

# SENATE BILL 294

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By: **Senator Zirkin**

Introduced and read first time: January 23, 2013

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Election of Circuit Court Judges – Nonpartisan General Elections**

3 FOR the purpose of establishing a method for the election of judges to the circuit  
4 courts on a nonpartisan basis at a general election; providing that a candidate  
5 for election as judge of a circuit court may not be nominated at a primary  
6 election; providing that a candidate for election as judge of a circuit court may  
7 not be nominated to the ballot by a political party that is not required to  
8 nominate candidates by primary election; establishing a deadline for the filing  
9 of a certificate of candidacy for a candidate for election as judge of a circuit  
10 court; providing that a candidate for judge of a circuit court may not be  
11 nominated by petition; and generally relating to the election of circuit court  
12 judges on a nonpartisan basis at general elections.

13 BY repealing and reenacting, with amendments,  
14 Article – Election Law  
15 Section 5–203, 5–303, 5–703(a), 5–703.1(a), and 9–210(a)  
16 Annotated Code of Maryland  
17 (2010 Replacement Volume and 2012 Supplement)

18 BY repealing and reenacting, without amendments,  
19 Article – Election Law  
20 Section 5–301(a), 5–703(b), and 5–703.1(b)  
21 Annotated Code of Maryland  
22 (2010 Replacement Volume and 2012 Supplement)

23 BY adding to  
24 Article – Election Law  
25 Section 8–901 through 8–904 to be under the new subtitle “Subtitle 9. Election  
26 of Circuit Court Judges”  
27 Annotated Code of Maryland  
28 (2010 Replacement Volume and 2012 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Election Law**

4 5–203.

5 (a) (1) This subsection does not apply to a candidate for:

6 (i) President or Vice President of the United States; or

7 (ii) any federal office who seeks nomination by petition.

8 (2) Unless the individual is a registered voter affiliated with the  
9 political party, an individual may not be a candidate for:

10 (i) an office of that political party; or

11 (ii) except as provided in subsection (b) of this section,  
12 nomination by that political party.

13 (b) The requirements for party affiliation specified under subsection (a) of  
14 this section do not apply to a candidate for[:

15 (1) a judicial office; or

16 (2)] a county board of education.

17 5–301.

18 (a) An individual may become a candidate for a public or party office only if:

19 (1) the individual files a certificate of candidacy in accordance with  
20 this subtitle; and

21 (2) the individual does not file a certificate of withdrawal under  
22 Subtitle 5 of this title.

23 5–303.

24 (a) Except as provided in subsections (b) [and], (c), AND (D) of this section:

25 (1) in the year in which the Governor is elected, a certificate of  
26 candidacy shall be filed not later than 9 p.m. on the Wednesday following the second  
27 Tuesday in April in the year in which the primary election will be held; and

1 (2) for any other regularly scheduled election, a certificate of  
2 candidacy shall be filed not later than 9 p.m. on the Wednesday that is 83 days before  
3 the day on which the primary election will be held.

4 (b) A certificate of candidacy for an office to be filled by a special election  
5 under this article shall be received and filed in the office of the appropriate board not  
6 later than 5 p.m. on the Monday that is 3 weeks or 21 days prior to the date for the  
7 special primary election specified by the Governor in the proclamation for the special  
8 primary election.

9 (c) The certificate of candidacy for the election of a write-in candidate shall  
10 be filed by the earlier of:

11 (1) 7 days after a total expenditure of at least \$51 is made to promote  
12 the candidacy by a campaign finance entity of the candidate; or

13 (2) 5 p.m. on the Wednesday preceding the day of the election for  
14 which the certificate is filed.

15 **(D) A CANDIDATE FOR ELECTION AS A JUDGE OF THE CIRCUIT COURT**  
16 **SHALL FILE A CERTIFICATE OF CANDIDACY NOT LATER THAN 5 P.M. ON THE**  
17 **FIRST MONDAY IN AUGUST IN THE YEAR OF THE GENERAL ELECTION FOR THE**  
18 **OFFICE.**

19 5-703.

20 (a) Except for a candidate for **CIRCUIT COURT JUDGE OR** a nonpartisan  
21 county board of education, this section applies to any candidate for public office subject  
22 to this title.

23 (b) A candidate for a public office may be nominated by petition under this  
24 subtitle if the candidate is not affiliated with any political party.

25 5-703.1.

26 (a) Except for a candidate for **CIRCUIT COURT JUDGE OR** a nonpartisan  
27 county board of education, this section applies to any candidate for public office subject  
28 to this title.

29 (b) A candidate for a public office may be nominated by a political party  
30 under this subtitle if the political party is not required to nominate its candidates by  
31 party primary.

