



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.