

SENATE BILL 73

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SB 77/07 – EHE

8lr0853

By: **Senators Kelley, Brochin, Madaleno, McFadden, Munson, Raskin, and Stone**

Introduced and read first time: January 14, 2008

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Rotation of Candidates Names on the Ballot**

3 FOR the purpose of requiring that the names of certain candidates be listed on the
4 ballot in accordance with certain regulations adopted by the State Board of
5 Elections; requiring the regulations to include a protocol for the rotation of the
6 names of certain candidates; providing that this Act applies to each election
7 beginning with the primary and general elections held in a certain year; and
8 generally relating to the rotation of candidates names on the ballot.

9 BY repealing and reenacting, with amendments,
10 Article – Election Law
11 Section 9–210
12 Annotated Code of Maryland
13 (2003 Volume and 2007 Supplement)

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

16 **Article – Election Law**

17 9–210.

18 (a) The offices to be voted on shall be arranged on the ballot in the following
19 order, as applicable:

20 (1) public offices for which voters of the entire State may vote, in the
21 following order:

22 (i) President of the United States, or President and Vice
23 President of the United States;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (ii) Governor and Lieutenant Governor;
- 2 (iii) Comptroller;
- 3 (iv) Attorney General; and
- 4 (v) United States Senator;
- 5 (2) Representative in Congress;
- 6 (3) members of the General Assembly of Maryland, in the following
7 order:
- 8 (i) Senate of Maryland; and
- 9 (ii) House of Delegates;
- 10 (4) members of the governing body of a county, in the following order:
- 11 (i) county executive; and
- 12 (ii) county council or county commissioner;
- 13 (5) offices in the government of the City of Baltimore, in the following
14 order:
- 15 (i) Mayor;
- 16 (ii) President of the City Council;
- 17 (iii) Comptroller; and
- 18 (iv) member of the City Council;
- 19 (6) judicial offices, in the following order:
- 20 (i) judge of the circuit court;
- 21 (ii) appellate judges, continuance in office, in the following
22 order:
- 23 1. Court of Appeals; and
- 24 2. Court of Special Appeals;
- 25 (7) public offices for which the voters of a county may vote, in the
26 following order:

- 1 (i) county treasurer;
- 2 (ii) State's Attorney;
- 3 (iii) clerk of the circuit court;
- 4 (iv) register of wills;
- 5 (v) judge of the orphans' court;
- 6 (vi) sheriff; and
- 7 (vii) other offices filled by partisan election;
- 8 (8) party offices; and
- 9 (9) offices filled by nonpartisan election.

10 (b) Any office not specified in subsection (a) of this section shall be placed on
11 the ballot following the offices specified in subsection (a).

12 (c) Within any category of offices, if the ballot contains one or more contests
13 for at large election and one or more contests for election by district, the contest or
14 contests to be voted on at large shall appear first.

15 (d) In a prominent position adjacent to the title of each office, there shall be
16 instructions stating the number of candidates for whom the voter lawfully may vote.

17 (e) (1) A ballot shall contain the name of every candidate who is
18 authorized under the provisions of this article to appear on the ballot.

19 (2) Each candidate shall be listed on the ballot in the contest for which
20 the candidate has qualified.

21 (f) (1) In a general election, the voter shall be afforded the opportunity to
22 cast a write-in vote for as many positions as are to be filled in a contest.

23 (2) On a document ballot, in each contest a blank line or lines for
24 write-in voting shall follow the printed names on the ballot.

25 (3) This subsection does not apply to questions or the continuance in
26 office of appellate judges.

27 (g) (1) Except for contests for judicial office or an office to be filled by
28 nonpartisan election, the party affiliation of a candidate who is a nominee of a political
29 party shall be indicated on the ballot.

1 (2) (i) A candidate who is not a nominee of a political party or
2 affiliated with a partisan organization shall be designated as an “unaffiliated”.

3 (ii) A candidate who is affiliated with a partisan organization
4 shall be designated under “other candidates”.

5 (3) The names of candidates for judge of the circuit court or for a
6 county board of education, and the names of incumbent appellate judges, shall be
7 placed on the ballot without a party label or other distinguishing mark or location
8 which might indicate party affiliation.

9 (h) (1) In an election of a member of the House of Delegates that is subject
10 to the provisions of § 2–201(d) of the State Government Article, the name of a
11 candidate shall be identified by the county in which the candidate resides.

12 (2) A candidate for President of the United States or Vice President of
13 the United States shall be identified by the state in which the candidate resides.

14 (i) (1) If there is an election for members of the House of Delegates who
15 are required to live in a specific county and only a certain number of delegates may be
16 elected from that county, the ballot shall provide that a voter may not vote for more
17 than that number of candidates from that specific county.

18 (2) In a legislative district where the delegates are to be elected by the
19 voters of a multimember subdistrict that contains more than two counties or parts of
20 more than two counties, a voter may cast a vote for the specified number of delegates
21 to be elected in the subdistrict without regard to the county of residence of the
22 candidate.

23 (j) (1) In a primary election:

24 (i) on a voting machine ballot, the names of the candidates for
25 party nomination shall be grouped together by party; and

26 (ii) on a document ballot, the ballot shall include only the names
27 of candidates for which the voter is entitled to vote.

28 (2) In a general election:

29 (i) on a voting machine ballot, the names of the candidates of a
30 political party shall be grouped together in adjacent rows or columns, and the majority
31 party candidates shall be placed in the first row or column, followed by the candidates
32 of the principal minority party, followed by other political parties in descending order
33 based on the number of voters registered with the party, and finally by candidates not
34 nominees of a political party; and

35 (ii) on a document ballot, for each office the names of candidates
36 shall be grouped together by party, with the majority party candidate or candidates

1 listed first, followed by the candidate or candidates of the principal minority party,
2 followed by the candidate or candidates of other political parties in descending order
3 based on the statewide registration of the party, and finally by candidates who are not
4 nominees of a political party.

5 (3) (I) In both primary elections and general elections, when there
6 is more than one candidate of the same political party for nomination or election to an
7 office, the names of the candidates in the group shall be listed **ON THE BALLOT** in
8 [alphabetical order by surname] **THE ORDER ESTABLISHED UNDER REGULATIONS**
9 **ADOPTED BY THE STATE BOARD.**

10 (II) **THE REGULATIONS SHALL INCLUDE A PROTOCOL FOR**
11 **THE ROTATION OF THE NAMES OF CANDIDATES OF THE SAME POLITICAL PARTY**
12 **WHO ARE SEEKING NOMINATION OR ELECTION TO AN OFFICE.**

13 (III) [In] **SUBJECT TO SUBPARAGRAPH (II) OF THIS**
14 **PARAGRAPH, IN** the primary election, candidates for Governor and Lieutenant
15 Governor shall be arranged in the order of surnames of the gubernatorial candidates.

16 (k) On a voting machine ballot, the arrangement shall use the smallest
17 number of rows or columns necessary, as evenly sized as possible, to accommodate all
18 offices and candidates on the ballot.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to
20 each election beginning with the 2010 primary and general elections.

21 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2008.