

L A W S

OF THE

STATE OF MARYLAND,

MADE AND PASSED

AT A SESSION OF THE GENERAL ASSEMBLY BEGUN AND HELD AT THE
CITY OF ANNAPOLIS ON THE FIRST DAY OF JANUARY, 1890,
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CHAPTER 538.

AN ACT entitled an act to repeal and re-enact with amendments section fifty-four, of article thirty-three, of the Code of Public General Laws, title "Elections," and to add new sections thereto under the designations of sections one hundred and twenty-eight, one hundred and twenty-nine, one hundred and thirty, one hundred and thirty-one, one hundred and thirty-two, one hundred and thirty-three, one hundred and thirty-four, one hundred and thirty-five, one hundred and thirty-six, one hundred and thirty-seven, one hundred and thirty-eight, one hundred and thirty-nine, one hundred and forty, one hundred and forty-one, one hundred and forty-two, one hundred and forty-three, one hundred and forty-four, one hundred and forty-five, one hundred and forty-six, one hundred and forty-seven, one hundred and forty-eight, one hundred and forty-nine, one hundred and fifty, one hundred and fifty-one, one hundred and fifty-two, one hundred and fifty-three, one hundred and fifty-four, one hundred and fifty-five, one hundred and fifty-six, one hundred and fifty-seven, one hundred and fifty eight, one hundred and fifty-nine, one hundred and sixty, one hundred and sixty-one, one hundred and sixty-two, one hundred and sixty-three, one hundred and sixty-four, one hundred and sixty-five and one hundred and sixty-six.

Repeal SECTION 1. *Be it enacted by the General Assembly of Maryland,* That section fifty-four, of article thirty-three, of the Code of Public General Laws, title "Elections," be repealed and re-enacted so as to read as follows:

Shall deliver 54. Every voter shall deliver to the judges of election in the district or precinct in which he offers to vote, one official ballot to be furnished to him in the manner stated in section one hundred and fifty-four of this article, and the ballot so delivered to and received by the judges of election shall be deposited in the ballot-box until the polls be closed, subject to the limitation hereinafter stated; one accredited representative or challenger of each and every political party whose candidates are voted for at each election, to be designated in writing by such candidates, and in case of his necessary absence, a substitute similarly selected shall be entitled to be admitted into and remain in the polling room from the opening until the close of the election, and until **Challenger** the vote has been counted and the result ascertained, and a refusal to permit any such representative shall be a misdemeanor punishable by a fine not exceeding five hundred dollars, or by

imprisonment not exceeding six months, or by both fine and imprisonment, in the discretion of the court; but no such accredited representative or challenger can demand admittance for any political party which casts less than one-fifth of all the votes in the State at the last preceding general election; the position to be held by any challengers or representatives shall be outside of the guard rail; the ballot box shall not be more than six feet from said rail, inside the same; it shall be unlawful for said representatives to inquire or ascertain for what candidate or candidates any voter may intend to vote, or has voted, or to confer in the polling-room with any voter or to aid or assist him in the preparation of his ballot; other challengers may at the instance of candidates be admitted in the discretion of the judges of election.

Position.

SEC. 2. *And be it enacted,* That the following sections numbered from one hundred and twenty-eight to one hundred and sixty-six inclusive, be and the same are hereby enacted as a part of the Code of Public General Laws, and added to said article thirty-three.

To add.

128. Hereafter all ballots to be used and cast in any elections to be held in this State under the constitution and laws thereof, and for representatives in the congress of the United States, and for electors for president and vice-president of the United States, and in all the elections in the several counties and districts and precincts thereof, and in the city of Baltimore and the several districts, wards and precincts thereof, and in the cities of Annapolis, Frederick, Cumberland and Hagerstown, and the several wards or precincts thereof, shall be printed and distributed at the public expense; the word election in this section shall embrace all votes upon questions submitted to the vote of the people, but not primary elections.

Finished
at public
expense.

129. Any convention as hereinafter defined, held for the purpose of making nominations to public office, and also registered voters to the number hereinafter specified, may nominate candidates for public offices to be filled by election within the State, or any parts thereof; a convention within the meaning of this act is an organized assemblage of delegates representing a political party which at the last general election before the holding of such convention, polled at least one per cent. of the entire vote cast in the State, county, ward or other division for which the nomination is made; nominations may also be made by means of primary elections, without the intervention of any convention by any party which polled said proportion of the entire vote of the State at the last preceding general election.

May nomi-
nate

130: All nominations made by any such convention, or by means of any primary election shall be certified as follows: there shall be in either case a certificate in writing, in which shall be

stated the name of each person nominated, his residence and the office for which he is nominated, and the name of the party by which he has been nominated; if the nomination be by a convention, the certificate shall be signed by the presiding officer and secretary of the convention, and their signatures thereto shall be acknowledged by them before some officer competent to take acknowledgments of deeds; if the nomination be by means of a primary election as stated in the foregoing section, the certificate may be signed by the judge or judges of such election, or if there be a number of polling-places at such primary, then by the person or persons whose duty it may be by the party usage, to receive the return and declare the result, or by the presiding judge at each of such polling-places, and the signature of each signer shall be acknowledged by him as hereinbefore stated; all such certificates shall be known as certificates of nomination; a party emblem or device may be added to the certificate; provided, it shall be referred to and identified in said acknowledgment; it may consist of one object, or of several objects in combination, and when printed on its proper ballot shall not occupy more than two and one-half inches in height and two inches in breadth.

Nomina-
tions, how
certified

Emblem
may be
added.

Candidates
how nom-
inated.

131. A candidate for public office may be nominated otherwise than by a convention or primary election in the manner following: a nomination paper containing the name of the candidate nominated, his residence, and the office for which he is nominated, shall be signed by registered voters residing within the county, cities of Baltimore, Annapolis, Frederick, Cumberland, and Hagerstown, ward or political division, as the case may be, for which candidates are to be presented as follows: the number of signatures so required shall not be less than five hundred when the nomination is for an office to be filled by an election participated in by the voters of the entire State, and not less than three hundred when the nomination is for an office to be filled by an election to be participated in by the voters of the entire cities of Baltimore, Annapolis, Frederick, Cumberland and Hagerstown; and not less than two hundred for nominations for all other elections; and provided also, that the said signatures need not all be appended to one paper, such paper when executed as above prescribed, may be filed as provided for in section one hundred and thirty-two of this article, with the same effect as a certificate of nomination made by a party convention; but if the signatures are appended to more than one paper, all such papers must be fastened together and filed as one whole certificate; all such papers shall be known as "Nomination Papers," all such nomination papers, shall be accompanied by an affidavit or affidavits before a justice of the peace by some one or more persons known personally to the justice certified by him, and signed by the affiant that the signers thereto are registered voters of the district or precinct in which they respectively reside.

132. All certificates of nomination and nomination papers for electors for president and vice-president of the United States, representatives in the congress of the United States, and for any other officers to be voted for by the voters of more than one county, shall be filed with the secretary of State; all such certificates and nomination papers for the nomination of candidates to be voted for by the voters of only one county, or of the cities of Baltimore, Annapolis, Frederick, Cumberland and Hagerstown, or any ward, election district, or other sub-division of such cities or counties, and all papers of withdrawal of a candidate or candidates shall be filed with the boards of supervisors of elections for the city of Baltimore and the respective counties; at the end of six months after the election for which the nominations were made, the secretary and the said board of supervisors shall destroy the said certificates, nomination and withdrawal papers, and said boards of supervisors of election shall destroy the copies thereof, unless there be some contest with respect to the election for which the nomination was made, and then the same shall be preserved until such contest is ended.

Nomina-
tion pa-
pers shall
be filed.

133. All such certificates and nomination papers required by the preceding section to be filed with the secretary of State, shall be filed not more than sixty nor less than twenty days previous to the day of election for which such nominations are made; and all such certificates and nomination papers so required to be filed with said board of supervisors of elections shall be so filed not more than sixty days and not less than ten days before the day of the election for which such nominations are made; in the calculation of said period, the day of the filing of the certificates and the day of election shall both be excluded; all certificates of nomination and nomination papers when filed, shall, under proper regulations to be made by the secretary of State and boards of supervisors of elections respectively, be open to public inspection.

Time for
filing nom-
ination
papers.

134. If the officers with whom such certificates and nomination papers have been filed shall observe defects therein, it shall be their duty immediately to bring the same to the attention of the persons by whom the same were filed, and allow any necessary corrections to be made; provided, that in making the same the proceedings shall be the same as herein directed for the making acknowledgments and verification of such certificates and nomination papers; when said certificates and nomination papers are in apparent substantial conformity with this article, they shall be deemed to be valid.

Make cor-
rections.

135. On or before the fourteenth day preceding the election for which the nominations have been made, it shall be the duty of the secretary of State to transmit by mail to the said respective boards of supervisors a statement of the names and residences of all persons duly nominated by such certificates of nomination

Transmit
names.

or nomination papers filed with him, and the offices for which they are nominated, together with the party designations of the candidates, and the party by which they are nominated, and any party emblems or devices, if the same have been disclosed by such certificates or nomination papers, and also the form in which any question to be submitted to the voters of the whole State, shall appear on the ballots, as may be designated by the respective political parties; for greater security, a like statement shall also be transmitted by him by mail the day following.

