

# SENATE BILL 327

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CF 3lr2498

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By: **Senator Gladden**

Introduced and read first time: January 23, 2013

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Elections for Judges of the Orphans' Courts – Nonpartisan Elections**

3 FOR the purpose of establishing a method of electing judges of the orphans' courts on  
4 a nonpartisan basis, without regard to political party affiliation; establishing a  
5 primary election for candidates for nomination for a certain office 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 certain office may not be  
10 nominated by petition or by a political party that is not required to nominate its  
11 candidates by party primary; making a conforming change; and generally  
12 relating to the nonpartisan nomination and election of judges of the orphans'  
13 courts.

14 BY repealing and reenacting, with amendments,  
15 Article – Election Law  
16 Section 5–203, 5–703(a), 5–703.1(a), and 9–210(a)  
17 Annotated Code of Maryland  
18 (2010 Replacement Volume and 2012 Supplement)

19 BY repealing and reenacting, without amendments,  
20 Article – Election Law  
21 Section 5–301(a)  
22 Annotated Code of Maryland  
23 (2010 Replacement Volume and 2012 Supplement)

24 BY adding to  
25 Article – Election Law  
26 Section 8–901 through 8–905 to be under the new subtitle “Subtitle 9. Election  
27 of Judge of the Orphans' Court”  
28 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2010 Replacement Volume and 2012 Supplement)

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

4 **Article – Election Law**

5 5–203.

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

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

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

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

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

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

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

16 (1) a judicial office; [or]

17 (2) a county board of education; OR

18 **(3) JUDGE OF THE ORPHANS' COURT.**

19 5–301.

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

21 (1) the individual files a certificate of candidacy in accordance with  
22 this subtitle; and

23 (2) the individual does not file a certificate of withdrawal under  
24 Subtitle 5 of this title.

25 5–703.

1 (a) Except for a candidate for **JUDGE OF THE ORPHANS' COURT OR** a  
2 nonpartisan county board of education, this section applies to any candidate for public  
3 office subject to this title.

4 5-703.1.

5 (a) Except for a candidate for **JUDGE OF THE ORPHANS' COURT OR** a  
6 nonpartisan county board of education, this section applies to any candidate for public  
7 office subject to this title.

8 **SUBTITLE 9. ELECTION OF JUDGE OF THE ORPHANS' COURT.**

9 **8-901.**

10 **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, THE PROVISIONS OF**  
11 **THIS ARTICLE RELATING TO THE NOMINATION AND ELECTION OF CANDIDATES**  
12 **TO PUBLIC OFFICE SHALL GOVERN THE NOMINATION AND ELECTION OF JUDGE**  
13 **OF THE ORPHANS' COURT.**

14 **8-902.**

15 **(A) (1) A JUDGE OF THE ORPHANS' COURT SHALL BE ELECTED ON A**  
16 **NONPARTISAN BASIS.**

17 **(2) IN A PRIMARY ELECTION TO NOMINATE A CANDIDATE FOR**  
18 **JUDGE OF THE ORPHANS' COURT, ANY REGISTERED VOTER OF THE COUNTY,**  
19 **REGARDLESS OF PARTY AFFILIATION OR LACK OF PARTY AFFILIATION, IS**  
20 **ELIGIBLE TO VOTE IN THE CONTEST FOR NOMINATION FOR ONE CANDIDATE.**

21 **(B) A CANDIDATE FOR ELECTION TO THE OFFICE OF JUDGE OF THE**  
22 **ORPHANS' COURT SHALL, WITHOUT PARTY DESIGNATION OR REGARD TO PARTY**  
23 **AFFILIATION:**

24 **(1) FILE A CERTIFICATE OF CANDIDACY;**

25 **(2) BE CERTIFIED TO THE BALLOT;**

26 **(3) APPEAR ON THE BALLOT;**

27 **(4) BE VOTED ON; AND**

28 **(5) BE NOMINATED AND ELECTED.**

29 **8-903.**

1           **(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
2 **SUBSECTION, A CANDIDATE FOR JUDGE OF THE ORPHANS' COURT SHALL BE**  
3 **NOMINATED AT THE PRIMARY ELECTION.**

4           **(2) IF, AFTER THE DEADLINE FOR WITHDRAWAL AS PROVIDED IN**  
5 **§ 5-503 OF THIS ARTICLE, THERE ARE NO MORE THAN TWO CANDIDATES WHO**  
6 **HAVE FILED CERTIFICATES OF CANDIDACY FOR THE CONTEST, A CERTIFICATE**  
7 **OF NOMINATION SHALL BE ISSUED TO EACH CANDIDATE.**

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

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

14           **(C) (1) THE TWO CANDIDATES WHO RECEIVE THE LARGEST NUMBER**  
15 **OF VOTES IN THE PRIMARY ELECTION SHALL BE THE NOMINATED CANDIDATES.**

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

20 **8-904.**

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

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

32 **8-905.**



- 1 (ii) House of Delegates;
- 2 (4) members of the governing body of a county, in the following order:
- 3 (i) county executive; and
- 4 (ii) county council or county commissioner;
- 5 (5) offices in the government of the City of Baltimore, in the following  
6 order:
- 7 (i) Mayor;
- 8 (ii) President of the City Council;
- 9 (iii) Comptroller; and
- 10 (iv) member of the City Council;
- 11 (6) judicial offices, in the following order:
- 12 (i) judge of the circuit court; and
- 13 (ii) appellate judges, continuance in office, in the following  
14 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;

1           (8)   party offices; and

2           (9)   **OTHER** offices filled by nonpartisan election.

3           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4   October 1, 2013.