Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 1234 (Delegate Frank)

Ways and Means and Judiciary

Election of Circuit Court Judges - Random Ordering of Names

This bill requires, in an election for a judge of the circuit court, when there is more than one candidate of the same political party for nomination or election, that a local board of elections conduct a random drawing to determine the order of the names of the candidates on the ballot. The drawing must be conducted in a manner required by the State Board of Elections (SBE).

Fiscal Summary

State Effect: General fund expenditures increase by $7,000 in FY 2014 for modifications to SBE's election management system. Revenues are not affected.

(in dollars)	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
Revenues	$0	$0	$0	$0	$0
GF Expenditure	7,000	0	0	0	0
Net Effect	($7,000)	$0	$0	$0	$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law/Background: Article IV of the Maryland Constitution provides that vacancies in the office of a circuit court judge be filled by gubernatorial appointment until the election and qualification of a successor at the first general election more than one year after the occurrence of the vacancy. Vacancies created by the expiration of a

judge's 15-year term are to be filled by a successor that is elected at the first biennial general election for Representatives in Congress.

Circuit court judgeships differ from those of the District Court and appellate courts in that they are filled by contested elections. Candidates are typically nominated for the general election by the Democratic and Republican parties in the primary election and will "cross-file," appearing on both the Democratic and Republican primary election ballots, needing to win on only one.

The names of candidates for judge of the circuit court appear on general election ballots without a party label or other distinguishing mark or location that might indicate party affiliation. The ordering of names of candidates on a ballot, where party affiliation is not listed, as in the case of candidates for judge of the circuit court, does not appear to be addressed in statute. However, it is specified in statute that when there is more than one candidate of the same political party for nomination or election to an office, the names of the candidates in the group are listed in alphabetical order by surname.

State Fiscal Effect: General fund expenditures increase by $7,000 in fiscal 2014 for SBE to modify the board's election management system to allow for a random order of names of candidates for judge of the circuit court to be included on ballots. The system currently has coding for alphabetical ordering of names.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State Board of Elections, Judiciary (Administrative Office of the Courts), Wicomico County, Baltimore City, Department of Legislative Services

Fiscal Note History: First Reader - March 12, 2013
mlm/hlb

Analysis by: Scott D. Kennedy

Direct Inquiries to:
(410) 946-5510
(301) 970-5510