

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 323
Ways and Means

(Delegate Afzali)

Election Law - Primary Elections - Dates

This bill modifies the date of the primary election in a gubernatorial election year and the date of the primary election in a presidential election year so that in both gubernatorial and presidential election years, the primary election is held on the first Tuesday in June. The date of the Baltimore City primary election is also modified to remain on the same date as the presidential primary election, the first Tuesday in June. The candidate filing date for the gubernatorial primary is changed from the Wednesday following the second Tuesday in April to the Wednesday that is 83 days before the date of the primary election, the current filing date for any other regularly scheduled election.

The bill takes effect on July 1, 2013.

Fiscal Summary

State Effect: The bill is not expected to directly affect State finances.

Local Effect: The bill may cause administrative challenges in at least some jurisdictions. Whether any additional costs will result, however, is undetermined at this time.

Small Business Effect: None.

Analysis

Current Law: In a gubernatorial election year, the primary election is held on the last Tuesday in June. In a presidential election year, the primary election is held on the first Tuesday in April. The Baltimore City primary election is held on the first Tuesday in April in a presidential election year.

In a gubernatorial election year, a certificate of candidacy must be filed not later than 9 p.m. on the Wednesday following the second Tuesday in April. For any other regularly scheduled election, a certificate of candidacy must be filed not later than 9 p.m. on the Wednesday that is 83 days before the date of the primary election.

Background: Chapter 169 of 2011 (HB 671) established the current dates for the gubernatorial and presidential primary elections. The gubernatorial primary election had previously been held on the second Tuesday after the first Monday in September and the presidential primary election had been held on the second Tuesday in February.

Moving the gubernatorial primary election earlier in the year allowed the State to more easily comply with the federal Military and Overseas Voter Empowerment (MOVE) Act enacted in 2009, which required that states send absentee ballots to military and overseas voters no later than 45 days before an election for federal office if a request was received prior to that time. The short period of time between the September primary election and November general election had made it difficult to comply with the 45-day deadline before the general election.

Prior to the 2008 presidential elections, many states, including Maryland, moved their presidential primary elections and caucuses forward in the calendar year in an effort to gain greater relevance in the nominating process for presidential candidates. Chapter 219 of 2007 (SB 1025) moved Maryland's presidential primary date from the first Tuesday in March to the second Tuesday in February.

However, rule changes adopted by the Republican National Committee (RNC) and the Democratic National Committee (DNC) in 2010 and made applicable to the 2012 presidential elections, prohibited states from holding their presidential primary elections and caucuses prior to the first Tuesday in March, with exceptions made for Iowa, New Hampshire, Nevada, and South Carolina to hold their primaries/caucuses in February. RNC's rules also required that Republican primary elections or caucuses held prior to April 1 (not including those held by the four states permitted to hold elections/caucuses in February) provide for allocation of delegates on a proportional basis.

Local Fiscal Effect: Certain jurisdictions indicate a possibility for the change in election dates to affect school activities, where school facilities are used for polling places, and potentially may affect a local board of elections' ability to use school facilities. One jurisdiction also indicated potential difficulty in recruiting election judges to work during early voting, which, depending on the timing of future early voting periods, likely would encompass Memorial Day weekend. Whether these impacts will increase costs in any way, however, is undetermined at this time.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State Board of Elections; Anne Arundel, Charles, Frederick, and Montgomery counties; Department of Legislative Services

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mlm/hlb

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