

HOUSE BILL 44

G1, D1

5lr1209

(PRE-FILED)

By: **Delegate Wu**

Requested: October 14, 2024

Introduced and read first time: January 8, 2025

Assigned to: Judiciary and Ways and Means

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of requiring circuit court judges to be elected on a nonpartisan basis;
4 prohibiting a candidate for circuit court judge from being nominated by a political
5 party or by petition; requiring candidates to be nominated at the primary election in
6 each year that one or more circuit court judges are to be elected; and generally
7 relating to nonpartisan elections of circuit court judges.

8 BY repealing and reenacting, with amendments,
9 Article – Election Law
10 Section 5–203, 5–703(a), 5–703.1(a), 5–706, and 9–210(a)(6)
11 Annotated Code of Maryland
12 (2022 Replacement Volume and 2024 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article – Election Law
15 Section 5–703(b), 5–703.1(b), and 9–210(a)(9)
16 Annotated Code of Maryland
17 (2022 Replacement Volume and 2024 Supplement)

18 BY adding to
19 Article – Election Law
20 Section 8–901 through 8–905 to be under the new subtitle “Subtitle 9. Circuit Court
21 Judges”
22 Annotated Code of Maryland
23 (2022 Replacement Volume and 2024 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article – Election Law
26 Section 9–210(g)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Annotated Code of Maryland

(2022 Replacement Volume and 2024 Supplement)

(As enacted by Chapters 82 and 83 of the Acts of the General Assembly of 2021)

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

Article – Election Law

5–203.

(a) (1) This subsection does not apply to a candidate for:

(i) President or Vice President of the United States; or

(ii) any federal office who seeks nomination by petition.

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

(i) an office of that political party; or

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

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

(1) a judicial office; or

(2)] a county board of education.

5–703.

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

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

5–703.1.

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

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

5–706.

(a) This section does not apply to:

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

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

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

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

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

SUBTITLE 9. CIRCUIT COURT JUDGES.

8–901.

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

8–902.

(A) (1) CIRCUIT COURT JUDGES SHALL BE ELECTED ON A NONPARTISAN BASIS.

(2) IN A PRIMARY ELECTION TO NOMINATE CANDIDATES FOR CIRCUIT COURT JUDGE, ANY REGISTERED VOTER OF THE COUNTY, REGARDLESS OF PARTY AFFILIATION OR LACK OF PARTY AFFILIATION, IS ELIGIBLE TO VOTE.

(B) CANDIDATES FOR ELECTION AS A CIRCUIT COURT JUDGE SHALL, 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.

8-903.

(A) IN EACH YEAR THAT ONE OR MORE CIRCUIT COURT JUDGES ARE TO BE ELECTED, CANDIDATES SHALL BE NOMINATED AT THE PRIMARY ELECTION.

(B) (1) IF A CANDIDATE DIES OR BECOMES DISQUALIFIED BEFORE THE BALLOTS ARE PRINTED, OR AT A TIME WHEN BALLOTS CAN BE REPRINTED, THE NAME OF THE CANDIDATE MAY NOT APPEAR ON THE BALLOT.

(2) IF A CANDIDATE DIES OR BECOMES DISQUALIFIED AFTER THE BALLOTS ARE PRINTED AND AT A TIME THAT IS TOO LATE FOR THE BALLOTS TO BE REPRINTED, ANY VOTES CAST FOR THAT CANDIDATE MAY NOT BE COUNTED.

(C) (1) 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 SHALL BE THE NOMINATED CANDIDATES.

(2) 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 SHALL BE A NOMINATED CANDIDATE.

8-904.

(A) (1) IF, AFTER THE PRIMARY ELECTION BUT BEFORE THE GENERAL ELECTION, A NOMINEE DIES, DECLINES THE NOMINATION, OR BECOMES DISQUALIFIED BEFORE THE BALLOTS ARE PRINTED OR AT A TIME WHEN THE BALLOTS CAN BE REPRINTED, THE NAME OF THE NOMINEE MAY NOT APPEAR ON THE BALLOT.

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

(B) IF A NOMINEE DIES, DECLINES THE NOMINATION, OR IS DISQUALIFIED AFTER THE BALLOTS ARE PRINTED AND AT A TIME THAT IS TOO LATE FOR THE BALLOTS TO BE REPRINTED, AND IF THAT NOMINEE RECEIVES SUFFICIENT VOTES TO HAVE BEEN ELECTED, THE OFFICE SHALL BE DEEMED VACANT AND SHALL BE FILLED AS IF THE VACANCY OCCURRED DURING THE TERM OF OFFICE.

8-905.

(A) 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.

(B) (1) THE NOMINEES EQUAL IN NUMBER TO THE NUMBER OF OFFICES TO BE FILLED WHO RECEIVE THE LARGEST NUMBER OF VOTES IN A GENERAL ELECTION SHALL BE DECLARED ELECTED.

(2) 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 SHALL BE CONSIDERED VACANT AND SHALL BE FILLED AS IF THE VACANCY OCCURRED DURING THE TERM OF OFFICE.

9-210.

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

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

(i) judge of the circuit court; and

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

[1.] (I) Supreme Court of Maryland; and

[2.] (II) Appellate Court of Maryland;

(9) offices filled by nonpartisan election.

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

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

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

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

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2025.