

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1120
Ways and Means

(Delegate McComas)

Election Law - Candidate Truthfulness - Oath

This bill requires that an individual seeking to become a candidate for a public or party office in an election governed by the Election Law Article of the Maryland Code submit a specified signed oath or statement with the individual's certificate of candidacy.

Fiscal Summary

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

Local Effect: The bill is not expected to materially affect local government finances.

Small Business Effect: None.

Analysis

Bill Summary: A candidate must submit with the candidate's certificate of candidacy the following oath, signed by the candidate:

1. I, _____, do solemnly swear or affirm, as a condition of filing to be a candidate for an elected office in Maryland, that all material, oral or written, I provide to the public will be factually truthful to the best of my knowledge and belief.

2. That I may be subject to charges of perjury, disqualification of my candidacy, or removal from office if I knowingly disseminate deliberately false information, including information regarding:

- (1) past or present employment;*
- (2) criminal or civil legal history; and*
- (3) formal membership or affiliation with a nonprofit or for-profit organization or a religious institution.*

3. That, as a candidate for public office, I will promise to faithfully and impartially perform all duties incumbent on me in the office I am seeking, under the Constitution and laws of the United States and this State.

4. This oath does not prohibit a candidate from, in the normal course of campaigning, embellishing or editorializing nonfactual opinions or information, including personal information.

5. The information included in or accompanying my certificate of candidacy, including this document, are available for public inspection.

(SIGNATURE)

(DATE)

A candidate who declines to sign the oath must submit the following signed statement:

1. I, _____, choose not to swear or affirm that I will be truthful in my factual disclosures to the public in the course of my candidacy for the office I am seeking.

2. The information included in or accompanying my certificate of candidacy, including this document, are available for public inspection.

(SIGNATURE)

(DATE)

The bill establishes that its provisions are severable and that if any provision of the bill or its application is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application that can be given effect without the invalid provision or application.

Current Law: A certificate of candidacy may be filed in person or, under specified circumstances, by certified mail, personal messenger, or other delivery service designated by the filer (besides facsimile service or other electronic transmission).

On the certificate of candidacy form prescribed by the State Board of Elections (SBE), the candidate must specify:

- the office, including, if applicable, the party, district, and circuit to which the candidacy relates;
- the year of the election;
- the name of the individual filing the certificate;
- the address on the statewide voter registration list or the current address of that individual;
- a statement that the individual satisfies the requirements of law for candidacy for the office for which the certificate is being filed; and
- any information requested by SBE to verify the accuracy of the information provided by the individual.

The certificate of candidacy must be accompanied by:

- a filing fee;
- a separate form, unless such a form has previously been filed, establishing a campaign finance entity;
- evidence that the individual has filed (1) a financial disclosure statement with the State Ethics Commission or (2) any other financial disclosure report required by law; and
- any additional information required by SBE.

The appropriate board must accept the certificate of candidacy if it determines that all requirements are satisfied.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Baltimore, Carroll, Harford, Queen Anne's, and St. Mary's counties; Maryland State Board of Elections; Department of Legislative Services

Fiscal Note History: First Reader - March 5, 2023
km/sdk

Analysis by: Arnold Adja

Direct Inquiries to:
(410) 946-5510
(301) 970-5510