



TESTIMONY TO THE SENATE EDUCATION, ENERGY AND THE ENVIRONMENT COMMITTEE

SB 132 – State’s Attorney, Clerk of the Circuit Court, Register of Wills and Judge of the Orphans’ Court – Nonpartisan Elections

POSITION: Favorable, With Amendment

BY: Nancy Soreng, President

Date: February 16, 2023

The League of Women Voters of Maryland supports the elimination of partisan election of the Clerk of the Circuit Court, Register of Wills, Sheriff, and judges of the Orphans’ Court. We note that this bill would also make the election of the State’s Attorney non-partisan but the League has not adopted a position relating to that office. Although partisan advocacy is appropriate for policy-making positions such as the General Assembly and Governor, the “courthouse” offices covered by this bill should be administered in a nonpartisan manner. The Clerk of the Circuit Court and the Register of Wills, in particular, lack policy-making powers for which party considerations might be relevant. In addition, the current process effectively disenfranchises the 20% of voters who are not affiliated with a party.

We urge the committee to consider an amendment to the provision relating to the primary election as we believe it may confuse voters. Under the bill, all candidates would appear on the nonpartisan primary ballot and the candidates receiving the most votes, equal in number to those to be elected, will be nominated to the general election ballot. This will create a situation in which the general election ballot for most offices will instruct voters to “Vote for 1” where only one name will appear, meaning the voters will not really have a choice. This would make the general election meaningless.

The League believes the better method would be to parallel the practice used in a majority of counties for the election of nonpartisan Board of Education candidates with which voters are already familiar. All candidates would appear on the nonpartisan section of the primary election ballot if the number of candidates is more than twice the number of seats to be filled. The primary election would reduce the total number of candidates to appear on the general election to twice the number of offices to be filled. However, if the number of candidates were no more than twice the number to be elected, all candidates would automatically be placed on the general election ballot without the need for a primary election to narrow the choices for voters.

We urge a favorable report on SB 132 as amended.