

Bill No.: _____
Requested: _____
Committee: _____

Drafted by: Ward
Typed by: Manuel
Stored – 10/05/18
Proofread by _____
Checked by _____

By: **Montgomery County Delegation**

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – County Executive and County Council Candidates –**
3 **Petitions**

4 **MC 6–19**

5 FOR the purpose of prohibiting the name of a candidate for nomination by a principal
6 political party for the office of Montgomery County Executive or member of the
7 Montgomery County Council from being placed on the primary election ballot unless
8 the candidate files a certain petition with the local board of elections; requiring
9 certain petitions to be signed by a certain number of registered voters in certain
10 geographic areas; providing that a petition is subject to certain provisions of law;
11 requiring that a certain petition accompany the certificate of candidacy under certain
12 circumstances and be filed by the deadline for filing a certificate of candidacy;
13 providing that the name of an individual who files a certificate of candidacy and does
14 not withdraw is not required to appear on the primary election ballot if the individual
15 is required to file a certain petition and the petition is not certified in accordance
16 with certain provisions of law; and generally relating to the filing of petitions by
17 County Executive and County Council candidates in Montgomery County.

18 BY repealing and reenacting, without amendments,
19 Article – Election Law
20 Section 5–301(a) and 5–304(e)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2017 Replacement Volume and 2018 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article – Election Law
5 Section 5–304(d) and 5–504(b)
6 Annotated Code of Maryland
7 (2017 Replacement Volume and 2018 Supplement)

8 BY adding to
9 Article – Election Law
10 Section 5–306
11 Annotated Code of Maryland
12 (2017 Replacement Volume and 2018 Supplement)

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

15 **Article – Election Law**

16 5–301.

17 (a) An individual may become a candidate for a public or party office only if:

18 (1) the individual files a certificate of candidacy in accordance with this
19 subtitle; and

20 (2) the individual does not file a certificate of withdrawal under Subtitle 5
21 of this title.

22 5–304.

23 (d) The certificate of candidacy shall be accompanied by:

24 (1) a filing fee satisfying the requirements of § 5–401 of this title;

25 (2) a separate form, unless such a form has previously been filed,
26 establishing a campaign finance entity under Title 13 of this article;

1 (3) evidence that the individual has filed:

2 (i) a financial disclosure statement with the State Ethics
3 Commission in accordance with the requirements of Title 5, Subtitle 6 of the General
4 Provisions Article; or

5 (ii) any other financial disclosure report required by law; [and]

6 (4) IF THE CANDIDACY IS FOR THE OFFICE OF MONTGOMERY COUNTY
7 EXECUTIVE OR MEMBER OF THE MONTGOMERY COUNTY COUNCIL, A PETITION
8 THAT SATISFIES THE REQUIREMENTS OF § 5-306 OF THIS SUBTITLE; AND

9 [(4)] (5) any additional information required by the State Board.

10 (e) The appropriate board shall accept the certificate of candidacy if it determines
11 that all requirements are satisfied.

12 **5-306.**

13 (A) A CANDIDATE FOR NOMINATION BY A PRINCIPAL POLITICAL PARTY FOR
14 THE OFFICE OF MONTGOMERY COUNTY EXECUTIVE OR MEMBER OF THE
15 MONTGOMERY COUNTY COUNCIL MAY NOT HAVE THE CANDIDATE'S NAME PLACED
16 ON THE PRIMARY ELECTION BALLOT UNLESS THE CANDIDATE FILES A PETITION
17 WITH THE LOCAL BOARD THAT SATISFIES THE REQUIREMENTS OF THIS SECTION.

18 (B) (1) A CANDIDATE FOR MONTGOMERY COUNTY EXECUTIVE SHALL
19 FILE A PETITION SIGNED BY AT LEAST 1,000 REGISTERED VOTERS IN THE COUNTY.

20 (2) A CANDIDATE FOR MEMBER OF THE MONTGOMERY COUNTY
21 COUNCIL ELECTED BY THE VOTERS AT LARGE SHALL FILE A PETITION SIGNED BY AT
22 LEAST 500 REGISTERED VOTERS IN THE COUNTY.

23 (3) A CANDIDATE FOR MEMBER OF THE MONTGOMERY COUNTY
24 COUNCIL ELECTED BY THE VOTERS OF A SINGLE COUNTY COUNCIL DISTRICT SHALL
25 FILE A PETITION SIGNED BY AT LEAST 250 REGISTERED VOTERS IN THAT COUNCIL
26 DISTRICT.

1 **(C) A PETITION SHALL BE SUBJECT TO ALL PROVISIONS OF TITLE 6 OF THIS**
2 **ARTICLE.**

3 **(D) A PETITION THAT CONTAINS THE REQUIRED NUMBER OF SIGNATURES**
4 **SHALL BE FILED BY THE DEADLINE FOR FILING A CERTIFICATE OF CANDIDACY.**

5 5–504.

6 (b) Except for the offices of Governor and Lieutenant Governor, the name of any
7 individual who files a certificate of candidacy and does not withdraw shall appear on the
8 primary election ballot unless[,]:

9 **(1)** by the 10th day after the filing deadline specified under § 5–303 of this
10 title, the individual’s death or disqualification is known to the applicable board with which
11 the certificate of candidacy was filed; **OR**

12 **(2) THE INDIVIDUAL IS REQUIRED TO FILE A PETITION UNDER § 5–306**
13 **OF THIS TITLE AND THE INDIVIDUAL’S PETITION IS NOT CERTIFIED IN ACCORDANCE**
14 **WITH TITLE 6 OF THIS ARTICLE.**

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2019.