

SENATE BILL 701

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2003 Regular Session  
3r2383

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By: **Senators Brochin and Mooney**  
Introduced and read first time: February 20, 2003  
Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

2 **Elections - Circuit Court Judges**

3 FOR the purpose of requiring a candidate for judge of the circuit court to declare  
4 which office of an incumbent circuit court judge the candidate is challenging and  
5 limiting that candidate to challenging only that office; providing that a  
6 candidate for judge of the circuit court who is unsuccessful in challenging a  
7 certain incumbent judge may not displace any other incumbent circuit court  
8 judges on the ballot; and generally relating to the election of circuit court judges.

9 BY repealing and reenacting, with amendments,  
10 Article - Election Law  
11 Section 5-302  
12 Annotated Code of Maryland  
13 (2003 Volume)

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

16 **Article - Election Law**

17 5-302.

18 (a) A certificate of candidacy shall be filed under oath on the prescribed form.

19 (b) The certificate of candidacy shall be filed with the State Board if the  
20 candidacy is for:

- 21 (1) an office to be voted upon by the voters of the entire State;
- 22 (2) the General Assembly of Maryland;
- 23 (3) Representative in Congress;
- 24 (4) the office of judge of the circuit court for a county; or

1           (5)       an office of elected delegates to a presidential national convention  
2 provided for under Title 8, Subtitle 5 of this article.

3       (c)       If the candidacy is for an office other than an office described in subsection  
4 (b) of this section, the certificate of candidacy shall be filed with the local board of the  
5 applicable county.

6       (D)       (1)       A CANDIDATE FOR JUDGE OF THE CIRCUIT COURT OF A COUNTY  
7 WHO IS NOT AN INCUMBENT JUDGE SHALL DECLARE ON THE CANDIDATE'S  
8 CERTIFICATE OF CANDIDACY THE OFFICE OF THE INCUMBENT CIRCUIT COURT  
9 JUDGE THAT THE CANDIDATE IS CHALLENGING.

10           (2)       (I)       IN ANY GENERAL ELECTION, A CANDIDATE FOR JUDGE OF THE  
11 CIRCUIT COURT OF A COUNTY WHO IS NOT AN INCUMBENT JUDGE SHALL BE  
12 DEEMED A CANDIDATE CHALLENGING ONLY THE OFFICE OF THE INCUMBENT  
13 JUDGE SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION.

14                   (II)       IF A CANDIDATE WHO IS NOT AN INCUMBENT JUDGE IS  
15 UNSUCCESSFUL IN THE CHALLENGE TO THE OFFICE OF THE INCUMBENT JUDGE  
16 SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION, THE CANDIDATE WHO  
17 CHALLENGED THE INCUMBENT JUDGE MAY NOT DISPLACE ANY OTHER INCUMBENT  
18 CIRCUIT COURT JUDGE ON THE BALLOT AT THAT ELECTION, REGARDLESS OF THE  
19 NUMBER OF VOTES RECEIVED BY THE CANDIDATE.

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