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**By: Delegate Workman**

Requested: July 23, 1996

Introduced and read first time: January 8, 1997

Assigned to: Commerce and Government Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Election of Circuit Court Judges - Nonpartisan Elections**

3 FOR the purpose of providing that candidates for election to judge of the circuit court  
4 shall be elected on a nonpartisan basis, without regard to political party affiliation;  
5 providing that a primary election for candidates for nomination for a circuit court  
6 judgeship be administered in a certain manner; providing that any registered voter,  
7 with or without any political party affiliation, may participate in such a primary;  
8 providing that candidates are not to appear on a primary ballot under specified  
9 circumstances; providing that a candidate for a circuit court judgeship may not be  
10 nominated by petition; and generally relating to the nonpartisan nomination and  
11 election of circuit court judges.

12 BY repealing and reenacting, with amendments,  
13 Article 33 - Election Code  
14 Section 4A-1(a), 7-1(a), and 8-2(a)  
15 Annotated Code of Maryland  
16 (1993 Replacement Volume and 1996 Supplement)

17 BY adding to  
18 Article 33 - Election Code  
19 Section 5-4  
20 Annotated Code of Maryland  
21 (1993 Replacement Volume and 1996 Supplement)

22 BY repealing and reenacting, without amendments,  
23 Article 33 - Election Code  
24 Section 16-5(d)(4)  
25 Annotated Code of Maryland  
26 (1993 Replacement Volume and 1996 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
28 MARYLAND, That the Laws of Maryland read as follows:

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1           **Article 33 - Election Code**

2 4A-1.

3           (a) Each person seeking nomination to any public or party office at a primary  
4 election shall file a certificate of candidacy for nomination in the manner and at the time  
5 provided in this subtitle. Such person who is a candidate for any State, local, or party  
6 office must be a registered voter of the particular county or district in which he seeks to  
7 be nominated. A candidate for any federal, State, local or party office shall be affiliated  
8 with the party whose nomination or office he seeks. Before finally placing the name of  
9 such a candidate on the ballot at the succeeding primary election, the board shall  
10 determine that the candidate meets the registration and affiliation requirements of this  
11 section. The requirements of this section shall not apply to the party affiliation of any  
12 candidate for judicial office for which candidates are [permitted] REQUIRED to be listed  
13 on the ballot without party designation; but the requirements shall be applicable to the  
14 filling of any vacancy in any OTHER public OFFICE or IN ANY party office.

15 5-4.

16           (A) IN ANY YEAR THAT ONE OR MORE JUDGES ARE TO BE ELECTED TO THE  
17 CIRCUIT COURT FOR A COUNTY, EACH CANDIDATE FOR NOMINATION OR ELECTION  
18 TO THE CIRCUIT COURT SHALL FILE A CERTIFICATE OF CANDIDACY, BE CERTIFIED  
19 TO THE BALLOT, APPEAR ON THE BALLOT, BE VOTED UPON, AND BE NOMINATED  
20 AND ELECTED ON A NONPARTISAN BASIS AND WITHOUT REGARD TO PARTY  
21 AFFILIATION.

22           (B) IN A PRIMARY ELECTION, EACH REGISTERED VOTER, WITH OR WITHOUT  
23 ANY PARTY AFFILIATION, IS ELIGIBLE TO VOTE FOR THE NUMBER OF CANDIDATES  
24 FOR CIRCUIT COURT JUDGES FOR WHICH THERE ARE OFFICES TO BE FILLED.

25           (C) (1) THOSE CANDIDATES RECEIVING THE GREATEST NUMBER OF VOTES  
26 IN THE PRIMARY ELECTION EQUAL TO TWICE THE NUMBER OF OFFICES TO BE  
27 FILLED SHALL APPEAR ON THE BALLOT AT THE GENERAL ELECTION IN  
28 ACCORDANCE WITH § 16-5(D)(4) OF THIS ARTICLE.

29           (2) IF TWO OR MORE CANDIDATES EACH RECEIVE THE FEWEST  
30 NUMBER OF VOTES NECESSARY TO QUALIFY FOR NOMINATION THEREBY  
31 RESULTING IN A TIE, EACH OF THOSE CANDIDATES SHALL BE A NOMINATED  
32 CANDIDATE ELIGIBLE FOR ELECTION AT THE GENERAL ELECTION, TOGETHER  
33 WITH ANY OTHER CANDIDATE WHO RECEIVES A SUFFICIENT NUMBER OF VOTES TO  
34 BECOME ELIGIBLE FOR ELECTION AT THE GENERAL ELECTION.

35           (D) NOTWITHSTANDING SUBSECTIONS (B) AND (C) OF THIS SECTION, IF,  
36 AFTER THE DEADLINE FOR THE WITHDRAWAL OF CANDIDACIES AND BEFORE THE  
37 PRIMARY ELECTION, THE NUMBER OF CANDIDATES HAVING FILED CERTIFICATES  
38 OF CANDIDACY IN THE ELECTION DOES NOT EXCEED TWICE THE NUMBER OF  
39 JUDGESHIPS TO BE FILLED:

40           (1) A CERTIFICATE OF NOMINATION SHALL BE ISSUED IMMEDIATELY  
41 TO EACH CANDIDATE; AND

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1 (2) THE NAMES OF THE CANDIDATES AND THE OFFICE SHALL BE  
2 OMITTED FROM THE PRIMARY BALLOT.

3 7-1.

4 (a) Except as otherwise provided for a candidate for a county board of education  
5 OR A CANDIDATE FOR A CIRCUIT COURT, a candidate for any public office who is  
6 registered as an independent or who is a member of or affiliated with a partisan  
7 organization which is not a political party as defined in this article or who is not a member  
8 of a political party whose nominees must be nominated by means of primary elections may  
9 be nominated by petition, as in this section provided.

10 8-2.

11 (a) No person who has been defeated for the nomination for any office in a  
12 primary election, [except a candidate for the office of judge, and] except as provided in  
13 subsection (b) of this section, shall have his name printed on the ballot at the succeeding  
14 general election as a candidate for any office. Nothing in this subsection shall be  
15 interpreted as being applicable to candidates for nomination of their party for President  
16 of the United States who have been defeated in a Presidential preference primary  
17 election.

18 16-5.

19 (d) (4) The names of all candidates for judge of the circuit courts for the several  
20 counties, and for a county board of education and the names of incumbent judges of the  
21 Court of Special Appeals or the Court of Appeals at an election for continuance in office  
22 shall be placed on the ballots without any party label or other distinguishing mark or  
23 location which might directly or indirectly indicate the party affiliation of the candidate or  
24 judge.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 1997.