

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

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