

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 41

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

Ways and Means

Education, Energy, and the Environment

Election Law - Petitions for the Formation of a New Political Party - Process

This departmental bill expands the time period prior to presidential and gubernatorial general elections during which a petition to form a new political party, or any additional signatures to such a petition, may not be filed. The bill expands the time period by moving the beginning of the period from the first Monday in August before the general election to the first Monday in July. The bill also prohibits signatures submitted with a petition to form a new political party, that is officially determined to have failed to meet State law requirements, from being resubmitted with a subsequent petition. **The bill takes effect July 1, 2025.**

Fiscal Summary

State Effect: The bill does not materially affect State finances.

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

Small Business Effect: The State Board of Elections (SBE) has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Current Law: Any group of registered voters may form a new political party by (1) filing a petition with SBE and (2) adopting and filing an interim constitution and bylaws.

The petition must state (1) the partisan organization's intent to organize a State political party; (2) the name of the partisan organization; (3) the name and signature of the State chairman of the partisan organization; and (4) the names and addresses of 25 registered voters, including the State chairman, who must be designated as constituting the initial governing body of the partisan organization.

The petition must also include 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. The signatures must have been affixed to the petition not more than two years before the filing date of the last qualifying signature.

A petition for the formation of a new political party, or any additional signatures to a petition, may be filed at any time, except:

- in a presidential election year, (1) during the period of time that voter registration is closed before and after the primary election and (2) after the first Monday in August until voter registration reopens after the general election;
- in a gubernatorial election year, after the first Monday in August until voter registration reopens after the general election; and
- when a special primary election and a special election are proclaimed by the Governor to fill a vacancy in the office of Representative in Congress, (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.

If the petition is certified in accordance with State law and the constitution and bylaws filed by the partisan organization are determined to meet applicable requirements, the partisan organization is then considered a State political party.

If the petition does not meet State law requirements (1) SBE must declare the petition insufficient; (2) the partisan organization is not a State political party; and (3) SBE must promptly notify the State chairman of the partisan organization.

Background: SBE indicates that the bill's change to the time period for filing a petition to form a new political party (and any additional signatures) is needed to provide sufficient time for SBE and the local boards of elections to verify the petitions in advance of producing ballots and updating voter communications concerning political parties prior to a general election.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 267 (Chair, Education, Energy, and the Environment Committee)(By Request - Departmental - State Board of Elections) - Education, Energy, and the Environment.

Information Source(s): Maryland Association of Election Officials; Maryland State Board of Elections; Department of Legislative Services

Fiscal Note History: First Reader - January 16, 2025
km/sdk Third Reader - February 14, 2025

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Election Law - Petitions for the Formation of a New Political Party - Process

BILL NUMBER: HB 41

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PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS