(d) The grant of a remedy by the circuit court under this section does not preclude any other remedy available to a person under State or federal law.

(e) The circuit court shall:

(1) have jurisdiction over any proceeding instituted in accordance with this section; and

(2) exercise its jurisdiction without regard to whether a person asserting a right under this section has exhausted any administrative or other remedy available to that person under law.

(f) (1) An appeal of a decision of the circuit court under this section shall be taken directly to the Supreme Court of Maryland within 5 days of the date of the decision.

(2) The Supreme Court of Maryland shall give priority to hear and decide an appeal brought under paragraph (1) of this subsection as expeditiously as the circumstances require.