136. Should any person so nominated die before election day, or decline the nomination as in this article provided, the vacancy or vacancies thus occasioned may be filled in the manner required for original nominations; if however, the original nomination was made by a party convention which had delegated to a committee the power to fill vacancies, such committee may, upon the occurring of such vacancies, proceed to fill the same; the chairman and secretary of such committee shall thereupon make and file with the officers with whom the original certificates of nomination were filed, a certificate setting forth the cause of the vacancy, the name of the person now nominated, the office for which he was nominated, the name of the person for whom the new nominee is to be substituted, the fact that the committee was authorized to fill vacancies, and such further information as is required to be given in an original certificate of nomination; the certificate so made shall be executed and acknowledged in the manner prescribed for the original certificate of nomination, and shall have the same force and effect; but if such new nomination shall be made after the time in this article provided for the filing of certificates of nomination and nomination papers, then such new certificate of nomination or nomination papers may be filed with the boards of supervisors of election respectively, at any time before the ballots shall have been printed, and the name of any person so nominated shall then be printed on the ballot.

137. All ballots for use at any election other than primary election, to be held in the city of Baltimore, shall be prepared, printed and furnished by the said respective boards of supervisors of election; every ballot shall contain the names of all candidates whose nominations for any offices specified in the ballot has been duly made and not withdrawn, in accordance with the provisions of this article and no other names; the names of candidates nominated by each political party shall be grouped together in parallel columns on the ballot, and headed by the name of the political party by which the candidates comprising said group were placed in nomination as described in the certificates of nomination; when a party emblem or device has been added to the certificate, as stated in section one hundred and thirty, it shall be printed to

Vacancies
on tickets
may be
filled.

Ballots in
Balto. city

Grouped
together.

the left of or above the name of the party preceding the party group; when a party name is given in any nomination paper in connection with the name of any nominee, it shall be stated on the ballot, but if there shall have been a nomination by a party convention or lawful primary election claiming the same party name for the same office, duly certified as provided in this article, the word "Independent" shall precede the party name of the person or persons nominated by nomination papers; if the same party name, or emblem, or both, shall be claimed on behalf of nominations made by more than one convention or primary election, and duly certified in point of form under the provisions of this article, the officers by whom the ballot is to be prepared, or a majority of them, shall determine which nominees are justly entitled to the party designation or emblem, and the word "Independent" shall precede the party name with respect to the other group or groups of nominees, and the emblem shall be omitted from the "Independent Group;" there shall be left at the end of the list of candidates for each different office as many blank spaces as there are officers to be voted for, in which the voter may insert in writing or otherwise the name of any person not printed on the ballot for whom he may desire to vote as a candidate for such office; whenever a constitutional amendment or other question is submitted to the vote of the people, such question shall be printed upon the ballot after the list of candidates, with the words "For" or "Against" as each political party may determine; the ballots shall be so printed as to give to each voter a clear opportunity to designate by a cross mark (X) in a sufficient margin at the right of the party name or emblem, and of the name of each candidate, and of each submitted amendment or question, his choice of candidates and his answer to the submitted amendment or question, and each voter shall be considered as having voted for each candidate or proposition opposite to whose name or to which he shall on the margin to the right put a cross-mark (X); any voter may place his cross-mark (X) on the right margin in the line opposite the emblem or name of a party, and no other cross-mark (X) opposite the name of any candidate with the words "For" or "Against" as each political party may determine, and then such vote shall be regarded as given for each one of the candidates of the party named and grouped as aforesaid, but if the voter shall make his cross-mark opposite one or more of the names of such candidates, though one such mark shall be opposite said party name or emblem, the vote shall be regarded as given only for those persons against the names of whom it appears; on the ballots may be printed such words as will aid the voter in designating his choice of candidates and his answers aforesaid, such as vote for "One," vote for "Three," "Yes," "No," and the like and brief instructions as to the method of voting; the ballots shall be printed with black ink on clear white paper;

Blank
space.Printed on
ballot.

Mark.

Ballot—
how print-
ed.

before being distributed the ballots shall be so folded in marked creases that the width and length of the ballots when folded shall be uniform, and of proper width to be placed without difficulty in the ballot-boxes now provided by law; on the back and outside shall be printed the words "Official Ballot For," followed by the designation of the polling-place for which it is prepared, the date of the election, and a fac-simile of the signature of the president or presiding officer of the board of supervisors of election by whom the ballot has been prepared.

138. It shall be the duty of the secretary of State at least thirty days before the first election, at which any of the ballots provided for in the preceding section can be used, to cause to be prepared and transmitted to said respective boards of supervisors, sample printed forms of ballots for their assistance in the preparation of the ballots by them, and also prepare and cause to be printed in clear, large type on separate cards, to be called cards of instructions, at the expense of the State, and transmit to said respective boards of supervisors, full instructions for the guidance of voters as to obtaining ballots, the manner of marking them, the method of gaining assistance, and the manner of obtaining new ballots in place of those accidentally spoiled, together with copies of sections one hundred and sixty-two to one hundred and sixty-six, inclusive, to the number of ten for each polling-place.

139. Any person whose name has been presented as a candidate for any office may cause his name to be withdrawn from nomination by request in writing signed by him and acknowledged before an officer qualified to take acknowledgments of deeds, filed with the secretary of State or clerk, as the case may be, before he shall have transmitted the names of the nominees, or thereafter with the officers by whom ballots for such office are to be prepared at any time before the ballots have been prepared, and no name so withdrawn shall be printed upon the ballots.

140. All ballots when printed shall be folded as hereinbefore provided and fastened together in convenient numbers in packages, books or blocks, in such manner that each ballot may be attached and removed separately; a record of the number of ballots printed and furnished for each polling-place shall be kept and preserved by the said boards of supervisors of election respectively; said record shall be retained in their respective offices for six months after each election, with reference to which it was made, and shall then be destroyed, unless a contest shall have occurred with respect to some office embraced therein, when the same shall be preserved until said contest shall be ended.

141. There shall be provided for each voting place, at which an election is to be held, two sets of such ballots, each of not less than one hundred for every fifty, or fraction of fifty registered voters therein, and it shall be the duty of the registers of voters

in each election district or precinct of each county, and each election precinct of the city of Baltimore, in which any of the elections hereinbefore mentioned is to be held, to certify to the boards of supervisors of election respectively, immediately after the close of the last sitting of the registers in each year, the number of registered voters in each voting district or precinct of the several counties and of the city of Baltimore, as the case may be; the officers hereinbefore charged with the duty of preparing the ballots shall respectively furnish the ballots for use in each such election, and also cause to be printed without the fac-simile endorsements, ten or more copies of the form of the ballot provided for each voting place at each election therein, which shall be called specimen ballots, and shall be furnished with the other ballots provided for each such voting place.

Duty of registers.

Shall furnish ballots.

143. It shall be the duty of the secretary of State and of the said supervisors of elections respectively, to furnish any persons applying therefor copies of any certificates of nominations, nomination papers or withdrawal papers filed with them for which they shall be entitled to charge at the same rates as for copies of other documents in their offices, such costs to be paid by the mayor and city council of Baltimore and county commissioners respectively.

To furnish copies.

144. The said boards of supervisors of election respectively, shall four days at least prior to the day of any election in the said cities and their counties respectively, cause to be conspicuously posted in one or more public places in each voting precinct of said cities and in each voting district or precinct of the counties respectively, sample copies of the ballots to be used in such district or precinct.

Shall post.

145. The board of supervisors of elections shall the day preceding the election deliver to the board of police of the city of Baltimore, all the ballots, specimen ballots and cards of instruction, and the second day before the election, the supervisors of elections of each county shall deliver to the sheriff of the county, the ballots, specimen ballots and cards of instruction; the said two sets of ballots shall be delivered in separate sealed packages, with marks on the outside, clearly designating the several polling-places for which the respective packages are intended, and the number of ballots of each kind enclosed, and the said board of police and sheriffs shall give their receipts therefor; a record shall be kept by said boards of supervisors, of the time when such delivery was made, and of the particulars thereof, and the same with said receipts shall be preserved for one year, unless a contest hath occurred with reference to any office which was embraced in the ballots and then until the contest is ended when they shall be destroyed.

Specimen ballots and cards of instructions.

146. The board of police commissioners of Baltimore city shall send together with the ballot-boxes, and at the time and in the method now provided for the delivery thereof, to the judges of the election, and shall deliver with the ballot-box to the said judges of each precinct in said city, one set of the said ballots, together with the specimen ballots and cards of instructions for the said precincts; the other set of such ballots shall be obtained in the possession of the said board of police commissioners upon the requisition in writing of the presiding or return judge, or of any two judges of the election in any precinct, that the second set of ballots are needed for the use of the voters therein, the board of police commissioners shall deliver to said judges through the hands of one or more of their officers the second set of ballots, taking a receipt from said judges therefor.

147. The said sheriffs of the several counties shall send to the several voting places in their counties both sets of the said ballots, together with the specimen ballots and cards of instruction, at the same time with and in the same manner now provided by law for delivering to them the ballot-boxes, and one set of ballots together with the specimen ballots and cards shall be delivered to the return judge, and the other set of ballots shall be delivered to the return judge, and the other set of ballots shall be delivered to the judge who is of a different political party from the return judge, and said judges shall respectively, receipt to the sheriff therefor.

