



## **TESTIMONY TO THE HOUSE JUDICIARY COMMITTEE**

### **HB 447 - Judges – Selection, Election, Tenure and Continuance in Office**

#### **POSITION: Favorable With Amendment**

#### **BY: Lois Hybl and Richard Wilson, Co-Presidents**

#### **DATE: February 24, 2021**

Since 1964 the League of Women Voters has supported the appointment of judges by the Governor based on recommendations of judicial nominating commissions with voter confirmation in nonpartisan retention elections. In subsequent studies of the judiciary, this position was reaffirmed in 1967, 1970, and 2009.

The League opposes requiring sitting judges and new appointees to face self-selected candidates in elections. Sitting judges have been evaluated by a rigorous judicial nominating commission process. Challengers to circuit court judges do not face such vetting and voters have little information about their qualifications and judicial temperament.

The election of Circuit Court judges has become increasingly politicized with special interest groups backing candidates of their choice. State law does not allow sitting judges to make the same kind of public statements that politicians can make, creating an unlevel playing field and confusing voters. There is also the troubling influence of campaign financing for both the sitting judges and challengers, as money is required to run in a contested election.

This proposed constitutional amendment makes Circuit Court judges subject to the same election process that is used for the selection of Maryland's appellate judges, eliminating contested elections.

We note, however, that the bill also repeals a provision relating to appointment of District Court judges, which would result in their being nominated and elected in a partisan election process identical to that for Orphans' Court judges. The League opposes contested election of any judges so we are pleased that the sponsor has indicated that the bill will be amended to delete this provision.

Also, this bill does not require the use of a nominating commission, which the League supports and has been established by Executive Order by every Governor since 1970.

The membership of the commission should reflect the demographic diversity of the state or the judicial circuit district.

We urge that HB 447 be amended to delete the provision relating to the District Court judges and that it then receive a favorable report.