

SENATE BILL 390

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CF 0lr1366

By: **Senators Peters, Augustine, Feldman, Guzzone, King, Lee, and Zucker**

Introduced and read first time: January 27, 2020

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Candidate Defeated in Primary Election – Write-In Candidacy in**
3 **General Election Prohibited**

4 FOR the purpose of prohibiting a candidate who is defeated for the nomination for a public
5 office from filing a certificate of candidacy as a write-in candidate at the next
6 succeeding general election as a candidate for any office; providing for a delayed
7 effective date; and generally relating to candidates defeated in primary elections.

8 BY repealing and reenacting, without amendments,
9 Article – Election Law
10 Section 5–303(c) and 10–313
11 Annotated Code of Maryland
12 (2017 Replacement Volume and 2019 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Election Law
15 Section 5–706
16 Annotated Code of Maryland
17 (2017 Replacement Volume and 2019 Supplement)

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

20 **Article – Election Law**

21 5–303.

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

24 (1) 7 days after a total expenditure of at least \$51 is made to promote the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 candidacy by a campaign finance entity of the candidate; or

2 (2) 5 p.m. on the 7th day preceding the start of early voting for which the
3 certificate is filed.

4 5–706.

5 (a) This section does not apply to:

6 (1) a candidate selected by a political party to fill a vacancy in nomination
7 under Subtitle 9 or Subtitle 10 of this title; or

8 (2) a candidate defeated in a presidential preference primary.

9 (b) (1) Except as provided in subsection (c) of this section, the name of a
10 candidate who is defeated for the nomination for a public office may not appear on the ballot
11 at the next succeeding general election as a candidate for any office.

12 (2) **A CANDIDATE WHO IS DEFEATED FOR THE NOMINATION FOR A**
13 **PUBLIC OFFICE MAY NOT FILE A CERTIFICATE OF CANDIDACY AS A WRITE-IN**
14 **CANDIDATE AT THE NEXT SUCCEEDING GENERAL ELECTION AS A CANDIDATE FOR**
15 **ANY OFFICE.**

16 (c) The name of a candidate for the office of judge of the circuit court who is
17 defeated in the primary election in each contest for the office of circuit court judge in which
18 the candidate appears on the ballot may not appear on the ballot at the succeeding general
19 election as a candidate for any office.

20 10–313.

21 (a) In any general election or special general election, a voter may write in a name
22 for any office.

23 (b) (1) When requested by a voter, an election judge shall provide information
24 on write-in voting.

25 (2) (i) If a voter requests information on write-in voting, an election
26 judge shall assure that the voter is fully informed of the procedure before voting.

27 (ii) If a voter is unable to write, the voter may have assistance as
28 provided in § 10–310(c) of this subtitle.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 January 1, 2021.