

Department of Legislative Services
 Maryland General Assembly
 2017 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 87 (Delegate Lafferty)
 Ways and Means

Baltimore County - Elections for Judges of the Orphans' Court - Procedures

This bill authorizes a candidate for judge of the orphans' court in Baltimore County to file and appear on the primary election ballot of both principal political parties. The three candidates who receive the largest number of votes in the primary election of each principal political party then appear on the general election ballot with no political party affiliation.

Fiscal Summary

State Effect: General fund expenditures increase by approximately \$3,800 in FY 2018 for programming costs. Revenues are not affected.

(in dollars)	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	3,800	0	0	0	0
Net Effect	(\$3,800)	\$0	\$0	\$0	\$0

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

Local Effect: Baltimore County expenditures increase by approximately \$3,800 in FY 2018 for the county's share of programming costs.

Small Business Effect: None.

Analysis

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 of Baltimore 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.

State Expenditures: General fund expenditures increase by approximately \$3,800 in fiscal 2018 for programming costs. The State's election management system needs to be modified to accommodate the different election process for orphans' court judges in Baltimore County. The costs are expected to be shared by the State and Baltimore County.

Local Expenditures: Baltimore County expenditures increase by approximately \$3,800 in fiscal 2018, reflecting the county's share of programming costs.

Additional Information

Prior Introductions: SB 151 of 2016 was withdrawn. Its cross file, HB 193, received a hearing in the House Ways and Means Committee, but no further action was taken.

Cross File: SB 156 (Senators Brochin and Klausmeier) - Judicial Proceedings.

Information Source(s): State Board of Elections; Baltimore County; Department of Legislative Services

Fiscal Note History: First Reader - February 1, 2017
md/hlb

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