

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 244 (Senator Stone)
(Chairman, Ethics and Election Law Subcommittee)
Education, Health, and Environmental Affairs Ways and Means

Election Law - Presidential Election Procedures - Deadlines

This bill establishes and alters certain deadlines and procedures related to the presidential primary and general election in the State.

Fiscal Summary

State Effect: None. The bill is procedural in nature and would not directly affect governmental finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary:

Presidential General Election

The bill establishes an August 31 deadline for submission of the names of the presidential and vice presidential nominees of a national party convention to the State Board of Elections (SBE) for placement on the general election ballot. It also requires the chairman of a State political party to provide written affirmation of the party's nominee within five days of a request by SBE whenever a national party submits more than one written notice naming different presidential and vice presidential nominees.

Presidential Primary; Withdrawal Deadlines

The bill changes the withdrawal deadline for an individual seeking to be placed on the ballot in the Democratic presidential primary through the petition process and for candidates for delegate to the Democratic National Convention, from ten days after the filing deadline (one week after the first business day of the election year) to four days after the filing deadline. In addition, the bill requires a presidential candidate to designate a replacement candidate for delegate to the Democratic national nominating convention within two days of the withdrawal deadline if a previous candidate for delegate withdraws.

Presidential Primary; Candidate Certification

The bill changes the deadline for the Secretary of State to certify presidential candidates from principal political parties, other than the Democratic party, for placement on the primary ballot from 70 to 80 days before the presidential primary election. A Democratic candidate for nomination who seeks to be placed on the ballot through the petition process must file the required petition not later than 5:00 p.m. on the day that is one week later than the first business day in the year of the election.

Certification of Electoral College: Deadline

The bill establishes a deadline for certifying electors to SBE that is 30 days prior to the general election.

Ballot Certification Deadline

The bill changes the deadline for the certification by the State board of the content and arrangement of each presidential primary election ballot from 50 to 42 days before the election.

Current Law: The Secretary of State is required to certify the name of a presidential candidate on the primary election ballot when the Secretary has determined that the candidate's candidacy is generally advocated or recognized in the news media throughout the United States or in Maryland.

There is no deadline for submission of the names of the presidential and vice presidential nominees of a national party convention. Any individual who has filed a certificate of candidacy may withdraw the candidacy by filing a certificate of withdrawal within ten days after the filing deadline. There are no provisions for replacing a candidate for

delegate to the Democratic National Convention who has withdrawn his or her candidacy. There is no deadline for submission of candidates for presidential elector by a political party.

Background: This bill modifies several conflicting deadlines and establishes deadlines that were overlooked during the 2002 code revision of the State's election law (Chapter 291) prompted by the 1996 task force to review the State's election laws. The deadlines established by the bill for the withdrawal of Democratic presidential candidates who have filed a petition to be placed on the ballot and their convention delegates to the Democratic National Convention allow the State board to meet the ballot certification deadline for the primary election. Current statutory deadlines for filing a petition, certification, and withdrawal of Democratic presidential primary candidates and delegates to the Democratic National Convention are separate from the deadlines of all other presidential and delegate candidates as a consequence of a Democratic party rule prohibiting its candidates from filing for office until the year of the election.

This internal party rule creates deadlines that fall closer to the State board's deadline for certifying the content of the early presidential primary ballot in March. Currently, the withdrawal deadline for Democratic presidential primary candidates and delegates to the Democratic National Convention occurs **after** the date on which the State board must finalize or certify ballots for the primary election. This bill alters both the withdrawal deadline and the ballot certification deadline to place approximately ten days between the two.

The bill also adjusts the deadline for certification by the Secretary of State of presidential primary candidates for the principal political party other than the Democratic party. This adjustment allows a prospective candidate time to gather and submit petitions under an alternative provision in the Election Law Article that allows a candidate to be placed on the ballot should the Secretary of State fail to certify that individual as a presidential primary candidate upon obtaining the signatures of at least 400 registered voters from each congressional district in the State.

The current deadline for the Secretary of State's certification is **after** the deadline for obtaining the petitions under the alternate procedure. Thus, these candidates cannot use the alternate method if the Secretary of State does not certify the candidates until the statutory deadline. Democratic primary candidates have until one week after the Secretary of State's certification of their candidates to file a petition under the alternate method. This bill would give the other principal political party ten days to file a petition subsequent to the Secretary of State's certifications.

The bill also addresses the potential confusion between two factions of a national party who report two different nominees for placement on the presidential general election ballot. In 1996, the national Reform Party broke into two factions and nominated two different candidates for placement on the general election ballot. The bill requires the State party chairman to report one name to the State board in such a case.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Montgomery County, Prince George's County, Caroline County, Howard County, Maryland State Board of Elections, Department of Legislative Services

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