Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE
Revised

House Bill 515   (Delegate Rosenberg)

Ways and Means   Education, Health, and Environmental Affairs

Elections for Judges - Nonpartisan Elections

This bill requires that candidates for judge of the orphans' court for a county other than Anne Arundel County be elected without regard to party affiliation and makes related changes. The bill also specifies the order in which names of candidates for judicial offices must appear on a ballot.

Fiscal Summary

State Effect: General fund expenditures increase by $10,000 in FY 2014 for programming changes to the State Board of Elections' (SBE) 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	10,000	0	0	0	0
Net Effect	($10,000)	$0	$0	$0	$0

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

Local Effect: Any impact on local government finances is not expected to be material.

Small Business Effect: None.

Analysis

Bill Summary: The bill requires that names of candidates for judge of the orphans' court for a county other than Anne Arundel County be placed on the ballot without a party label or other indication of party affiliation and exempts those candidates from a prohibition against an individual being a candidate for nomination by a political party if the individual is not a registered voter affiliated with that political party. The bill also

exempts candidates for judge of the orphans' court for a county other than Anne Arundel County from a prohibition against the name of a candidate who is defeated for the nomination for a public office appearing on the ballot at the next succeeding general election as a candidate for any office.

Judge of the orphans' court for a county other than Anne Arundel County is also placed higher in the order of offices on a ballot, at the beginning of the list of judicial offices, and a certificate of candidacy for the office of judge of the orphans' court for a county other than Anne Arundel County must be filed with SBE rather than the applicable local board of elections.

The bill also requires that the names of candidates for judicial offices be listed in alphabetical order by surname.

Current Law/Background: Under the Maryland Constitution, each county elects three judges to the orphans' court of their respective jurisdictions, with the exception of Montgomery and Harford counties where a circuit court judge sits as the orphans' court. The orphans' courts are the State's probate courts. The courts supervise the handling of estates and also have certain jurisdiction over the guardianship of minors and their property. Elections for judge of the orphans' court occur during the gubernatorial elections.

For certain offices, including the offices of circuit court judge and appellate judge, State law requires that names be listed on the ballot without party affiliation. Orphans' court judges, however, are not included under that requirement and are listed on a ballot with party affiliation.

The bill treats candidates for judge of the orphans' court for a county other than Anne Arundel County in a similar manner as candidates for circuit court judge, who 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 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 and incumbent appellate judges, is not addressed in statute. In practice, however, the names are listed in alphabetical order, consistent with a statutory provision that requires multiple candidates of the same political party to be listed in alphabetical order by surname.

State Fiscal Effect: General fund expenditures increase by $10,000 in fiscal 2014 for programming changes to SBE's election management system. The programming is needed to account for the alteration in the order of offices on a ballot and removal of

party affiliation designation for orphans' court judges, and to ensure that the changes do not apply to Anne Arundel County.

Additional Information

Prior Introductions: None.

Cross File: SB 327 (Senator Gladden) - Education, Health, and Environmental Affairs.

Information Source(s): State Board of Elections; Judiciary (Administrative Office of the Courts); Carroll, Cecil, Harford, Montgomery, Queen Anne's, St. Mary's, Wicomico counties; Department of Legislative Services

Fiscal Note History: First Reader - February 12, 2013
mm/hlb   Revised - House Third Reader - April 1, 2013

Analysis by: Scott D. Kennedy   Direct Inquiries to:
                                                  (410) 946-5510
                                                  (301) 970-5510