
By: **Chair, Education, Health, and Environmental Affairs Committee (By
Request - Maryland Judicial Conference)**

Introduced and read first time: January 18, 2006

Assigned to: Education, Health, and Environmental Affairs

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; creating an
5 exception to a certain limit on the number of candidates a political party may
6 have as its nominees during a general election; establishing a primary election
7 for candidates for nomination for a circuit court judgeship to be administered in
8 a certain manner; authorizing any registered voter, with or without any political
9 party affiliation, to participate in such a primary; prohibiting candidates from
10 appearing on primary ballots under certain circumstances; establishing that a
11 candidate for a circuit court judgeship may not be nominated by petition; and
12 generally relating to the nonpartisan nomination and election of circuit court
13 judges.

14 BY repealing and reenacting, without amendments,
15 Article - Election Law
16 Section 5-203(a)(2) and (b)(1), 5-301(a), and 9-210(a)(1) and (6)
17 Annotated Code of Maryland
18 (2003 Volume and 2005 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article - Election Law
21 Section 5-703(a), 5-705(b)(3), 5-706, and 9-210(a)(9)
22 Annotated Code of Maryland
23 (2003 Volume and 2005 Supplement)

24 BY adding to
25 Article - Election Law
26 Section 8-901 through 8-905, inclusive, to be under the new subtitle "Subtitle 9.
27 Elections of Circuit Court Judges"
28 Annotated Code of Maryland
29 (2003 Volume and 2005 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) (2) Unless the individual is a registered voter affiliated with the political
6 party, an individual may not be a candidate for:

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

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

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

12 (1) a judicial office; or

13 5-301.

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

15 (1) The individual files a certificate of candidacy in accordance with this
16 subtitle; and

17 (2) The individual does not file a certificate of withdrawal under Subtitle
18 5 of this title.

19 5-703.

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

22 5-705.

23 (b) (3) [A] EXCEPT FOR A CANDIDATE FOR CIRCUIT COURT JUDGE, A
24 political party may have only one candidate as its nominee for any position to be filled
25 in a general election.

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

31 [(3)] (2) a candidate defeated in a presidential preference primary.

1 (b) [The] EXCEPT AS PROVIDED IN § 8-903(C)(2) AND (3) OF THIS ARTICLE, THE
2 name of a candidate who is defeated for the nomination for a public office may not
3 appear on the ballot at the next succeeding general election as a candidate for any
4 office.

5 SUBTITLE 9. ELECTIONS OF CIRCUIT COURT JUDGES.

6 8-901.

7 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, THE PROVISIONS OF
8 THIS ARTICLE RELATING TO THE NOMINATION AND ELECTION OF CANDIDATES TO
9 PUBLIC OFFICE SHALL GOVERN THE NOMINATION AND ELECTION OF JUDGES OF
10 THE CIRCUIT COURTS.

11 (B) AN INDIVIDUAL MAY NOT QUALIFY AS A CIRCUIT COURT JUDGE
12 CANDIDATE BY FILING A PETITION.

13 8-902.

14 (A) (1) JUDGES OF THE CIRCUIT COURTS SHALL BE ELECTED ON A
15 NONPARTISAN BASIS.

16 (2) IN A PRIMARY ELECTION TO NOMINATE CIRCUIT COURT JUDGE
17 CANDIDATES, ANY REGISTERED VOTER OF THE COUNTY, REGARDLESS OF PARTY
18 AFFILIATION OR LACK OF PARTY AFFILIATION, IS ELIGIBLE TO VOTE IN THOSE
19 CONTESTS FOR NOMINATION FOR THE NUMBER OF CANDIDATES FOR WHICH THERE
20 ARE OFFICES TO BE FILLED.

21 (B) CIRCUIT COURT JUDGE CANDIDATES SHALL, WITHOUT PARTY
22 DESIGNATION OR REGARD TO PARTY AFFILIATION:

23 (1) FILE CERTIFICATES OF CANDIDACY;

24 (2) BE CERTIFIED TO THE BALLOT;

25 (3) APPEAR ON THE BALLOT;

26 (4) BE VOTED ON; AND

27 (5) BE NOMINATED AND BE EITHER ELECTED OR NOT.

