

Bill No.: _____
Requested: _____
Committee: _____

Drafted by: King
Typed by: David
Stored – 11/17/16
Proofread by _____
Checked by _____

By: **Delegate Flanagan**

A BILL ENTITLED

1 AN ACT concerning

2 **Howard County – Court Offices – Nonpartisan Election**

3 **Ho. Co. 14–17**

4 FOR the purpose of establishing a method of election for certain court offices in Howard
5 County on a nonpartisan basis, without regard to political party affiliation;
6 establishing a primary election for candidates for nomination for certain court offices
7 in Howard County to be administered in a certain manner; authorizing any
8 registered voter, with or without any political party affiliation, to participate in such
9 a primary; prohibiting candidates from appearing on primary ballots under certain
10 circumstances; establishing that candidates for certain court offices in Howard
11 County may not be nominated by petition or by a political party that is not required
12 to nominate its candidates by party primary; making a conforming change; and
13 generally relating to a nonpartisan nomination and election for court offices in
14 Howard County.

15 BY repealing and reenacting, with amendments,
16 Article – Election Law
17 Section 5–203, 5–703(a), 5–703.1(a), and 9–210(a)
18 Annotated Code of Maryland
19 (2010 Replacement Volume and 2016 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, without amendments,
2 Article – Election Law
3 Section 5–301(a)
4 Annotated Code of Maryland
5 (2010 Replacement Volume and 2016 Supplement)

6 BY adding to
7 Article – Election Law
8 Section 8–901 through 8–906 to be under the new subtitle “Subtitle 9. Howard
9 County – Nonpartisan Election for Court Offices”
10 Annotated Code of Maryland
11 (2010 Replacement Volume and 2016 Supplement)

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

14 **Article – Election Law**

15 5–203.

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

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

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

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

21 (i) an office of that political party; or

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

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

26 (1) a judicial office; [or]

- 1 (2) a county board of education; **OR**
- 2 (3) **IN HOWARD COUNTY, THE FOLLOWING COURT OFFICES:**
- 3 (I) **CLERK OF THE COURT;**
- 4 (II) **JUDGE OF THE ORPHANS' COURT;**
- 5 (III) **REGISTER OF WILLS;**
- 6 (IV) **SHERIFF; OR**
- 7 (V) **STATE'S ATTORNEY.**

8 5-301.

- 9 (a) An individual may become a candidate for a public or party office only if:
- 10 (1) the individual files a certificate of candidacy in accordance with this
- 11 subtitle; and
- 12 (2) the individual does not file a certificate of withdrawal under Subtitle 5
- 13 of this title.

14 5-703.

15 (a) **(1)** Except [for a candidate for a nonpartisan county board of education] **AS**

16 **PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION**, this section applies to any

17 candidate for public office subject to this title.

- 18 **(2) THIS SECTION DOES NOT APPLY TO A CANDIDATE FOR:**
- 19 (I) **A NONPARTISAN COUNTY BOARD OF EDUCATION; OR**
- 20 (II) **IN HOWARD COUNTY, A CANDIDATE FOR:**
- 21 1. **CLERK OF THE COURT;**

- 1 **2. JUDGE OF THE ORPHANS’ COURT;**
- 2 **3. REGISTER OF WILLS;**
- 3 **4. SHERIFF; OR**
- 4 **5. STATE’S ATTORNEY.**

5 5–703.1.

6 (a) **(1)** Except [for a candidate for a nonpartisan county board of education] **AS**
7 **PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION**, this section applies to any
8 candidate for public office subject to this title.

9 **(2) THIS SECTION DOES NOT APPLY TO A CANDIDATE FOR:**

10 **(I) A NONPARTISAN COUNTY BOARD OF EDUCATION; OR**

11 **(II) IN HOWARD COUNTY, A CANDIDATE FOR:**

- 12 **1. CLERK OF THE COURT;**
- 13 **2. JUDGE OF THE ORPHANS’ COURT;**
- 14 **3. REGISTER OF WILLS;**
- 15 **4. SHERIFF; OR**
- 16 **5. STATE’S ATTORNEY.**

17 **SUBTITLE 9. HOWARD COUNTY – NONPARTISAN ELECTION FOR COURT OFFICES.**

18 **8–901.**

19 **THIS SUBTITLE APPLIES TO THE FOLLOWING COURT OFFICES IN HOWARD**
20 **COUNTY:**

- 1 **(1) CLERK OF THE COURT;**
- 2 **(2) JUDGE OF THE ORPHANS' COURT;**
- 3 **(3) REGISTER OF WILLS;**
- 4 **(4) SHERIFF; OR**
- 5 **(5) STATE'S ATTORNEY.**

6 **8-902.**

7 **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, THE PROVISIONS OF**
8 **THIS ARTICLE RELATING TO THE NOMINATION AND ELECTION OF CANDIDATES TO**
9 **PUBLIC OFFICE SHALL GOVERN THE NOMINATION AND ELECTION FOR COURT**
10 **OFFICES IN HOWARD COUNTY SUBJECT TO THIS SUBTITLE.**