32 **SUBTITLE 9. ELECTION OF CIRCUIT COURT JUDGES.**

33 **8-901.**

1           **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, THE PROVISIONS OF**  
2 **THIS ARTICLE RELATING TO THE NOMINATION AND ELECTION OF CANDIDATES**  
3 **TO PUBLIC OFFICE SHALL GOVERN THE NOMINATION AND ELECTION OF JUDGES**  
4 **TO THE CIRCUIT COURT.**

5 **8-902.**

6           **(A) A CANDIDATE FOR ELECTION AS JUDGE OF A CIRCUIT COURT:**

7                   **(1) MAY NOT BE NOMINATED AT A PRIMARY ELECTION;**

8                   **(2) MAY NOT BE NOMINATED TO THE BALLOT BY A PARTY THAT IS**  
9 **NOT REQUIRED TO NOMINATE CANDIDATES BY PRIMARY ELECTION; AND**

10                   **(3) SHALL BE ELECTED AT A GENERAL ELECTION ON A**  
11 **NONPARTISAN BASIS.**

12           **(B) A CANDIDATE FOR ELECTION AS JUDGE OF A CIRCUIT COURT**  
13 **SHALL, WITHOUT PARTY DESIGNATION OR REGARD TO PARTY AFFILIATION:**

14                   **(1) FILE A CERTIFICATE OF CANDIDACY AS REQUIRED UNDER §**  
15 **5-303(D) OF THIS ARTICLE;**

16                   **(2) BE CERTIFIED TO THE BALLOT;**

17                   **(3) APPEAR ON THE BALLOT;**

18                   **(4) BE VOTED ON; AND**

19                   **(5) BE ELECTED AS PROVIDED IN THIS ARTICLE.**

20 **8-903.**

21           **(A) IF A CANDIDATE FOR ELECTION AS JUDGE OF A CIRCUIT COURT**  
22 **DIES OR BECOMES DISQUALIFIED BEFORE THE BALLOTS ARE PRINTED, OR AT A**  
23 **TIME WHEN THE BALLOTS CAN BE REPRINTED, THE NAME OF THE CANDIDATE**  
24 **MAY NOT APPEAR ON THE BALLOT.**

25           **(B) IF A CANDIDATE FOR ELECTION AS JUDGE OF A CIRCUIT COURT**  
26 **DIES OR BECOMES DISQUALIFIED AFTER THE BALLOTS ARE PRINTED AND TOO**  
27 **LATE FOR THE BALLOTS TO BE REPRINTED, AND IF THAT CANDIDATE RECEIVES**  
28 **SUFFICIENT VOTES TO HAVE BEEN ELECTED, THE OFFICE SHALL BE DEEMED**

1 VACANT AND SHALL BE FILLED AS IF THE VACANCY HAD OCCURRED DURING  
2 THE TERM OF OFFICE.

3 **8-904.**

4 IN A GENERAL ELECTION FOR JUDGE OF THE CIRCUIT COURT FOR A  
5 COUNTY, A VOTER MAY VOTE FOR A NUMBER OF CANDIDATES EQUAL TO THE  
6 NUMBER OF JUDGES TO BE ELECTED IN THAT COUNTY AT THAT GENERAL  
7 ELECTION.

8 9-210.

9 (a) The offices to be voted on shall be arranged on the ballot in the following  
10 order, as applicable:

11 (1) public offices for which voters of the entire State may vote, in the  
12 following order:

13 (i) President of the United States, or President and Vice  
14 President of the United States;

15 (ii) Governor and Lieutenant Governor;

16 (iii) Comptroller;

17 (iv) Attorney General; and

18 (v) United States Senator;

19 (2) Representative in Congress;

20 (3) members of the General Assembly of Maryland, in the following  
21 order:

22 (i) Senate of Maryland; and

23 (ii) House of Delegates;

24 (4) members of the governing body of a county, in the following order:

25 (i) county executive; and

26 (ii) county council or county commissioner;

27 (5) offices in the government of the City of Baltimore, in the following  
28 order:

- 1 (i) Mayor;
- 2 (ii) President of the City Council;
- 3 (iii) Comptroller; and
- 4 (iv) member of the City Council;
- 5 (6) judicial offices, in the following order:
- 6 (i) judge of the circuit court; and
- 7 (ii) appellate judges, continuance in office, in the following
- 8 order:
- 9 1. Court of Appeals; and
- 10 2. Court of Special Appeals;
- 11 (7) public offices for which the voters of a county may vote, in the
- 12 following order:
- 13 (i) county treasurer;
- 14 (ii) State's Attorney;
- 15 (iii) clerk of the circuit court;
- 16 (iv) register of wills;
- 17 (v) judge of the orphans' court;
- 18 (vi) sheriff; and
- 19 (vii) other offices filled by partisan election;
- 20 (8) party offices; and
- 21 (9) **OTHER** offices filled by nonpartisan election.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

23 October 1, 2013.