

**MARYLAND
STATE BOARD OF ELECTIONS**

**PROCEDURES FOR THE
FORMATION OF A NEW
POLITICAL PARTY**

**GUBERNATORIAL ELECTION
NOVEMBER 7, 2006**

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**The State Board of Elections
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General Information

Election Date

November 7, 2006

Filing Location

Maryland State Board of Elections
151 West Street, Suite 200
Annapolis, MD 21401
410-269-2840
1-800-222-8683

Statutory References

Election Law Article, Annotated Code of Maryland:

Title 1 - Definitions and General Provisions

Title 4 – Political Parties

Title 6 - Petitions

Title 9, Subtitle 2 - Voting, Ballots

Title 13 - Campaign Finance

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Important Deadlines

Review the complete Maryland 2006 election calendar for complete list of election-related dates.

- **July 3, 2006**
Deadline for candidates to file Declaration of Intent to seek party nomination
- **July 7, 2006**
Deadline to submit new party petition signature page for advance sufficiency determination
- **August 7, 2006 (see Notice below)**
Deadline to file new party petition, including information page

NOTICE: Pursuant to the decision in Maryland Green Party v. Maryland Board of Elections, 377 Md. 127 (2003), candidates affiliated with non-principal political parties (as of this writing – Green, Libertarian, Constitution and Populist) may now be nominated by convention, or otherwise in accordance with party rules, instead of by petition.

If a new political party seeks to have its candidates listed on the 2006 General Election ballot and identified on the ballot as candidates of that party, it is recommended that the petition be filed well before the August deadline, to ensure completion of all necessary requirements.

The Process of Forming a New Political Party

Any group of registered voters wishing to form a new political party (a “partisan organization”) may do so by filing with the State Board of Elections office:

1. The partisan organization’s intent to organize a State political party;
2. The name of the partisan organization;
3. The name and signature of the State chairman of the partisan organization;
4. The names and addresses of 25 registered voters, including the State chairman, designated as the initial governing body of the partisan organization;
5. Signatures of 10,000 voters registered in Maryland; and
6. An interim constitution and bylaws.

Information Page

An information page prescribed by the State Board of Elections must be used to provide: the partisan organization’s intent to organize a State political party, the name of the partisan organization, the name and signature of the State chairman, and the names and addresses of 25 registered voters, including the State chairman, designated as the initial governing body of the partisan organization.

Petition Signature Page

A petition signature page prescribed or approved by the State Board office must be used to collect the names, addresses, and signatures of registered voters who support the formation of the new political party. Each registered voter must sign and provide the information required on the petition form. The State Board office will supply a specimen petition form, or the form may be printed from the State Board of Elections website. The petition sponsor is responsible for producing the quantity needed.

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Advance Determination of Sufficiency

A petition sponsor may seek advance determination of the sufficiency of the completed signature page format. A written request for advance determination must be filed with the State Board of Elections office no later than July 7, 2006. The State Administrator of Elections will make a determination of sufficiency within 5 business days after receiving the request. The petition sponsor will be notified of the Administrator's determination within 2 business days after the determination is made.

Petition Signature Page Content

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

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

Each registered voter signing the petition must provide the following information on the signature page (all information except the signature must be printed or typed in the appropriate space on the form):

1. Signature (use name as it appears in voting records, no nicknames);
2. Date of signing (to be valid, signatures on a new party petition must be obtained within the two years before the filing date of the last qualifying signature);
3. Signer's printed full name, as it was signed;
4. Signer's current permanent residence address (including street, house and apartment number, town, and zip code). A business address is insufficient, and a post office box address will be sufficient only if there is no street and house number for the voter's residence and only if the post office box address is on record with the election office. A homeless person can be a registered voter even without a residence address, if he or she can show that he or she lives and receives mail in Maryland. When signing a petition, a homeless person should use his or her voter registration address; and
5. Date of Birth: Each registered voter is asked to include his/her date of birth on the petition. The date of birth assists the local board to identify a voter and to validate the voter's signature. If a voter refuses to provide a year of birth, the circulator should request month and date of birth. A signature will not be invalidated merely because the date of birth is omitted.

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

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

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

Signatures on a petition page should be of voters residing in the local jurisdiction identified at the top of

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the page.

