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THE SENATE OF MARYLAND
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SB176: Last Minute Candidacy Fix/“Fair Filing”
Education, Energy, Environment (& Elections!) Committee
Thursday, February 16, 2023 1PM

In the final hours before the filing deadline for the 2022 Primary Election, an incumbent withdrew their candidacy for office and instead filed for another. Because no other candidate could get to Annapolis in time to file before the deadline, the County Central Committee ultimately selected the party’s nominee.

In 1998, another individual withdrew under similar circumstances and had already recruited a friend whom they hoped would succeed them in the House. These examples clearly reveal a loophole that ultimately precluded voters from having the chance to choose their nominee.

Last-minute Candidacy Fix/“Fair Filing” ([SB176](#)) would ensure that new leaders are **ELECTED (by voters)** rather than **SELECTED**. If a filed candidate dies or withdraws within 48 hours of the filing deadline, this deadline would be extended by seven days. An extension would give prospective candidates ample time to make a carefully considered decision to run and file their paperwork.

Waiting seven days would **not** be burdensome to election administrators. Using the preliminary 2022 schedule as a framework, the timeline would have been as follows:

- Filing Deadline (April 15, 2022 9pm)
- The County Democratic Central Committee picked a candidate to fill the vacancy on the primary ballot (April 20, 2022)
- **Proposed Filing Deadline if SB176 had been law (April 22, 2022)**
- Last day to remove a candidate’s name from the ballot due to the candidate’s death or disqualification (April 25, 2022)
- Deadline for SBE to display on its website the content and arrangement of each certified ballot (May 16, 2022)
- Primary Election Day (July 19, 2022)

SB176 would offer modest flexibility while being a minimal burden on our election administrators. Our democracy would benefit from this legislation.

I urge a favorable report on SB176.