

SUBTITLE 13. LATE VACANCIES BEFORE THE GENERAL ELECTION.

5-1301. APPLICABLE TO OFFICES OTHER THAN GOVERNOR OR LIEUTENANT GOVERNOR.

(A) SCOPE.

EXCEPT FOR A CANDIDATE OR NOMINEE TO FILL A VACANCY FOR THE OFFICE OF GOVERNOR OR LIEUTENANT GOVERNOR, THIS SUBTITLE APPLIES TO A CANDIDATE OR NOMINEE TO FILL A VACANCY FOR ANY PUBLIC OFFICE SUBJECT TO THIS TITLE.

(B) NOT APPLICABLE TO GOVERNOR AND LIEUTENANT GOVERNOR.

A NOMINEE TO FILL A VACANCY FOR GOVERNOR OR LIEUTENANT GOVERNOR IS SUBJECT TO THE REQUIREMENTS OF SUBTITLE 10 OF THIS TITLE.

5-1302. DEADLINE FOR FILING CERTIFICATE OF DESIGNATION AND CONSEQUENCE OF VACANCY OCCURRING AFTER DEADLINE.

(A) DEADLINE.

A CERTIFICATE OF DESIGNATION MAY NOT BE FILED LATER THAN 10 DAYS BEFORE THE DAY OF THE GENERAL ELECTION.

(B) VACANCY CREATED.

IF THE NAME OF A NOMINEE WHO HAS DIED, DECLINED THE NOMINATION, OR BEEN DISQUALIFIED APPEARS ON THE BALLOT AND RECEIVES A NUMBER OF VOTES THAT WOULD HAVE BEEN SUFFICIENT FOR ELECTION IF THE NOMINEE HAD NOT DIED, DECLINED, OR BEEN DISQUALIFIED FOR THE NOMINATION, THE VACANCY THEREBY CREATED SHALL BE:

(1) DEEMED TO HAVE OCCURRED AFTER THE DAY OF THE GENERAL ELECTION; AND

(2) FILLED IN ACCORDANCE WITH THIS ARTICLE OR OTHER PROVISIONS OF LAW.

5-1303. CANVASS AND CERTIFICATION OF VOTES WHEN LATE VACANCY OCCURS.

(A) VACANCY AFTER PRIMARY ELECTION.

(1) IF A NOMINEE DIES, DECLINES THE NOMINATION, OR IS DISQUALIFIED AFTER THE PRIMARY ELECTION BUT BEFORE A CERTIFICATE OF NOMINATION IS ISSUED BY THE APPROPRIATE BOARD WITH WHICH CANDIDATES FOR THAT OFFICE MUST FILE A CERTIFICATE OF CANDIDACY UNDER § 5-302 OF THIS TITLE, THE CANVASS AND CERTIFICATION OF THE PRIMARY ELECTION RESULTS SHALL PROCEED AS THOUGH THE CANDIDATE HAD NOT DIED, DECLINED THE NOMINATION, OR BEEN DISQUALIFIED.