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By: **Senator Giannetti**
Introduced and read first time: February 4, 2005
Assigned to: Education, Health, and Environmental Affairs
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A BILL ENTITLED

1  AN ACT concerning

2  **Circuit Court Judges - Ballot Designations - Nominating Party and**
3  **Incumbency of Candidates**

4  FOR the purpose of providing for the designation, in a general election, of each
5      nominating party for a candidate for a circuit court judgeship; requiring the
6      election ballot to note the incumbency of any candidate for a circuit court
7      judgeship whose name is on the ballot; and generally relating to ballot
8      designations of candidates for circuit court judge in a general election.

9  BY repealing and reenacting, with amendments,
10     Article - Election Law
11     Section 9-210
12     Annotated Code of Maryland
13     (2003 Volume and 2004 Supplement)

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  9-210.

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

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

22                 (i)     President of the United States, or President and Vice President
23  of the United States;

24                 (ii)     Governor and Lieutenant Governor;

25                 (iii)     Comptroller;

26                 (iv)     Attorney General; and

1                              (v)        United States Senator;

2                    (2)       Representative in Congress;

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

5                              (i)        Senate of Maryland; and

6                              (ii)       House of Delegates;

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

8                              (i)        county executive; and

9                              (ii)       county council or county commissioner;

10                   (5)       offices in the government of the City of Baltimore, in the following
11   order:

12                             (i)        Mayor;

13                             (ii)       President of the City Council;

14                             (iii)      Comptroller; and

15                             (iv)       member of the City Council;

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

17                             (i)        judge of the circuit court;

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

19                                        1.        Court of Appeals; and

20                                        2.        Court of Special Appeals;

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

23                             (i)        county treasurer;

24                             (ii)       State's Attorney;

25                             (iii)      clerk of the circuit court;

26                             (iv)       register of wills;

27                             (v)        judge of the orphans' court;

28                             (vi)       sheriff; and

1                    (vii)    other offices filled by partisan election;

2            (8)        party offices; and

3            (9)        offices filled by nonpartisan election.

4        (b)        Any office not specified in subsection (a) of this section shall be placed on
5    the ballot following the offices specified in subsection (a).

6        (c)        Within any category of offices, if the ballot contains one or more contests
7    for at large election and one or more contests for election by district, the contest or
8    contests to be voted on at large shall appear first.

9        (d)        In a prominent position adjacent to the title of each office, there shall be
10    instructions stating the number of candidates for whom the voter lawfully may vote.

11        (e)        (1)        A ballot shall contain the name of every candidate who is authorized
12    under the provisions of this article to appear on the ballot.

13                (2)        Each candidate shall be listed on the ballot in the contest for which
14    the candidate has qualified.

15        (f)        (1)        In a general election, the voter shall be afforded the opportunity to
16    cast a write-in vote for as many positions as are to be filled in a contest.

17                (2)        On a document ballot, in each contest a blank line or lines for
18    write-in voting shall follow the printed names on the ballot.

19                (3)        This subsection does not apply to questions or the continuance in
20    office of appellate judges.

21        (g)        (1)        Except for contests for [judicial office or] an office to be filled by
22    nonpartisan election, the party affiliation of a candidate who is a nominee of a
23    political party shall be indicated on the ballot.

24                (2)        (i)        A candidate who is not a nominee of a political party or
25    affiliated with a partisan organization shall be designated as an "unaffiliated".

26                        (ii)        A candidate who is affiliated with a partisan organization shall
27    be designated under "other candidates".

28                        (III)        A CANDIDATE FOR JUDGE OF A CIRCUIT COURT SHALL BE
29    DESIGNATED AS:

30                                1.        THE CANDIDATE OF EACH POLITICAL PARTY WHOSE
31    PRIMARY ELECTION THE CANDIDATE WON; OR

32                                2.        IF THE CANDIDATE DID NOT WIN A PRIMARY ELECTION,
33    THE CANDIDATE OF EACH POLITICAL PARTY THAT OTHERWISE NOMINATES THE
34    CANDIDATE IN ACCORDANCE WITH THIS ARTICLE.

1                          (3)          The names of candidates [for judge of the circuit court or] for a
2   county board of education, and the names of incumbent appellate judges, shall be
3   placed on the ballot without a party label or other distinguishing mark or location
4   which might indicate party affiliation.

5        (h)          (1)          In an election of a member of the House of Delegates that is subject to
6   the provisions of § 2-201(d) of the State Government Article, the name of a candidate
7   shall be identified by the county in which the candidate resides.

8                          (2)          A candidate for President of the United States or Vice President of
9   the United States shall be identified by the state in which the candidate resides.

10    (i)          (1)          If there is an election for members of the House of Delegates who are
11  required to live in a specific county and only a certain number of delegates may be
12  elected from that county, the ballot shall provide that a voter may not vote for more
13  than that number of candidates from that specific county.

14                          (2)          In a legislative district where the delegates are to be elected by the
15  voters of a multimember subdistrict that contains more than two counties or parts of
16  more than two counties, a voter may cast a vote for the specified number of delegates
17  to be elected in the subdistrict without regard to the county of residence of the
18  candidate.

19    (j)          (1)          In a primary election:

20                                (i)          on a voting machine ballot, the names of the candidates for
21  party nomination shall be grouped together by party; and

22                                (ii)          on a document ballot, the ballot shall include only the names of
23  candidates for which the voter is entitled to vote.

24                          (2)          In a general election:

25                                (i)          on a voting machine ballot, the names of the candidates of a
26  political party shall be grouped together in adjacent rows or columns, and the
27  majority party candidates shall be placed in the first row or column, followed by the
28  candidates of the principal minority party, followed by other political parties in
29  descending order based on the number of voters registered with the party, and finally
30  by candidates not nominees of a political party; and

31                                (ii)          on a document ballot, for each office the names of candidates
32  shall be grouped together by party, with the majority party candidate or candidates
33  listed first, followed by the candidate or candidates of the principal minority party,
34  followed by the candidate or candidates of other political parties in descending order
35  based on the statewide registration of the party, and finally by candidates who are not
36  nominees of a political party.

37                          (3)          In both primary elections and general elections, when there is more
38  than one candidate of the same political party for nomination or election to an office,
39  the names of the candidates in the group shall be listed in alphabetical order by

1 surname. In the primary election, candidates for Governor and Lieutenant Governor
2 shall be arranged in the order of surnames of the gubernatorial candidates.

3       (k)         On a voting machine ballot, the arrangement shall use the smallest
4 number of rows or columns necessary, as evenly sized as possible, to accommodate all
5 offices and candidates on the ballot.

6       (L)        EACH BALLOT SHALL NOTE THE INCUMBENCY OF EACH CIRCUIT COURT
7 JUDGE ON THE BALLOT FOR THE JUDGESHIP.

8       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2005.