148. At the opening of the polls in each polling-place in the city of Baltimore and the several counties, the seals of the packages of the first set of ballots, and of the specimen ballots and cards of instruction shall be publicly broken by the return judge of election, and the packages, books or blocks of ballots shall be delivered into the custody of the ballot clerks, hereinafter provided for; the cards of instruction shall be immediately posted in or at each voting shelf or compartment provided for marking the ballots, and not less than three of the cards and not less than five specimen ballots shall immediately be posted up conspicuously about the polling-place; if it shall become necessary to use the second set of ballots, it shall be received by the judges in the city of Baltimore from the board of police commissioners as hereinbefore stated, and in the several counties from the said judge to whom the second set has been confided, and shall be opened and dealt with in all respects as the first set.

149. If it should so happen that the tickets prepared and printed by the board of police commissioners or by the said board of supervisors of elections respectively, should be destroyed, lost or stolen, or should be inaccessible to them for any reason, they shall proceed expeditiously to prepare and cause to be printed two sets of duplicates thereof, and shall proceed as near as may

be, with respect to said duplicate sets as if they had been the originals.

150. If it shall happen that some office or offices shall become vacant after the time fixed for filing certificates of nomination and nomination papers, or a candidate for any office shall die after his name shall have been printed on the official ballots, tickets for such office or offices alone, not exceeding four inches in length, may be printed or prepared in the manner now allowed by law, and may be carried into the polling-room and voted at the same time and in the same ballot-box with the official ballot, and shall be counted in the same manner as the official ballots; and in the cases mentioned in this section the name of a candidate for such vacant office shall not be placed or written on the official ballot or counted if found thereon.

Separate
ticket.

151. It shall be the duty of the said respective boards of supervisors of elections to provide for each of the polling-places in the said cities and counties respectively, two books for the use of the election clerks in keeping the account of the votes, said books shall be in the form now in use for the purpose, except that they shall have in addition at least one parallel column on the left hand margin, in which it shall be the duty of the election clerks to place numbers consecutively against the name of each voter whose vote shall be recorded and placed in the ballot-box, so that the voters who have voted shall be numbered consecutively one after another in regular sequence, the first voter to be numbered one, the next two, and so on to the end.

To provide
books.

152. It shall be the duty of the said boards of supervisors of election at the same time and in the same manner that they make the appointment of the judges of elections, and from persons having the same qualifications as those prescribed by law for said judges, to appoint two ballot clerks for each precinct and election district; each one of the said supervisors of election shall have a vote upon the proposed selection or nomination of any election clerk, and if in any instance in consequence of such vote the board cannot agree upon such appointment, then the names of three persons who are eligible shall be submitted for selection to for election clerks by the supervisor or supervisors belonging the leading political party entitled to be represented by such election clerk, and out of said three names the other supervisor or supervisors representing the other leading political party of the State, shall select the name of such election clerk, who when so selected shall be appointed the election clerk, if otherwise eligible, and shall serve, unless executed by said board of supervisors of election so that there shall be two ballot clerks for each voting place, and said ballot clerks shall hold their office for the same period as the judges of election; and one of the said ballot clerks shall be selected from each of the two different parties

Ballot
clerks.

which polled the largest number of votes at the last preceding general election; the compensation of the ballot clerks shall be the same as that of judges of election; before proceeding to act they shall take and subscribe an oath (or affirmation), if they be conscientiously scrupulous of taking an oath in the form following: I will not attempt to ascertain, save in cases and in the manner in which I am authorized by law to do, for what candidate or candidates any person shall vote or have voted, or how any person shall vote or has voted on any question which may be or may have been submitted to the vote of the people, and if such knowledge shall be acquired by me in the performance of my duty, I will not directly or indirectly, by word or act divulge or reveal the same, or aid in doing so, save when I may be required to do so by law in some legal proceeding, and I will in all things faithfully execute the duties of my office of ballot clerk according to the best of my knowledge, without favor or partiality, so help me God. The proceedings of the board of supervisors of election in the city of Baltimore, with reference to the advertisement of names of the appointees for said ballot clerks, and of the hearing and disposal of complaints in regard to them, and the filling of vacancies in the office shall be the same as now provided by law in reference to the judges of election; the obligation to serve as such clerks, and the penalty for refusal to serve shall be the same as now provided by law in regard to judges of election in like case, as well in the several counties as in the city of Baltimore respectively, and any person having served as ballot clerk shall not be obliged to serve again for three years thereafter; warrants shall be issued to said ballot clerks in the same manner and by the same persons as to the judges of election; the two ballot clerks appointed above for each district or precinct polling-place, shall on the morning of the election and after the ballots have been opened by the return judge, receive the same from the judges of election and have charge thereof, and shall furnish them to the voters in the manner hereinafter set forth; if any ballot clerk shall fail to appear at the opening of the polls, or be, or become unable to serve, the vacancy shall be filled in the same manner as now provided by law for a like vacancy in the office of judge of election or clerk.

153. The said board of supervisors of election respectively, shall cause each polling-place to be suitably provided with a sufficient number of voting shelves or compartments, at or in which voters may conveniently mark their ballots, so that in marking thereof they may be in sight but be screened from the observation of others, and a guard-rail shall be so constructed and placed that only such persons as are inside said rail can approach within six feet of the ballot-boxes, and of such voting shelves or compartments; the arrangements shall be such that neither the ballot-boxes nor the voting shelves or compartments shall be hidden

from view of those just outside the said guard-rail; the number of such voting shelves or compartments shall not be less than one for every one hundred voters qualified to vote at such polling-place, and not less than five in any voting precinct of the city of Baltimore, and not less than three in any district or precinct voting-place elsewhere; no persons other than the said election officers and voters admitted as herein provided, shall be permitted within said rail except the police and the sheriff, deputy sheriffs, for the sole purpose of keeping order and enforcing the law and so long only as may be necessary for this purpose and other officers duly appointed under the revised statutes of the United States, and in Baltimore city such number of election police as the board of supervisors of election of said city shall see fit to appoint at every polling-place in said city; the powers of the said election police shall be identical with the powers of said federal supervisors of election and the said federal marshals; similar appointments shall be made in the counties by the judges of election of the several election districts or polling-places, and their compensation shall be the same as that of the judges of election, said election police shall receive the same compensation from the mayor and city council of Baltimore as judges of election are paid in said city, only so many of said election police shall be permitted within said rail at any one time as shall be equal to the number of said United States officials within said rail at such time and for the same length of time; each voting shelf or compartment shall be kept provided by the ballot clerks with proper supplies and conveniences for marking the ballots, and each ballot shall be marked by the voter with the cross (X) herein mentioned by means of a rubber or other stamp, provided for each booth, and supplied with ink so that the cross (X) shall in all cases be as near as practicable uniform, not more than six voters in addition to those then within the railing shall be admitted to the room at one time, and each voter except the officers and representatives before mentioned shall be required after voting to withdraw entirely from the room; the judges of election may admit persons from time to time to aid in determining the fact whether a voter is entitled to vote, and such persons shall withdraw at once after their statements shall have been given; the pay of said State officials so to be appointed by the governor and supervisors of election in the city of Baltimore shall be the same as that of the judges.

Not permitted inside rail.

Election Police.

Shall be marked

154. Any person desiring to vote, shall give his name, and if requested so to do, his residence, to one of the ballot clerks to be designated for this purpose by the judges, who shall thereupon announce the same in a loud and distinct tone of voice, and if such name is found by the judges of election upon the list of registered voters the voter shall be allowed to enter the space en-

Shall give his name.

closed by the guard-rail as above provided, a ballot clerk shall give him one and only one ballot; before handing the ballot to the voter the ballot clerk shall place his own initials immediately beneath the fac-simile signature, and so that the same will plainly appear when the ballot shall have been folded as required by the next section; besides the election officers not more than four voters in excess of the number of voting shelves or compartments provided, shall be allowed in said enclosed space at one time.

155. On receipt of his ballot the voter shall forthwith and without leaving the enclosed space, retire alone to one of the voting shelves or compartments, and shall prepare his ballot by making in the appropriate margin or place a cross (X) opposite the name or emblem of a party as a vote for all the group of candidates of that party whose names shall not have been erased, or opposite the name of the candidate of his choice for each office to be filled, or by filling in the name of the candidate of his choice in the blank space provided therefor, and marking a cross (X) opposite thereto, and in case of a question submitted to the vote of the people, by making in the appropriate margin or place a cross (X) against the answer which he desires to give; in marking such a ballot any voter shall be at liberty to use or copy any unofficial sample ballot which he may choose to mark, or to have had marked in advance of entering the polling-place or booth, to assist him in marking the official ballot, but no voter shall be at liberty to use or bring into the polling-place any unofficial sample ballot, printed upon paper, the color and quality now required to be used for the printing of ballots under this article; before leaving the voting shelf or compartment the voter shall fold his ballot without displaying the cross-marks thereon, in the same way it was folded when received by him, and so that the initials of the ballot clerk shall appear, and he shall keep the same so folded until he has voted, he shall vote in the manner provided in this article before leaving the enclosed space, and shall hand his ballot to the judge of election with the official endorsement uppermost, he shall mark and deposit his ballot without undue delay, and shall quit said enclosed space as soon as he has voted; no voter shall be allowed to occupy a voting shelf or compartment already occupied by another, nor to occupy a voting shelf or compartment for more than five minutes, in case of all such shelves or compartments are in use, and other voters are waiting to occupy the same; no voter waiting his turn or other person shall overlook or converse with any other voter while he is engaged in the said compartment or voting shelf; no voter not being one of said election officers, whose name has been checked on the registry by the judges shall be allowed to re-enter said enclosed space during said election; it shall be the duty of the judges of election to secure the observance of the provisions of this section and of

shall prepare ballot

Not to occupy

Not to re-enter

other sections relative to the duties of the ballot clerks, voters and others in and about the polling-rooms.

