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By: **Delegate Zirkin**

Rules suspended

Introduced and read first time: March 17, 2004

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of establishing a method for the election of judges to the circuit  
4 courts on a nonpartisan basis at a general election; providing that a candidate  
5 for election as judge of a circuit court may not be nominated at a primary  
6 election; establishing a deadline for the filing of a certificate of candidacy for a  
7 candidate for election as judge of a circuit court; deeming the office of judge of a  
8 circuit court vacant under certain circumstances and requiring that the vacancy  
9 be filled in a certain manner; providing that a candidate for judge of a circuit  
10 court may not be nominated by petition; and generally relating to the election of  
11 circuit court judges on a nonpartisan basis at general elections.

12 BY repealing and reenacting, without amendments,  
13 Article - Election Law  
14 Section 5-203, 5-301(a), and 5-703(b)  
15 Annotated Code of Maryland  
16 (2003 Volume and 2003 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article - Election Law  
19 Section 5-303, 5-703(a), and 9-210(a)  
20 Annotated Code of Maryland  
21 (2003 Volume and 2003 Supplement)

22 BY adding to  
23 Article - Election Law  
24 Section 8-901 through 8-904, inclusive, to be under the new subtitle, "Subtitle  
25 9. Election of Circuit Court Judges"  
26 Annotated Code of Maryland  
27 (2003 Volume and 2003 Supplement)

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

3 **Article - Election Law**

4 5-203.

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

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

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

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

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

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

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

15 (1) a judicial office; or

16 (2) a county board of education.

17 5-301.

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

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

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

23 5-303.

24 (a) Except as provided in subsections (b) [and], (c), AND (D) of this section, a  
25 certificate of candidacy shall be filed as follows:

26 (1) for candidates for offices other than delegate to the Democratic  
27 National Convention, not later than 9 p.m. on the Monday that is 10 weeks or 70 days  
28 before the day on which the primary election will be held; and

29 (2) for candidates for delegate to the Democratic National Convention,  
30 between 9 a.m. on the first regular business day of the year in which the President of  
31 the United States is elected and 5 p.m. on the day that is 1 week later than that day.

1 (b) A certificate of candidacy for an office to be filled by a special election  
2 under this article shall be received and filed in the office of the appropriate board not  
3 later than 5 p.m. on the Monday that is 3 weeks or 21 days prior to the date for the  
4 special primary election specified by the Governor in the proclamation for the special  
5 primary election.

6 (c) The certificate of candidacy for the election of a write-in candidate shall be  
7 filed by the earlier of:

8 (1) 7 days after a total expenditure of at least \$51 is made to promote the  
9 candidacy by a campaign finance entity of the candidate; or

10 (2) 5 p.m. on the Wednesday preceding the day of the election for which  
11 the certificate is filed.

12 (D) A CANDIDATE FOR ELECTION AS A JUDGE OF THE CIRCUIT COURT SHALL  
13 FILE A CERTIFICATE OF CANDIDACY NOT LATER THAN 5 P.M. ON THE FIRST MONDAY  
14 IN AUGUST IN THE YEAR OF THE GENERAL ELECTION FOR THE OFFICE.

15 5-703.

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

18 (b) A candidate for a public office may be nominated by petition under this  
19 subtitle if the candidate does not seek nomination through a party primary.

20 SUBTITLE 9. ELECTION OF CIRCUIT COURT JUDGES.

21 8-901.

22 EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, THE PROVISIONS OF THIS  
23 ARTICLE RELATING TO THE NOMINATION AND ELECTION OF CANDIDATES TO PUBLIC  
24 OFFICE SHALL GOVERN THE NOMINATION AND ELECTION OF JUDGES OF THE  
25 CIRCUIT COURT.

26 8-902.

27 (A) A CANDIDATE FOR ELECTION AS JUDGE OF A CIRCUIT COURT:

28 (1) MAY NOT BE NOMINATED AT A PRIMARY ELECTION; AND

29 (2) SHALL BE ELECTED AT A GENERAL ELECTION ON A NONPARTISAN  
30 BASIS.

