

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 306 (Delegates Qi and Ruth)
Judiciary and Ways and Means

Election Law - Circuit Court Judges - Nonpartisan General Elections

This bill requires circuit court judges to be elected on a nonpartisan basis and only appear on the ballot in the general election. **The bill takes effect January 1, 2023.**

Fiscal Summary

State Effect: General fund expenditures increase by approximately \$2,500 in FY 2024 only. Revenues are not affected.

Local Effect: The bill is not expected to materially affect local government finances.

Small Business Effect: None.

Analysis

Bill Summary: The bill requires circuit court judges to be elected on a nonpartisan basis. Candidates for election as a circuit court judge must – without party designation or regard to party affiliation – file certificates of candidacy, be certified to be on the ballot, appear on the ballot, be voted on, and be elected. A candidate for circuit court judge does not appear on the ballot in a primary election and is not otherwise nominated by a political party or by petition. A candidate must file a certificate of candidacy by 5:00 p.m. on the first Monday in August in the year of the general election for the office.

In the general election for circuit court judge, a voter may vote for a number of candidates equal to the number of circuit court judges to be elected. The candidates, equal in number to the number of offices to be filled, who receive the largest number of votes in the general election, must be declared elected. If two or more candidates each receive the lowest

number of votes necessary to qualify for election, creating a tie for the last office to be filled, the office must be considered vacant and be filled as if the vacancy occurred during the term of office. The bill also establishes procedures and rules that apply if a candidate dies or is disqualified prior to the general election.

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 approximately \$2,500 in fiscal 2024 only, to make programming changes to the State Board of Elections’ agency election management system.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

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

Fiscal Note History: First Reader - February 15, 2022
km/hlb

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