

**A005-0304**

10       **AN ACT CONCERNING**

20                   **Election Law - Candidate Nomination Procedures**

30       FOR the purpose of replacing candidate nomination procedures that were found to be  
40       unconstitutional by the Maryland Court of Appeals. This Act will allow non-principal political  
50       parties to have a fair method to nominate candidates for elected office.

60       BY repealing, and reenacting, with amendments,  
70       Article – Election Law  
80       Section § 4-102(f), § 5-701 and § 5-703(b)  
90       Annotated Code of Maryland  
100      (2003 Volume)

110   **Preamble**

120      **WHEREAS:**     Maryland’s previous double-petition requirement for nomination of candidates  
130                             by non-principal political parties served no legitimate state interest, was unfair,  
140                             and discriminatory.

150      **WHEREAS:**     Real Choice is vital in democratic elections.

160      **WHEREAS:**     Many candidates for running for elected office in Maryland are unopposed in the  
170                             general election. Approximately 33% of candidates for the Maryland General  
180                             Assembly in recent history have ran unopposed in the general election. Also on  
190                             several occasions a statewide office has gone uncontested on the general  
200                             election ballot since 1940.

210      **WHEREAS:**     Every political party recognized by the state should have a means of nominating  
220                             candidates and placing them on the election ballot that is not overly burdensome. 230  
                           This Act would allow all political parties to get their candidates on the ballot  
240                             more easily; giving voters more choices.

250      SECTION 1. BE IT ENACTED BY THE MARYLAND STUDENT LEGISLATURE, That the 260  
                           law of Maryland read as follows:

270      **Article - Election Law**

280      § 4-102.

290      (f)     Nomination of candidates.- ~~Unless a new political party is required to hold a primary~~  
300      ~~election to nominate its candidates under Title 8 of this article, the new political party may~~  
310      ~~nominate its candidates by:~~

320      ~~(1) petition in accordance with Title 5 of this article; or~~

330      ~~(2) if at least 1% of the State's registered voters, as of January 1 in the year of the election, are~~  
340      ~~affiliated with the political party;~~

350      IF A NEW POLITICAL PARTY IS A PRINCIPAL POLITICAL PARTY, THEN IT IS  
360      REQUIRED TO HOLD A PRIMARY ELECTION TO NOMINATE ITS CANDIDATES  
370      UNDER TITLE 8 OF THIS ARTICLE. ANY NON-PRINCIPAL POLITICAL PARTY MAY  
380      NOMINATE ITS CANDIDATES BY PRIMARY ELECTION OR BY convention in accordance 390  
                           with rules adopted by the political party.

400 § 5-701.

410 In general. Nominations for public offices that are filled by elections governed by this article shall 420  
be made:

430 (1) by party primary, for candidates of a principal political party; or

440 (2) by ~~petition for~~ PARTY PRIMARY OR CONVENTION, FOR CANDIDATES OF A NON-450  
PRINCIPAL POLITICAL PARTY; OR

460 ~~(i) candidates of a political party that does not nominate by primary; or~~

470 ~~(ii)~~ (3) BY PETITION FOR: candidates not affiliated with any political party.

480 § 5-703.

490 (b) In general.- A candidate for a public office may be nominated by petition under this  
500 subtitle if the candidate does not seek nomination through a POLITICAL party ~~primary~~.

510 SECTION 2. AND BE IT FURTHER ENACTED, That all laws or parts of laws, public general or  
520 public local, inconsistent with this Act, are repealed to the extent of their inconsistency.

530 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2004.

540	MANDATES:	Governor Robert L. Ehrlich, Jr.
550		Senate President Thomas V. Mike Miller, Jr.
560		Speaker of the House of Delegates Michael E. Busch
570		State Senator Paul G. Pinsky
580		Delegate Ana Sol Gutierrez

Sponsor:

David I. Gill  
UMBC  
375 PAT  
1000 Hilltop Circle  
Baltimore, MD 21250  
(443) 612 0676  
gdbikeman@hotmail.com