

HOUSE BILL 306

G1, D1

2lr0344

By: **Delegates Qi and Ruth**

Introduced and read first time: January 19, 2022

Assigned to: Judiciary and Ways and Means

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of requiring circuit court judges to be elected on a nonpartisan basis in a
4 general election; prohibiting a candidate for circuit court judge from appearing on
5 the ballot in a primary election or being nominated by a political party or by petition;
6 and generally relating to nonpartisan general elections for circuit court judges.

7 BY repealing and reenacting, without amendments,
8 Article – Election Law
9 Section 5–203(a)(2), 5–703(b), 5–703.1(b), and 9–210(a)(9)
10 Annotated Code of Maryland
11 (2017 Replacement Volume and 2021 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Election Law
14 Section 5–203(b), 5–303(a), 5–703(a), 5–703.1(a), 5–706, and 9–210(a)(6) and (g)
15 Annotated Code of Maryland
16 (2017 Replacement Volume and 2021 Supplement)

17 BY adding to
18 Article – Election Law
19 Section 5–303(e); and 8–901 through 8–905 to be under the new subtitle “Subtitle 9.
20 Circuit Court Judges”
21 Annotated Code of Maryland
22 (2017 Replacement Volume and 2021 Supplement)

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

25 **Article – Election Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 5-203.

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

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

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

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

9 (1) a judicial office; or

10 (2)] a county board of education.

11 5-303.

12 (a) Except as provided in subsections (b), (c), [and] (d), **AND (E)** of this section:

13 (1) in the year in which the Governor is elected, a certificate of candidacy
14 shall be filed not later than 9 p.m. on the last Tuesday in February in the year in which the
15 primary election will be held; and

16 (2) for any other regularly scheduled election, a certificate of candidacy
17 shall be filed not later than 9 p.m. on the 95th day before the day on which the primary
18 election will be held.

19 **(E) A CANDIDATE FOR CIRCUIT COURT JUDGE SHALL FILE A CERTIFICATE**
20 **OF CANDIDACY NO LATER THAN 5 P.M. ON THE FIRST MONDAY IN AUGUST IN THE**
21 **YEAR OF THE GENERAL ELECTION FOR THE OFFICE.**

22 5-703.

23 (a) Except for a candidate for a nonpartisan county board of education **OR A**
24 **CANDIDATE FOR CIRCUIT COURT JUDGE**, this section applies to any candidate for public
25 office subject to this title.

26 (b) A candidate for a public office may be nominated by petition under this
27 subtitle if the candidate is not affiliated with any political party.

28 5-703.1.

29 (a) Except for a candidate for a nonpartisan county board of education **OR A**
30 **CANDIDATE FOR CIRCUIT COURT JUDGE**, this section applies to any candidate for public

1 office subject to this title.

2 (b) A candidate for a public office may be nominated by a political party under
3 this subtitle if the political party is not required to nominate its candidates by party
4 primary.

5 5-706.

6 (a) This section does not apply to:

7 (1) a candidate selected by a political party to fill a vacancy in nomination
8 under Subtitle 9 or Subtitle 10 of this title; or

9 (2) a candidate defeated in a presidential preference primary.

10 (b) (1) [Except as provided in subsection (c) of this section, the] **THE** name of
11 a candidate who is defeated for the nomination for a public office may not appear on the
12 ballot at the next succeeding general election as a candidate for any office.

13 (2) A candidate who is defeated for the nomination for a public office may
14 not file a certificate of candidacy as a write-in candidate at the next succeeding general
15 election as a candidate for any office.

16 [(c) The name of a candidate for the office of judge of the circuit court who is
17 defeated in the primary election in each contest for the office of circuit court judge in which
18 the candidate appears on the ballot may not appear on the ballot at the succeeding general
19 election as a candidate for any office.]

