HOUSE BILL 1160

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By: **Delegates Miele, Aumann, Bromwell, Cluster, Ebersole, Impallaria, Long, Metzgar, Sydnor, West, and P. Young**
Introduced and read first time: February 9, 2017
Assigned to: Judiciary and Ways and Means

A BILL ENTITLED

1　AN ACT concerning

2　　　　　　　　**Baltimore County – Judges – Nonpartisan Elections**
3　　　　　　　　　　**(Baltimore County Voting Rights Act)**

4　FOR the purpose of requiring that circuit court judges and orphans' court judges in
5　　　　　Baltimore County be elected in nonpartisan elections; providing that certain
6　　　　　provisions of law govern the nomination and election of judges of the circuit court
7　　　　　and judges of the orphans' court; requiring that any eligible voter be eligible to vote
8　　　　　in a primary election for judge of the circuit court and judge of the orphans' court;
9　　　　　requiring the local board of elections to determine whether a candidate qualifies for
10　　　　judge of the circuit court or judge of the orphans' court; prohibiting an individual
11　　　　from becoming a candidate or nominee for judge of the circuit court or judge of the
12　　　　orphans' court by filing a petition or being nominated by a political party; providing
13　　　　for the manner in which candidates are nominated at the primary election; specifying
14　　　　procedures to be followed if a candidate dies, becomes disqualified, or declines the
15　　　　nomination; providing for the manner in which candidates are elected at the general
16　　　　election; and generally relating to nonpartisan elections for judges in Baltimore
17　　　　County.

18　BY adding to
19　　　　　Article – Election Law
20　　　　　Section 8–901 through 8–907 to be under the new subtitle "Subtitle 9. Judges in
21　　　　　　　Baltimore County"
22　　　　　Annotated Code of Maryland
23　　　　　(2010 Replacement Volume and 2016 Supplement)

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

26　　　　　　　　　　　　　**Article – Election Law**

1   SUBTITLE 9. JUDGES IN BALTIMORE COUNTY.

2   8–901.

3   THIS SUBTITLE APPLIES ONLY IN BALTIMORE COUNTY.

4   8–902.

5   EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, THE PROVISIONS OF
6   THIS ARTICLE RELATING TO THE NOMINATION AND ELECTION OF CANDIDATES TO
7   PUBLIC OFFICE SHALL GOVERN THE NOMINATION AND ELECTION OF JUDGES OF
8   THE CIRCUIT COURT AND JUDGES OF THE ORPHANS' COURT.

9   8–903.

10   (A)   (1)   JUDGES OF THE CIRCUIT COURT AND JUDGES OF THE ORPHANS'
11   COURT SHALL BE ELECTED ON A NONPARTISAN BASIS.

12   (2)   IN A PRIMARY ELECTION TO NOMINATE CANDIDATES FOR JUDGE
13   OF THE CIRCUIT COURT OR JUDGE OF THE ORPHANS' COURT, ANY REGISTERED
14   VOTER OF THE COUNTY, REGARDLESS OF PARTY AFFILIATION OR LACK OF PARTY
15   AFFILIATION, IS ELIGIBLE TO VOTE IN THOSE CONTESTS FOR NOMINATION.

16   (B)   CANDIDATES FOR JUDGE OF THE CIRCUIT COURT AND JUDGE OF THE
17   ORPHANS' COURT SHALL, WITHOUT PARTY DESIGNATION OR REGARD TO PARTY
18   AFFILIATION:

19   (1)   FILE CERTIFICATES OF CANDIDACY;

20   (2)   BE CERTIFIED TO THE BALLOT;

21   (3)   APPEAR ON THE BALLOT;

22   (4)   BE VOTED ON; AND

23   (5)   BE NOMINATED AND ELECTED.

24   8–904.

25   (A)   BEFORE CERTIFYING THE NAME OF A CANDIDATE FOR JUDGE OF THE
26   CIRCUIT COURT OR JUDGE OF THE ORPHANS' COURT TO APPEAR ON THE BALLOT,
27   THE LOCAL BOARD SHALL DETERMINE WHETHER THE CANDIDATE QUALIFIES AS
28   PROVIDED UNDER TITLE 5 OF THIS ARTICLE.

