

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

Senate Bill 701 (Senators Brochin and Mooney)
Judicial Proceedings

Elections - Circuit Court Judges

This bill requires a candidate for circuit court judge who is not an incumbent judge to declare on the candidate's certificate of candidacy which incumbent circuit court judge the candidate is challenging. If the candidate does not defeat the named incumbent in the general election, the candidate may not displace any other incumbent, regardless of the number of votes the candidate received.

Fiscal Summary

State Effect: One-time general fund expenditure of \$70,000 in FY 2004 for the State Election Board to reprogram computer software.

Local Effect: Minimal, since these elections are held during the normal election cycle.

Small Business Effect: None.

Analysis

Current Law: Judges of the circuit courts are elected at the general election by the qualified voters of the respective county or Baltimore City in which the circuit court sits. This is a "contested" election, in which any challenger who meets the constitutional requirements may run. Each judge holds the office for 15 years from the time of election, until either a successor is elected and qualified, or the judge turns 70 years old, whichever occurs first.

A candidate for circuit court judge may be nominated in the primary election or may be nominated by petition. The candidate does not specify which incumbent the candidate is

challenging. Candidates equal to the number of open positions who receive the most votes are elected. For example, if six incumbent judges and two challengers compete in an election for six open positions, the six candidates who receive the highest number of votes are elected.

There is currently no other elected position for which a challenger must declare that he or she is running against a particular candidate.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Maryland State Board of Elections, Department of Legislative Services

Fiscal Note History: First Reader - March 17, 2003
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