

SB 23 ABR Favorable.pdf

Uploaded by: Alexis Burrell-Rohde

Position: FAV



ALEXIS BURRELL-ROHDE

REGISTER OF WILLS, BALTIMORE COUNTY
COUNTY COURTS BUILDING
MAIL STOP 3507
401 BOSLEY AVENUE
TOWSON, MARYLAND 21204

410-887-6680

registers.maryland.gov
FAX 410-583-2517

January 10, 2024

The Honorable William C. Smith, Jr., Chair
Judicial Proceedings Committee
Miller Senate Office Building, 2 East
Annapolis, MD 21401

Support (FAV) – SB 23 – Orphans' Court Judges – Elections

Dear Chair Smith and Committee Members:

My name is Alexis Burrell-Rohde. I am the Register of Wills for Baltimore County and testifying in favor of Senate Bill 23. I am not representing the views of the Registers of Wills Association or of any other Register of Wills.

I am in favor of having candidates for Orphans' Court judge run without party designation. Political party should not be a factor when serving as a judge, of any court. Orphans' Court judges should be treated similarly to other judges in the State of Maryland and should run without regard to party affiliation.

I respectfully recommend a favorable report on Senate Bill 23 and appreciate the Committee's thoughtful attention.

Best regards,


Alexis Burrell Rohde

Register of Wills
Baltimore County

SB 23 Support (2024) .pdf

Uploaded by: Athena Malloy Groves

Position: FAV

**WENDY A. CARTWRIGHT, ESQ.
ATHENA MALLOY GROVES, ESQ.
JASON A. DeLOACH, ESQ.**

Bill No.: Senate Bill 23
Title: Orphans' Court Judges – Election
Committee: Judicial Proceedings
Hearing Date: January 11, 2024
Position: Recommend Favorable Committee Report

COMMENTS:

Chairman Smith and Members of the Committee:

We, the Judges of the Orphans' Court for Prince George's County, collectively in our individual capacities, offer this written testimony in support of Senate Bill 23.

The bill arises from one of the five recommendations of the 2021 Task Force to Study the Maryland Orphans' Courts, of which Judge Groves was a member. They are suggestions for possible improvements to the court. Recommendation No. 2 states that "[c]andidates for the judge of the Orphans' Court shall not specify a political party affiliation. . . ."

According to the Annotated Code of Maryland, Election Article, § 5-203(b), a candidate for a judicial office is not required to state a party affiliation. It is unknown why candidates for the Orphans' Court, a judicial office, have not been included in that exception. This bill adds language to the statute to clearly specify that candidates for the Orphans' Court are excluded from the requirement of candidates having to state a party affiliation.

Party affiliation does not determine whether one candidate for Orphans' Court is better fit for the office than another. It has neither influence nor impact in its oversight of estate administration, opinions or rulings. It also adds further confusion to voters as to the purpose and reach of the Orphans' Court. This is an improvement to the Court long overdue.

Senate Bill 23

Support

Page 2

Therefore,

We urge a Favorable Committee Report for Senate Bill 23.

Respectfully submitted,

Wendy A. Cartwright, Esq.

Athena Malloy Groves, Esq.

Jason A. DeLoach, Esq.

SB 23 West FAV.pdf

Uploaded by: Christopher West

Position: FAV



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

January 11th, 2024

The Maryland State Senate Judicial Proceedings Committee

The Honorable William C. Smith, Jr.

2 East Miller Senate Building

Annapolis, Maryland 21401

Re: Senate Bill 23: *Orphans' Court Judges - Elections*

Dear Chairman Smith and Members of the Committee,

Senate Bill 23 is identical to last year's Senate Bill 195, which passed out of the Judicial Proceedings Committee unanimously and passed overwhelmingly on the floor of the State Senate. Unfortunately, last year the bill got lost over in the House of Delegates. That is why SB 23 is before you today.

In Maryland, our Orphans Courts are the State's probate courts. They supervise the handling of estates and have jurisdiction over the guardianship of minors and their property. Under the Maryland Constitution, the voters of each county except Harford, Howard and Montgomery counties elect, for a term a four years, three Orphans Court Judges of their respective jurisdictions. In Harford, Howard and Montgomery Counties, the Orphans Courts are presided over by Circuit Court Judges.

Orphans' Court Judges are the only judges in the state who are currently forced to participate in partisan elections. Circuit Court Judges do not run in partisan elections. Appellate Court Judges do not run in partisan elections. District Court Judges do not run in elections at all.

The simple fact is that the sort of issues that come before Orphans Court Judges NEVER involve partisan considerations. In a few minutes, you will hear from Orphans Court Judge Juliet Fisher that in her years on the Baltimore County Orphans Court she can never recall a single instance in which partisanship played any role at all in her evaluation of an issue before her. Orphans Court Judges spend their time administering the estates of deceased Maryland citizens, and they are called upon to make determinations about the intent of the testators. Politics is just not involved in any way.

In 2022, I was appointed as a member of the *Task Force to Study the Orphans' Courts*. The Task Force recommended making the election of Maryland's Orphans' Court Judges apolitical by instituting a system of non-partisan elections. Passage of Senate Bill 23 will accomplish the recommendation of the Orphans Court Task Force. These non-partisan elections will be identical to the non-partisan elections that for many decades have governed Circuit Court Judges.

