

**Department of Legislative Services**  
Maryland General Assembly  
2025 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 44 (Delegate Wu)  
Judiciary and Ways and Means

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**Election Law - Circuit Court Judges - Nonpartisan Elections**

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This bill establishes a process for nomination and election of circuit court judges in which all registered voters are eligible to vote in a primary election to nominate candidates for circuit court judge.

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**Fiscal Summary**

**State Effect:** General fund expenditures increase by at least \$20,500 in FY 2026 and future years in which a primary election occurs. Revenues are not affected.

**Local Effect:** Local government expenditures increase, collectively, by at least \$92,500 in FY 2026 and future years in which a primary election occurs. Revenues are not affected.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** The bill requires circuit court judges to be elected on a nonpartisan basis. In a primary election to nominate candidates for circuit court judge, any registered voter of the county, regardless of party affiliation or lack thereof, is eligible to vote. Candidates for election as a circuit court judge must, without party designation or regard to party affiliation (1) file certificates of candidacy; (2) be certified to be on the ballot; (3) appear on the ballot; (4) be voted on; and (5) be nominated and elected.

In each year that one or more circuit court judges are to be elected, candidates must be nominated at the primary election. The candidates, equal in number to twice the number of offices to be filled, who receive the largest number of votes in the primary election must

be the nominated candidates. If two or more candidates each receive the lowest number of votes necessary to qualify for nomination, creating a tie for the last nomination for the office to be filled, each must be a nominated candidate. The bill specifies procedures for circumstances in which a candidate or nominee dies, becomes disqualified, or declines the nomination.

In a general election for circuit court judge, a voter may vote for a number of nominees equal to the number of circuit court judges to be elected. The nominees, equal in number to the number of offices to be filled, who receive the largest number of votes in a general election are declared elected. If two or more nominees each receive the lowest number of votes necessary to qualify for election, creating a tie for the last office to be filled, the office is considered vacant and must be filled as if the vacancy occurred during the term of office.

**Current Law:** Article IV of the Maryland Constitution specifies 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.

Candidates for circuit court judge 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. In addition to nomination through the primary election, circuit court judges also have the option of being nominated for the general election by a third party or by petition. Their names appear on general election ballots without a party label or other distinguishing mark or location that might indicate party affiliation.

**State Fiscal Effect:** General fund expenditures increase by at least \$20,500 in fiscal 2026 and future years in which a primary election occurs, for the State's share of ongoing costs for additional in-person paper ballots and mail-in ballots needed as a result of allowing any registered voter, regardless of party affiliation or lack of party affiliation, to vote in a primary election to nominate circuit court judges. This estimate assumes that, on average, at least 20% of the registered voters in the State who are not affiliated with the Democratic or Republican parties become eligible to vote in a given primary election as a result of the bill (accounting for the fact that circuit court judge contests will not be on the ballot in every county in every primary election and that many unaffiliated and third-party voters are already eligible to vote in a primary election for nonpartisan board of education races).

**Local Fiscal Effect:** Local government expenditures increase, collectively, by at least \$92,500 in fiscal 2026 and future years in which a primary election occurs. This estimate

reflects the local boards' share of costs for additional in-person paper ballots and mail-in ballots, and the local boards' costs for additional specimen ballots, needed as a result of allowing any registered voter, regardless of party affiliation or lack of party affiliation, to vote in a primary election to nominate circuit court judges. As discussed above under the State Fiscal Effect, this estimate assumes that, on average, at least 20% of the registered voters in the State who are not affiliated with the Democratic and Republican parties become eligible to vote in a given primary election as a result of the bill.

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### **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** None.

**Information Source(s):** Anne Arundel, Charles, Dorchester, Garrett, and Howard counties; Maryland Association of Counties; Judiciary (Administrative Office of the Courts); Maryland State Board of Elections; Department of Legislative Services

**Fiscal Note History:** First Reader - February 11, 2025  
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