156. No person shall take or remove any ballot from the polling-place before the close of the polls; if any voter spoils a ballot he may successively obtain others, one at a time, not exceeding three in all, upon returning each spoiled one; the ballots thus returned shall be immediately canceled, and together with those not distributed to the voters, shall be preserved, and said undistributed ballots and those thus cancelled shall be securely enveloped or wrapped, marked and sealed, and shall be delivered by the return judges respectively, in the city of Baltimore, and in the counties to the said respective boards of supervisors of elections, within two days after the election, and they shall then be destroyed; it shall be the duty of the ballot clerks to keep an accurate account of all ballots delivered by them to voters, and they shall account for and deliver to the return judge all the ballots not delivered to voters.

Cancelled
ballots

157. Any voter who is blind, or who declares to the ballot clerks that he cannot read, or that by reason of physical disability he is unable to mark his ballot, may apply to said two ballot clerks to assist him in the marking thereof; each voter of foreign birth, excepting those who speak English as their native tongue, shall be allowed to select and bring with him, if he chooses, to the rail, but not inside of it, one person versed in the English language, to assist said voter in properly stating and spelling his name in English, and in establishing his residence and to aid him in understanding correctly any question that may be asked him, such person to be permitted to remain in the polling-room outside the rail until said voter of foreign birth has deposited his ballot.

Voters
blind

Of foreign
birth.

158. If the voter marks more names than there are persons to be elected to an office, or if for any reason it is impossible to determine the voter's choice for any office to be filled, his ballot shall not be counted for such office; no ballot without the official endorsement and the initials of one of the ballot clerks shall be allowed to be deposited in the ballot-box, or counted except in the instances mentioned in section one hundred and fifty of this article; ballots not counted shall be marked "defective" on the back thereof, and shall be preserved and disposed of in the same manner as the rejected ballots.

Ballots not
to be count
ed.

159. It shall be the duty of the board of police commissioners in the city of Baltimore, before the commencement of the next registration of voters therein, to establish precincts for voting therein, conforming to the legislative and congressional districts as established by law, so that each precinct shall, as near as may be contain not more than six hundred voters, and from time to time to make such of one or more precincts, or other changes in

Voting
precincts

precincts, so that there may be always as nearly as may be not more than six hundred voters in each precinct, if the equal division of the voters in the precincts of the several wards will allow, and if not, as near to the said number of six hundred voters as practicable; the said board of police commissioners shall make known the boundaries of the precincts by advertisement in two daily newspapers published in said city, inserted in each paper on two successive days of the week preceding the commencement of the registration.

Expenses. 160. The necessary expenses incurred in any county in carrying out the provisions of this article, shall be paid by the county commissioners of that county, and the like expenses in the city of Baltimore by the mayor and city council of Baltimore, the like expenses incurred by the secretary of State, or under his direction, shall be paid by the State by requisitions of the comptroller on the treasurer upon proper vouchers, certified by the secretary of State; bids shall be required by the board of supervisors of election in Baltimore city and by the county commissioners of the several counties, after due public notice, for the necessary equipment of the polling-rooms to fit them for use under this article; the contract therefor shall be awarded to the lowest responsible bidder.

Penalty. 161. A voter who shall, except as herein otherwise provided, allow his ballot to be seen by any person with an apparent intention of letting it be known how he is about to vote, or place any distinguishing mark upon his ballot, or any person who shall interfere, or attempt to interfere with any voter when inside said enclosed space, or when marking his ballot, or who shall endeavor to induce any voter before voting to show how he marks or has marked his ballot, or otherwise violate any provisions of this article, for which no other punishment is prescribed, shall be punished by fine of not less than five dollars nor more than one hundred dollars, and election officers shall report any person so doing to the police officer, sheriff or deputy sheriff, or other officer at the polls whose duty it shall be to see that the offender is duly brought before the proper court, or order his arrest forthwith.

Misdemeanor. 162. Any person who shall, prior to an election, wilfully deface or destroy any sample ballot posted in accordance with the provisions of this act, or who, during an election shall wilfully deface, tear down, remove or destroy any card of instruction or sample ballot printed or posted for the instruction of voters, or who shall during an election, wilfully remove or destroy the guard railing, or any of the supplies or conveniences furnished to enable a voter to prepare his ballot, or shall wilfully hinder the voting of others, shall be punished by fine of not less than five dollars nor more than one hundred dollars, or imprisonment

in jail not exceeding one year, or both, in the discretion of the court.

163. Any person who shall falsely make or wilfully deface or destroy any certificate of nomination or nomination paper, or any part thereof, or any letter of withdrawal, or sign any such certificate, nomination or withdrawal paper contrary to the provisions of this act, or forge the name of any person to such certificate of nomination, nomination or withdrawal paper, or file any certificate of nomination, or nomination or withdrawal paper, knowing the same, or any part thereof to be falsely made, or suppress any certificate of nomination, nomination or withdrawal paper, or any part thereof, which has been duly filed, or forge or falsely make the official endorsement on any ballot, or wilfully destroy or deface any ballot, or shall take or remove any ballot outside of the enclosure provided for voting, before the close of the polls, or wilfully delay the delivery of any ballots, shall be punished by fine not exceeding one thousand dollars, or by imprisonment in the jail, penitentiary or house of correction not more than two years, or by both such fine and imprisonment in the discretion of the court.

To punish defacing of nomination and withdrawal papers.

164. Any public officer upon whom a duty is imposed by this act who shall wilfully neglect to perform such duty, or who shall wilfully perform it in such a way as to hinder the objects of this act, shall be punished by a fine of not less than five nor more than one thousand dollars, or by imprisonment in jail, penitentiary or house of correction for not more than two years, or by both such fine and imprisonment in the discretion of the court.

Wilful neglect of duty.

165. Any ballot clerk who shall place his initials upon any ballot, save when about to deliver it to a voter in the polling-room, and any sheriff, deputy sheriff, member of board of police of Baltimore, or any other person whatever, who shall wilfully destroy, conceal or retain any ballots duly prepared for voting, or wilfully break the seals of any package, book or block of ballots, or abstract any ballot therefrom, or have any such ballot, except for the lawful purposes in this article provided, in his possession, or any paper purporting to be an official ballot, before or during an election, shall be punished by a fine of not less than five or more than one thousand dollars, or shall be imprisoned in jail, penitentiary or house of correction for not less than thirty days nor more than two years, or both such fine and imprisonment in the discretion of the court.

Misdemeanor by officials.

166. The governor shall biennially appoint, by and with the advice and consent of the senate, if in session, and if not in session, by the governor alone, in each and every county of the State, three persons residents in and voters of their respective counties, two of whom shall always be selected from the two leading political parties of the State, one from each of said par-

Board of
supervisors
of elections.

Judges of
election.

Warrant.

ties, who shall be men of approved integrity and capacity, and none of whom shall hold office or employment under the government of the United States or of the State of Maryland, and they must not be candidates for office at the next ensuing election or at any election within the term for which they or any of them were appointed, who shall be styled the board of supervisors of election of the respective counties, each of said supervisors shall receive an annual salary of twenty-five dollars, to be paid by the county commissioners of the respective counties, and shall hold office for two years from the date of his appointment, and shall exercise the powers and perform the duties hereinafter set forth; in case of a vacancy occurring in either of said boards when the legislature is not in session, such vacancy shall be filled by the governor; it shall be the duty of each of the said boards not later than the second Monday of October in each year, to appoint three persons for each election district or election precinct of their county, residents in and voters of such election district or election precinct, who, or a majority of whom shall be judges of election for such election district or election precinct from the time of their appointment and until a new appointment shall have been made; and it shall be the duty of each of the said boards in making their appointments of such judges of election to select at least one of the said judges for each election district and election precinct in their respective counties from among those of the leading political parties different from themselves, or a majority of themselves, if any of the said judges shall die, resign or remove out of the election district or election precinct for which he was appointed, or become otherwise, in the opinion of the said respective boards, disqualified to act as such judge of election, then the board of supervisors of elections in whose county said vacancy may exist, shall appoint a person as judge for the election district or election precinct in which such vacancy may occur, each of the said boards of supervisors of elections shall record every appointment so made in a book to be kept by them for that purpose, and shall make out a warrant for such appointment, and shall within five days thereafter, deliver every such warrant to the sheriff of the county, under the penalty of fifty dollars, who shall deliver such warrant to the person appointed as such judge of election, or leave the same at his last place of abode within ten days next after the delivery of each of the said warrants to him, under the penalty of fifty dollars; each of the said boards of supervisors of election shall also appoint such clerks and other officers of election as are now or may be hereafter required by law; said clerks or other officials to be appointed as provided in section one hundred and fifty-two, for each of the election districts or election precincts of their respective counties, being above the age of twenty-one years, respectively, and of opposite political opinions, one from each of

the leading political parties whose duty it shall be to enter the names of the voters separately and plainly on the books provided for that purpose.