28 8-903.

29 (A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IN
30 EACH YEAR THAT ONE OR MORE JUDGES ARE TO BE ELECTED TO THE CIRCUIT
31 COURT FOR A COUNTY, CANDIDATES SHALL BE NOMINATED AT THE PRIMARY
32 ELECTION.

33 (2) IF, AFTER THE DEADLINE FOR WITHDRAWAL AS PROVIDED IN § 5-503
34 OF THIS ARTICLE, THE NUMBER OF CIRCUIT COURT JUDGE CANDIDATES HAVING

1 FILED CERTIFICATES OF CANDIDACY IN ANY CONTEST DOES NOT EXCEED THE
2 NUMBER OF OFFICES TO BE FILLED, A CERTIFICATE OF NOMINATION SHALL BE
3 ISSUED TO EACH CANDIDATE, AND THE NAMES OF THE CANDIDATES AND THE
4 OFFICE SHALL BE ON THE GENERAL ELECTION BALLOT AS UNOPPOSED.

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

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

11 (C) (1) EACH CIRCUIT COURT JUDGE CANDIDATE WHO RECEIVES MORE
12 THAN 50% OF THE VOTES SHALL BE ELECTED AS JUDGE, AND THE CANDIDATE'S
13 NAME SHALL APPEAR ON THE BALLOT FOR THE GENERAL ELECTION AS UNOPPOSED.

14 (2) THE CANDIDATES, EQUAL IN NUMBER UP TO TWICE THE NUMBER OF
15 OFFICES REMAINING TO BE FILLED IN THE GENERAL ELECTION, WHO RECEIVE THE
16 LARGEST NUMBER OF VOTES IN THE PRIMARY ELECTION SHALL BE THE NOMINATED
17 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 8-904.

23 (A) IF, AFTER THE PRIMARY ELECTION BUT BEFORE THE GENERAL
24 ELECTION, A CIRCUIT COURT JUDGE NOMINEE DIES, DECLINES THE NOMINATION,
25 OR BECOMES DISQUALIFIED BEFORE THE BALLOTS ARE PRINTED OR AT A TIME
26 WHEN THE BALLOTS CAN BE REPRINTED, THE NAME OF THE NOMINEE MAY NOT
27 APPEAR ON THE BALLOT.

28 (B) IF A CIRCUIT COURT JUDGE NOMINEE DIES, DECLINES THE NOMINATION,
29 OR IS DISQUALIFIED AFTER THE BALLOTS ARE PRINTED AND TOO LATE FOR THE
30 BALLOTS TO BE REPRINTED, AND RECEIVES SUFFICIENT VOTES TO HAVE BEEN
31 ELECTED, THE OFFICE SHALL BE DEEMED VACANT AND SHALL BE FILLED AS IF THE
32 VACANCY HAD OCCURRED DURING THE TERM OF OFFICE.

33 8-905.

34 (A) IN A GENERAL ELECTION FOR JUDGE OF THE CIRCUIT COURT FOR A
35 COUNTY, A VOTER MAY VOTE FOR A NUMBER OF NOMINEES EQUAL TO THE NUMBER
36 OF JUDGES TO BE ELECTED IN THAT COUNTY'S ELECTION, EXCLUDING THOSE
37 APPEARING UNOPPOSED.

1 (B) THE NOMINEES, EQUAL IN NUMBER TO THE NUMBER OF OFFICES TO BE
2 FILLED IN THE GENERAL ELECTION, WHO RECEIVE THE LARGEST NUMBER OF
3 VOTES IN THAT ELECTION SHALL BE DECLARED ELECTED.

4 9-210.

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

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

9 (i) President of the United States, or President and Vice President
10 of the United States;

11 (ii) Governor and Lieutenant Governor;

12 (iii) Comptroller;

13 (iv) Attorney General; and

14 (v) United States Senator;

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

16 (i) judge of the circuit court;

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

18 1. Court of Appeals; and

19 2. Court of Special Appeals;

20 (9) EXCEPT AS PROVIDED IN ITEM (6) OF THIS SUBSECTION, offices filled
21 by nonpartisan election.

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