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By: **Delegates Mandel, Barkley, Boschert, Bronrott, V. Clagett, Doory,**
   Dumais, Eckardt, Feldman, Franchot, Gutierrez, Heller, Jones, Kach,
   Kaiser, King, Madaleno, Marriott, McIntosh, McKee, Menes, Moe,
   Murray, Nathan-Pulliam, Niemann, Patterson, Pendergrass, Petzold,
   Rosenberg, Rudolph, and Simmons
Introduced and read first time: February 5, 2003
Assigned to: Judiciary

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<div align="center">A BILL ENTITLED</div>

1 AN ACT concerning

2   **Election of Circuit Court Judges - Nonpartisan Elections**

3 FOR the purpose of establishing a method of electing judges to the circuit court on a
4   nonpartisan basis, without regard to political party affiliation; establishing a
5   primary election for candidates for nomination for a circuit court judgeship to be
6   administered in a certain manner; authorizing any registered voter, with or
7   without any political party affiliation, to participate in such a primary;
8   prohibiting candidates from appearing on primary ballots under certain
9   circumstances; establishing that a candidate for a circuit court judgeship may
10   not be nominated by petition; and generally relating to the nonpartisan
11   nomination and election of circuit court judges.

12 BY repealing and reenacting, without amendments,
13   Article - Election Law
14   Section 5-203 and 5-301(a)
15   Annotated Code of Maryland
16   (2003 Volume)

17 BY repealing and reenacting, with amendments,
18   Article - Election Law
19   Section 5-703(a), 5-706, and 9-210(a)
20   Annotated Code of Maryland
21   (2003 Volume)

22 BY adding to
23   Article - Election Law
24   Section 8-901 through 8-905, inclusive, to be under the new subtitle "Subtitle 9.
25   Elections of Circuit Court Judges"
26   Annotated Code of Maryland

1   (2003 Volume)

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

4   **Article - Election Law**

5 5-203.

6   (a)   (1)   This subsection does not apply to a candidate for:

7   (i)   President or Vice President of the United States; or

8   (ii)   any federal office who seeks nomination by petition.

9   (2)   Unless the individual is a registered voter affiliated with the political
10 party, an individual may not be a candidate for:

11   (i)   an office of that political party; or

12   (ii)   except as provided in subsection (b) of this section, nomination
13 by that political party.

14   (b)   The requirements for party affiliation specified under subsection (a) of this
15 section do not apply to a candidate for:

16   (1)   a judicial office; or

17   (2)   a county board of education.

18 5-301.

19   (a)   An individual may become a candidate for a public or party office only if:

20   (1)   The individual files a certificate of candidacy in accordance with this
21 subtitle; and

22   (2)   The individual does not file a certificate of withdrawal under Subtitle
23 5 of this title.

24 5-703.

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

27 5-706.

28   (a)   This section does not apply to:

29   (1)   [a candidate for the office of judge of the circuit court;

1   (2)]   a candidate selected by a political party to fill a vacancy in
2 nomination under Subtitle 9 or Subtitle 10 of this title; or

3   [(3)]   (2)   a candidate defeated in a presidential preference primary.

4   (b)   The name of a candidate who is defeated for the nomination for a public
5 office may not appear on the ballot at the next succeeding general election as a
6 candidate for any office.

7   SUBTITLE 9. ELECTIONS OF CIRCUIT COURT JUDGES.

8 8-901.

9   EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, THE PROVISIONS OF THIS
10 ARTICLE RELATING TO THE NOMINATION AND ELECTION OF CANDIDATES TO PUBLIC
11 OFFICE SHALL GOVERN THE NOMINATION AND ELECTION OF JUDGES OF THE
12 CIRCUIT COURTS.

13 8-902.

14   (A)   (1)   JUDGES OF THE CIRCUIT COURTS SHALL BE ELECTED ON A
15 NONPARTISAN BASIS.

16   (2)   IN A PRIMARY ELECTION TO NOMINATE CIRCUIT COURT JUDGE
17 CANDIDATES, ANY REGISTERED VOTER OF THE COUNTY, REGARDLESS OF PARTY
18 AFFILIATION OR LACK OF PARTY AFFILIATION, IS ELIGIBLE TO VOTE IN THOSE
19 CONTESTS FOR NOMINATION FOR THE NUMBER OF CANDIDATES FOR WHICH THERE
20 ARE OFFICES TO BE FILLED.