SEC. 3. *And be it enacted*, That this act shall not apply to Carroll, Baltimore, Garrett, Talbot, Kent, Caroline, Dorchester, Montgomery and Harford counties, and that as to the said counties section fifty-four of article thirty-three of the Code of Public General Laws, title "Elections," shall be and remain in full force and effect. Not to apply.

SEC. 4. *And be it enacted*, That this act shall take effect from the date of its passage. Effective.

Approved April 8, 1890.

CHAPTER 539.

AN ACT to amend the charter of the guardian security and trust company of Baltimore city, a corporation formed under the provisions of article twenty-three, of the Code of Public General Laws, title "Corporations."

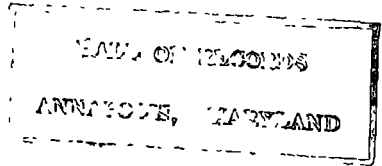
SECTION 1. *Be it enacted by the General Assembly of Maryland*, That the "Guardian security and trust company of Baltimore city," a corporation duly formed under the provisions of article twenty-three, of the Code of Public General Laws of the State, title "Corporations," in addition to the powers possessed by it under its certificate of incorporation which are hereby ratified and confirmed, shall have and possess the further powers, rights, privileges and franchises particularly mentioned in this act, and that its charter as set out in said certificate shall be altered and amended so as to conform to the terms and provisions of this act. To amend.

SEC. 2. *And be it further enacted*, That the name of said corporation is hereby changed from the "Guardian security and trust company of Baltimore city," as designated in its said certificate of incorporation, to that of the "Guardian, security, trust and deposit company of Baltimore city," and by such last mentioned name shall have perpetual succession, and may adopt a corporate seal, and may sue and be sued. Name.

SEC. 3. *And be it further enacted*, That the number of directors of said company shall be increased from eleven as stated in said certificate of incorporation, to thirty, and that the said eleven directors shall have power to elect the additional nineteen required to fill up said board of thirty directors, and said thirty directors shall serve as the directors of said company until the second Monday in April, eighteen hundred and ninety, or until their successors are duly elected and qualified; and they shall Directors.

L A W S

OF THE



STATE OF MARYLAND,

1892

MADE AND PASSED

AT A SESSION OF THE GENERAL ASSEMBLY BEGUN AND HELD AT
THE CITY OF ANNAPOLIS ON THE SIXTH DAY OF JANUARY,
1892, AND ENDED ON THE FOURTH DAY OF APRIL, 1892.

PUBLISHED BY AUTHORITY.

1263

ANNAPOLIS, MD.:
C. H. BAUGHMAN & CO., STATE PRINTERS,
1892.

collection of small debts in civil cases, and shall be entitled to the same fees as a justice of the peace for similar services.

SEC. 2. *And be it enacted*, That this act shall take effect from the date of its passage. Effective.

Approved March 30th, 1892.

CHAPTER 235.

AN ACT to appropriate a sum of money to pay the claim of the Baltimore Publishing Company, printers and stationers of Baltimore city for printing "cards of instruction to voters" for the use of the State.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That the comptroller of the treasurer be and he is hereby authorized and directed to draw his warrant upon the treasurer for the sum of two hundred and ninety dollars (\$290.00) in favor of "the Baltimore Publishing Company," printers and stationers of Baltimore city, for printing "cards of instruction to voters," issued at the general election of eighteen hundred and ninety, and eighteen hundred and ninety-one, and contracted for by the Secretary of State. Appropriation.

SEC. 2. *And be it enacted*, That this act shall take effect from the date of its passage. Effective.

Approved March 30th, 1892.

CHAPTER 236.

AN ACT to repeal and re-enact with amendments new section one hundred and thirty-seven of article thirty-three of the Code of Public General Laws of Maryland, title "Elections," as enacted by the act of 1890, chapter 538.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That new section one hundred and thirty-seven of article thirty-three of the Code of Public General Laws of Maryland, title "Elections," as enacted by the act of 1890, chapter 538, be and the same is hereby repealed and re-enacted so as to read as follows : New section.

137. All ballots for use at any election, other than a primary election, shall be prepared, printed and furnished by the said respective boards of supervisors of elections ; Ballots—what to contain.

every ballot shall contain the names of all candidates whose nominations for any office or officers specified in the ballot has been duly made, and not withdrawn in accordance with the provisions of this article, and no other names; the names of candidates nominated by each political party, shall be grouped together in parallel columns on the ballot, and headed by the name of the political party by which the candidates composing said group were placed in nomination as described in the certificates of nomination, if the same individual is nominated for the same office by the party conventions, or at the primary elections of two or more political parties entitled to nominate candidates, by party convention or primary election, his name shall be placed in the group or column of each said political parties, but in no other event shall the name of any candidate for any office be placed more than once upon the ballot. When a party emblem, or device has been added to the certificate as stated in section one hundred and thirty, it shall be printed to the left of or above the name of the political party, preceding the party group. When a name of a political party is given in any nomination papers in connection with the name of any nominee, it shall be stated on the ballot, but if, there shall have been a nomination, by a party convention or lawful primary election claiming the same party name for the same office duly certified as provided in this article the word "Independent" shall precede the party name of the person or persons nominated by nomination papers. If the same party name or emblem or both shall be claimed on behalf of nominations made by more than one convention, or primary election, and duly certified in point of form under the provisions of this article the officers by whom the ballot is to be prepared, are a majority of them, shall determine, which nominees are justly entitled to the party designation, or emblem, and the word "Independent" shall precede the party name with respect to the other group, or groups, of nominees, and the emblem shall be omitted from the "Independent" group or groups. There shall be at the right of all groups of candidates a column containing as many blank spaces as there are officers to be voted for, in which the voter may insert in writing, or otherwise, the name of any person not printed on the ballot, for whom he may desire to vote as a candidate for such office. Whenever one or more constitutional amendments or other questions are submitted to the vote of the people, the same shall be placed in a column on the right of the ticket with a margin to the right of said column. In this margin there shall be placed two boxes, or squares opposite each constitutional amendment or other question.

In the upper of said boxes or squares shall be printed the word "For," and in the lower of said squares or boxes the word "Against." The ballot shall be so printed as to give to each voter a clear opportunity to designate by a cross mark (X) in a sufficient margin at the right of the party name or emblem, and at the right of the name of each candidate and of each submitted amendment or question, his choice of candidates, and his vote on the submitted amendment or question, and each voter shall be considered as having voted for each candidate opposite whose name he shall in the margin on the right have placed his cross mark (X), and each voter shall be considered as having on each proposition, as the box or square in which is placed his cross mark (X) shall indicate. Any voter may place his cross mark (X) on the right margin in the line opposite the emblem, or name of a political party, and no other cross mark (X) opposite to the name of any candidates, and then such vote shall be regarded as given for each one of the candidates of the party named and grouped as aforesaid; but if the voter shall make his cross mark (X) opposite a party emblem or name and also opposite one or more of the names of persons in any other column or group, then the vote so cast shall be regarded as given for all the candidates under such marked party emblem or name, except the candidate or candidates under such party emblem or name, whose name or names is or are opposite to the name or names so marked, and also for the candidate or candidates whose name or names is or are so marked; unless the voter by the erasure of one or more names in the column or group of which he has marked the party emblem, or party name shall have indicated for which of said candidates in the party column so marked, he does not desire to vote, in this event the vote shall be counted for all the candidates under the party emblem or party name so marked, except the name or names so erased, and for the candidate or candidates in the other party column or group, opposite to whose names the voter shall have put his cross mark. The ballots shall be printed with black ink, on clear, white paper. Before being distributed the ballots shall be folded in marked creases so that the width and length of the ballots when folded shall be uniform and of proper width to be placed without difficulty, in the ballot boxes provided by law. On the back and outside shall be printed the words "Official ballot for," followed by the designation of the polling place for which it is prepared, the date of the election and a *fac-simile* of the signature of the president or presiding officer of the board of supervisors of elections, by whom the ballot has been prepared.

SEC. 2. *And be it further enacted,* That this act shall
 Effective take effect from the date of its passage.

Approved March 30th, 1892.

CHAPTER 238.

AN ACT to repeal sections 274 to 297 inclusive of article 4 of the Code of Public Local Laws, title "City of Baltimore," sub-title "Primary Elections," and to enact in lieu thereof, the following sections to become sections 274 to 278 inclusive of said article under said sub-title of Primary Elections.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That sections 274 to 297 inclusive of article 4 of the Code of Public Local Laws, title "City of Baltimore," sub-title "Primary Elections," be and the same are hereby repealed and the following sections be and hereby are enacted in lieu thereof, to become sections 274 to 278, of said article 4, of the Public Local Laws, under the sub-title "Primary Elections."

SEC. 274. That all primary elections hereafter to be held in the city of Baltimore by any political party, which, at the preceding general election, polled a sufficient percentage of the vote cast, to entitle it to have its candidates placed upon the official ballot by nominations made by primary elections, or by convention, shall be by ballot and at such time, in such manner, and subject to such rules and regulations as may be prescribed by the regulations, customs, and party usages of the political party holding such primary elections, and not inconsistent with the provisions of this article.

