

SENATE BILL 501

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11r1779

By: **Senator Dyson and The President (By Request – Administration) and
Senators Garagiola and Jacobs**

Introduced and read first time: February 4, 2011

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 24, 2011

CHAPTER _____

1 AN ACT concerning

2 **Election Law – Change of Primary Election Dates and Compliance with**
3 **Federal MOVE Act**

4 FOR the purpose of altering certain primary election dates; making certain changes to
5 the State election law to comply with the federal Military and Overseas Voter
6 Empowerment (MOVE) Act; altering certain deadlines for the filing of certain
7 certificates of candidacy, petitions, certificates of withdrawal, and certificates of
8 designation of candidacy; altering the dates by which the State Board of
9 Elections is required to certify the content and arrangement of certain ballots
10 and deliver a copy to each local board; correcting a stylistic error; authorizing
11 the delivery of ballot content by electronic means; and generally relating to
12 primary and general elections and voting.

13 BY repealing and reenacting, with amendments,
14 Article – Election Law
15 Section 5–302, 5–303, 5–305, 5–502, 5–901, 8–201, ~~8–502(d)~~, 9–207, and 9–209
16 Annotated Code of Maryland
17 (2010 Replacement Volume)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Election Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 5-302.

2 (a) A certificate of candidacy shall be filed under oath on the prescribed form.

3 (b) The certificate of candidacy shall be filed with the State Board if the
4 candidacy is for:

5 (1) an office to be voted upon by the voters of the entire State;

6 (2) the General Assembly of Maryland;

7 (3) Representative in Congress;

8 (4) the office of judge of the circuit court for a county; or

9 (5) an office of elected delegate to a presidential national convention
10 provided for under Title 8, Subtitle 5 of this article.

11 (c) **(1)** If the candidacy is for an office other than an office described in
12 subsection (b) of this section, the certificate of candidacy shall be filed with the local
13 board of the applicable county.

14 **(2) IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE**
15 **STATE BOARD, EACH LOCAL BOARD SHALL PROVIDE THE NAME AND REQUIRED**
16 **INFORMATION FOR EACH CANDIDATE TO THE STATE BOARD.**

17 5-303.

18 (a) Except as provided in subsections (b) and (c) of this section, a certificate
19 of candidacy shall be filed not later than 9 p.m. on the **[Monday that is 10 weeks or 70]**
20 **DAY THAT IS 90** days before the day on which the primary election will be held.

21 (b) A certificate of candidacy for an office to be filled by a special election
22 under this article shall be received and filed in the office of the appropriate board not
23 later than 5 p.m. on the Monday that is 3 weeks or 21 days prior to the date for the
24 special primary election specified by the Governor in the proclamation for the special
25 primary election.

26 (c) The certificate of candidacy for the election of a write-in candidate shall
27 be filed by the earlier of:

28 (1) 7 days after a total expenditure of at least \$51 is made to promote
29 the candidacy by a campaign finance entity of the candidate; or

30 (2) 5 p.m. on the Wednesday preceding the day of the election for
31 which the certificate is filed.

1 5-305.

2 (a) This section applies only to a petition that will affect the right of a
3 candidate to have the candidate's name appear on the ballot in a primary or general
4 election.

5 (b) A registered voter who is a resident of the district or other geographic
6 area in which a candidate is seeking office may file a petition with the circuit court for
7 that district or geographic area to challenge the candidate's residency as provided in §
8 5-202 of this title.

9 (c) (1) The petition must be filed[:

10 (i) if the petition involves a challenge to a candidate for an
11 office that is to be contested at an election in the year that there is not a presidential
12 election, no later than 9 weeks before that election; or

13 (ii) if the petition involves a challenge to a candidate for an
14 office that is to be contested at an election in the year of a presidential election, no
15 later than 11 weeks before that election] **6 DAYS AFTER THE FILING DEADLINE**
16 **PROVIDED UNDER § 5-303 OF THIS SUBTITLE AND § 5-703(C) OF THIS TITLE.**

17 (2) Judicial review of any petition that is filed under subsection (b) of
18 this section shall be expedited by the circuit court that hears the cause to the extent
19 necessary in consideration of the deadlines established by law, and in no case, longer
20 than 7 days from the date the petition is filed.

21 5-502.

22 (a) Subject to § 5-402 of this title, an individual who has filed a certificate of
23 candidacy may withdraw the candidacy by filing a certificate of withdrawal on the
24 form prescribed by the State Board within [10] 2 days after the filing date established
25 under § 5-303 of this title.

26 (b) An individual who has filed a certificate of candidacy for the special
27 election to fill a vacancy for Representative in Congress may withdraw the certificate
28 on the prescribed form within 2 days after the filing date established in the
29 proclamation issued by the Governor.

30 5-901.

31 (a) This section does not apply to A vacancy in nomination in the office of a
32 Governor and Lieutenant Governor unit.

1 (b) This section applies to a vacancy in candidacy for a primary election that
2 occurs because no candidate for the political party files a certificate of candidacy for
3 the election.

4 (c) (1) Except for a vacancy in candidacy for the election of a member of
5 the Senate of Maryland or the House of Delegates as provided in paragraph (2) of this
6 subsection, the vacancy in candidacy for a political party that is entitled to have a
7 candidate on the ballot for an office elected by the voters of more than one county shall
8 be filled by the State central committee or governing body of that political party.

9 (2) (i) In a State legislative district or a State delegate district
10 comprising more than one county, a vacancy in candidacy for a political party that is
11 entitled to have a candidate on the ballot shall be filled by a vote of the central
12 committee in the counties in the district.

