

(PRE-FILED)

By: ~~Delegates Love, Leopold, Busch, and Dwyer~~ Anne Arundel County Delegation

Requested: September 20, 2005
Introduced and read first time: January 11, 2006
Assigned to: Ways and Means

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 22, 2006

CHAPTER _____

1 AN ACT concerning

2 **Anne Arundel County - Board of Education - Appointment Process**

3 FOR the purpose of requiring the Governor to appoint a member of the Anne Arundel
4 County Board of Education from a list of nominees submitted by the School
5 Board Nominating Commission of Anne Arundel County; requiring the
6 Commission to hold certain public hearings before recommending to the
7 Governor nominees for appointment to the County Board; providing for the
8 establishment, purpose, membership, terms of office, and chair of the
9 Commission; requiring the Commission to submit to the Governor a certain list
10 of nominees for each nomination to the County Board beginning on a certain
11 date; authorizing members of the County Board to serve the remainder of a
12 member's first term or a second consecutive term subject to the results of a
13 certain retention election at a certain time; specifying the process of
14 reappointment of members serving on the County Board as of a certain date;
15 specifying the terms of the initial members of the Commission; requiring the
16 County Board to provide written notice to the State Board of Elections of the
17 name of the member to be placed on a certain ballot at a certain time; providing
18 that an incumbent member of the County Board is not required to file a certain
19 certificate of candidacy for an election for continuance in office; making a
20 stylistic change; and generally relating to the appointment process for members
21 of the Anne Arundel County Board of Education.

22 BY repealing and reenacting, with amendments,
23 Article - Education
24 Section 3-108(a) and (c) and 3-110
25 Annotated Code of Maryland

1 (2004 Replacement Volume and 2005 Supplement)

2 BY adding to

3 Article - Election Law

4 Section 5-301(h)

5 Annotated Code of Maryland

6 (2003 Replacement Volume and 2005 Supplement)

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

9 **Article - Education**

10 3-108.

11 (a) Except for the Baltimore City Board of School Commissioners established
12 under § 3-108.1 of this subtitle, the New Prince George's County Board of Education
13 established under § 3-108.2 of this subtitle, [and] counties listed in § 3-114 of this
14 subtitle, AND SUBJECT TO THE PROVISIONS OF § 3-110 OF THIS SUBTITLE WITH
15 RESPECT TO THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION, the Governor
16 shall appoint the members of each county board from the residents of that county.

17 (c) (1) Each member serves for a term of 5 years beginning July 1 after
18 [his] THE MEMBER'S appointment and until a successor is appointed and qualifies.

19 (2) The Governor shall appoint a new member to fill any vacancy on an
20 appointed board for the remainder of that term and until a successor is appointed and
21 qualifies.

22 (3) Unless otherwise disqualified under this section, a member of a
23 board is eligible for reappointment. However, an individual may not serve for more
24 than 2 consecutive terms.

25 3-110.

26 (a) (1) The Anne Arundel County Board consists of 8 members who shall be
27 appointed as follows:

28 [(1)] (I) 3 from the county at large;

29 [(2)] (II) 1 each from Legislative Districts 30, 31, and 33;

30 [(3)] (III) 1 from either:

31 [(i)] 1. Legislative District 32; or

32 [(ii)] 2. That portion of Legislative District 21 that lies within
33 Anne Arundel County; and

34 [(4)] (IV) 1 student member.

1 (2) EXCEPT FOR THE STUDENT MEMBER, THE GOVERNOR SHALL
2 APPOINT A MEMBER OF THE COUNTY BOARD FROM A LIST OF NOMINEES SUBMITTED
3 BY THE SCHOOL BOARD NOMINATING COMMISSION OF ANNE ARUNDEL COUNTY AS
4 PROVIDED IN SUBSECTION (B) OF THIS SECTION.

5 (B) (1) (I) THERE IS A SCHOOL BOARD NOMINATING COMMISSION OF
6 ANNE ARUNDEL COUNTY.

7 (II) THE PURPOSE OF THE COMMISSION IS TO SELECT NOMINEES
8 TO BE RECOMMENDED TO THE GOVERNOR AS QUALIFIED CANDIDATES FOR
9 APPOINTMENT TO THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION.