SEC. 275. If any person, at any primary election of any political party, held hereafter in the city of Baltimore for the purpose of selecting one or more candidates to be voted for by the people for public office, or for the purpose of selecting delegates to any convention of such political party, shall knowingly personate and vote or attempt to vote in the name of any other person, whether living, dead or fictitious, or vote or attempt to vote more than once at any such primary election, or knowingly and fraudulently vote, or attempt to vote at a place where he is not entitled to vote, or by force, threat, intimidation, bribery, reward or offer thereof, unlawfully prevent any person entitled to vote at such primary election, from freely exercising his right to vote

L A W S

OF THE

STATE OF MARYLAND

MADE AND PASSED

**At the Session of the General Assembly Began and Held in the
City of Annapolis on the Eighteenth Day of January, 1967,
and Ending on the Twenty-Eighth Day of March, 1967.**

Vetoes by Governor follow immediately after Acts

PUBLISHED BY AUTHORITY

1967
KING BROTHERS, INC.
State Printers
208 N. Calvert Street
Baltimore, Maryland 21202



PACT" CONFIRM THE PRIMARY RIGHT OF THE MAYOR AND CITY COUNCIL OF BALTIMORE TO CONSTRUCT AND OPERATE ANY FACILITIES FOR WATER SUPPLY FROM THE SUSQUEHANNA RIVER BASIN WHICH IT DETERMINES TO BE IN ITS OWN INTEREST OR IN THE INTEREST OF ITS SERVICE AREA TO CONSTRUCT AND OPERATE AND CONFIRM THAT THE POWER OF CONDEMNATION POSSESSED BY THE SUSQUEHANNA RIVER BASIN COMMISSION PURSUANT TO ARTICLE 15.14 OF THE COMPACT (SECTION 74) MAY BE EXERCISED ONLY WITH DUE REGARD FOR SUCH PRIMARY RIGHT.

SEC. 2 3. *And be it further enacted*, That subject to other provisions in this Act covering the application and effect of the Susquehanna River Basin Compact, particularly those in Section 74 (15.22 thereof), this Act shall take effect on June 1, 1967.

Approved April 21, 1967.

CHAPTER 392

(Senate Bill 154)

AN ACT to repeal in its entirety Article 33 of the Annotated Code of Maryland (1957 Edition and 1966 Supplement), title "Elections"; and to enact a new Article 33 in lieu thereof, to stand in the place of the Article so repealed and to be entitled "Election Code"; to completely revise the election law of the State by repealing all existing laws and adopting a new Election Code to govern all aspects of the conduct of elections in this State for federal, State and local offices, including municipal elections in Baltimore City but in no other municipality, such revision to provide for a system of continuous registration of voters, to include a revision of provisions on the use of paper ballots and voting machines and to combine all procedures for absentee voting and to make other changes applicable to Boards of Election Supervisors, candidates for nomination and election, political parties and the conduct of elections in this State.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That Article 33 of the Annotated Code of Maryland (1957 Edition and 1966 Supplement), title "Elections" be and it is hereby repealed in its entirety; and that a new Article 33 be and it is hereby enacted in lieu thereof to stand in the place of the Article so repealed and to be entitled "Election Code," and to read as follows:

ARTICLE 33—

ELECTION CODE

DEFINITIONS

1-1. Definitions; gender references; computation of time.

(a) As used in this Article the following terms shall have the meanings indicated unless a contrary meaning is clearly intended from the context in which the term appears:

(b) If a vacancy occurs in the party nomination of which he was a candidate in the primary election, his name may be printed on the ballot for the general election as a candidate of that party if he has been duly made such party nominee after a vacancy occurs in the manner provided by this Article.

8-3. Retention for two years.

The Secretary of State and the several boards shall cause to be retained in their respective offices for two years all certificates of candidacy and of nomination filed with them under the provisions of this Article. All such certificates shall be open to public inspection.

8-4. Certification to boards.

Not less than thirty days before a general election to fill any public office, the Secretary of State shall certify to the board of each county and of the City of Baltimore, within which any of the voters may by law vote for candidates for any office, the name, party affiliation and residence of each person nominated for such office, as specified in the certificates of nominations filed with the Secretary of State.

8-5. Publication of nominations.

(a) At the time of giving the notice of election required by Section 12 of this Article, each board shall cause to be published by one insertion in two or more newspapers published within each county, and in all the daily papers published in Baltimore City which will publish the same at the current rate of commercial advertising, the nominations to office which have been filed with or certified to them under the provisions of this article. If in any county there be but one newspaper published, publication in such one newspaper shall be sufficient. Such publication shall be made in newspapers devoted to the dissemination of general news; and the two newspapers selected, if possible, shall represent the political parties which at the last preceding election cast the largest and next largest number of votes. The list of nominations published by the board shall be arranged, so far as practicable, in the order and form in which they are to be printed upon the ballots.

(b) The names of the several candidates for nomination or for delegates, members of State and local central committees, of a political party, shall be published within not less than two nor more than ten days before the said election in the mode prescribed hereinabove in this section, as far as may be practicable. It shall not be necessary to print sample ballots or cards of instructions for such elections, but either or both shall be printed by the board in the City of Baltimore, when requested by any candidate in said primary election, said request to be accompanied by a sum of money necessary to cover the cost of printing.

VACANCIES IN NOMINATIONS IN GENERAL

9-1. Nomination declined.

The times designated in paragraphs (a) and (b) of this section for declining nominations and for withdrawal of certificates of candi-

dacy are mandatory and the provisions of these paragraphs shall also be applicable to municipal elections in Baltimore City.

(a) Whenever any person who has filed a certificate of candidacy for nomination in any primary election shall, in a writing signed by him, and acknowledged before a justice of the peace or notary public, notify the officer or board with whom the certificate of candidacy is required to be filed by this article, at least forty-five (45) days before the said primary that he desires to withdraw as a candidate for such nomination, the certificate of candidacy shall thereupon be and become void; and the name of any person so withdrawing shall not be printed upon the ballots to be used at the primary election. The filing of a valid certificate of withdrawal of candidacy is a final act of withdrawal; and a person who files such a certificate of withdrawal may not re-instate his candidacy, unless the time limit for the filing of candidacies has not expired. No filing fees shall be refunded to persons who withdraw in accordance with this section, subject, however, to Section 4-8 of this article.

(b) Whenever any person nominated for public office as in this article provided shall, at least thirty-five (35) days before election, in a writing signed by him and acknowledged before a justice of the peace or a notary public, notify the officer with whom the certificate nominating him is required to be filed by this article, that he declines such nomination, such nomination shall be void; and the name of any person so withdrawing shall not be printed upon the ballots.

9-2. Filling vacancies: State and judicial offices; Congress and U.S. Senator.

(a) Should any nominee die before election day or decline the nomination, as in this subtitle provided, or should any certificate of nomination be or become insufficient or inoperative from any cause occurring after the period of time for the filling of vacancies in party nominations as is prescribed by Sec. 4-6 of this Article, the vacancy or vacancies thus occasioned shall be filled in the manner prescribed as hereinafter set forth.

(b) In the event of any vacancy occurring because of the death or resignation of any person nominated for any state or judicial office, or as a candidate for member of the Congress of the United States or for United States Senator, under provisions of the preceding sections of this Article, such vacancy shall be filled by the State Central Committee, or governing body for the State, of the political party to which said nominee belongs.

(c) If the original nomination was made by a primary meeting which had delegated to a committee the power to fill vacancies, such committee may, upon the occurring of such vacancies, proceed to fill the same; the chairman and secretary of such committee shall thereupon make and file with the proper officer a certificate setting forth the cause of the vacancy, the name of the person nominated, the office for which he was nominated, the name of the person for whom the new nominee is to be substituted, the fact that the committee was authorized to fill vacancies and such further information as is required to be given in an original certificate of nomination. The certificate so made shall be executed and acknowledged in the manner prescribed for the original certificate of nomination, and, except in the case of a nominee dying, shall be filed at least thirty-five days

before the day of election; and upon being so filed shall have the same force and effect as an original certificate of nomination.

(d) When such certificate is filed with the Secretary of State, he shall, in certifying the nomination to the boards, insert the name of the person who has been nominated to fill a vacancy in place of that of the original nominee; and in case he has already sent forth his certificate, he shall forthwith certify to the boards the name and description of the person so nominated to fill a vacancy, the office for which he is nominated, the party or political principle he represents and the name of the person for whom he is substituted.

9-3. Filling vacancies: Shared Senatorial districts.

In a State Senatorial district comprising more than one county, any vacancy occurring because of the death or resignation of any person nominated for State Senator in such district shall be filled by mutual agreement of each of the State Central Committees of the party of such person of those counties comprising the district; and in the event any Committee in the district does not approve of the choice of the other Committees in the district, the vacancy shall be filled by the State Central Committee for the State, "of the party".

LOCAL VACANCIES

9-4. Filling local vacancies.