13 (ii) In filling the vacancy in candidacy under subparagraph (i) of
14 this paragraph, the central committee of each county where the vacancy occurs shall
15 cast a vote proportionate to its share of the population of the district as reported in the
16 most recent decennial census of the United States.

17 (iii) If no person receives a majority of the votes cast under
18 subparagraph (ii) of this paragraph, or if there is a tie vote by the central committees,
19 the vacancy in candidacy shall be filled by the State central committee of the political
20 party.

21 (d) For any public or party office not described in subsection (c) of this
22 section, a vacancy in candidacy under this section shall be filled by the central
23 committee of the political party in the county in which the office is located.

24 (e) A central committee authorized to fill a vacancy in candidacy for an office
25 under this section shall file a certificate of designation of candidacy with the
26 appropriate board designated to receive the certificate of candidacy for that office by
27 the [fifth day after the date on which a candidate may withdraw a certificate of
28 candidacy before the primary election] **FIFTH DAY AFTER THE FILING DEADLINE**
29 **PROVIDED UNDER § 5-303 OF THIS TITLE.**

30 (f) The individual designated by a central committee under subsection (e) of
31 this section to fill a vacancy shall file a certificate of candidacy in accordance with
32 Subtitle 3 of this title with the appropriate board by the date specified for the
33 applicable central committee to file a certificate of designation under subsection (e) of
34 this section.

35 8-201.

36 (a) (1) There shall be a statewide primary election in every
37 even-numbered year.

1 (2) A primary election shall be held:

2 (i) in the year in which the Governor is elected, on the ~~second~~
3 **THIRD** Tuesday [after the first Monday in September] **IN ~~JULY~~ JUNE**; and

4 (ii) in the year in which the President of the United States is
5 elected, on the [second] **FIRST** Tuesday in [February] **MARCH**.

6 (b) In Baltimore City, there shall be a primary election for municipal offices
7 on the second Tuesday following the first Monday in September in the year following
8 the election of the Governor.

9 8-502.

10 (d) A candidate who seeks to be placed on the ballot by the petition process
11 specified in subsection (b)(2) of this section shall file the petition, in the form
12 prescribed by the State Board, on the [Monday] DAY that is [70] 90 days before the
13 day of the election.

14 9-207.

15 (a) The State Board shall certify the content and arrangement of each ballot:

16 (1) for a primary election[:

17 (i) in the year that the President of the United States is elected,
18 at least 42 days before the election; and

19 (ii) in any other year, at least 50 days before the election] **NO**
20 **MORE THAN 11 DAYS AFTER THE FILING DEADLINE PROVIDED UNDER §**
21 **5-303 OF THIS ARTICLE;**

22 (2) for a general election:

23 (i) in the year that the President of the United States is elected,
24 at least 55 days before the election; and

25 (ii) in any other year, not more than 18 days after the primary
26 election;

27 (3) for a special primary election, at least 18 days before the election;
28 and

29 (4) for a special general election, not later than a date specified in the
30 Governor's proclamation.

1 (b) The Court of Appeals, on petition of the State Board, may establish a
2 later date in extraordinary circumstances.

3 (c) [Within 48 hours after certification] ~~TWELVE DAYS AFTER THE FILING~~
4 ~~DATE PROVIDED UNDER § 5-303 OF THIS ARTICLE~~ ONE DAY AFTER
5 CERTIFICATION, the State Board shall [deliver to each local board a copy of the
6 certified ballot content and arrangement for that county] **PUBLICLY DISPLAY THE**
7 **CONTENT AND ARRANGEMENT OF EACH CERTIFIED BALLOT ON THE STATE**
8 **BOARD'S WEB SITE.**

9 (d) (1) [Within 5 days] **TWENTY-FOUR HOURS** after the certification, or
10 a later date that the Court of Appeals establishes in extraordinary circumstances on
11 petition of the State Board, a local board shall:

12 (i) prepare the arrangement for all ballots to be used in the
13 county, using the arrangement prescribed by the State Board; and

14 (ii) display the content and arrangement, in a manner that is
15 accessible to the public, on all days that the office is open through the day of the
16 election.

17 (2) Except pursuant to a court order under § 9-209 of this subtitle, or
18 as provided in § 9-208 of this subtitle, the content and arrangement of the ballot may
19 not be modified after the [third] **SECOND** day of the public display.

20 (e) Unless a delay is required by court order, a local board may begin to print
21 the ballots after [3] **2** days of public display and, with the approval of the State Board,
22 correction of any noted errors.

23 9-209.

24 (a) Within [3 days after the content and arrangement of the ballot are placed
25 on public display under § 9-207 of this subtitle] ~~13 DAYS AFTER THE FILING DATE~~
26 ~~PROVIDED UNDER § 5-303 OF THIS ARTICLE~~ 2 DAYS AFTER CERTIFICATION, a
27 registered voter may seek judicial review of the content and arrangement, or to correct
28 any other error, by filing a sworn petition with the circuit court for the county.

29 (b) The circuit court may require the local board to:

30 (1) correct an error;

31 (2) show cause why an error should not be corrected; or

32 (3) take any other action required to provide appropriate relief.

1 (c) If an error is discovered after the ballots have been printed, and the local
2 board fails to correct the error, a registered voter may seek judicial review not later
3 than the second Monday preceding the election.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to
5 any election required to be held in accordance with the Election Law Article on or after
6 January 1, 2012.

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 July 1, 2011.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.