

**Department of Legislative Services**  
Maryland General Assembly  
2016 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 261 (Senator Kelley)  
Education, Health, and Environmental Affairs

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**Election Law - Write-in Candidates**

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This bill prohibits a candidate who is defeated for the nomination for a public office in a primary election from filing a certificate of candidacy and running as a write-in candidate for that office at the next succeeding general election.

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**Fiscal Summary**

**State Effect:** The bill does not directly affect State finances.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Subject to limited exceptions, 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.

“Write-in candidate” is defined as an individual whose name will not appear on the ballot but who timely files a certificate of candidacy. “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. A voter may not cast a write-in vote in a primary election but may write in a name for any office in any general election or special general election.

An individual who seeks election as a write-in candidate must file a certificate of candidacy by the earlier of 5 p.m. on the seventh day before the start of early voting for which the

certificate is filed or 7 days after a total expenditure of at least \$51 is made to promote the candidacy by a campaign finance entity of the candidate.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 225 (Delegate C. Howard) - Ways and Means.

**Information Source(s):** State Board of Elections, Department of Legislative Services

**Fiscal Note History:** First Reader - February 1, 2016  
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