Local vacancies shall be filled by the State Central Committee of the political party to which the nominee belongs. In the event of any vacancy occurring because of the resignation or death of any person nominated, or because of a tie vote in any primary election for any office in any county of this State or legislative district of Baltimore City, the vacancy shall be filled as follows:

(1) For any officer elected by the voters of one county, the vacancy shall be filled by the State Central Committee for that county.

(2) For any officer elected by the voters of one legislative district in Baltimore City, ANNE ARUNDEL COUNTY OR BALTIMORE COUNTY the vacancy shall be filled by the MEMBERS OF THE State Central Committee of ELECTED FROM such legislative district.

(3) For any officer elected by all of the voters of Baltimore City, the vacancy shall be filled by the State Central Committee for Baltimore City.

Where the vacancy results from a tie vote, the nominee selected to fill the vacancy as aforesaid shall be one of the candidates receiving the tie vote.

VACANCY CAUSED BY DEATH

9-5. Vacancy caused by sudden death of nominee after ballots prepared.

In the case of any nominee dying within (so short a time) before the day of election that the certificate of nomination of the new nominee shall not have been filed with or certified to the board thirty days before the day of election, thus being too late for the name of the new nominee to be printed on the ballots in any county or the City of

LAWS
OF THE
STATE OF MARYLAND
ENACTED

At the Session of the General Assembly Begun and Held in the
City of Annapolis on the Fourteenth Day of January, 1998
and Ending on the Thirteenth Day of April, 1998

VOLUME III

Approved May 21, 1998.

CHAPTER 585

(Senate Bill 118)

AN ACT concerning

Election Code - General Revision

FOR the purpose of making substantive, technical, and stylistic changes to the Maryland Election Code; altering, repealing, or adding provisions relating to the operation of the electoral process in the State; altering certain powers and duties of election officials; altering the name, appointment, and terms of office of the State Administrative Board of Election Laws; altering the title, appointment, and term of the State Administrator of Election Laws; repealing certain obsolete provisions; requiring the State Board of Elections to adopt certain regulations; making it a felony to tamper with an electronic voting system; providing certain penalties; providing for a delayed effective date; and generally relating to the general revision of the Maryland Election Code.

BY repealing

Article 33 - Election Code

Section 1-1 through 22-2, 23-1 through 25-4, 27-1 through 27-14, and 32-1 through 32-6, and the various headings

Annotated Code of Maryland

(1997 Replacement Volume and 1997 Supplement)

BY adding to

Article 33 - Election Code

Section 1-101 through 8-701, 8-710 through 12-204, and 16-101 through 16-1001, and the various headings

Annotated Code of Maryland

(1997 Replacement Volume and 1997 Supplement)

BY repealing and reenacting, with amendments,

Article 33 - Election Code

Section 22-3 through 22-10, 26-1 through 26-21, 30-1 through 30-4, and 31-1 through 31-10, and the various headings

Annotated Code of Maryland

(1997 Replacement Volume and 1997 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 1-1 through 22-2, 23-1 through 25-4, 27-1 through 27-14, and 32-1 through 32-6, and the various headings of Article 33 - Election Code of the Annotated Code of Maryland be repealed.

ENTERS INTO ACTIVE DUTY WITH THE ARMED SERVICES OF THE UNITED STATES DURING THE PERIOD BETWEEN THE LAST DATE ALLOWED FOR THE WITHDRAWAL OF CANDIDACY AND THE PRINTING OF THE BALLOTS.

(B) RETURN FOR GOOD CAUSE.

SUBJECT TO THE APPROVAL OF THE STATE BOARD, THE FILING FEE PAID BY A CANDIDATE MAY BE RETURNED TO THE CANDIDATE FOR GOOD CAUSE.

5-403. DISPOSITION OF FILING FEES.

(A) GENERALLY.

FILING FEES PAID BY CANDIDATES UNDER § 5-401 OF THIS SUBTITLE SHALL BE DISTRIBUTED AS SPECIFIED IN THIS SECTION.

(B) FEES RECEIVED BY LOCAL BOARD.

FILING FEES RECEIVED BY A LOCAL BOARD SHALL BE TRANSFERRED TO THE GOVERNING BODY OF THE COUNTY.

(C) FEES RECEIVED BY STATE BOARD.

FILING FEES RECEIVED BY THE STATE BOARD SHALL BE DIVIDED AND DISTRIBUTED:

(1) WITH RESPECT TO CANDIDATES FOR STATEWIDE OFFICE:

(I) \$60 TO THE BALTIMORE CITY BOARD OF SUPERVISORS OF ELECTIONS; AND

(II) \$10 EACH TO EACH OTHER LOCAL BOARD;

(2) WITH RESPECT TO CANDIDATES FOR ANY OTHER PUBLIC OR PARTY OFFICE IN A MULTICOUNTY DISTRICT, IN EQUAL AMOUNTS TO THE LOCAL BOARD OF EACH COUNTY THAT CONTAINS PART OF THE DISTRICT TO WHICH THE CANDIDACY RELATES; AND

(3) WITH RESPECT TO A CANDIDATE FOR A PUBLIC OR PARTY OFFICE IN A DISTRICT WHOLLY CONTAINED WITHIN ONE COUNTY, TO THE LOCAL BOARD OF THAT COUNTY.

SUBTITLE 5. WITHDRAWAL OF CANDIDACY AFTER FILING BUT BEFORE PRIMARY ELECTION.

5-501. SCOPE.

AN INDIVIDUAL WHO HAS FILED A CERTIFICATE OF CANDIDACY MAY WITHDRAW THE CANDIDACY BY FILING A CERTIFICATE OF WITHDRAWAL AS PROVIDED IN THIS SUBTITLE.

5-502. TIME FOR WITHDRAWAL.

(A) GENERALLY.

SUBJECT TO § 5-402 OF THIS TITLE, AN INDIVIDUAL WHO HAS FILED A CERTIFICATE OF CANDIDACY MAY WITHDRAW THE CANDIDACY BY FILING A CERTIFICATE OF WITHDRAWAL ON THE FORM PRESCRIBED BY THE STATE BOARD WITHIN 10 DAYS AFTER THE FILING DATE ESTABLISHED UNDER § 5-303 OF THIS TITLE.

(B) SPECIAL ELECTIONS:

AN INDIVIDUAL WHO HAS FILED A CERTIFICATE OF CANDIDACY FOR THE SPECIAL ELECTION TO FILL A VACANCY FOR REPRESENTATIVE IN CONGRESS MAY WITHDRAW THE CERTIFICATE ON THE PRESCRIBED FORM WITHIN 2 DAYS AFTER THE FILING DATE ESTABLISHED IN THE PROCLAMATION ISSUED BY THE GOVERNOR.

5-503. PLACE AND MANNER OF WITHDRAWAL.

(A) GENERALLY.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE CERTIFICATE OF WITHDRAWAL SHALL BE FILED WITH THE APPROPRIATE BOARD WITH WHICH THE INDIVIDUAL FILED THE CERTIFICATE OF CANDIDACY.

(B) SPECIAL ELECTIONS.

THE PROCLAMATION ISSUED BY THE GOVERNOR UNDER § 8-710 OF THIS ARTICLE FOR A SPECIAL ELECTION TO FILL A VACANCY FOR REPRESENTATIVE IN CONGRESS SHALL ALLOW ANY INDIVIDUAL WHO HAS FILED A CERTIFICATE OF CANDIDACY TO WITHDRAW THE CANDIDACY AS PROVIDED UNDER THE TERMS OF THE PROCLAMATION.

5-504. EFFECT OF WITHDRAWAL OF CANDIDACY.

(A) GENERALLY.

IF A CERTIFICATE OF WITHDRAWAL IS FILED UNDER THIS SUBTITLE:

(1) THE CERTIFICATE OF CANDIDACY TO WHICH THE CERTIFICATE OF WITHDRAWAL RELATES IS VOID;

(2) THE NAME OF THE CANDIDATE MAY NOT BE SUBMITTED TO THE VOTERS FOR NOMINATION AND ELECTION TO THE OFFICE TO WHICH THE CERTIFICATE RELATES UNLESS THE INDIVIDUAL FILES A NEW CERTIFICATE OF CANDIDACY WITHIN THE TIME LIMIT PRESCRIBED FOR FILING; AND

(3) EXCEPT AS PROVIDED IN § 5-402 OF THIS ARTICLE, THE FILING FEE FOR THE CERTIFICATE OF CANDIDACY MAY NOT BE REFUNDED.

(B) NAME TO APPEAR ON BALLOT; EXCEPTION.

EXCEPT FOR THE OFFICES OF GOVERNOR AND LIEUTENANT GOVERNOR, THE NAME OF ANY INDIVIDUAL WHO FILES A CERTIFICATE OF CANDIDACY AND DOES NOT WITHDRAW SHALL APPEAR ON THE PRIMARY ELECTION BALLOT UNLESS, BY THE 10TH DAY PRIOR TO THE FILING DEADLINE SPECIFIED UNDER § 5-303 OF THIS ARTICLE, THE INDIVIDUAL'S DEATH OR DISQUALIFICATION IS KNOWN TO THE APPLICABLE BOARD WITH WHICH THE CERTIFICATE OF CANDIDACY WAS FILED.

SUBTITLE 6. QUALIFICATION FOR PRIMARY ELECTION BALLOT.

5-601. CANDIDATES QUALIFYING.