21   (B)   CANDIDATES FOR ELECTION TO THE CIRCUIT COURT SHALL, WITHOUT
22 PARTY DESIGNATION OR REGARD TO PARTY AFFILIATION:

23   (1)   FILE CERTIFICATES OF CANDIDACY;

24   (2)   BE CERTIFIED TO THE BALLOT;

25   (3)   APPEAR ON THE BALLOT;

26   (4)   BE VOTED ON; AND

27   (5)   BE NOMINATED AND ELECTED.

28 8-903.

29   (A)   (1)   EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IN
30 EACH YEAR THAT ONE OR MORE JUDGES ARE TO BE ELECTED TO THE CIRCUIT
31 COURT FOR A COUNTY, CANDIDATES SHALL BE NOMINATED AT THE PRIMARY
32 ELECTION.

33   (2)   IF AFTER THE DEADLINE FOR WITHDRAWAL AS PROVIDED IN § 5-503
34 OF THIS ARTICLE, THE NUMBER OF CANDIDATES HAVING FILED CERTIFICATES OF

1 CANDIDACY IN ANY CONTEST DOES NOT EXCEED TWICE THE NUMBER OF OFFICES
2 TO BE FILLED, A CERTIFICATE OF NOMINATION SHALL BE ISSUED TO EACH
3 CANDIDATE. THE NAMES OF THE CANDIDATES AND THE OFFICE SHALL BE OBVIOUS
4 FROM THE PRIMARY BALLOT.

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

8   (2)   IF A CANDIDATE DIES OR BECOMES DISQUALIFIED AFTER THE
9 BALLOTS ARE PRINTED AND TOO LATE FOR THE BALLOT TO BE REPRINTED, ANY
10 VOTES CAST FOR THAT CANDIDATE MAY NOT BE COUNTED.

11   (C)   (1)   THE CANDIDATES, EQUAL IN NUMBER TO TWICE THE NUMBER OF
12 OFFICES TO BE FILLED, WHO RECEIVE THE LARGEST NUMBER OF VOTES IN THE
13 PRIMARY ELECTION SHALL BE THE NOMINATED CANDIDATES.

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

18 8-904.

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

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

28 8-905.

29   (A)   IN A GENERAL ELECTION FOR JUDGE OF THE CIRCUIT COURT FOR A
30 COUNTY, A VOTER MAY VOTE FOR A NUMBER OF NOMINEES EQUAL TO THE NUMBER
31 OF JUDGES TO BE ELECTED IN THAT COUNTY'S ELECTION.

32   (B)   (1)   THE NOMINEES, EQUAL IN NUMBER TO THE NUMBER OF OFFICES TO
33 BE FILLED, WHO RECEIVE THE LARGEST NUMBER OF VOTES IN THE GENERAL
34 ELECTION SHALL BE DECLARED ELECTED.

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

1   (II)   A VACANCY OCCURRING UNDER SUBPARAGRAPH (I) OF THIS
2 PARAGRAPH SHALL BE FILLED:

3   1.   AS IF THE VACANCY OCCURRED DURING THE TERM OF
4 OFFICE FOR WHICH THE ELECTION IS BEING HELD; AND

5   2.   BY THE SELECTION OF ONE OF THE NOMINEES WHO TIES
6 IN THE GENERAL ELECTION.

7 9-210.

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

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

12   (i)   President of the United States, or President and Vice President
13 of the United States;

14   (ii)   Governor and Lieutenant Governor;

15   (iii)   Comptroller;

16   (iv)   Attorney General; and

17   (v)   United States Senator;

18   (2)   Representative in Congress;

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

21   (i)   Senate of Maryland; and

22   (ii)   House of Delegates;

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

24   (i)   county executive; and

25   (ii)   county council or county commissioner;

26   (5)   offices in the government of the City of Baltimore, in the following
27 order:

28   (i)   Mayor;

29   (ii)   President of the City Council;

30   (iii)   Comptroller; and

1   (iv)   member of the City Council;

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

3   (i)   judge of the circuit court;

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

5   1.   Court of Appeals; and

6   2.   Court of Special Appeals;

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

9   (i)   county treasurer;

10   (ii)   State's Attorney;

11   (iii)   clerk of the circuit court;

12   (iv)   register of wills;

13   (v)   judge of the orphans' court;

14   (vi)   sheriff; and

15   (vii)   other offices filled by partisan election;

16   (8)   party offices; and

17   (9)   OTHER offices filled by nonpartisan election.

18   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2003.