

# **HB0044\_Circuit\_Court\_Judges\_Nonpartisan\_Elections\_**

Uploaded by: Cecilia Plante

Position: FAV



**TESTIMONY FOR HB0044**  
**Election Law – Circuit Court Judges – Nonpartisan Elections**

**Bill Sponsor:** Delegate Wu

**Committee:** Judiciary

**Organization Submitting:** Maryland Legislative Coalition

**Person Submitting:** Cecilia Plante, co-chair

**Position:** **FAVORABLE**

I am submitting this testimony in strong support of HB0044 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists and our Coalition supports well over 30,000 members.

Circuit Court judges play a very important judicial role in making judgements on appeals. We have learned that many people in appointed positions are now appointed on the basis of their party affiliation and not on their merits. Because of this, we need a process to make sure that people that staff this critical position are elected on a nonpartisan basis.

This bill sets the requirements for electing Circuit Court judges utilizing the current process for electing those who seek public office. However, each judge that files to be a candidate will not state their party affiliation. They will then go through the primary and general election process.

The members of the public should have an opportunity to understand the qualifications of judges and be able to vote for those they feel are best able to do the job. We strongly support this bill and recommend a **FAVORABLE** report in committee.

## **HB44 Favorable 2025.pdf**

Uploaded by: Debi Jasen

Position: FAV

**House Bill 44**  
**Judiciary Committee**  
**FAVORABLE**

Honorable Chair Clippinger, Vice Chair Bartlett, and Members of the Judiciary Committee;

As members of the Judiciary Committee, I'm sure you agree that the judicial system should be nonpartisan, and rule according to the law. While it may be questionable to trust the election of judges to the people, there should be no question that such an election should be fair. Preventing unaffiliated and third party voters from fully participating in the elections for nonpartisan positions makes the positions themselves partisan.

In 2018, the winner of my county's circuit court position was determined in the primary election when both the Democrats and the Republicans agreed to elect Mark Crooks. There was no opportunity for unaffiliated and third party voters to have a say. How is this acceptable?

Please show that you believe that every voter should have a say by giving House Bill 44 a favorable report. Thank you for your consideration.

Sincerely,  
Debi Jasen  
Pasadena, MD

## **HB 44 - Election Law – Circuit Court Judges – Nonp**

Uploaded by: Morgan Drayton

Position: FAV

**February 12, 2025**

**Testimony on HB 44**  
**Election Law – Circuit Court Judges – Nonpartisan Elections**  
**Judiciary**

**Position:** Favorable

Common Cause Maryland is in favor of HB 44, which would require circuit court judges be elected on a non-partisan basis, without regard to political affiliation.

Partisan politics have no place in our judicial elections. Common Cause strongly believes that judges should be as politically neutral as possible, and should strive to be true to the law. Partisan elections are an obstacle towards realizing this.

Partisan elections open the door for special interests to spend lots of money influencing judicial elections - and, once their preferred candidate is elected, the courts. This leads to sitting judges who weigh heavily on one side of an issue or hold in favor of a specific interest group, which becomes more and more obvious over their time spent on the bench, especially as the judge begins to prepare for re-election.

Much of the public's trust and respect in our judicial system is based on the presumption that our judges are non-partisan and independent. As nominations become increasingly dependent on sponsorship by a political party, this trust and respect is necessarily diminished.

An article penned by the Honorable Sue Bell Cobb, a former Chief Justice of the Alabama Supreme Court, makes the point that political influence from judges stems not only from party affiliation, but also from campaign donations, which have become even more necessary as the cost of campaigning for many offices continues to rise. Judicial elections deserve greater scrutiny, and eliminating any hint of partisanship from these races would encourage voters to instead focus on the ability of our judges to neutrally interpret the law.

Common Cause Maryland is in strong support of efforts to move towards an impartial judicial system that citizens can put their trust in. For those reasons, we encourage a favorable report on HB 44.

## **Testimony in support of HB0044 - Election Law - Ci**

Uploaded by: Richard KAP Kaplowitz

Position: FAV

02/12/2025

Richard Keith Kaplowitz  
Frederick, MD 21703

**TESTIMONY ON HB#/0044- POSITION: FAVORABLE**

**Election Law - Circuit Court Judges - Nonpartisan Elections**

**TO:** Chair Atterbeary, Vice Chair Wilkins, and members of the Ways and Means Committee

**FROM:** Richard Keith Kaplowitz

My name is Richard Keith Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support of HB#/0044, **Election Law - Circuit Court Judges - Nonpartisan Elections**

Why are partisan judicial races so much more expensive than nonpartisan contests? One answer could be that potential campaign donors find it easier to donate money in these races. In states with partisan judicial elections, there is a ready-built infrastructure for “bundling” donations in place, with state parties acting as conduits for special interests. In judicial elections, these interest groups usually include trial lawyers (for Democratic candidates) and big business groups (for Republican candidates).

