

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

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

House Bill 778

(Chair, Judiciary Committee)(By Request - Maryland  
Judiciary)

Judiciary and Ways and Means

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**Circuit Court Judges - Selection and Retention Elections**

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This proposed constitutional amendment, if approved by the voters at the next general election, eliminates contested elections for circuit court judges. Instead, circuit court judges must be selected by gubernatorial appointment, subject to confirmation by the Senate, followed by approval or rejection in a retention election by the voters. The bill also alters, from 15 years to 10 years, the term of office for a circuit court judge.

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**Fiscal Summary**

**State Effect:** The bill does not affect State finances.

**Local Effect:** The bill does not affect local finances.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** Any vacancy in a circuit court judgeship must be filled in a similar manner as a vacancy on the Supreme Court of Maryland or the Appellate Court of Maryland. Specifically, when a vacancy occurs, the Governor (with advice and consent of the Senate) appoints a successor who holds the office until the next general election following the expiration of 1 year from the date of the vacancy. Retention of the judge in office is subject to approval or rejection by the voters of the city or county from which the judge was appointed at that election, and at the general election every 10 years thereafter. The judge's name is placed on the appropriate ballot without opposition. If the voters reject the

judge's retention in office, or if the vote is tied, the office becomes vacant 10 days after certification of the election returns.

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 next general election after the end of the elected term or until the judge attains the age of 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, but who has not been elected to that office as of the effective date of this constitutional amendment, must be reappointed to that office within 15 days after the effective date of the amendment. Thereafter, continuance of the judge in office becomes subject to the provisions described above.

The bill also establishes a 10-year term of office for circuit court judges. The bill also makes numerous stylistic changes.

**Current Law/Background:** 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.

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.

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. The proposed constitutional amendment aligns with numerous recommendations included in the workgroup's July 2024 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:** SB 630 (Chair, Judicial Proceedings Committee)(By Request - Maryland Judicial Conference) - Judicial Proceedings.

**Information Source(s):** Judiciary (Administrative Office of the Courts); Maryland State Board of Elections; State Retirement Agency; Department of Legislative Services

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