1   **(B)   AN INDIVIDUAL MAY NOT QUALIFY AS A CANDIDATE FOR JUDGE OF THE**
2   **CIRCUIT COURT OR JUDGE OF THE ORPHANS' COURT OR NOMINEE FOR THOSE**
3   **OFFICES BY FILING A PETITION OR BEING NOMINATED BY A POLITICAL PARTY.**

4   **8–905.**

5   **(A)   IN EACH YEAR THAT ONE OR MORE JUDGES OF THE CIRCUIT COURT OR**
6   **JUDGES OF THE ORPHANS' COURT ARE TO BE ELECTED, CANDIDATES SHALL BE**
7   **NOMINATED AT THE PRIMARY ELECTION.**

8   **(B)   (1)   IF A CANDIDATE DIES OR BECOMES DISQUALIFIED BEFORE THE**
9   **BALLOTS ARE PRINTED, OR AT A TIME WHEN THE BALLOTS CAN BE REPRINTED, THE**
10 **NAME OF THE CANDIDATE MAY NOT APPEAR ON THE BALLOT.**

11 **(2)   IF A CANDIDATE DIES OR BECOMES DISQUALIFIED AFTER THE**
12 **BALLOTS ARE PRINTED AND TOO LATE FOR THE BALLOTS TO BE REPRINTED, ANY**
13 **VOTES CAST FOR THAT CANDIDATE MAY NOT BE COUNTED.**

14 **(C)   (1)   THE CANDIDATES, EQUAL IN NUMBER TO TWICE THE NUMBER OF**
15 **OFFICES TO BE FILLED, WHO RECEIVE THE LARGEST NUMBER OF VOTES IN THE**
16 **PRIMARY ELECTION SHALL BE THE NOMINATED CANDIDATES.**

17 **(2)   IF TWO OR MORE CANDIDATES EACH RECEIVE THE LOWEST**
18 **NUMBER OF VOTES NECESSARY TO QUALIFY FOR NOMINATION, CREATING A TIE FOR**
19 **THE LAST NOMINATION FOR THE OFFICE TO BE FILLED, EACH SHALL BE A**
20 **NOMINATED CANDIDATE.**

21 **8–906.**

22 **(A)   IF, AFTER THE PRIMARY ELECTION BUT BEFORE THE GENERAL**
23 **ELECTION, A NOMINEE DIES, DECLINES THE NOMINATION, OR BECOMES**
24 **DISQUALIFIED BEFORE THE BALLOTS ARE PRINTED OR AT A TIME WHEN THE**
25 **BALLOTS CAN BE REPRINTED, THE NAME OF THE NOMINEE MAY NOT APPEAR ON THE**
26 **BALLOT.**

27 **(B)   IF A NOMINEE DIES, DECLINES THE NOMINATION, OR IS DISQUALIFIED**
28 **AFTER THE BALLOTS ARE PRINTED AND TOO LATE FOR THE BALLOTS TO BE**
29 **REPRINTED, AND IF THAT NOMINEE RECEIVES SUFFICIENT VOTES TO HAVE BEEN**
30 **ELECTED, THE OFFICE SHALL BE DEEMED VACANT AND SHALL BE FILLED AS IF THE**
31 **VACANCY HAD OCCURRED DURING THE TERM OF OFFICE.**

32 **8–907.**

1   **(A)**   **IN A GENERAL ELECTION FOR JUDGE OF THE CIRCUIT COURT OR JUDGE**
2 **OF THE ORPHANS' COURT, A VOTER MAY VOTE FOR A NUMBER OF NOMINEES EQUAL**
3 **TO THE NUMBER OF JUDGES TO BE ELECTED.**

4   **(B)**   **(1)**   **THE NOMINEES, EQUAL IN NUMBER TO THE NUMBER OF OFFICES**
5 **TO BE FILLED, WHO RECEIVE THE LARGEST NUMBER OF VOTES IN A GENERAL**
6 **ELECTION SHALL BE DECLARED ELECTED.**

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

10   **(II)**   **A VACANCY OCCURRING UNDER SUBPARAGRAPH (I) OF THIS**
11 **PARAGRAPH SHALL BE FILLED AS IF THE VACANCY OCCURRED DURING THE TERM**
12 **OF OFFICE FOR WHICH THE ELECTION IS BEING HELD.**

13   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2017.