Moreover, in partisan elections, campaign donors can be much more certain of a candidate’s views prior to donating money. Partisan primaries tend to force candidates to appeal to the base constituencies of their respective parties, pushing Democrats to the left and Republicans to the right. By the time a candidate is chosen in a partisan primary, special interests can be sure the party’s candidate is a “team player.”<sup>1</sup>

This bill attempts to limit the effect of partisanship in what should be an office concerned with the rule of law and not judgements that support a specific political parties viewpoints on issues before the courts.

Accordingly, this bill will require circuit court judges to be elected on a nonpartisan basis. It will remove political parties from the occasion by prohibiting a candidate for circuit court judge from being nominated by a political party or by petition. It will govern the process by requiring candidates to be nominated at the primary election in each year that one or more circuit court judges are to be elected. The candidates will have to appeal to all voters and not just voters of a particular party to receive enough votes to be nominated for the general election.

**I respectfully urge this committee to return a favorable report on HB#/0044.**

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<sup>1</sup> <https://www.americanprogress.org/article/partisan-judicial-elections-and-the-distorting-influence-of-campaign-cash/>



# **HB44-2025 - Circuit Court Judges (1).pdf**

Uploaded by: Stuart Kohn

Position: FAV



## Howard County Citizens Association

*Since 1961...*

*The Voice Of The People of Howard County*

Date: 12 February 2025  
Subject: HB0044 Testimony  
Position: **FAVOR**

To: Judiciary Committee Members,

I am Stuart Kohn representing the Howard County Citizens Association, HCCA as President. Our website can be viewed at <https://howardcountyhcca.org/>.

The HCCA, **FAVORS HB0044-2025** - Election Law – Circuit Court Judges – Nonpartisan Elections.

We have never understood why Circuit Court Judges in Maryland are party affiliated. They should be non-partisan to enable your constituents who are registered as “Unaffiliated” or “Independent” to be permitted to vote for Circuit Court Judges as is done for School Board Members in Primary Elections.

Circuit Court Judges affiliated with a party are not relevant as to their role as a Judge. Their role is as follows:

- Hold an essential role within the judicial system.
- Ensure the fair and impartial administration of justice.
- Interpret and apply statutory and case law.
- Make determinations based on legal principles and evidence presented during proceedings.
- Presiding over all aspects of felony trials, from pretrial hearings to sentencing.

Based on the aforementioned Circuit Court Judges should in no way be associated to either the “Democratic” or “Republican” Party. What is the rationale of their Party affiliation? Their role is not political! It is strictly a judicial position.

Those of your constituents who are registered as “Unaffiliated” should be extremely thankful for you providing them the opportunity to vote for Circuit Court Judges in all future Primary Elections.

As a side note we see that HB0778 as described in the synopsis “is proposing amendments to the Maryland Constitution relating to the selection and tenure of circuit court judges; altering the method of filling vacancies in the office of a judge of a circuit court; providing for retention elections following an appointment to fill a vacancy in the office of a judge of a circuit court; providing for a transitional period during which the

terms of certain amendments are to become effective; and submitting this amendment to the qualified voters of the State for their adoption or rejection.” Unfortunately, HB0778 based on the synopsis does not include the intent of HB0044.

Thank You for your consideration in voting in **Favor** of HB0044-2025. We would appreciate any feedback.

Stuart Kohn  
HCCA President

# **TESTIMONY BEFORE HOUSE JUDICIARY COMMITTEEHB44.202**

Uploaded by: Claudia Barber

Position: UNF

TESTIMONY BEFORE HOUSE JUDICIARY COMMITTEE  
Wednesday, February 12, 2025 at 1 pm

House Bill 44 (AGAINST)

Good afternoon Committee Members. I urge you to vote against House Bill 44.

The bill is designed to deny independents and third party voters the right to use the open process to run for certain elected offices. This may be in violation of constitutional rights of voters to freely join third parties of their choice.

I chose to join a third party and advance in the General Election in 2024. This closes that opportunity automatically. It serves no useful purpose other than to target independents and third party voters so they no longer have free access to voting. It further demands that they become members of one of the two major parties. Otherwise their rights to run for all offices is no longer available.