20 **SUBTITLE 9. CIRCUIT COURT JUDGES.**

21 **8-901.**

22 **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE AND ARTICLE IV OF THE**
23 **MARYLAND CONSTITUTION, THE PROVISIONS OF THIS ARTICLE RELATING TO THE**
24 **ELECTION OF CANDIDATES TO PUBLIC OFFICE SHALL GOVERN THE ELECTION OF**
25 **CIRCUIT COURT JUDGES.**

26 **8-902.**

27 **(A) CIRCUIT COURT JUDGES SHALL BE ELECTED ON A NONPARTISAN BASIS.**

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

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

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

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

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

4 **(5) BE ELECTED.**

5 **8-903.**

6 **(A) A CANDIDATE FOR CIRCUIT COURT JUDGE MAY NOT APPEAR ON THE**
7 **BALLOT IN A PRIMARY ELECTION.**

8 **(B) A CANDIDATE FOR CIRCUIT COURT JUDGE SHALL FILE A CERTIFICATE**
9 **OF CANDIDACY BY THE TIME PRESCRIBED IN § 5-303 OF THIS ARTICLE.**

10 **(C) THE CERTIFICATE OF CANDIDACY FOR A CANDIDATE FOR CIRCUIT**
11 **COURT JUDGE SHALL COMPLY WITH THE REQUIREMENTS FOR A CERTIFICATE OF**
12 **CANDIDACY UNDER TITLE 5, SUBTITLE 3 OF THIS ARTICLE.**

13 **8-904.**

14 **(A) (1) IF A CANDIDATE FOR CIRCUIT COURT JUDGE DIES OR BECOMES**
15 **DISQUALIFIED MORE THAN 65 DAYS BEFORE THE GENERAL ELECTION, THE NAME**
16 **OF THE CANDIDATE MAY NOT APPEAR ON THE BALLOT.**

17 **(2) IF THE NUMBER OF REMAINING CANDIDATES IS LESS THAN THE**
18 **NUMBER OF OFFICES TO BE FILLED, THE OFFICE SHALL BE DEEMED VACANT AND**
19 **SHALL BE FILLED AS IF THE VACANCY OCCURRED DURING THE TERM OF OFFICE.**

20 **(B) (1) IF A CANDIDATE DIES OR IS DISQUALIFIED 65 DAYS OR LESS**
21 **BEFORE THE GENERAL ELECTION, THE NAME OF THE CANDIDATE SHALL REMAIN ON**
22 **THE BALLOT.**

23 **(2) IF THAT CANDIDATE RECEIVES SUFFICIENT VOTES TO HAVE BEEN**
24 **ELECTED, THE OFFICE SHALL BE DEEMED VACANT AND SHALL BE FILLED AS IF THE**
25 **VACANCY OCCURRED DURING THE TERM OF OFFICE.**

26 **8-905.**

27 **(A) IN THE GENERAL ELECTION FOR CIRCUIT COURT JUDGE, A VOTER MAY**
28 **VOTE FOR A NUMBER OF CANDIDATES EQUAL TO THE NUMBER OF CIRCUIT COURT**

1 **JUDGES TO BE ELECTED.**

2 **(B) (1) THE CANDIDATES, EQUAL IN NUMBER TO THE NUMBER OF**
3 **OFFICES TO BE FILLED, WHO RECEIVE THE LARGEST NUMBER OF VOTES IN THE**
4 **GENERAL ELECTION SHALL BE DECLARED ELECTED.**

5 **(2) IF TWO OR MORE CANDIDATES EACH RECEIVE THE LOWEST**
6 **NUMBER OF VOTES NECESSARY TO QUALIFY FOR ELECTION, CREATING A TIE FOR**
7 **THE LAST OFFICE TO BE FILLED, THE OFFICE SHALL BE CONSIDERED VACANT AND**
8 **SHALL BE FILLED AS IF THE VACANCY OCCURRED DURING THE TERM OF OFFICE.**

9 9–210.

10 (a) The offices to be voted on shall be arranged on the ballot in the following order,
11 as applicable:

12 (6) [judicial offices, in the following order:

13 (i) judge of the circuit court; and

14 (ii)] appellate judges, continuance in office, in the following order:

15 [1.] (I) Court of Appeals; and

16 [2.] (II) Court of Special Appeals;

17 (9) offices filled by nonpartisan election.

18 (g) (1) Except for contests for [judicial office or] an office to be filled by
19 nonpartisan election, the party affiliation of a candidate who is a nominee of a political
20 party shall be indicated on the ballot.

21 (2) (i) A candidate who is not a nominee of a political party or affiliated
22 with a partisan organization shall be designated as an “unaffiliated”.

23 (ii) A candidate who is affiliated with a partisan organization shall
24 be designated under “other candidates”.

25 (3) The names of candidates for judge of the circuit court or for a county
26 board of education, and the names of incumbent appellate judges, shall be placed on the
27 ballot without a party label or other distinguishing mark or location which might indicate
28 party affiliation.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 January 1, 2023.