
By: **Senator Giannetti**

Introduced and read first time: February 4, 2005

Assigned to: Education, Health, and Environmental Affairs

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 2004 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 2004 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 2004 Supplement)

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

1 **Article - Election Law**

2 5-203.

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

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

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

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

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

9 (ii) except as provided in subsection (b) of this section, nomination
10 by that political party.11 (b) The requirements for party affiliation specified under subsection (a) of this
12 section do not apply to a candidate for:

13 (1) a judicial office; or

14 (2) a county board of education.

15 5-301.

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

17 (1) the individual files a certificate of candidacy in accordance with this
18 subtitle; and19 (2) the individual does not file a certificate of withdrawal under Subtitle
20 5 of this title.

21 5-303.

22 (a) Except as provided in subsections (b) [and], (c), AND (D) of this section, a
23 certificate of candidacy shall be filed as follows:24 (1) for candidates for offices other than delegate to the Democratic
25 National Convention, not later than 9 p.m. on the Monday that is 10 weeks or 70 days
26 before the day on which the primary election will be held; and27 (2) for candidates for delegate to the Democratic National Convention,
28 between 9 a.m. on the first regular business day of the year in which the President of
29 the United States is elected and 5 p.m. on the day that is 1 week later than that day.30 (b) A certificate of candidacy for an office to be filled by a special election
31 under this article shall be received and filed in the office of the appropriate board not
32 later than 5 p.m. on the Monday that is 3 weeks or 21 days prior to the date for the

1 special primary election specified by the Governor in the proclamation for the special
2 primary election.

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

5 (1) 7 days after a total expenditure of at least \$51 is made to promote the
6 candidacy by a campaign finance entity of the candidate; or

7 (2) 5 p.m. on the Wednesday preceding the day of the election for which
8 the certificate is filed.

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

12 5-703.

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

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

17 SUBTITLE 9. ELECTION OF CIRCUIT COURT JUDGES.

18 8-901.

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

23 8-902.

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

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

26 (2) SHALL BE ELECTED AT A GENERAL ELECTION ON A NONPARTISAN
27 BASIS.

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

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

32 (2) BE CERTIFIED TO THE BALLOT;

33 (3) APPEAR ON THE BALLOT;

1 (4) BE VOTED ON; AND

2 (5) BE ELECTED AS PROVIDED IN THIS ARTICLE.

3 8-903.

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

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

13 8-904.

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

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

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

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

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

28 2. BY THE GOVERNOR BY SELECTION OF ONE OF THE
29 NOMINEES WHO TIES IN THE GENERAL ELECTION.

30 9-210.

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

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

35 (i) President of the United States, or President and Vice President
36 of the United States;

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

- 1 (iv) register of wills;
- 2 (v) judge of the orphans' court;
- 3 (vi) sheriff; and
- 4 (vii) other offices filled by partisan election;
- 5 (8) party offices; and
- 6 (9) OTHER offices filled by nonpartisan election.

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