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By: **Howard County Delegation**  
Introduced and read first time: March 1, 2004  
Assigned to: Rules and Executive Nominations  
Re-referred to: Ways and Means, March 8, 2004

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Committee Report: Favorable  
House action: Adopted  
Read second time: March 26, 2004

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CHAPTER 235

1 AN ACT concerning

2                                   **Howard County Board of Education - Election to Fill Vacancy**  
3                                   **Ho. Co. 12-04**

4 FOR the purpose of altering the procedure for filling vacancies on the Howard County  
5 Board of Education; authorizing the County Executive of Howard County to fill  
6 a vacancy for a limited period under certain circumstances; requiring vacancies  
7 that occur before a certain time to be filled at a general election; specifying how  
8 to determine which candidates are elected to which offices on the County Board  
9 under certain circumstances; establishing the term for the candidate receiving  
10 the vacated position; and generally relating to the filling of vacancies on the  
11 Howard County Board of Education.

12 BY repealing and reenacting, with amendments,  
13 Article - Education  
14 Section 3-701  
15 Annotated Code of Maryland  
16 (2001 Replacement Volume and 2003 Supplement)

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

19                                   **Article - Education**

20 3-701.

21 (a) The Howard County Board consists of five members.

1 (b) A candidate elected to the County Board shall be a resident and registered  
2 voter of Howard County. Any member who no longer resides in Howard County may  
3 not continue as a member of the Board.

4 (c) Members of the Howard County Board shall be elected:

5 (1) At the general election every 2 years as required by subsection (d) of  
6 this section; and

7 (2) From Howard County at large.

8 (d) (1) (i) The terms of the members are staggered as provided in this  
9 subsection.

10 (ii) Each term of office begins on the first Monday in December  
11 after the election of a member and until a successor is elected and qualifies.

12 (2) (i) The term of office of the member elected at the 2002 election is  
13 4 years.

14 (ii) The successor to this office shall serve for a term of 4 years.

15 (3) (i) Two members shall be elected at the 2004 election.

16 (ii) The successors to these offices elected at the 2008 election shall  
17 serve a term of 4 years.

18 (4) (i) Three members shall be elected at the 2006 election.

19 (ii) The successors to these offices elected at the 2010 election shall  
20 serve for a term of 4 years.

21 (5) As of the 2006 election, the term of each office is 4 years.

22 (6) [Subject] EXCEPT AS PROVIDED IN PARAGRAPH (7) OF THIS  
23 SUBSECTION AND SUBJECT to the confirmation of the County Council, the County  
24 Executive of Howard County shall appoint a qualified individual to fill any vacancy  
25 on the County Board for the remainder of that term and until a successor is appointed  
26 and qualifies.

27 (7) IF A VACANCY OCCURS BEFORE THE DATE THAT IS 1 YEAR  
28 FOLLOWING THE DATE OF THE MEMBER'S ELECTION, THE INDIVIDUAL APPOINTED  
29 UNDER PARAGRAPH (6) OF THIS SUBSECTION SHALL SERVE ONLY UNTIL A  
30 SUCCESSOR IS ELECTED BY THE VOTERS AT THE NEXT GENERAL ELECTION.

31 (8) CANDIDATES FOR THE VACATED OFFICE MAY BE NOMINATED AT A  
32 PRIMARY ELECTION IN THE SAME MANNER AS FOR ANY OTHER POSITION ON THE  
33 HOWARD COUNTY BOARD.

34 (9) WHEN MORE THAN TWO MEMBERS OF THE COUNTY BOARD ARE TO  
35 BE ELECTED AT AN ELECTION AND THE TERMS OF THE OFFICES TO BE FILLED AT

1 THE ELECTION VARY, THE ELECTED CANDIDATES RECEIVING THE GREATER  
2 NUMBER OF VOTES SHALL FILL THE OFFICES WITH THE LONGER TERMS.

3 (10) THE CANDIDATE RECEIVING THE VACATED POSITION SHALL TAKE  
4 OFFICE ON THE FIRST MONDAY IN DECEMBER AFTER THE ELECTION AND SHALL  
5 CONTINUE TO SERVE FOR THE REMAINDER OF THE VACATED TERM AND UNTIL A  
6 SUCCESSOR IS ELECTED AND QUALIFIES.

7 (11) EXCEPT AS PROVIDED IN THIS SUBSECTION, AN ELECTION TO FILL A  
8 VACANCY ON THE HOWARD COUNTY BOARD OF EDUCATION SHALL BE GOVERNED BY  
9 §§ 8-801 THROUGH 8-806 OF THE ELECTION LAW ARTICLE.

10 (e) (1) The State Board may remove a member of the County Board for:

- 11 (i) Immorality;
- 12 (ii) Misconduct in office;
- 13 (iii) Incompetency; or
- 14 (iv) Willful neglect of duty.

15 (2) Before removing a member, the State Board shall send the member a  
16 copy of the charges against the member and give the member an opportunity within  
17 10 days to request a hearing.

18 (3) If the member requests a hearing within the 10-day period:

- 19 (i) The State Board promptly shall hold a hearing, but a hearing  
20 may not be set within 10 days after the State Board sends the member a notice of the  
21 hearing; and
- 22 (ii) The member shall have an opportunity to be heard publicly  
23 before the State Board in the member's own defense, in person or by counsel.

24 (4) A member removed under this subsection has the right to a de novo  
25 review of the removal by the Circuit Court for Howard County.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2004.