
By: **Delegates Zirkin, Bromwell, Cardin, and Morhaim**

Introduced and read first time: January 26, 2006

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of establishing a method of electing judges to the circuit court on a
4 nonpartisan basis, without regard to political party affiliation; establishing a
5 primary election for candidates for nomination for a circuit court judgeship to be
6 administered in a certain manner; authorizing any registered voter, with or
7 without any political party affiliation, to participate in such a primary;
8 prohibiting candidates from appearing on primary ballots under certain
9 circumstances; establishing that a candidate for a circuit court judgeship may
10 not be nominated by petition; and generally relating to the nonpartisan
11 nomination and election of circuit court judges.

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 2005 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article - Election Law
19 Section 5-703(a), 5-706, and 9-210(a)
20 Annotated Code of Maryland
21 (2003 Volume and 2005 Supplement)

22 BY adding to
23 Article - Election Law
24 Section 8-901 through 8-903, inclusive, to be under the new subtitle "Subtitle 9.
25 Election of Circuit Court Judges"
26 Annotated Code of Maryland
27 (2003 Volume and 2005 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 5-703.

22 (a) Except for a candidate for CIRCUIT COURT JUDGE OR a county board of
23 education, this section applies to any candidate for public office subject to this title.24 (b) A candidate for a public office may be nominated by petition under this
25 subtitle if the candidate does not seek nomination through a party primary.

26 5-706.

27 (a) This section does not apply to:

28 (1) [a candidate for the office of judge of the circuit court;

29 (2)] a candidate selected by a political party to fill a vacancy in
30 nomination under Subtitle 9 or Subtitle 10 of this title; or

1 CANDIDATE. THE NAMES OF THE CANDIDATES AND THE OFFICE SHALL BE OBVIOUS
2 FROM THE PRIMARY BALLOT.

3 (B) (1) IF A CANDIDATE DIES OR BECOMES DISQUALIFIED BEFORE THE
4 BALLOTS ARE PRINTED, OR AT A TIME WHEN THE BALLOTS CAN BE REPRINTED, THE
5 NAME OF THE CANDIDATE MAY NOT APPEAR ON THE BALLOT.

6 (2) IF A CANDIDATE DIES OR BECOMES DISQUALIFIED AFTER THE
7 BALLOTS ARE PRINTED AND IT IS TOO LATE FOR THE BALLOTS TO BE REPRINTED,
8 ANY VOTES CAST FOR THAT CANDIDATE MAY NOT BE COUNTED.

9 (C) (1) EACH CANDIDATE WHO RECEIVES MORE THAN 50% OF THE TOTAL
10 VOTES CAST FOR THE CANDIDATE'S OFFICE SHALL BE ELECTED AS JUDGE.
11 CANDIDATES ELECTED AS CIRCUIT COURT JUDGES DURING A PRIMARY ELECTION
12 SHALL APPEAR ON THE GENERAL ELECTION BALLOT AS ELECTED DURING A
13 PRIMARY ELECTION.

14 (2) SUBJECT TO PARAGRAPH (1) OF THIS SUBSECTION, THE
15 CANDIDATES, EQUAL IN NUMBER TO TWICE THE NUMBER OF OFFICES TO BE FILLED,
16 WHO RECEIVE THE LARGEST NUMBER OF VOTES IN THE PRIMARY ELECTION SHALL
17 BE THE NOMINATED CANDIDATES.

18 (3) IF TWO OR MORE CANDIDATES EACH RECEIVE THE LOWEST NUMBER
19 OF VOTES NECESSARY TO QUALIFY FOR NOMINATION, CREATING A TIE FOR THE
20 LAST NOMINATION FOR THE OFFICE TO BE FILLED, EACH SHALL BE A NOMINATED
21 CANDIDATE.

22 9-210.

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

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

27 (i) President of the United States, or President and Vice President
28 of the United States;

29 (ii) Governor and Lieutenant Governor;

30 (iii) Comptroller;

31 (iv) Attorney General; and

32 (v) United States Senator;

33 (2) Representative in Congress;

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

- 1 (i) Senate of Maryland; and
- 2 (ii) House of Delegates;
- 3 (4) members of the governing body of a county, in the following order:
- 4 (i) county executive; and
- 5 (ii) county council or county commissioner;
- 6 (5) offices in the government of the City of Baltimore, in the following
7 order:
- 8 (i) Mayor;
- 9 (ii) President of the City Council;
- 10 (iii) Comptroller; and
- 11 (iv) member of the City Council;
- 12 (6) judicial offices, in the following order:
- 13 (i) judge of the circuit court;
- 14 (ii) appellate judges, continuance in office, in the following order:
- 15 1. Court of Appeals; and
- 16 2. Court of Special Appeals;
- 17 (7) public offices for which the voters of a county may vote, in the
18 following order:
- 19 (i) county treasurer;
- 20 (ii) State's Attorney;
- 21 (iii) clerk of the circuit court;
- 22 (iv) register of wills;
- 23 (v) judge of the orphans' court;
- 24 (vi) sheriff; and
- 25 (vii) other offices filled by partisan election;
- 26 (8) party offices; and
- 27 (9) OTHER offices filled by nonpartisan election.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2006.