Signatures must be affixed to the petition not more than 2 years before the filing date of the last qualifying signature.

Circulator's Affidavit

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

1. All identifying information provided by the circulator is true and correct;
2. The circulator personally observed each signer as signing the page; and
3. Based on the circulator's best knowledge and belief, each signature on the page is genuine and each signer is a registered voter at the address listed.

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

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

Number of Signatures

The petition must contain the signatures of 10,000 voters registered in Maryland.

It is recommended that the petition be signed by ~~at least 20% more voters than the number~~ required, since past experience suggests that a substantial number of signatures may be invalid. **Notice:** In jurisdictions where residents move frequently, the invalidity rate may be higher.

Removal of Signatures

A signature may be removed from the petition by:

- a. The signer, if the State Board of Elections receives a written application from the signer before the page containing the signature is filed; or
- b. The circulator or petition sponsor, if it is concluded that the signature does not satisfy the requirements of the law.

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

Filing the Petition

At the time of filing, the signature pages must be sorted by the residence county of the signers. The

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information page and the petition signature pages must be filed in person with the State Board of Elections office at 151 West Street, Suite 200, Annapolis, Maryland 21401. The petition filer must include on the information page a breakdown, by county, of the number of petition pages and number of signatures.

The State Board of Elections office will issue to the petition filer a receipt for petition pages submitted.

Deadline to File Petition

The information page and petition signature pages containing at least 10,000 valid signatures must be filed with the State Board of Elections office not later than August 7, 2006.

NOTICE: If a new party seeks to have its candidates listed on the ballot and identified on the ballot as candidates of that party, it is recommended that the petition be filed well before the August deadline, to ensure completion of all necessary requirements.

These post-petition steps for new party and party candidate qualification must be completed in sufficient time for ballot printing: verification of signatures; organizational meeting; adoption of constitution and bylaws; review of the foregoing by the Attorney General's office; and certification of new party candidates as the new party's nominees for the General Election.

Verification of Signatures

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

The State Board of Elections office will transmit to a local board of elections the pages that were designated by the petition filer as containing signatures of persons residing in that local jurisdiction.

If a signature is deemed invalid, that signature alone will be disallowed, and the disallowance will not affect or impair any other portion of the petition page.

Within 20 calendar days after the petition is filed, the local boards of elections must complete the verification, summarize the results on the New Political Party Petition Verification Form, and notify the State Board of Elections of the results.

The State Board will determine the sufficiency of the signatures on the entire petition, based on the verification reports submitted by the local boards of election.

Within 2 business days after completion of the verification process, the State Board of Elections will notify the partisan organization's State chairman, in writing, of the results of the petition verification and whether the number of valid signatures identified is sufficient or insufficient to meet the requirements for qualification as a new political party in Maryland.

If, after the verification of signatures, the petition does not contain a sufficient number of valid signatures, additional signatures may be filed, as long as they are submitted before the petition deadline. Additional

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signatures may also be filed before the completion of the verification process, as long as the deadline has not passed.

Any signature on the original petition filing or any supplemental filing will be invalid if it was affixed more than 2 years before the filing date of the last qualifying signature.

Prohibitions - Election Law Article, Section 16-401

A person may not willfully and knowingly:

- a. Give, transfer, promise, or offer anything of value for the purpose of inducing another person to sign or not sign any petition;
- b. Request, receive, or agree to receive, anything of value as an inducement to sign or not to sign any petition;
- c. Misrepresent any fact for the purpose of inducing another person to sign or not to sign any petition;
- d. Sign the name of any other person to a petition (except when assisting someone with a disability);
- e. Falsify any signature or purported signature to a petition;
- f. Obtain, or attempt to obtain, any signature to a petition by fraud, duress, or force;
- g. Circulate, cause to be circulated, or file with an election authority a petition that contains any false, forged, or fictitious signatures;
- h. Sign a petition that the person is not legally qualified to sign;
- i. Sign a petition more than once; or
- j. Alter any petition after it is filed with the election authority.

