

**MARYLAND
STATE BOARD OF ELECTIONS**

**PROCEDURES FOR FILING AS
A GENERAL ELECTION
PETITION CANDIDATE**

**GUBERNATORIAL
GENERAL ELECTION**

NOVEMBER 2, 2010

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Administrator

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**Procedures For Filing as a
General Election Petition Candidate**

2010 Gubernatorial General Election

Election Date:

November 2, 2010

State-Filed Candidates

Filing Location:

State Board of Elections
151 West Street, Suite 200
Annapolis, Maryland 21401

Contacts:

Jared DeMarinis - Candidacy and Campaign Finance Information
Donna J. Duncan & Mary Cramer Wagner – Petition Information
410-269-2840 or 1-800-222-8683

Web Site: www.elections.state.md.us

Local-Filed Candidates

Filing Location:

Local Board of Elections

Statutory References:

Maryland Election Law

Title 1 – Definitions

Title 5, Subtitle 7 - Nomination

Title 6 – Petitions

Title 8 – Elections

Title 13 – Campaign Finance

Title 16 - Prohibitions

Material Produced by:

Maryland State Board of Elections
Linda H. Lamone, Administrator

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Summary of Deadlines - Review full Maryland election calendar for complete list of election-related dates.

July 6, 2010 - Deadline to file Declaration of Intent.

July 6, 2010 - Deadline to submit petition signature page for advance determination of sufficiency (optional)

August 2, 2010 - Deadline to file signature pages, information page, Certificate of Candidacy, filing fee, and other documents as specified in information package.

Candidate Qualifications

To be nominated by petition as a general election candidate a person must meet the legal qualifications for the public office sought. Minimum qualifications are provided in a summary prepared by the State Board of Elections office. Constitutional and statutory provisions related to particular offices should be consulted for more detail.

Candidates Required to File Nominating Petitions

Under Title 5 of Maryland Election Law, the following categories of candidates must file nominating petitions:

1. Unaffiliated candidates; and
2. Candidates affiliated with a political party other than the two principal political parties (which are required to nominate by primary). However, if, as of January 1 in the year of the election, at least 1% of the State's registered voters are affiliated with the political party, the party may nominate its candidates by convention, in accordance with party rules. (*AG Opinion number 01-102, April 24, 2001*)

Ballot Listing

The party affiliation shown on a candidate's voter registration may affect the party designation on the ballot.

A candidate who is the nominee of a recognized political party other than the two principal parties will be designated on the ballot with the candidate's voter registration party affiliation.

A candidate who is not the nominee of a political party and is not affiliated on the candidate's voter registration with any party or partisan organization will be designated on the ballot as "unaffiliated".

A candidate who is affiliated on the candidate's voter registration with a partisan organization (non-recognized party) will be designated on the ballot as "other candidate".

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Declaration of Intent to Seek Nomination by Petition

A Declaration of Intent gives notice of a candidate's plans before the candidate is required to file a Certificate of Candidacy. The document requires basic name and address information for a candidate seeking nomination by petition. It is not necessary to file a Declaration of Intent before circulating a petition. However, once a Declaration of Intent is filed and accepted, the candidate's name will be placed on public candidate listings prepared by the election offices. Contact information is then available to the voters, the media, and election officials. No filing fee is required to file a Declaration of Intent.

A Declaration of Intent, in the form prescribed by the State, must be filed with the State Board of Elections or the appropriate local board of elections not later than **5:00 P.M., July 6, 2010**.

Petition Signature Page

The petition signature page is used to collect the names, addresses, and signatures of voters supporting a candidacy. A form prescribed by the State or one approved by the proper election authority must be used. The appropriate board of elections will supply a specimen petition form. The candidate is responsible for properly completing the form and reproducing the quantity needed.

Advance Determination of Sufficiency

A petition sponsor may seek advance determination of the sufficiency of the completed signature page format. A written request for advance determination must be filed with the appropriate election authority not later than **July 6, 2010** (and not more than 2 years and 1 month before the deadline to file the petition). The election board will make a determination of sufficiency within 5 business days after receiving the request. The petition sponsor will be notified of the appropriate board's determination within 2 business days.

Petition Signature Page Content

Only one side of the petition page may be used for signatures.

A person may not sign a petition for the same candidate more than once.

All signatures on a signature page must be of voters residing in the one local jurisdiction (county or Baltimore City) identified at the top of the page.

Each signature page of the petition must contain a statement, to which each signer subscribes, that:

1. The signer supports the purpose of the petition, and
2. Based on the signer's information and belief, the signer is a registered voter in the county identified on the page and is eligible to have his/her signature counted.

