

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 151 (Senator Klausmeier)
Judicial Proceedings

Baltimore County - Elections for Judges of the Orphans' Court - Procedures

This bill authorizes a candidate for judge of the orphans' court in Baltimore County to file and appear on the primary election ballot of both principal political parties. The three candidates who receive the largest number of votes in the primary election of each principal political party then appear on the general election ballot with no political party affiliation.

Fiscal Summary

State Effect: The bill does not materially affect State finances.

Local Effect: The bill does not materially affect local government finances.

Small Business Effect: None.

Analysis

Current Law/Background: Under the Maryland Constitution, each county elects three judges to the orphans' court of their respective jurisdictions, with the exception of Montgomery and Harford counties, where a circuit court judge sits as the orphans' court. The orphans' courts are the State's probate courts. The courts supervise the handling of estates and also have certain jurisdiction over the guardianship of minors and their property. Elections for judge of the orphans' court occur during the gubernatorial elections.

For certain offices, including the offices of circuit court judge and appellate judge, State law requires that names be listed on the ballot without party affiliation. Orphans' court

judges, however, are not included under that requirement and are listed on a ballot with party affiliation.

The bill treats candidates for judge of the Orphans' Court of Baltimore County in a similar manner as candidates for circuit court judge, who 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.

Additional Information

Prior Introductions: None.

Cross File: HB 193 (Baltimore County Delegation) - Ways and Means.

Information Source(s): State Board of Elections, Judiciary (Administrative Office of the Courts), Orphans' Court of Baltimore County, Baltimore County, Department of Legislative Services

Fiscal Note History: First Reader - February 1, 2016
md/hlb

Analysis by: Scott D. Kennedy

Direct Inquiries to:
(410) 946-5510
(301) 970-5510