

**MARYLAND
STATE BOARD OF ELECTIONS**

**PROCEDURES FOR BECOMING
A PRIMARY ELECTION CANDIDATE
FOR PRESIDENT OF THE
UNITED STATES**

**PRESIDENTIAL PRIMARY ELECTION
March 2, 2004**

**Published by:
Maryland State Board of Elections
Linda H. Lamone, Administrator**

**151 West Street, 2nd Floor
P.O. Box 6486
Annapolis, MD 21401-0486**

**(410) 269-2840
Toll Free Number: (800) 222-VOTE
MD Relay Service: (800)735-2258**

Revised: October, 2003

Table of Contents

Summary of Deadlines	4
Candidate Qualifications	4
Methods of Placing Name of Presidential Candidate on Primary Election Ballot.....	4
Summary of Documents Required to File as a Petition Candidate	5
Petition Signature Page.....	5
Advance Determination of Sufficiency.....	5
Petition Signature Page Content.....	5
Circulator's Affidavit.....	6
Number of Signatures	7
Removal of Signatures	7
Information Page.....	7
Filing the Petition	7
Deadline to File Petition and Certificate of Candidacy	8
Verification of Petition.....	8
Prohibitions-Election Law Article, §16-401.....	8
Filing Other Than in Person	9
Campaign Finance Law	9
Presidential Electors	10
Associated Documents.....	10

GENERAL INFORMATION

Filing Procedures Becoming a Primary Election Candidate for President of the United States

2004 Presidential Primary Election

Election Date:

March 2, 2004

Filing Location:

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

Statutory References:

Election Law Article, Annotated Code of Maryland
Title 1 – Definitions and General Procedures
Title 4 – Political Parties
Title 6 – Petitions
Title 8 - Elections
Title 13 – Campaign Finance

Contacts:

Donna J. Duncan – Petition Information
Mary Cramer Wagner – Petition Information
Ross K. Goldstein – Candidacy and Campaign Finance Information
Terry Holliday – Candidacy and Campaign Finance Information
410-269-2840 or 1-800-222-8683

Web Site:

www.elections.state.md.us

Summary of Deadlines

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

- **November 24, 2003**
Deadline to submit petition for advance determination of sufficiency for Republican Presidential Primary candidate
- **December 10, 2003**
Deadline to submit petition for advance determination of sufficiency for Democratic Presidential Primary candidate
- **December 23, 2003**
Deadline for filing candidacy and certificate of nominating petition by Republican Presidential Primary candidate
- **December 31, 2003**
Deadline to withdraw for Republican Presidential Primary candidate
- **January 9, 2004**
Deadline for filing nominating petition and certificate of candidacy by Democratic Presidential Primary Candidate
- **January 13, 2004**
Deadline to withdraw for Democratic Presidential Primary candidate

Candidate Qualifications

A candidate must be able to meet the following qualifications on the date the President takes office:

1. Be a natural-born citizen of the United States.
2. Be at least 35 years of age.
3. Have been a resident of the United States for at least 14 years.
4. Be a member of, or affiliated with, a political party recognized in Maryland that nominates its candidates by primary election. The only such parties in Maryland at this time are the Republican and Democratic parties.

Methods of Placing Name of Presidential Candidate on Primary Election Ballot

1. The Secretary of State certifies the names of Presidential candidates to the State Board of Elections to be placed on the primary ballot of the Republican or the Democratic party when he has determined that the candidates are recognized in the news media throughout the United States or in Maryland as candidates for that party's nomination.
 - Deadline for Secretary of State to certify Republican Presidential Primary candidates to State Board of Elections: December 12, 2003.

- Deadline for Secretary of State to certify Democratic Presidential Primary candidates to State Board of Elections: January 2, 2004.

If a Presidential candidate is placed on the ballot by the Secretary of State, that candidate is **not** required to file a petition, certificate of candidacy, or filing fee. (Election Law Article, Section 8-502)

The Office of the Secretary of State should be contacted for information regarding this process. The Honorable Karl Aumann, Secretary of State, Jeffrey Building, 16 Francis Street, Annapolis, Maryland 21401, 410-974-5521.

- or -

2. If the Presidential candidate is not recognized by the Secretary of State, the candidate may file with the State Board of Elections a petition that contains the signatures of not less than 400 registered voters within each of the 8 Congressional Districts in Maryland, together with a Certificate of Candidacy.

Summary of Documents Required to File as a Petition Candidate

1. Certificate of Candidacy.
2. Petitions containing the signatures of not less than 400 registered voters within each of the 8 Congressional Districts.
3. Petition Information Page.

Petition Signature Page

The petition signature page is used to collect the names, addresses, and signatures of voters supporting a candidacy. A form prescribed or approved by the State Board of Elections must be used. The State Board of Elections will supply a specimen signature page form or the specimen form may be printed from the State Board web site (see form SBE 6-201-2A). The candidate is responsible for completing the form properly and producing the quantity needed.

Advance Determination of Sufficiency

A petition candidate 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 not later than November 24, 2003 for Republican candidates, and December 10, 2003 for Democratic candidates.

The State Board of Elections will make a determination of sufficiency within 5 business days after receiving the request. The petition candidate will be notified of the Board's determination within 2 business days after the determination is made.