It simply penalizes independent voters for no good reason.

Before voting yes on this legislation, please reconsider the impact this legislation has on the community and on individuals.

Thank you.

# **Opposiiton NonPartisan Judge election RHJ HB44 202**

Uploaded by: Ron Jarashow

Position: UNF

**2025 OPPOSITION TO HB44 NONPARTISAN JUDICIAL ELECTIONS**

FROM: Ronald H. Jarashow, Former Anne Arundel County Circuit Court Judge

**BACKGROUND.** I am a former judge that lost my judicial appointment by Gov. O'Malley in the November 2010 election. I have worked many judicial elections and am personally familiar with the burdens, difficulties, and ethical considerations detailed below.

**OPPOSITION.** HB44, "Election Law – Circuit Court Judges – Nonpartisan Elections" does not resolve the major problems with contested judicial elections, makes judicial election problems worse, and to some extent maintains the current system. Whereas, HB306 / SB630 would adopt Circuit Court judge retention elections resolving all the following problems.

**PROCESS NOT REASONABLE.** HB44 would adopt "open" primary elections for ONLY judges (8-902(A)(2)) which would be untenable to administer since that would require voters to vote with separate ballots (one for their political party and one for judge). A voter who is not registered for a political party would still go to the partisan polling location to request only the judge ballot. Election boards would establish a separate system for only judge ballots and it might require independent, non-partisan election judges not affiliated with any political party.

**ELECTION MIGHT STILL BE PARTISAN.** HB44 does not change current law which lists all judge candidates as "judicial" instead of Republican or Democrat. *Suessmann v. Lamone*, 383 Md. 697, 729 (2004) held that since judge candidates run in primary elections, it is a considered a partisan election. HB44 still requires voting during the partisan primary election day and does not establish an independent "non-partisan" voting date even though judge candidates would no longer be on the political party ballots. The voting process would still be set up for partisan voting.

**SELECTION / APPOINTMENT UNCHANGED.** Presumably, judicial applicants would still go through 1) application, 2) up to 15 interviews with Bar Association groups, 3) Judicial Nominating Commission interviews to recommend applicants to the Governor, 4) the Governor's staff investigations / vetting, 5) interview with the Governor, and 6) the Governor's appointment. Then any lawyer with 5 years residency can run against the appointed judge. *See Md. Const. Art. IV, §2*. HB44 does not change the current problematic election system.

**CURRENT PROBLEMS WORSENERD, NOT SOLVED, BY HB44.**

1. **Voter confusion.** Voters are likely to be confused that on the party primary election date, the voters may also vote in a separate non-partisan judge primary.
2. **Disparity** in ability to campaign. The appointed judge works all day and at night preparing and learning to handle court matters and only can campaign nights and weekends while every other candidate can spend unlimited amounts of time campaigning.
3. **Financial and fundraising.** Based on a limited examining of campaign reports, judge candidates raise up to \$300,000 or more to run county-wide.
4. **Special interest groups and political parties** would still endorse candidates loyal to that group's interests or political philosophy just as they do now.
5. **Discouraging quality applicants.** Contested election framework discourages accomplished lawyers from abandoning law practice to enter a contested judge election.
6. **Ethical considerations.** Funding from lawyers, litigants, political parties, and special interest groups gives an appearance of possible ethical conflicts.
7. **Electing an unqualified person.** With no vetting process, the open election does nothing to reasonably assure that the elected judge is qualified.

FROM: Ronald H. Jarashow, Former Anne Arundel County Circuit Court Judge

8. **Disregard vetting process.** Some election candidates did not go through the judicial selection and appointment process and were never interviewed and recommended by up to 15 Bar Associations, the Judicial Nominating Commission, and the Governor's staff. They have never been evaluated for aptitude, temperament, diversity, or any other criteria often deemed proper for a judge.

**CANDIDATE FORUMS.** Organizers usually give politicians presentation time (e.g., Governor, County Executive, etc.). Judge candidates seldom are permitted to speak to attendees. I used to be told I could not make an oral presentation because "you are only running for judge."

**COUNTY-WIDE ELECTION.** Judge candidates run county-wide. It is hard to inform all voters about the judge's selection process and qualifications versus challengers.