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Petition Signature Page Content (continued)

Each registered voter signing the petition must provide the following information on the signature page:

1. Signature;
2. Date of signing;
3. Signer's printed full name (no nicknames);
4. Signer's current voter registration residence address (including street, house and apartment number, town, and zip code). A business address is insufficient, and a post office box number will be sufficient only if there is no street and house number designation for the voter's residence and only if the post office box number is on record with the election office.
5. Date of Birth: Each registered voter is asked to include his/her date of birth on the petition. The date of birth greatly assists the local board to identify a voter and therefore to validate the voter's signature. If a voter refuses to provide a year of birth, the circulator should request month and day of birth as a minimum. A signature will not be invalidated merely because date of birth is omitted.

Note: At the request of the signer, the petition circulator may fill in the information on the petition page, except for signature.

Circulator's Affidavit

Each signature page of the petition must include an affidavit, completed by a circulator who is an individual (not a business or organization), stating that:

1. All identifying information given by the circulator is true and correct;
2. Signatures were placed on the petition in the circulator's presence; and
3. Based on the circulator's best knowledge and belief, each signature on the page is genuine and each signer is a registered voter at the address listed.

The circulator must sign and date the affidavit, but should wait until *after* all petition signers have signed and dated the page. Any signature on the page that is dated after the circulator's affidavit is invalid.

A petition circulator must be at least 18 years old when any signature covered by the affidavit is placed on the petition. Maryland law does not require the petition circulator to be a registered voter.

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Information Page

The information page provides a description and purpose of the petition and an accounting of the number of signature pages and number of signatures being filed. An information page in the form prescribed by the State Board of Elections must accompany each filing of petition signature pages.

Number of Signatures

A petition must be signed by at least **1%** of the registered voters who are eligible to vote for the office sought, with a minimum requirement of 250 signatures. (Election Law, §5-703(e))

The number of signatures necessary to meet the 1% requirement is determined from the voter registration totals calculated January 1st in the year of the election. Registration totals can be located on the website at www.elections.state.md.us.

It is recommended that a candidate submit at least 30% more signatures than the number required, since past experience has indicated that a substantial number of signatures are likely to be invalid.

Note: In the more transient jurisdictions, the invalidity rate may be higher.

Removal of Signatures

A signature may be removed from the petition by:

1. The signer, if the appropriate election authority receives written application from the signer before the page containing the signature is filed; or
2. The circulator or petition sponsor, if it is concluded that the signature does not satisfy the requirements of the law.

A signature removed by the circulator or sponsor may not be included in the number of signatures stated on the information page.

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Deadline for Filing Petition and Certificate of Candidacy

The candidate must file the following, in person, with the appropriate election authority before **5:00 P.M. on Monday, August 2, 2010**. The candidate must show identification at the time of filing. A driver's license, military identification, passport, or other government-issued identification is acceptable.

1. Certificate of Candidacy;
2. Filing Fee (schedule of fees below);
3. Petition signature pages containing valid signatures of at least **1%** of the registered voters who are eligible to vote for the office sought, with a minimum of 250 valid signatures (if the petition contains signatures from more than one county, the candidate must sort the signature pages by county);
4. Petition Information Page;
5. Evidence of the establishment of an authorized candidate campaign committee; and
6. Financial Disclosure Statement.

For State candidates, a Financial Disclosure Statement must be filed with the Certificate of Candidacy, if it is not already on file with the State Ethics Commission. The type of financial disclosure and due date may vary for county candidates. (Contact the local board of elections for details.)

Candidates for U.S. Senator and U.S. Representative are not required to file State financial disclosure statements or to open State candidate committee fund accounts as part of their candidacies. These candidates should, however, contact the Federal Election Commission to determine federal requirements for financial disclosure and campaign finance accounting before engaging in fund-raising or making campaign expenditures.

If the candidate is unable to file the Certificate of Candidacy in person (by reason of illness, military service, or temporary absence from the State) the candidate must file with the Certificate an affidavit setting out fully the facts that prevent filing in person.

Schedule of Filing Fees

<u>State-Filed Candidates</u>	<u>Filing Fee</u>	<u>Disclosure</u>
Governor/Lt. Governor	\$290.00	State
Comptroller	\$290.00	State
Attorney General	\$290.00	State
U.S. Senator	\$290.00	None
U.S. Representative	\$100.00	None
State Senator	\$50.00	State
House of Delegates	\$50.00	State
Judge of Circuit Court, Circuits 1-7	\$50.00	Judicial
Judge of Circuit Court, Circuit 8	\$300.00	Judicial

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Schedule of Filing Fees (continued)

<u>Local-Filed Candidates</u>	<u>Filing Fee</u>	<u>Disclosure</u>
County Executive	\$25.00	County
County Council	\$25.00	County
County Commissioners	\$25.00	County
County Treasurer	\$25.00	County
State's Attorney	\$25.00	State
Clerk of the Court	\$25.00	State
Register of Wills	\$25.00	State
Judge of the Orphans Court	\$25.00	Judicial
Sheriff	\$25.00	State
Board of Education	\$25.00	Board of Education

Verification of Petition

Unless the State Board of Elections authorizes use of random sampling procedures, the local board of elections must review each name on any signature page for that county and indicate which names are valid (that is, names of duly registered voters) and which are invalid. The local board of elections is also responsible for examining the format of each signature page to verify that legal requirements have been met.