Organizational Procedure

1. Within 90 days after the date of the filing of the last qualifying signature on its petition, the governing body of the new party must hold an organizational meeting to adopt an interim constitution and bylaws to direct the affairs of the party.
2. The person designated on the information page as the State chairman of the partisan organization must convene the organizational meeting. This individual shall preside as president pro tem until party officers are elected.
3. The interim constitution and bylaws must be filed with the State Board of Elections within 30 days after adoption by the governing body.

The Interim Constitution

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The interim constitution and bylaw must provide for:

1. Such matters as in the opinion of the party are necessary for the proper conduct of party affairs;
2. The selection of a State governing body;
3. The calling of regular meetings, advance notification of meetings, and special notice for special meetings;
4. The establishment of a quorum;
5. A method for amending the party's constitution and bylaws;
6. Procedures for the nomination of party candidates for General Elections;
7. Procedures for filling a vacancy in a nomination for public office; and
8. The adoption of rules governing the party.

Within 30 days after the adoption or amendment of a constitution, bylaw, or rule, the party shall file a copy with the State Board of Elections office.

If a new political party decides to form local central committees, the party shall notify the State Board of Elections of the number and size of the local central committees within 6 months after the date the party became a recognized political party.

Refer to Election Law Article, Section 4-204 for more details on constitution and bylaws.

Nomination of Party Candidates

Pursuant to the decision in Maryland Green Party v. Maryland Board of Elections, 377 Md. 127 (2003), candidates affiliated with non-principal political parties may now be nominated by convention, or otherwise in accordance with party rules, instead of by petition.

If a new political party seeks to have its candidates listed on the 2006 General Election ballot and identified on the ballot as candidates of that party, it is recommended that the petition be filed well before the August deadline, to ensure completion of all necessary requirements.

A candidate seeking nomination by the party will be required to file the following:

1. The Declaration of Intent to seek party nomination (no later than July 5, 2006)
2. Proof of nomination
3. The filing fee
4. Evidence that the individual has filed a financial disclosure statement with the State Ethics Commission (no later than 5 p.m. on August 7, 2006)
5. A separate form establishing a campaign finance entity, or evidence that a campaign finance entity has previously been established

Loss of Status as a Political Party

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A new political party retains its status as a political party:

1. Until December 31 in the year of the second statewide General Election following the party's qualification; or
2. If the party nominated a candidate for the highest office on the ballot in a statewide General Election and the candidate received at least 1% of the total vote cast for that office, until December 31 in the year of the next General Election; or
3. If the State voter registration totals, as of December 31, show that at least 1% of the State's registered voters are affiliated with the political party, until the following December 31.

The State Board of Elections office shall promptly notify the State chairman of a group that loses its status as a political party.

NOTICE: The political party that loses its recognized status may, at any time provided for filing a petition, regain its recognized status by following the procedures for forming a new political party.

Compliance with Maryland Campaign Finance Law - Title 13

Requirements for Establishing a Political Party Central Committee:

The political party must file a Statement of Organization creating the central committee with the State Board when the new party petition process has been completed and the party constitution and bylaws are approved. The central committee requires naming a Chairman and Treasurer. The central committees must be established before the State party organization engages in any financial activities.

Reporting Responsibilities:

A central committee must report like any other campaign finance entity. In 2006, the campaign finance reports are due on January 18, 2006, August 15, 2006, September 1, 2006, October 27, 2006 and November 28, 2006. Additionally, the State party committee is required to file and maintain a current version of its constitution and by-laws with SBE.

Contributions and Transfers:

Campaign contributions to the central committee are subject to the \$4,000/\$10,000 contribution limits. It can receive transfers up to \$6,000. However, contributions to a central committee for strictly administrative purposes are unlimited, and must be identified in the campaign finance reports as such. The contributor must earmark the contribution for administrative purpose only and the central committee is required to segregate administrative funds from its other campaign funds.

A central committee can only transfer to another campaign finance entity up to \$6,000. It can make a coordinated campaign contribution to party candidates in the amount of \$1 for every 2 registered voters as of January 1 of the preceding gubernatorial election.

Associated documents

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1. [New Political Party Petition Signature Page](#) (#4)
2. [Information Page](#) (#22)
3. [Campaign Fund Account Options](#)
4. [Statement of Organization for Maryland Committees and Slates](#) (#19)
5. [2006 Election Calendar](#)
6. [Petition Question and Answer Sheet](#)

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

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