Here's how they would work. Let's assume that in a particular county, the three sitting Orphans Court Judges run for re-election and there are two challengers. If this bill is passed, all five candidates will appear on both the Republican and Democratic Primary Ballots in alphabetical order, with no party affiliation disclosed. The top three vote-getters in each primary will move on to the General Election. If the same three candidates win in both primaries, only those three names will appear on the General Election ballot. If different candidates win in different primaries, then the names of all of the winners will appear on the General Election ballot, again listed alphabetically and with no party affiliation disclosed.

No Constitutional Amendment would be necessary to make this change in the law relating to Orphans Court elections. Therefore, Senate Bill 23 will facilitate making our judicial offices less political and more fully professional. For the first time, politics will be taken completely out of our judicial elections.

I appreciate the Committee's consideration of Senate Bill 23 and will be happy to answer any questions the Committee may have.

SB 23 testimony.pdf

Uploaded by: juliet fisher

Position: FAV

Juliet G. Fisher

8100 Sandpiper Circle, Ste. 108

Nottingham, MD 21236

443-803-1476

Julietfisher1@yahoo.com

January 8, 2024

Maryland Senate –Judicial Proceedings Committee

Re: Testimony in Support of SB 23
Orphans' Court Judges - Election

Good Afternoon Chairman Smith and members of the Committee,

Thank you so much for allowing me to speak to you today about Senate Bill 23. As you may be aware, I am Juliet Fisher, a Judge of the Baltimore County Orphans' Court, which oversees the probate and administration of all estates in Baltimore County as well as handling guardianships of minors' property. I am here on behalf of myself and Judge Frank, who support the passage of SB 23.

The Orphans' Court consists in almost every jurisdiction of three judges, who are elected every four years. Currently, the only judges in the entire state that participate in partisan elections are the judges of the Orphans' Court.

In 2022 a Task Force to Study the Orphans' Courts was created and one of the recommendations of the Task Force was to make the election of Orphans' Court Judges less political by allowing them to engage in non-partisan elections, which is exactly what this proposed Bill would do.

Previously, my court had sought this change in an effort to make this judicial office less political in, and therefore more in line with the Judiciary, and more specifically with the Circuit Court judges each of whom cross-files for both the Democratic and Republican nominations, we had sought the opinion of our then Attorney General.

I am going to read you an excerpt from that opinion pertaining to cross-filing:

“Currently, in my view, Maryland law does not require judges of the Orphans' Court to register their political party when running for office. *See* MD Code Ann. Elec. Law Section 5-203 (2014) (**stating that requirements for party affiliation do not apply for candidates for judicial office.**) But historically judges of the Orphans' Court have registered their party affiliation when running for office and according to counsel for the State Board of Elections, altering this historical practice would require a statutory change.”

It is exactly that change that we are seeking here today. Because the Maryland Constitution is silent on party affiliation, no Constitutional Amendment would be necessary to make this party affiliation change.

As we continue to attempt to make our judicial offices less political and more in line with the neutrality inherent and desired in the judiciary, we would seek your support of SB 23.

Juliet Fisher, Esq.

Arthur Frank, Esq.

SB23 Testimony.pdf

Uploaded by: Debi Jasen

Position: FWA

SB 23 - Orphans' Court Judges - Favorable with Amendments
Judicial Proceedings Committee

Chair, Vice Chair, and other members of the Judicial Proceedings Committee;

I ask that you please vote in favor of Senate Bill 23.

I believe that, as with the county Board of Education (at least in Anne Arundel County), judges should be designated as Unaffiliated on the ballot. I also ask that the bill include that, like my county Board of Education, people who are not registered as Democrats or Republicans be permitted to vote in the Primary for judicial positions (Orphans' Court judges in this instance, but I'd like it to be for all elected judges, as well as Court Clerks.) We shouldn't have to change our Party designations in order to vote for positions that shouldn't be partisan in the first place.

Thank you for your consideration.

Sincerely,
Debi Jasen
Pasadena, MD

SB 23 - Orphans Court Judges - Election.pdf

Uploaded by: Ralph Watkins

Position: FWA



TESTIMONY TO THE SENATE JUDICIAL PROCEEDINGS COMMITTEE

SB 23 – Orphans’ Court Judges – Election

POSITION: Favorable, With Amendment

BY: Linda Kohn, President

Date: January 11, 2024

The League of Women Voters of Maryland has long supported the elimination of partisan election of judges of the Orphans’ Court. Although partisan advocacy is appropriate for policy-making positions such as the General Assembly and Governor, a nonpartisan approach is essential for a fair judicial process. In addition, the current process effectively disenfranchises the 20% of voters who are not affiliated with a party.

We urge the committee to consider an amendment to the provision relating to the primary election as we believe it may confuse voters. Under the bill, the candidates receiving the most votes in the primary, equal in number to those to be elected, will be nominated to the general election ballot. This will create a situation in which the general election ballot will instruct voters to “Vote for not more than 3” where only three names will appear, meaning the voters will not really have a choice. If the incumbent judges are unopposed, voters would lack choices in both the primary and general elections. We understand that the intent was to make the election of Orphans’ Court Judges similar to that for Circuit Court Judges, but doing so will frustrate voters, creating negative feelings about the election of Orphans’ Court judges.

The League believes the better method would be to specify that if the number of candidates is more than twice the number of offices to be filled, all candidates would appear on the nonpartisan section of the primary election ballot. The primary election would reduce the total number of candidates to appear on the general election to twice the number of offices to be filled. If the number of candidates were no more than twice the number to be elected, all candidates would automatically be placed on the general election ballot without the need for a primary election to narrow the choices for voters. This would parallel the practice for nonpartisan Board of Education candidates with which voters are already familiar.

We urge a favorable report on SB 23 as amended.