**JUDICIAL CANDIDATES UNKNOWN / POLITICAL PARTY INFLUENCE.** In my 2010 election, 202,000 votes were cast for Governor and only about 100,000 votes were cast for Judge. I lost my appointment by about 7% to a candidate whose last name started high in the alphabet and was endorsed by a political party whose Governor candidate won 55% of the County vote. Reportedly, that candidate never tried a court case. One political party refused to consider endorsing the appointed judges because the Governor was from the opposite political party. Six years later, the other political party central committee refused to endorse an appointed judge who was a registered voter with the opposing political party. Both political parties are at blame for injecting politics into judicial elections. Calling a judge election "non-partisan" does not change the political party or politician endorsements that would occur.

**LAWSUITS BY JUDICIAL CANDIDATES.** Some judicial candidates file lawsuits. *See, e.g., Rickey Nelson Jones v. Mary E. Barbera*, Jones v. Barbera, 2020 Md. App. LEXIS 65, 2020 WL 405452 (Md. Ct. Spec. App., Jan. 24, 2020, *cert. denied* 2019) (unreported) (the unsuccessful judicial candidate sued the Court of Appeals Chief Judge). Lawsuit threats were made during my 2010 election. HB44 would not change this conduct.

**CANDIDATE MISCONDUCT HAS NO PENALTY.** Judicial elections were overseen by a volunteer committee known as the Maryland Judicial Campaign Conduct Committee (MJCCC). It appears that this group is now disbanded. There is no authority to punish judicial candidate misconduct. In 2010, the Anne Arundel County judge challenger was found to have violated judicial campaign rules by distributing misleading campaign literature on election day that mischaracterized her as being an appointed judge along with my co-appointee to the bench. That literature used our black and yellow campaign colors (instead of her blue and white campaign colors) with her photograph and a picture of my running mate / appointed judge that made it appear as if they were the two appointed judges. The law imposes no penalties for misleading judicial campaign conduct. HB44 would not affect judge candidate misconduct.

**JUDGES ARE NOT POLITICIANS.** Appointed judges typically are not politicians with time and knowledge about running in an election.

**CONCLUSION.** HB44 does not change the above judge contested election problems. On the other hand, HB306 / SB630 would adopt retention elections for Circuit Court judges that would resolve every one of the above contested judge election issues.

I request an **UNFAVORABLE** Committee Report.



## **HB0044 - MSBA Opposition Letter (2025.02.10).pdf**

Uploaded by: Shaoli Sarkar

Position: UNF



**MSBA Main Office**  
520 West Fayette Street  
Baltimore, MD 21201  
410-685-7878 | [msba.org](http://msba.org)

**Annapolis Office**  
200 Duke of Gloucester Street  
Annapolis, MD 21401  
410-269-6464 | [msba.org](http://msba.org)

To: Members of the House Judiciary Committee  
From: Maryland State Bar Association (MSBA)  
Subject: HB 44 – Election Law – Circuit Court Judges – Nonpartisan Elections  
Date: February 10, 2025  
Position: **Support**

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The Maryland State Bar Association (MSBA) respectfully **opposes** HB 44 - Election Law – Circuit Court Judges – Nonpartisan Elections. House Bill 44 requires circuit court judges to be elected on a nonpartisan basis; prohibits a candidate for circuit court judge from being nominated by a political party or by petition; and requires candidates to be nominated at the primary election in each year that one or more circuit court judges are to be elected.

MSBA represents more attorneys than any other organization across the state in all practice areas. Through its advocacy committees and various practice-specific sections, MSBA monitors and takes positions on legislation that protects the legal profession, preserves the integrity of the judicial system, and ensures access to justice for Marylanders.

While HB 44 seeks to amend the current system of judicial elections for circuit court judges, MSBA opposes the bill. Contested judicial elections for circuit court judges threaten the independence and integrity of the circuit court, and HB 44 fails to significantly improve the process. MSBA has opposed contested judicial elections for over thirty years on ethical, political, campaign, and monetary grounds, as well as concerns about judicial independence.

For these reasons, MSBA respectfully urges a **unfavorable report on House Bill 44**.

