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By: **Senators Dyson and Kittleman**
Introduced and read first time: January 27, 2006
Assigned to: Education, Health, and Environmental Affairs

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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 and 5-301(a)
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 8-905, 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; and

19   (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   5-706.

25   (a)   This section does not apply to:

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

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

29   [(3)]   (2)   a candidate defeated in a presidential preference primary.

1   (b)   The name of a candidate who is defeated for the nomination for a public
2 office may not appear on the ballot at the next succeeding general election as a
3 candidate for any office.

4   SUBTITLE 9. ELECTION OF CIRCUIT COURT JUDGES.

5 8-901.

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

10 8-902.

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

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

18   (B)   CANDIDATES FOR ELECTION TO THE CIRCUIT COURT SHALL, WITHOUT
19 PARTY DESIGNATION OR REGARD TO PARTY AFFILIATION:

20   (1)   FILE CERTIFICATES OF CANDIDACY;

21   (2)   BE CERTIFIED TO THE BALLOT;

22   (3)   APPEAR ON THE BALLOT;

23   (4)   BE VOTED ON; AND

24   (5)   BE NOMINATED AND ELECTED.

25 8-903.

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

30   (2)   IF, AFTER THE DEADLINE FOR WITHDRAWAL AS PROVIDED IN § 5-503
31 OF THIS ARTICLE, THE NUMBER OF CANDIDATES HAVING FILED CERTIFICATES OF
32 CANDIDACY IN ANY CONTEST DOES NOT EXCEED TWICE THE NUMBER OF OFFICES
33 TO BE FILLED, A CERTIFICATE OF NOMINATION SHALL BE ISSUED TO EACH
34 CANDIDATE. THE NAMES OF THE CANDIDATES AND THE OFFICE SHALL BE OBVIOUS
35 FROM THE PRIMARY BALLOT.

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

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

7   (C)   (1)   THE CANDIDATES, EQUAL IN NUMBER TO TWICE THE NUMBER OF
8 OFFICES TO BE FILLED, WHO RECEIVE THE LARGEST NUMBER OF VOTES IN THE
9 PRIMARY ELECTION SHALL BE THE NOMINATED CANDIDATES.

10   (2)   IF TWO OR MORE CANDIDATES EACH RECEIVE THE LOWEST NUMBER
11 OF VOTES NECESSARY TO QUALIFY FOR NOMINATION, CREATING A TIE FOR THE
12 LAST NOMINATION FOR THE OFFICE TO BE FILLED, EACH SHALL BE A NOMINATED
13 CANDIDATE.

14 8-904.

15   (A)   AFTER THE PRIMARY ELECTION BUT BEFORE THE GENERAL ELECTION, IF
16 A NOMINEE DIES, DECLINES THE NOMINATION, OR BECOMES DISQUALIFIED BEFORE
17 THE BALLOTS ARE PRINTED OR AT A TIME WHEN THE BALLOTS CAN BE REPRINTED,
18 THE NAME OF THE NOMINEE MAY NOT APPEAR ON THE BALLOT.

19   (B)   IF A NOMINEE DIES, DECLINES THE NOMINATION, OR IS DISQUALIFIED
20 AFTER THE BALLOTS ARE PRINTED AND IT IS TOO LATE FOR THE BALLOTS TO BE
21 REPRINTED, AND IF THAT NOMINEE RECEIVES SUFFICIENT VOTES TO HAVE BEEN
22 ELECTED, THE OFFICE SHALL BE DEEMED VACANT AND SHALL BE FILLED AS IF THE
23 VACANCY HAD OCCURRED DURING THE TERM OF OFFICE.

24 8-905.

25   (A)   IN A GENERAL ELECTION FOR JUDGE OF THE CIRCUIT COURT FOR A
26 COUNTY, A VOTER MAY VOTE FOR A NUMBER OF NOMINEES EQUAL TO THE NUMBER
27 OF JUDGES TO BE ELECTED IN THAT COUNTY'S ELECTION.

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

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

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

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

1   2.   BY THE SELECTION OF ONE OF THE NOMINEES WHO TIES
2   IN THE GENERAL ELECTION.

3   9-210.

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

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

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

10   (ii)   Governor and Lieutenant Governor;

11   (iii)   Comptroller;

12   (iv)   Attorney General; and

13   (v)   United States Senator;

14   (2)   Representative in Congress;

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

17   (i)   Senate of Maryland; and

18   (ii)   House of Delegates;

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

20   (i)   county executive; and

21   (ii)   county council or county commissioner;

22   (5)   offices in the government of the City of Baltimore, in the following
23 order:

24   (i)   Mayor;

25   (ii)   President of the City Council;

26   (iii)   Comptroller; and

27   (iv)   member of the City Council;

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

29   (i)   judge of the circuit court;

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

2   1.   Court of Appeals; and

3   2.   Court of Special Appeals;

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

6   (i)   county treasurer;

7   (ii)   State's Attorney;

8   (iii)   clerk of the circuit court;

9   (iv)   register of wills;

10   (v)   judge of the orphans' court;

11   (vi)   sheriff; and

12   (vii)   other offices filled by partisan election;

13   (8)   party offices; and

14   (9)   OTHER offices filled by nonpartisan election.

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