SENATE BILL 679

G1, D1   5lr2328

By: **Senators Raskin, Kagan, and Kelley**
Introduced and read first time: February 6, 2015
Assigned to: Judicial Proceedings

A BILL ENTITLED

1   AN ACT concerning

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

3   FOR the purpose of establishing a method for the election of judges to the circuit court on
4   a nonpartisan basis at a general election; providing that a candidate for election as
5   judge of a circuit court may be nominated at a primary election; establishing a
6   deadline for the filing of a certificate of candidacy for a candidate for election as a
7   judge of the circuit court; deeming the office of judge of a circuit court vacant under
8   certain circumstances and requiring that the vacancy be filled in a certain manner;
9   providing that a candidate for judge of a circuit court may not be nominated by
10   petition; providing that the names of certain candidates be placed on the ballot in
11   random order; and generally relating to the election of circuit court judges.

12   BY repealing and reenacting, without amendments,
13   Article – Election Law
14   Section 5–203, 5–301(a), and 5–703(b)
15   Annotated Code of Maryland
16   (2010 Replacement Volume and 2014 Supplement)

17   BY repealing and reenacting, with amendments,
18   Article – Election Law
19   Section 5–303, 5–703(a), and 9–210(a)
20   Annotated Code of Maryland
21   (2010 Replacement Volume and 2014 Supplement)

22   BY adding to
23   Article – Election Law
24   Section 8–901 through 8–904, inclusive, to be under the new subtitle "Subtitle 9.
25   Election of Circuit Court Judges"
26   Annotated Code of Maryland
27   (2010 Replacement Volume and 2014 Supplement)

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 MARYLAND,
2 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 political
9 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, nomination
12 by that political party.

13   (b)   The requirements for party affiliation specified under subsection (a) of this
14 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 this
20 subtitle; and

21   (2)   the individual does not file a certificate of withdrawal under Subtitle 5
22 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 candidacy
26 shall be filed not later than 9 p.m. on the last Tuesday in February in the year in which the
27 primary election will be held; and

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

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

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

10   (1)   7 days after a total expenditure of at least $51 is made to promote the
11   candidacy by a campaign finance entity of the candidate; or

12   (2)   5 p.m. on the Wednesday preceding the day of the election for which the
13   certificate is filed.

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

17   5–703.

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

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

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

23   **8–901.**

24   **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, THE PROVISIONS OF**
25   **THIS ARTICLE RELATING TO THE NOMINATION AND ELECTION OF CANDIDATES TO**
26   **PUBLIC OFFICE SHALL GOVERN THE NOMINATION AND ELECTION OF JUDGES TO**
27   **THE CIRCUIT COURT.**

28   **8–902.**

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

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

1   **(2)**   SHALL BE ELECTED AT A GENERAL ELECTION ON A NONPARTISAN
2 BASIS.

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

5   **(1)**   FILE A CERTIFICATE OF CANDIDACY AS REQUIRED UNDER §
6 5–303(D) OF THIS ARTICLE;

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

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

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

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

11 **8–903.**

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

16   **(B)**   IF A CANDIDATE FOR ELECTION AS JUDGE OF A CIRCUIT COURT DIES OR
17 BECOMES DISQUALIFIED AFTER THE BALLOTS ARE PRINTED AND TOO LATE FOR THE
18 BALLOT TO BE REPRINTED AND, IF THAT CANDIDATE RECEIVES SUFFICIENT VOTES
19 TO HAVE BEEN ELECTED, THE OFFICE SHALL BE DEEMED VACANT AND SHALL BE
20 FILLED AS IF THE VACANCY HAD OCCURRED DURING THE TERM OF OFFICE.

21 **8–904.**

22   **(A)**   **(1)**   IN A GENERAL ELECTION FOR JUDGE OF THE CIRCUIT COURT FOR
23 A COUNTY, A VOTER MAY VOTE FOR A NUMBER OF CANDIDATES EQUAL TO THE
24 NUMBER OF JUDGES TO BE ELECTED IN THAT COUNTY AT THAT GENERAL ELECTION.

25   **(2)**   THE CANDIDATES FOR JUDGE OF THE CIRCUIT COURT SHALL
26 APPEAR ON THE BALLOT IN RANDOM ORDER DETERMINED BY WAY OF A RANDOM
27 DRAWING TO BE CONDUCTED BY THE STATE BOARD.

28   **(B)**   **(1)**   THE CANDIDATES, EQUAL IN NUMBER TO THE NUMBER OF
29 OFFICES TO BE FILLED, WHO RECEIVE THE LARGEST NUMBER OF VOTES IN THE
30 GENERAL ELECTION SHALL BE DECLARED ELECTED.

1   **(2)**   **IF TWO OR MORE CANDIDATES EACH RECEIVE THE LOWEST**
2 **NUMBER OF VOTES NECESSARY TO QUALIFY FOR ELECTION, CREATING A TIE FOR**
3 **THE LAST OFFICE TO BE FILLED, THE OFFICE SHALL BE CONSIDERED VACANT.**

4   **(3)**   **A VACANCY OCCURRING UNDER PARAGRAPH (2) OF THIS**
5 **SUBSECTION SHALL BE FILLED:**

6   **(I)**   **AS IF THE VACANCY HAD OCCURRED DURING THE TERM OF**
7 **THE OFFICE FOR WHICH THE ELECTION IS BEING HELD; AND**

8   **(II)**   **BY THE GOVERNOR BY SELECTION OF ONE OF THE**
9 **NOMINEES WHO TIES IN THE GENERAL ELECTION.**

10 9–210.

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

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

15   (i)   President of the United States, or President and Vice President
16 of the United States;

17   (ii)   Governor and Lieutenant Governor;

18   (iii)   Comptroller;

19   (iv)   Attorney General; and

20   (v)   United States Senator;

21   (2)   Representative in Congress;

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

23   (i)   Senate of Maryland; and

24   (ii)   House of Delegates;

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

26   (i)   county executive; and

27   (ii)   county council or county commissioner;

1   (5)   offices in the government of the City of Baltimore, in the following
2 order:

3   (i)   Mayor;

4   (ii)   President of the City Council;

5   (iii)   Comptroller; and

6   (iv)   member of the City Council;

7   (6)   judicial offices, in the following order:

8   (i)   judge of the circuit court; and

9   (ii)   appellate judges, continuance in office, in the following order:

10   1.   Court of Appeals; and

11   2.   Court of Special Appeals;

12   (7)   public offices for which the voters of a county may vote, in the following
13 order:

14   (i)   county treasurer;

15   (ii)   State's Attorney;

16   (iii)   clerk of the circuit court;

17   (iv)   register of wills;

18   (v)   judge of the orphans' court;

19   (vi)   sheriff; and

20   (vii)   other offices filled by partisan election;

21   (8)   party offices; and

22   (9)   **OTHER** offices filled by nonpartisan election.

23   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2015.