31 (B) A CANDIDATE FOR ELECTION AS JUDGE OF A CIRCUIT COURT SHALL,  
32 WITHOUT PARTY DESIGNATION OR REGARD TO PARTY AFFILIATION:

33 (1) FILE A CERTIFICATE OF CANDIDACY AS REQUIRED UNDER § 5-303(D)  
34 OF THIS ARTICLE;

- 1 (2) BE CERTIFIED TO THE BALLOT;
- 2 (3) APPEAR ON THE BALLOT;
- 3 (4) BE VOTED ON; AND
- 4 (5) BE ELECTED AS PROVIDED IN THIS ARTICLE.

5 8-903.

6 (A) IF A CANDIDATE FOR ELECTION AS JUDGE OF A CIRCUIT COURT DIES OR  
7 BECOMES DISQUALIFIED BEFORE THE BALLOTS ARE PRINTED, OR AT A TIME WHEN  
8 THE BALLOTS CAN BE REPRINTED, THE NAME OF THE CANDIDATE MAY NOT APPEAR  
9 ON THE BALLOT.

10 (B) IF A CANDIDATE FOR ELECTION AS JUDGE OF A CIRCUIT COURT DIES OR  
11 BECOMES DISQUALIFIED AFTER THE BALLOTS ARE PRINTED AND TOO LATE FOR THE  
12 BALLOT TO BE REPRINTED, AND IF THAT CANDIDATE RECEIVES SUFFICIENT VOTES  
13 TO HAVE BEEN ELECTED, THE OFFICE SHALL BE DEEMED VACANT AND SHALL BE  
14 FILLED AS IF THE VACANCY HAD OCCURRED DURING THE TERM OF OFFICE.

15 8-904.

16 (A) IN A GENERAL ELECTION FOR JUDGE OF THE CIRCUIT COURT FOR A  
17 COUNTY, A VOTER MAY VOTE FOR A NUMBER OF CANDIDATES EQUAL TO THE  
18 NUMBER OF JUDGES TO BE ELECTED IN THAT COUNTY AT THAT GENERAL  
19 ELECTION.

20 (B) (1) THE CANDIDATES, EQUAL IN NUMBER TO THE NUMBER OF OFFICES  
21 TO BE FILLED, WHO RECEIVE THE LARGEST NUMBER OF VOTES IN THE GENERAL  
22 ELECTION SHALL BE DECLARED ELECTED.

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

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

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

30 2. BY THE GOVERNOR BY SELECTION OF ONE OF THE  
31 NOMINEES WHO TIES IN THE GENERAL ELECTION.

32 9-210.

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

- 1 (1) public offices for which voters of the entire State may vote, in the  
2 following order:
- 3 (i) President of the United States, or President and Vice President  
4 of the United States;
- 5 (ii) Governor and Lieutenant Governor;
- 6 (iii) Comptroller;
- 7 (iv) Attorney General; and
- 8 (v) United States Senator;
- 9 (2) Representative in Congress;
- 10 (3) members of the General Assembly of Maryland, in the following  
11 order:
- 12 (i) Senate of Maryland; and
- 13 (ii) House of Delegates;
- 14 (4) members of the governing body of a county, in the following order:
- 15 (i) county executive; and
- 16 (ii) county council or county commissioner;
- 17 (5) offices in the government of the City of Baltimore, in the following  
18 order:
- 19 (i) Mayor;
- 20 (ii) President of the City Council;
- 21 (iii) Comptroller; and
- 22 (iv) member of the City Council;
- 23 (6) judicial offices, in the following order:
- 24 (i) judge of the circuit court;
- 25 (ii) appellate judges, continuance in office, in the following order:
- 26 1. Court of Appeals; and
- 27 2. Court of Special Appeals;
- 28 (7) public offices for which the voters of a county may vote, in the  
29 following order:

- 1 (i) county treasurer;
- 2 (ii) State's Attorney;
- 3 (iii) clerk of the circuit court;
- 4 (iv) register of wills;
- 5 (v) judge of the orphans' court;
- 6 (vi) sheriff; and
- 7 (vii) other offices filled by partisan election;
- 8 (8) party offices; and
- 9 (9) OTHER offices filled by nonpartisan election.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
11 effect October 1, 2004.