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February 9th, 2023
Senate Judicial Proceedings Committee
The Honorable William C. Smith, Jr.
2 East Miller Senate Building
Annapolis, Maryland 21401

Re: Senate Bill – 195 - Orphans' Court Judges - Elections

Dear Chairman Smith and Members of the Committee,

In most jurisdictions, the Orphans' Court consists of three judges, who are elected every four years. Orphans' Court Judges are also the only judges in the state that participate in partisan elections.

Last year's Task Force to Study the Orphans' Courts recommended making the election of Orphans' Court Judges apolitical by allowing them to engage in non-partisan elections, which is what Senate Bill 195 will do.

The opinion of the Attorney General states:

“Currently, in my view, Maryland law does not require judges of the Orphans' Court to register their political party when running for office. *See* MD Code Ann. Elec. Law Section 5-203 (2014) (**stating that requirements for party affiliation do not apply for candidates for judicial office.**) But historically judges of the Orphans' Court have registered their party affiliation when running for office and according to counsel for the State Board of Elections, altering this historical practice would require a statutory change.”

Furthermore, the Maryland Constitution does not mention party affiliation so no Constitutional Amendment would be necessary to make this party affiliation change. Senate Bill 195 will facilitate making our judicial offices less political and more neutral

I appreciate the Committee's consideration of Senate Bill 195 and will be happy to answer any questions the Committee may have.