THE NAME OF A CANDIDATE SHALL REMAIN ON THE BALLOT AND BE SUBMITTED TO THE VOTERS AT A PRIMARY ELECTION IF:

(1) THE CANDIDATE HAS FILED A CERTIFICATE OF CANDIDACY IN ACCORDANCE WITH THE REQUIREMENTS OF § 5-301 OF THIS TITLE AND HAS SATISFIED ANY OTHER REQUIREMENTS OF THIS ARTICLE RELATING TO THE OFFICE FOR WHICH THE INDIVIDUAL IS A CANDIDATE, PROVIDED THE CANDIDATE:

(I) HAS NOT WITHDRAWN THE CANDIDACY IN ACCORDANCE WITH SUBTITLE 5 OF THIS TITLE;

(II) HAS NOT DIED OR BECOME DISQUALIFIED, AND THAT FACT IS KNOWN TO THE APPLICABLE BOARD BY THE DEADLINE PRESCRIBED IN § 5-504(B) OF THIS TITLE;

(III) DOES NOT SEEK NOMINATION BY PETITION PURSUANT TO THE PROVISIONS OF § 5-703 OF THIS TITLE; OR

(IV) IS NOT A WRITE-IN CANDIDATE; OR

(2) THE CANDIDATE HAS QUALIFIED TO HAVE THE CANDIDATE'S NAME SUBMITTED TO THE VOTERS IN A PRESIDENTIAL PRIMARY ELECTION UNDER TITLE 8, SUBTITLE 5 OF THIS ARTICLE.

SUBTITLE 7. NOMINATION.

5-701. IN GENERAL.

NOMINATIONS FOR PUBLIC OFFICES THAT ARE FILLED BY ELECTIONS GOVERNED BY THIS ARTICLE SHALL BE MADE:

(1) BY PARTY PRIMARY, FOR CANDIDATES OF A PRINCIPAL POLITICAL PARTY; OR

(2) BY PETITION FOR:

(I) CANDIDATES OF A POLITICAL PARTY THAT DOES NOT NOMINATE BY PRIMARY; OR

(II) CANDIDATES NOT AFFILIATED WITH ANY POLITICAL PARTY.

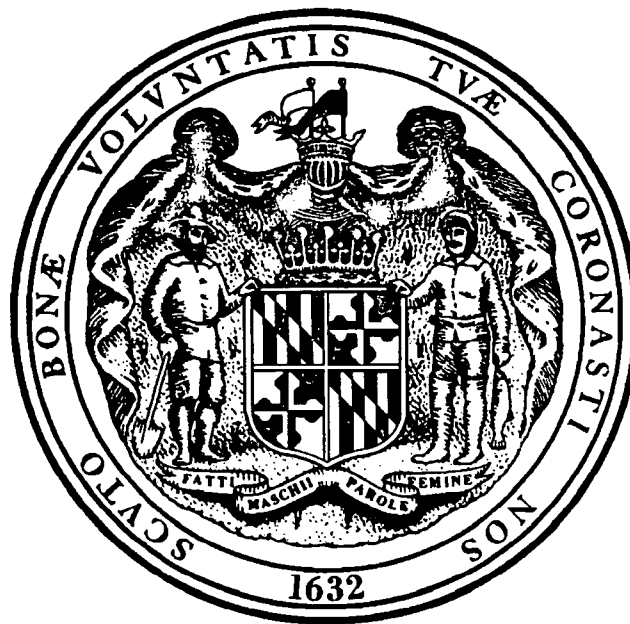
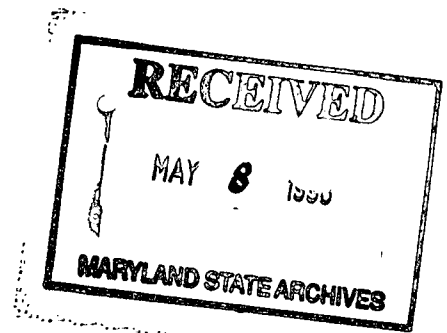
5-702. NOMINATION BY PRIMARY ELECTION.

A CANDIDATE FOR PUBLIC OFFICE OF A POLITICAL PARTY SHALL BE NOMINATED IN ACCORDANCE WITH THE REQUIREMENTS OF SUBTITLES 2 THROUGH 4 OF THIS TITLE UNLESS THE CANDIDATE IS:

(1) NOMINATED BY PETITION UNDER § 5-703 OF THIS SUBTITLE; OR

(2) A WRITE-IN CANDIDATE UNDER § 5-704 OF THIS SUBTITLE.

**REPORT
OF THE
COMMISSION
TO
REVISE THE ELECTION CODE**



DECEMBER 1997

Commission to Revise the Election Code

MEMBERSHIP

Marie M. Garber, Chairman

The Honorable John C. Arnick
The Honorable Clarence W. Blount *
Samuel Y. Botts, Esq.
The Honorable Michael J. Collins
The Honorable David R. Craig
The Honorable Joseph M. Getty
David G. Hartlove
Ronald B. Hickernell
John T. Willis, Secretary of State

* Senate President Thomas V. Mike Miller appointed Senator Collins to replace Senator Blount on the Commission on May 28, 1997

STAFF

Department of Legislative Services:

William G. Somerville, Primary Staff
Ross Goldstein
Theodore E. King, Jr.
Carol L. Swan

unless the statutory requirement is based on a compelling state interest. § 4-101

Present Code: There is no current provision addressing conflict. This provision addresses the Supreme Court decision of *Eu v. San Francisco County Democratic Central Committee*.

- **Retaining Status as a Political Party:** To retain its status as a recognized party, a party must run a candidate for the highest office on the statewide ballot (President or Governor), and that candidate must receive at least 3% of the vote cast for that office. § 4-103

Present Code: A political party must receive at least 3% of the total vote cast for all the statewide candidates in each election.

- **Composition of State Central Committees:** The composition of the state central committee of a political party is left to party rules. § 4-201

Present Code: The current law requires that the state central committee be composed of members of the local central committees.

Title 5: Candidates

- **Use of Nicknames:** The use of nicknames on the ballot will be permitted, subject to specified requirements and standards. § 5-301

Present Code: Nicknames on the ballot are currently prohibited.

- **Filing Fees:** Filing fees are eliminated for all presidential and vice-presidential candidates and county offices that pay a salary of \$300 or less are eliminated. (The latter category is obsolete.) § 5-401

Present Code: Currently only presidential candidates nominated by petition pay the filing fee. Candidates designated by the Secretary of State pay no fee.

- **Vacancy before Primary Election:** The name of a candidate will not be removed from the ballot because of death or disqualification unless the vacancy is known at least 10 days before the filing deadline. § 5-504.

Present Code: Current law specifies this deadline as the 7th day prior to the filing deadline.

- **Nomination by Petition:** In year in which President is elected, a declaration of intent to seek nomination by petition must be filed by July 1. § 5-703(c)

Present Code: A declaration of intent is required of a petition candidate only when the election of the President is not on the ballot.

- **Nomination by Petition - Signature Requirement:** For statewide offices, the petition must contain signatures that equal not less than 1% of the total number of registered voters who are eligible to vote in the State. (The 3% requirement for local offices is retained.) § 5-703(D)

Present Code: All petitions (both statewide and non-statewide) must have signatures not less than 3% of the total number of registered voters eligible to vote for that office.

- Filing of Declination of Nomination: In a gubernatorial election and the Baltimore City municipal elections, a certificate of declination must be filed within 2 days after the results of the primary election are certified. § 5-801

Present Code: A certificate of declination must be filed within 10 days after primary election (when final results may not yet be known).

- Filling Vacancy in Local Offices and Districts Entirely Within One County: A vacancy in nomination shall be filled by the later of the 40th day before the general election or the 5th day following the creation of the vacancy. § 5-1004

Present Code: A vacancy must be filled at least 30 days before the general election.

- Vacancy in Governor/Lt. Governor After Primary Election: Governor/Lt. Governor unit remains on the ballot for the general election if a vacancy in the Governor position occurs less than 15 days before the general election and no replacement candidates are designated and qualified by the 10th day before the election. § 5-1005

Present Code: Unit stays on the ballot if a vacancy is created less than 20 days before general election.

- Vacancy in Petition Candidates for Governor/Lt. Governor After Filing Deadline: Governor/Lt. Governor unit remains on ballot for the general election if a vacancy in the Governor position is created less than 15 days before the general election. § 5-1101

Present Code: Unit stays on ballot if a vacancy is created is less than 20 days before general election.

Title 6: Petitions

- State Board will adopt regulations to carry out provisions relating to petitions, including the form and content of petitions, procedures for circulation of petitions, and verification and counting of signatures. § 6-103

Present Code: Many of the details of the petition format and process are contained in statute.

- Advance Determinations: In advance of the petition filing deadline, the petition sponsor may submit to the appropriate election official the petition form for a determination of its sufficiency as to format. In making the determination, the election official may consult with the legal authority. § 6-202

Present Code: There is no provision in the current code concerning advance determinations.

- Removal of signatures: Signatures may be removed from the petition either by the signer if application is received by election authority prior to the submission of the signature or by the circulator if the signature does not satisfy legal requirements. § 6-203.

Present Code: No provision in current code.

- Filing of Petitions: If the State Constitution provides that a petition be filed with either the Secretary