

Department of Legislative Services  
Maryland General Assembly  
2025 Session

FISCAL AND POLICY NOTE  
First Reader

Senate Bill 954

(Senator West, *et al.*)

Judicial Proceedings

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Circuit Court Judges and District Court Judges – Selection and Tenure

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This proposed constitutional amendment, if approved by the voters at the next general election, generally alters (1) the method by which vacancies in circuit court judgeships are filled and (2) the circumstances under which circuit court judges are subject to contested elections to remain in office. It also alters provisions related to Senate confirmation of circuit court and District Court judges, including authorizing the Governor to convene the Senate alone for the purpose of confirming an appointment if a vacancy occurs during the recess of the General Assembly.

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Fiscal Summary

**State Effect:** The bill is not anticipated to materially affect State finances; however, the bill may have operational impacts to the extent that there are delays in trial court judges taking office while awaiting Senate confirmation.

**Local Effect:** The bill does not affect local government finances; however, the bill may have operational impacts to the extent that there are delays in circuit court judges taking office while awaiting Senate confirmation.

**Small Business Effect:** None.

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## Analysis

### Bill Summary:

#### *Circuit Court Judges*

When a vacancy occurs in a circuit court judgeship, the Governor (with advice and consent of the Senate) must appoint a successor who is qualified to fill the office. Confirmation by the Senate must be made on a majority vote of all members of the Senate. An individual appointed by the Governor may not exercise the duties of a circuit court judge unless confirmed by the Senate. If a vacancy occurs during the recess of the General Assembly, the Governor may convene the Senate alone for the purpose of confirming an appointment. A circuit court judge appointed by the Governor and confirmed by the Senate may take office by taking the prescribed oath of office within 30 days after confirmation. If the judge is appointed and confirmed but fails to take office within 30 days after confirmation, the office is deemed vacant.

A circuit court judge appointed by the Governor and confirmed by the Senate by a vote of at least 80% of its members who takes office within 30 days after confirmation serves a term of 15 years and until the judge's successor is appointed or elected, as applicable, and qualified, or until the judge attains age 70, whichever occurs first.

If a circuit court judge who was confirmed by the Senate by at least a majority but less than 80% of all members takes office, the continuance in office is subject to approval or rejection by the registered voters of the appropriate city or county at the next general election following the expiration of one year from the date the judge took office. The election must be a contested election in which other qualified candidates may file. A candidate is considered qualified if the candidate has applied to the appropriate judicial nominating commission and the commission forwards the name of the candidate to the Governor as an individual who is fully professionally qualified for the office; thereafter, the individual must be considered qualified indefinitely, unless the judicial nominating commission notifies the Governor that it no longer considers the candidate qualified.

The candidate who wins election in the general election must serve a term of 15 years from the date that the judge takes office or until a successor is appointed or elected, as applicable, and qualified, or until the judge attains age 70, whichever occurs first. If the 15-year term of a circuit court judge expires before the judge attains age 70, the judge may be reappointed by the Governor for another 15-year term, or until the judge attains age 70, whichever occurs first. The reappointment is not subject to confirmation by the Senate.

### *District Court Judges*

A District Court judge appointed by the Governor may not exercise the duties of a District Court judge before confirmation by the Senate. If a vacancy occurs during the recess of the General Assembly, the Governor may convene the Senate alone for the purpose of confirming an appointment.

### *Implementation Provisions*

For the purposes of implementing these changes:

- each circuit court judge already elected to office on the effective date of this constitutional amendment continues in office until the judge's successor is appointed or elected, as applicable, and qualified, or until the judge attains age 70, whichever comes first; thereafter, continuance of the judge in office becomes subject to the provisions described above; and
- each circuit court judge in office on the effective date of this constitutional amendment, but who has not been elected to that office by the voters, continues to be governed by existing provisions regarding circuit court judges. If the judge is elected to the office, the judge continues in office until the judge's successor is appointed or elected, as applicable, and qualified, or until the judge attains age 70, whichever occurs first. Thereafter, continuance of the judge in office at the end of the elected term becomes subject to the method described above.

**Current Law:** Judges within the State are appointed and retained through a hybrid process. At all four court levels (the Supreme Court of Maryland, the Appellate Court of Maryland, circuit courts, and the District Court), the Governor appoints a qualified member of the Maryland Bar in the case of a vacancy (or the creation of a new judgeship). To assist in the selection process for judges at all levels, numerous governors since 1970 have issued executive orders creating judicial nominating commissions to recommend candidates for appointment. The nominating commissions review applications from interested attorneys, interview candidates, and consider recommendations from citizens and various bar associations. The commissions must submit to the Governor a list of candidates who are deemed to be legally and professionally most fully qualified for judicial office, and the Governor generally makes the appointment from the list.

For both appellate courts, these appointments must be confirmed by the Senate, and the judge holds the office until the next statewide general election that occurs at least 1 year after the occurrence of the vacancy. At the general election, the incumbent judge's name is placed on the ballot without opposition, and citizens vote for or against the retention of the judge for a 10-year term.

For the District Court, judges are appointed by the Governor and serve 10-year terms upon confirmation by the Senate, without any required election. The judge may take office prior to confirmation but ceases to hold office if not confirmed by the Senate within specified timeframes.

Although circuit court judges are also initially appointed by the Governor and must stand for election, they face a different process. Instead of a retention election, voters in each county or Baltimore City elect their respective circuit court judges to 15-year terms in contested elections in which *any* challenger who meets the minimum constitutional requirements may run.

Thus, judges at the circuit court level are the only judges in the State who may face a contested election in order to retain their appointment, and it is only at the circuit court level where an individual (*i.e.*, a successful challenger) may become a judge without a gubernatorial appointment and without being screened and recommended by a judicial nominating commission.

**Additional Comments:** The Workgroup to Study Judicial Selection was established in 2022 by the Judicial Council to perform a fair, balanced, and comprehensive examination of methods of selecting and retaining trial judges throughout the country and make recommendations for changes where appropriate. In July 2024, the workgroup issued its final [report](#).

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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):** Governor's Office; Judiciary (Administrative Office of the Courts); Maryland State Board of Elections; Department of Legislative Services

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