If the local board determines that a signer is not a registered voter or not eligible to sign the petition, that signature will be disallowed, but the disallowance will not affect or impair any other portion of the signature page.

However, if the signature page is not in proper form or if required information for the circulator is not provided on the signature page, the entire page will be invalidated.

Within 20 calendar days after the petition is filed, the local board of elections must complete the verification and must summarize the results on a Nominating Petition Verification Form prescribed by the State Board of Elections.

For State-filed candidates, the State Board of Elections will total the results from all local boards to determine the number of valid signatures on the petition.

Within 2 business days after completing the verification process, the appropriate election authority will notify the petition filer in writing of the results (that is, whether the number of valid signatures is sufficient or insufficient to meet the requirement for candidacy).

If the 1% or 250 minimum signature requirement is not met, the person's name will not appear on the general election ballot.

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Verification of Petition (continued)

If, after the initial verification of signatures, a petition does not contain a sufficient number of valid signatures, additional signatures may be filed, as long as there is time remaining before the August 2, 2010 deadline to file the petition. Additional signatures may also be filed before the completion of the verification process and before the filing deadline. However, no signature may be added or removed after the deadline.

Prohibitions (Election Law, 33, §16-401)

A person may not willfully and knowingly:

1. Give, transfer, promise, or offer anything of value for the purpose of inducing another person to sign or not sign any petition;
2. Request, receive, or agree to receive, anything of value as an inducement to sign or not to sign any petition;
3. Misrepresent any fact for the purpose of inducing another person to sign or not to sign any petition;
4. Sign the name of any other person to a petition (except when assisting someone with a disability);
5. Falsify any signature or purported signature to a petition;
6. Obtain, or attempt to obtain, any signature to a petition by fraud, duress, or force;
7. Circulate, cause to be circulated, or file with an election authority a petition that contains any false, forged, or fictitious signatures;
8. Sign a petition that the person is not legally qualified to sign;
9. Sign a petition more than once; or
10. Alter any petition after it is filed with the election authority.

Compliance with Maryland Campaign Finance Law - Campaign Account

Non-federal Petition Candidates (Candidates for all offices except U.S. Senator and U.S. Representative)

Candidates and their committees or slates are subject to the provisions of Maryland Election Law, Title 13, with respect to the manner in which they raise, spend, and report funds promoting the success of the candidacy.

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Compliance with Maryland Campaign Finance Law - Campaign Account (continued)

The registration provisions relating to campaign accounts are triggered at the time funds are collected or spent for the signature gathering process. As a result, the candidate should contact the State Board of Elections before engaging in any financial activity, to determine the procedures for establishing a campaign account. In any event, a campaign account must be established no later than **August 2, 2010**, even if no campaign funds have been collected or spent.

For applicable provisions of Maryland campaign finance law contact the State Board of Elections, Candidacy and Campaign Finance Division, P.O. Box 6486, Annapolis, Maryland 21401 (Toll Free Number 800-222-8683) or your local board of elections.

Federal Petition Candidates: (Candidates for U.S. Senator and U.S. Representative)

Maryland campaign finance laws do not apply to federal candidates. Therefore, a federal candidate is not required to open a campaign account or submit State campaign fund reports. However, federal law does impose certain campaign finance requirements.

For information concerning the Federal Election Campaign Act, contact the Federal Election Commission, 999 E Street, NW, Washington D.C. 20463 (Toll Free Number 800-424-9530).

Reminder: These agencies should be contacted before any financial activity occurs.

Associated Documents

1. Declaration of Intent to Seek Nomination by Petition
2. Certificate of Candidacy for Nomination by Petition
3. Statement of Organization for Maryland Campaign Accounts
4. Petition Information Page for General Election Candidate
5. Minimum Office Qualifications
6. Financial Disclosure of Liabilities
7. Candidate Nomination Petition
8. 2010 Election Calendar
9. Petition Question and Answer Sheet

Forms and other information can be obtained from the State Board of Elections web site: **www.elections.state.md.us**.