Petition Signature Page Content

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

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

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

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

1. The signer supports the purpose of the petition, and
2. Based on the signer's information and belief, the signer is a registered voter in the local jurisdiction identified on the page 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. Current regulations require at a minimum, the last name/surname shown on voting records and at least one full given name and the initials of all other names);
2. Date of signing; (Month, Day, Year)
3. Signer's printed name, as it was signed;
4. Signer's current voter registration residence address (including street, house and apartment number, town, and zip code). A business address is insufficient, and a post office box address will be sufficient only if there is no street and house number designation for the voter's residence, and only if the post office box address is on record with the election office^{*}; and
5. Date of Birth: Each registered voter is asked to include his/her date of birth on the petition. The date of birth greatly assists the local board to identify a voter and therefore to validate the voter's signature. If a voter refuses to provide a year of birth, the circulator should request month and day of birth as a minimum. A signature will not be invalidated merely because date of birth is omitted.

Note: At the request of the signer, the petition circulator may fill in the information on the petition page, except for signature. If a registered voter is unable to sign by reason of disability, the circulator or someone else authorized by the voter may print the voter's name in the signature space and initial it. See middle of page 9.

Circulator's Affidavit

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

1. All identifying information given by the circulator is true and correct;

^{*} Homeless people can be registered voters even without residence addresses, if they can show that they live and receive mail in the jurisdiction. They should use their mailing addresses, which should be on record with the election office.

2. *Each signature was placed on the petition by the signer (or if the signer was disabled and could not sign, by an individual authorized by the signer i.e. Husband cannot sign for wife, etc.) in the circulator's presence; and*
3. Based on the circulator's best knowledge and belief, each signature on the page is genuine and each signer is a registered voter at the address listed.

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

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

Number of Signatures

1. A petition must be signed by 400 registered voters from each of the 8 Congressional Districts in Maryland.
2. It is recommended that a candidate submit at least 20% more signatures than the number of valid signatures required, since past experience has indicated a substantial number of signatures are invalid. **Notice:** In the more transient jurisdictions, the invalidity rate may be higher.

Removal of Signatures

A signature may be removed from the petition by:

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

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

Information Page

An information page prescribed by the State Board of Elections must be used to identify the petition sponsor and, if the sponsor is an organization, the individual designated to receive notices.

A summary of the number of petition pages and the number of signatures being filed for each Congressional District and county must also be provided on the information page.

Filing the Petition

At the time of filing, the signature pages of the petition must be sorted by county of residence of the

signers. The petition candidate is responsible for this sorting.

The information page and the signature pages must be filed with the State Board of Elections. The sponsor must include a breakdown of the number of petition pages and number of signatures, by county or Baltimore City, and by Congressional District, on the information page.

The Election Board will issue a receipt for petition pages submitted. For State-filed candidates the State Board will transmit the pages for each county/Baltimore City, as sorted by the petition sponsor, to the appropriate local board of elections for verification.

Deadline to File Petition and Certificate of Candidacy

The information page and all petition pages, together with the Certificate of Candidacy, must be filed with the State Board of Elections by the following deadline:

Republican candidates: 5 P.M., Tuesday, December 23, 2003.

Democratic candidates: 5 P.M., Friday, January 9, 2004.

The State Board of Elections is open Monday through Friday, except State holidays, 8 A.M. to 5 P.M.

Verification of Petition

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 for that jurisdiction and indicate which names are valid (that is, names of voters duly registered in that jurisdiction) 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.

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

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

Within 20 calendar days after the petition is filed, the local board of elections will complete the verification and summarize the results.

Within 2 business days after completion of the verification process, the appropriate election authority will notify the petition candidate, in writing, of the results - that is, whether the number of valid signatures is sufficient or insufficient to meet the requirements for placing the candidate's name on the ballot.

Prohibitions-Election Law Article, §16-401

A person may not willfully and knowingly:

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

A violation is a misdemeanor and subjects the violator to criminal penalties.

Filing Other Than in Person

If a candidate is unable to personally file a required certificate of candidacy in person by reason of illness, military service, or absence from the State of Maryland, the candidate may file an affidavit setting out the facts that prevent the candidate from filing in person. This affidavit must accompany the certificate of candidacy. The filing deadline remains the same.

Campaign Finance Law

A federal candidate is not required to file a State Financial Disclosure Statement or establish a campaign finance entity with the State Board of Elections. A federal candidate should, however, contact the Federal Election Commission to determine the federal requirements for financial disclosure and to establish a federal campaign finance entity before engaging in any financial activity.

For information concerning Maryland campaign finance laws, contact the State Board of Elections, Candidacy and Campaign Finance Division, P.O. Box 6486, Annapolis, Maryland 21401, Toll Free Number 800-222-8683.

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

Presidential Electors

A candidate for President of the United States who is nominated by petition shall certify to the State Board of Elections, not later than 5:00 PM on October 1, 2004, the names and addresses of 10 individuals nominated as candidates for presidential electors; The certification shall be on a form prescribed by the State Board. Refer to Election Law Article, Sections 8-503 to 8-505 for additional information on electors.

Associated Documents

Certificate of Candidacy
Petition Signature Page
Information Page
Nomination by Petition Form
2004 Election Calendar
Petition Question and Answer Sheet
Presidential Electors form

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