10 (III) THE COMMISSION SHALL HOLD AT LEAST TWO PUBLIC
11 HEARINGS ON THE SELECTION OF NOMINEES BEFORE RECOMMENDING TO THE
12 GOVERNOR NOMINEES FOR APPOINTMENT TO THE COUNTY BOARD.

13 (2) (I) THE COMMISSION CONSISTS OF 15 MEMBERS WHO SHALL BE
14 APPOINTED IN ACCORDANCE WITH THIS PARAGRAPH.

15 (II) THE GOVERNOR SHALL APPOINT FIVE MEMBERS, ONE FROM
16 EACH LEGISLATIVE DISTRICT THAT LIES IN WHOLE OR IN PART IN ANNE ARUNDEL
17 COUNTY.

18 (III) THE COUNTY EXECUTIVE OF ANNE ARUNDEL COUNTY SHALL
19 APPOINT TWO MEMBERS FROM THE COUNTY AT LARGE.

20 (IV) THE ANNE ARUNDEL COUNTY COUNCIL SHALL APPOINT TWO
21 MEMBERS FROM THE COUNTY AT LARGE.

22 (V) THE FOLLOWING ORGANIZATIONS SHALL EACH APPOINT ONE
23 MEMBER:

24 1. THE TEACHERS ASSOCIATION OF ANNE ARUNDEL
25 COUNTY;

26 2. THE ANNAPOLIS AND ANNE ARUNDEL COUNTY CHAMBER
27 OF COMMERCE;

28 3. THE ANNE ARUNDEL COUNTY COUNCIL OF PARENT
29 TEACHER ASSOCIATIONS;

30 4. THE CITIZEN ADVISORY COMMITTEE;

31 5. THE ANNE ARUNDEL COUNTY COMMUNITY COLLEGE
32 BOARD OF TRUSTEES; AND

33 6. THE ASSOCIATION OF EDUCATIONAL LEADERS (AEL).

34 (3) (I) THE GOVERNOR SHALL DESIGNATE AS CHAIR OF THE
35 COMMISSION ONE OF THE FIVE MEMBERS APPOINTED BY THE GOVERNOR UNDER
36 SUBSECTION (B)(2)~~(I)~~(II) OF THIS SECTION.

1 (II) THE TERM OF THE CHAIR OF THE COMMISSION IS 4 YEARS.

2 (III) THE GOVERNOR MAY REAPPOINT THE CHAIR OF THE
3 COMMISSION FOR A SECOND TERM.

4 (IV) THE TERM OF A MEMBER OF THE COMMISSION IS 4 YEARS.

5 (4) BEGINNING JANUARY 1, 2007, FOR EACH NOMINATION TO THE
6 COUNTY BOARD, THE COMMISSION SHALL SUBMIT TO THE GOVERNOR A LIST OF
7 NOMINEES THAT CONTAINS:

8 (I) AT LEAST TWO NAMES FOR EACH VACANCY; OR

9 (II) IF THERE ARE FEWER THAN TWO APPLICANTS FOR A VACANCY,
10 THE NUMBER OF NAMES THAT IS EQUAL TO THE NUMBER OF APPLICANTS FOR THE
11 VACANCY.

12 (C) (1) FOLLOWING THE INITIAL APPOINTMENT OF A MEMBER OF THE
13 ANNE ARUNDEL COUNTY BOARD OF EDUCATION BY THE ~~COMMISSION GOVERNOR~~, A
14 MEMBER MAY CONTINUE TO SERVE FOR THE REMAINDER OF THE MEMBER'S FIRST
15 TERM SUBJECT TO THE APPROVAL OR REJECTION OF THE REGISTERED VOTERS OF
16 THE COUNTY AT THE NEXT GENERAL ELECTION.

17 (2) A MEMBER OF THE COUNTY BOARD MAY SERVE FOR A SECOND
18 CONSECUTIVE TERM SUBJECT TO THE APPROVAL OF OR REJECTION BY THE
19 REGISTERED VOTERS OF THE COUNTY AT THE NEXT GENERAL ELECTION.