11 **8-903.**

12 **(A) (1) AN OFFICER UNDER THIS SUBTITLE SHALL BE ELECTED ON A**
13 **NONPARTISAN BASIS.**

14 **(2) IN A PRIMARY ELECTION TO NOMINATE A CANDIDATE FOR AN**
15 **OFFICE UNDER THIS SUBTITLE, ANY REGISTERED VOTER OF THE COUNTY,**
16 **REGARDLESS OF PARTY AFFILIATION OR LACK OF PARTY AFFILIATION, IS ELIGIBLE**
17 **TO VOTE IN THE CONTEST FOR NOMINATION FOR ONE CANDIDATE.**

18 **(B) A CANDIDATE FOR ELECTION TO AN OFFICE UNDER THIS SUBTITLE**
19 **SHALL, WITHOUT PARTY DESIGNATION OR REGARD TO PARTY AFFILIATION:**

- 20 **(1) FILE A CERTIFICATE OF CANDIDACY;**
- 21 **(2) BE CERTIFIED TO THE BALLOT;**
- 22 **(3) APPEAR ON THE BALLOT;**
- 23 **(4) BE VOTED ON; AND**

1 **(5) BE NOMINATED AND ELECTED.**

2 **8-904.**

3 **(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
4 **CANDIDATE FOR AN OFFICE UNDER THIS SUBTITLE SHALL BE NOMINATED AT THE**
5 **PRIMARY ELECTION.**

6 **(2) IF, AFTER THE DEADLINE FOR WITHDRAWAL AS PROVIDED IN §**
7 **5-503 OF THIS ARTICLE, THERE ARE NO MORE THAN TWO CANDIDATES WHO HAVE**
8 **FILED CERTIFICATES OF CANDIDACY FOR A CONTEST UNDER THIS SUBTITLE, A**
9 **CERTIFICATE OF NOMINATION SHALL BE ISSUED TO EACH CANDIDATE.**

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

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

16 **(C) (1) THE TWO CANDIDATES WHO RECEIVE THE LARGEST NUMBER OF**
17 **VOTES IN A CONTEST IN THE PRIMARY ELECTION SHALL BE THE NOMINATED**
18 **CANDIDATES.**

19 **(2) IF TWO OR MORE CANDIDATES IN A CONTEST EACH RECEIVE THE**
20 **LOWEST NUMBER OF VOTES NECESSARY TO QUALIFY FOR NOMINATION, CREATING**
21 **A TIE FOR THE LAST NOMINATION FOR THE OFFICE TO BE FILLED, EACH SHALL BE A**
22 **NOMINATED CANDIDATE.**

23 **8-905.**

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

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

6 **8-906.**

7 **(A) IN A GENERAL ELECTION FOR A CONTEST UNDER THIS SUBTITLE, A**
8 **VOTER MAY VOTE FOR ONE NOMINEE.**

9 **(B) (1) THE NOMINEE WHO RECEIVES THE LARGEST NUMBER OF VOTES**
10 **IN THE GENERAL ELECTION SHALL BE DECLARED ELECTED.**

11 **(2) (I) IF TWO OR MORE NOMINEES EACH RECEIVE THE NUMBER**
12 **OF VOTES NECESSARY TO QUALIFY FOR ELECTION, CREATING A TIE FOR THE OFFICE**
13 **TO BE FILLED, THE OFFICE SHALL BE CONSIDERED VACANT.**

14 **(II) A VACANCY OCCURRING UNDER SUBPARAGRAPH (I) OF THIS**
15 **PARAGRAPH SHALL BE FILLED:**

16 **1. AS IF THE VACANCY OCCURRED DURING THE TERM OF**
17 **OFFICE FOR WHICH THE ELECTION IS BEING HELD; AND**

18 **2. BY THE SELECTION OF ONE OF THE NOMINEES WHO**
19 **TIES IN THE GENERAL ELECTION.**

20 **9-210.**

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

23 **(1) public offices for which voters of the entire State may vote, in the**
24 **following order:**

25 **(i) President of the United States, or President and Vice President**
26 **of the United States;**

- 1 (ii) Governor and Lieutenant Governor;
- 2 (iii) Comptroller;
- 3 (iv) Attorney General; and
- 4 (v) United States Senator;
- 5 (2) Representative in Congress;
- 6 (3) members of the General Assembly of Maryland, in the following order:
 - 7 (i) Senate of Maryland; and
 - 8 (ii) House of Delegates;
- 9 (4) members of the governing body of a county, in the following order:
 - 10 (i) county executive; and
 - 11 (ii) county council or county commissioner;
- 12 (5) offices in the government of the City of Baltimore, in the following
13 order:
 - 14 (i) Mayor;
 - 15 (ii) President of the City Council;
 - 16 (iii) Comptroller; and
 - 17 (iv) member of the City Council;
- 18 (6) judicial offices, in the following order:
 - 19 (i) judge of the circuit court; and
 - 20 (ii) appellate judges, continuance in office, in the following order:

1 1. Court of Appeals; and

2 2. Court of Special Appeals;

3 (7) public offices for which the voters of a county may vote, in the following
4 order:

5 (i) county treasurer;

6 (ii) State’s Attorney;

7 (iii) clerk of the circuit court;

8 (iv) register of wills;

9 (v) judge of the orphans’ court;

10 (vi) sheriff; and

11 (vii) other offices filled by partisan election;

12 (8) party offices; and

13 (9) **OTHER** offices filled by nonpartisan election.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2017.