

February 20, 2020

Testimony on SB 390
Election Law - Candidate Defeated in Primary Election - Write-In Candidacy in General Election Prohibited
Education, Health, and Environmental Affairs

Position: Unfavorable

Common Cause Maryland does not support SB 390 which would prohibit candidates who lose in primary elections from filing a certificate of candidacy and running as a write-in candidate for that office in the general election.

The primary process is an important practice that allows political parties and their members to winnow down the field of candidates for various office in order to unify party support behind one candidate. However, disagreements within the party can emerge, leading to significant support for candidates who may not have won the primary but could mount meaningful and significant campaigns nonetheless.

SB 390 would disallow those candidates from participating in the election as write-in candidates, meaning that voters who prefer those candidates would ultimately be unable to have their voices and support meaningfully heard in the election process.

The options that Maryland voters have for public officials should not be limited in this way. While we understand the concerns of some that write-in candidates can pose, particularly from a campaign finance standpoint where candidates enter a race late and have made little disclosure, this is not the solution to that problem.

Because SB 390 reduces the ability for Marylanders to run for office as write-in candidates and reduces the ability of Maryland voters to have their preferences heard in elections, we request an unfavorable report.