20 (3) (I) THE APPROVAL OR REJECTION OF A MEMBER OF THE COUNTY
21 BOARD BY THE REGISTERED VOTERS OF THE COUNTY PROVIDED FOR IN
22 SUBPARAGRAPH (II) OF THIS PARAGRAPH SHALL BE A VOTE FOR THE MEMBER'S
23 RETENTION OR REMOVAL.

24 (II) ON RECEIPT OF THE NOTICE REQUIRED UNDER § 5-301(H) OF
25 THE ELECTION LAW ARTICLE, THE NAME OF THE MEMBER OF THE COUNTY BOARD
26 SHALL BE PLACED ON THE APPROPRIATE BALLOT AND SHOWN, WITHOUT
27 OPPOSITION, AND THE VOTERS SHALL VOTE FOR OR AGAINST THE MEMBER'S
28 RETENTION AS A MEMBER OF THE COUNTY BOARD.

29 (4) IF THE VOTERS REJECT THE RETENTION OF THE MEMBER, OR THE
30 VOTE IS TIED:

31 (I) THE POSITION SHALL BECOME VACANT 10 DAYS AFTER
32 CERTIFICATION OF THE ELECTION RETURNS; AND

33 (II) THE MEMBER SERVES UNTIL A SUCCESSOR IS APPOINTED AND
34 QUALIFIES.

35 [(b)] (D) (1) The student member shall:

1 (i) Be a regularly enrolled senior year student of good character
2 and in good standing in an Anne Arundel County public high school;

3 (ii) Be selected in the student's junior year by a method selected by
4 the Chesapeake Regional Association of Student Councils of Anne Arundel County;

5 (iii) 1. Serve a term of 1 year; and

6 2. Continue to serve after graduation and until a successor is
7 appointed and qualifies.

8 (2) If a vacancy in the position of the student member occurs during the
9 term of the student member, the Chesapeake Regional Association of Student
10 Councils shall:

11 (i) Conduct a special election at its next general meeting; and

12 (ii) By utilizing the same method that it used to select the previous
13 student member of the Board, select another student member to fill the vacancy.

14 [(c)] (E) A Board member who does not maintain the residency qualification
15 shall be replaced as a member.

16 [(d)] (F) If the boundary line of a legislative district changes, an incumbent
17 member of the County Board who, because of the change, no longer resides in the
18 legislative district from which the member was appointed may complete the term.

19

Article - Election Law

20 5-301.

21 (H) (1) ON OR BEFORE AUGUST 31 IN THE YEAR IN WHICH A MEMBER OF
22 THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION MUST STAND FOR
23 CONTINUANCE IN OFFICE, THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION
24 SHALL PROVIDE WRITTEN NOTICE TO THE STATE BOARD OF THE NAME OF THE
25 MEMBER THAT IS TO BE PLACED ON THE BALLOT AT THE NEXT SUCCEEDING
26 GENERAL ELECTION.

27 (2) AN INCUMBENT MEMBER OF THE ANNE ARUNDEL COUNTY BOARD
28 OF EDUCATION IS NOT REQUIRED TO FILE A CERTIFICATE OF CANDIDACY FOR AN
29 ELECTION FOR CONTINUANCE IN OFFICE.

30 SECTION 2. AND BE IT FURTHER ENACTED, That a member serving a first
31 term on the Anne Arundel County Board of Education ~~as of October 1, 2007~~ on or
32 before June 30, 2007:

33 (a) (1) shall be eligible to be included in the list of nominees submitted by
34 the School Board Nominating Commission of Anne Arundel County to the Governor to
35 serve a second term when the first term ends; and

1 (2) may be reappointed by the Governor to the Anne Arundel County
2 Board of Education subject to the approval or rejection of the registered voters of the
3 county at the next general election; and

4 (b) as provided in § 3-108(c)(3) of the Education Article, is not eligible to serve
5 another consecutive term following the second term by a reappointment.

6 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial
7 members of the School Board Nominating Commission of Anne Arundel County shall
8 expire January 18, 2008.

9 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 July 1, 2006.