*Contact: Shaoli Sarkar, Advocacy Director ([shaoli@msba.org](mailto:shaoli@msba.org), 410-387-5606)*

**hb44.pdf**

Uploaded by: Will Vormelker

Position: UNF

HON. STACY A. MAYER  
CIRCUIT COURT  
JUDGE  
BALTIMORE COUNTY  
CHAIR

HON. RICHARD SANDY  
CIRCUIT COURT  
JUDGE  
FREDERICK COUNTY  
VICE-CHAIR



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SNR. GOVT. RELATIONS AND  
PUBLIC AFFAIRS OFFICER  
P: (410)260-1523

## MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

### MEMORANDUM

**TO:** House Judiciary Committee  
House Ways and Means Committee

**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523

**RE:** House Bill 44  
Election Law - Circuit Court Judges – Nonpartisan Elections

**DATE:** January 11, 2025  
(2/12)

**POSITION:** Oppose

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The Judiciary appreciates the intent of House Bill 44 and supports efforts to reduce partisanship in judicial elections, in order to meet the important goal of maintaining judicial independence and impartiality. However, House Bill 44 raises certain concerns and fails to address others. As such, the Judiciary favors the approach recommended by the Workgroup to Study Judicial Elections. That approach would require circuit court judges to stand for retention, rather than contested, elections, following a thorough vetting process and gubernatorial appointment with the advice and consent of the Senate. The link to the Workgroup's comprehensive report and recommendations may be found at the following link: <https://online.flippingbook.com/view/994939268/>.

The Workgroup was formed to perform a fair, balanced, and comprehensive examination of selecting and retaining trial judges. It was comprised of a diverse group of community members, lawyers, appointed and elected judges, law school

deans, and policy experts. The Workgroup studied relevant data and research; held public hearings; and received testimony and input from academic and policy centers; state, local and specialty bars; citizens; members of the executive and legislative branches; and various other interested persons.

As noted on page 54 of the Workgroup report:

[R]etention elections obviate the need for judges to raise money for elections. The importance of this to the independence of judges cannot be overstated. The Workgroup found that in Maryland, and in many other states, the overwhelming majority of funds raised by Circuit Court or trial judges in recent contested elections is from lawyers who will appear before the very judge who is raising the money. The lawyers are the most interested in such races and, thus, the natural supporters. However, the appearance and actuality of judges raising money from interested lawyers who will seek favorable rulings from the judges raises fair concerns about judicial independence. Moreover, while the Maryland Code of Judicial Conduct appropriately prohibits judges from attending political fundraising events, there is a necessary exemption for candidates running for election. Thus, judges running in a contested election create the appearance of violating this very requirement by attending their own and other political fundraising events. Contested elections create an array of potential ethical violations and untoward appearances that serve to undermine the public's trust and confidence in this branch of government."

Rather than obviating the need for judges to raise money, House Bill 44 extends the fundraising cycle beyond the primary election for certain candidates. This extension fails to reduce the issues identified by the Workgroup and may instead exacerbate the politicization of judicial elections.

The propriety of the election of judges to the circuit courts of Maryland has been vigorously debated since the 1850-51 Constitutional Convention. A primary goal has always been, to the extent possible, to separate the election of judiciary officials from influence by political organizations.

The concept of permitting judicial candidates to stand for election without a prior nomination or primary process was examined as part of the comprehensive review of judicial elections in 1996 by the Commission on the Future of Maryland Courts. The Commission, a bipartisan assembly composed of distinguished members from each branch of the Maryland government, ultimately recommended that circuit court judges should be appointed by the Governor from a list submitted by a

judicial nominating commission, confirmed by the Senate, and thereafter subject to retention elections. The Commission explained:

[A]ll judges initially appointed by Governors are appointed from lists submitted by nominating commissions consisting of lawyers and laypersons. Those commissions receive detailed applications from persons seeking appointment. They receive recommendations from various bar associations and letters from other interested persons. They interview the applicants. From all of this material and their own perceptions from the interviews, they nominate the persons they believe most qualified. Governors also receive the applications of the nominees, along with whatever other material may be sent. Governors usually interview the nominees before making a choice. The process involves a careful examination of the qualifications of all who seek the appointment and the elimination of those thought to be unqualified or less qualified.

That review, that screening, is entirely absent when a challenger is initially elected. *Commission on the Future of Maryland Courts, Final Report Presented to the Governor and General Assembly of Maryland, Annapolis, at 58 (1996).*

The Commission's primary concern when a candidate in a judicial election has been neither appointed nor nominated was that "[q]uality control at the very beginning is absent." *Id.* at 59. House Bill 44 also does not address those concerns.

The 2024 Workgroup to Study Judicial Selection reached a similar conclusion.

The Judiciary continues to support efforts to make the process by which judges are elected less political. Given the thorough and comprehensive report and recommendations of the Workgroup to Study Judicial Selection, the Judiciary suggests that the Workgroup's approach is best suited to meet that aim.

cc: Hon. Chao Wu  
Judicial Council  
Legislative Committee  
Kelley O'Connor