

# SENATE BILL 261

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CF HB 225

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By: **Senator Kelley**

Introduced and read first time: January 22, 2016

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Write-in Candidates**

3 FOR the purpose of providing that a candidate who is defeated for the nomination for a  
4 public office in a primary election is not eligible to file a certificate of candidacy as a  
5 write-in candidate for that office at the next succeeding general election; providing  
6 that a candidate who is defeated for the nomination for a public office at a primary  
7 election may not be a write-in candidate for that office at the next succeeding general  
8 election; and generally relating to write-in candidates.

9 BY repealing and reenacting, with amendments,  
10 Article – Election Law  
11 Section 5-704 and 5-706  
12 Annotated Code of Maryland  
13 (2010 Replacement Volume and 2015 Supplement)

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

16 **Article – Election Law**

17 5-704.

18 **(A)** An individual who seeks election as a write-in candidate shall file a certificate  
19 of candidacy as required under § 5-303 of this title.

20 **(B) A CANDIDATE WHO IS DEFEATED FOR THE NOMINATION FOR A PUBLIC**  
21 **OFFICE IN A PRIMARY ELECTION IS NOT ELIGIBLE TO FILE A CERTIFICATE OF**  
22 **CANDIDACY AS A WRITE-IN CANDIDATE FOR THAT OFFICE AT THE NEXT**  
23 **SUCCEEDING GENERAL ELECTION.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 5-706.

2 (a) This section does not apply to:

3 (1) a candidate for the office of judge of the circuit court;

4 (2) a candidate selected by a political party to fill a vacancy in nomination  
5 under Subtitle 9 or Subtitle 10 of this title; or

6 (3) a candidate defeated in a presidential preference primary.

7 (b) The name of a candidate who is defeated for the nomination for a public office  
8 may not appear on the ballot at the next succeeding general election as a candidate for any  
9 office.

10 **(c) A CANDIDATE WHO IS DEFEATED FOR THE NOMINATION FOR A PUBLIC**  
11 **OFFICE AT A PRIMARY ELECTION MAY NOT BE A WRITE-IN CANDIDATE FOR THAT**  
12 **OFFICE AT THE NEXT SUCCEEDING GENERAL ELECTION.**

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 October 1, 2016.