

HOUSE BILL 75

G1, D1

1lr1130

(PRE-FILED)

By: **Delegate Qi**

Requested: October 26, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judiciary and Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Circuit Court Judges – Nonpartisan Elections**

3 FOR the purpose of specifying that certain provisions of election law govern the nomination
4 and election of circuit court judges, subject to certain exceptions; requiring circuit
5 court judges to be elected on a nonpartisan basis; specifying that any registered voter
6 of a county is eligible to vote in a primary election to nominate candidates for circuit
7 court judge; specifying certain requirements for candidates for election as a circuit
8 court judge; requiring candidates to be nominated at the primary election in each
9 year that one or more circuit court judges are to be elected; specifying certain
10 procedures governing the death or disqualification of candidates, the nomination of
11 candidates in a primary election, the filling of vacancies in certain offices, the
12 number of nominees that a voter is entitled to select, and the number of votes
13 necessary to be declared elected in a general election; and generally relating to
14 nonpartisan elections of circuit court judges.

15 BY adding to

16 Article – Election Law

17 Section 8–901 through 8–905 to be under the new subtitle “Subtitle 9. Circuit Court
18 Judges”

19 Annotated Code of Maryland

20 (2017 Replacement Volume and 2020 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

22 That the Laws of Maryland read as follows:

23 **Article – Election Law**

24 **SUBTITLE 9. CIRCUIT COURT JUDGES.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **8-901.**

2 **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE AND IN ARTICLE IV OF**
3 **THE MARYLAND CONSTITUTION, THE PROVISIONS OF THIS ARTICLE RELATING TO**
4 **THE NOMINATION AND ELECTION OF CANDIDATES TO PUBLIC OFFICE SHALL**
5 **GOVERN THE NOMINATION AND ELECTION OF CIRCUIT COURT JUDGES.**

6 **8-902.**

7 **(A) (1) CIRCUIT COURT JUDGES SHALL BE ELECTED ON A NONPARTISAN**
8 **BASIS.**

9 **(2) IN A PRIMARY ELECTION TO NOMINATE CANDIDATES FOR CIRCUIT**
10 **COURT JUDGE, ANY REGISTERED VOTER OF THE COUNTY, REGARDLESS OF PARTY**
11 **AFFILIATION OR LACK OF PARTY AFFILIATION, IS ELIGIBLE TO VOTE.**

12 **(B) CANDIDATES FOR ELECTION AS A CIRCUIT COURT JUDGE SHALL,**
13 **WITHOUT PARTY DESIGNATION OR REGARD TO PARTY AFFILIATION:**

14 **(1) FILE CERTIFICATES OF CANDIDACY;**

15 **(2) BE CERTIFIED TO BE ON THE BALLOT;**

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

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

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

19 **8-903.**

20 **(A) IN EACH YEAR THAT ONE OR MORE CIRCUIT COURT JUDGES ARE TO BE**
21 **ELECTED, CANDIDATES SHALL BE NOMINATED AT THE PRIMARY ELECTION.**

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

25 **(2) IF A CANDIDATE DIES OR BECOMES DISQUALIFIED AFTER THE**
26 **BALLOTS ARE PRINTED AND AT A TIME THAT IS TOO LATE FOR THE BALLOTS TO BE**
27 **REPRINTED, ANY VOTES CAST FOR THAT CANDIDATE MAY NOT BE COUNTED.**

28 **(C) (1) THE CANDIDATES, EQUAL IN NUMBER TO TWICE THE NUMBER OF**

1 OFFICES TO BE FILLED, WHO RECEIVE THE LARGEST NUMBER OF VOTES IN THE
2 PRIMARY ELECTION SHALL BE THE NOMINATED CANDIDATES.

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

7 8-904.

8 (A) (1) IF, AFTER THE PRIMARY ELECTION BUT BEFORE THE GENERAL
9 ELECTION, A NOMINEE DIES, DECLINES THE NOMINATION, OR BECOMES
10 DISQUALIFIED BEFORE THE BALLOTS ARE PRINTED OR AT A TIME WHEN THE
11 BALLOTS CAN BE REPRINTED, THE NAME OF THE NOMINEE MAY NOT APPEAR ON THE
12 BALLOT.

13 (2) IF THE NUMBER OF REMAINING NOMINEES IS LESS THAN THE
14 NUMBER OF OFFICES TO BE FILLED, THE OFFICE SHALL BE DEEMED VACANT AND
15 SHALL BE FILLED AS IF THE VACANCY OCCURRED DURING THE TERM OF OFFICE.

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

21 8-905.

22 (A) IN A GENERAL ELECTION FOR CIRCUIT COURT JUDGE, A VOTER MAY
23 VOTE FOR A NUMBER OF NOMINEES EQUAL TO THE NUMBER OF CIRCUIT COURT
24 JUDGES TO BE ELECTED.

25 (B) (1) THE NOMINEES, EQUAL IN NUMBER TO THE NUMBER OF OFFICES
26 TO BE FILLED, WHO RECEIVE THE LARGEST NUMBER OF VOTES IN A GENERAL
27 ELECTION SHALL BE DECLARED ELECTED.

28 (2) IF TWO OR MORE NOMINEES EACH RECEIVE THE LOWEST NUMBER
29 OF VOTES NECESSARY TO QUALIFY FOR ELECTION, CREATING A TIE FOR THE LAST
30 OFFICE TO BE FILLED, THE OFFICE SHALL BE CONSIDERED VACANT AND SHALL BE
31 FILLED AS IF THE VACANCY OCCURRED DURING THE TERM OF OFFICE.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2021.