

SENATE BILL 324

F3

71r0791
CF HB 1114

By: **Chair, Anne Arundel County Senators**

Introduced and read first time: January 31, 2007

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: March 20, 2007

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.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, with amendments,
2 Article – Education
3 Section 3–108(a) and (c) and 3–110
4 Annotated Code of Maryland
5 (2006 Replacement Volume)

6 BY adding to
7 Article – Election Law
8 Section 5–301(h)
9 Annotated Code of Maryland
10 (2003 Volume and 2006 Supplement)

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

13 **Article – Education**

14 3–108.

15 (a) Except for the Baltimore City Board of School Commissioners established
16 under § 3–108.1 of this subtitle [and], counties listed in § 3–114 of this subtitle, **AND**
17 **SUBJECT TO THE PROVISIONS OF § 3–110 OF THIS SUBTITLE WITH RESPECT TO**
18 **THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION**, the Governor shall appoint
19 the members of each county board from the residents of that county.

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

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

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

28 3–110.

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

1 [(1)] (I) [3] 2 from the county at large;

2 [(2)] (II) 1 each from Legislative Districts 30, 31, [and] 32, 33, AND
3 **THAT PORTION OF LEGISLATIVE DISTRICT 21 THAT LIES WITHIN ANNE**
4 **ARUNDEL COUNTY; AND**

5 [(3)] 1 from either:

6 (i) Legislative District 32; or

7 (ii) That portion of Legislative District 21 that lies within Anne
8 Arundel County; and

9 [(4)] (III) 1 student member.

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

14 (B) (1) (I) **THERE IS A SCHOOL BOARD NOMINATING COMMISSION**
15 **OF ANNE ARUNDEL COUNTY.**

16 (II) **THE PURPOSE OF THE COMMISSION IS TO SELECT**
17 **NOMINEES TO BE RECOMMENDED TO THE GOVERNOR AS QUALIFIED**
18 **CANDIDATES FOR APPOINTMENT TO THE ANNE ARUNDEL COUNTY BOARD OF**
19 **EDUCATION.**

20 (III) **THE COMMISSION SHALL HOLD AT LEAST TWO PUBLIC**
21 **HEARINGS ON THE SELECTION OF NOMINEES BEFORE RECOMMENDING TO THE**
22 **GOVERNOR NOMINEES FOR APPOINTMENT TO THE COUNTY BOARD.**

23 (2) (I) **THE COMMISSION CONSISTS OF 11 MEMBERS WHO**
24 **SHALL BE APPOINTED IN ACCORDANCE WITH THIS PARAGRAPH.**

25 (II) **THE GOVERNOR SHALL APPOINT FIVE MEMBERS, ONE**
26 **FROM EACH LEGISLATIVE DISTRICT THAT LIES IN WHOLE OR IN PART IN ANNE**
27 **ARUNDEL COUNTY.**

1 **(III) THE COUNTY EXECUTIVE OF ANNE ARUNDEL COUNTY**
2 **SHALL APPOINT ONE MEMBER FROM THE COUNTY AT LARGE.**

3 **(IV) THE FOLLOWING ORGANIZATIONS SHALL EACH**
4 **APPOINT ONE MEMBER:**

5 **1. THE TEACHERS ASSOCIATION OF ANNE**
6 **ARUNDEL COUNTY;**

7 **2. THE ANNAPOLIS AND ANNE ARUNDEL COUNTY**
8 **CHAMBER OF COMMERCE;**

9 **3. THE ANNE ARUNDEL COUNTY COUNCIL OF**
10 **PARENT TEACHER ASSOCIATIONS;**

11 **4. THE ANNE ARUNDEL COUNTY COMMUNITY**
12 **COLLEGE BOARD OF TRUSTEES; AND**

13 **5. THE ASSOCIATION OF EDUCATIONAL LEADERS**
14 **(AEL).**

15 **(3) (I) THE GOVERNOR SHALL DESIGNATE AS CHAIR OF THE**
16 **COMMISSION ONE OF THE FIVE MEMBERS APPOINTED BY THE GOVERNOR**
17 **UNDER SUBSECTION (B)(2)(II) OF THIS SECTION.**

18 **(II) THE TERM OF THE CHAIR OF THE COMMISSION IS 4**
19 **YEARS.**

20 **(III) THE GOVERNOR MAY REAPPOINT THE CHAIR OF THE**
21 **COMMISSION FOR A SECOND TERM.**

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

24 **(4) BEGINNING JANUARY 1, 2008, FOR EACH NOMINATION TO**
25 **THE COUNTY BOARD, THE COMMISSION SHALL SUBMIT TO THE GOVERNOR A**
26 **LIST OF NOMINEES THAT CONTAINS:**

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

1 **(II) IF THERE ARE FEWER THAN TWO APPLICANTS FOR A**
2 **VACANCY, THE NUMBER OF NAMES THAT IS EQUAL TO THE NUMBER OF**
3 **APPLICANTS FOR THE VACANCY.**

4 **(C) (1) FOLLOWING THE INITIAL APPOINTMENT OF A MEMBER OF**
5 **THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION BY THE GOVERNOR, A**
6 **MEMBER MAY CONTINUE TO SERVE FOR THE REMAINDER OF THE MEMBER'S**
7 **FIRST TERM SUBJECT TO THE APPROVAL OR REJECTION OF THE REGISTERED**
8 **VOTERS OF THE COUNTY AT THE NEXT GENERAL ELECTION.**

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

12 **(3) (I) THE APPROVAL OR REJECTION OF A MEMBER OF THE**
13 **COUNTY BOARD BY THE REGISTERED VOTERS OF THE COUNTY PROVIDED FOR**
14 **IN SUBPARAGRAPH (II) OF THIS PARAGRAPH SHALL BE A VOTE FOR THE**
15 **MEMBER'S RETENTION OR REMOVAL.**

16 **(II) ON RECEIPT OF THE NOTICE REQUIRED UNDER §**
17 **5-301(H) OF THE ELECTION LAW ARTICLE, THE NAME OF THE MEMBER OF THE**
18 **COUNTY BOARD SHALL BE PLACED ON THE APPROPRIATE BALLOT AND SHOWN,**
19 **WITHOUT OPPOSITION, AND THE VOTERS SHALL VOTE FOR OR AGAINST THE**
20 **MEMBER'S RETENTION AS A MEMBER OF THE COUNTY BOARD.**

21 **(4) IF THE VOTERS REJECT THE RETENTION OF THE MEMBER, OR**
22 **THE VOTE IS TIED:**

23 **(I) THE POSITION SHALL BECOME VACANT 10 DAYS AFTER**
24 **CERTIFICATION OF THE ELECTION RETURNS; AND**

25 **(II) THE MEMBER SERVES UNTIL A SUCCESSOR IS**
26 **APPOINTED AND QUALIFIES.**

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

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

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

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

4 2. Continue to serve after graduation and until a
5 successor is appointed and qualifies.

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

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

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

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

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

18 Article - Election Law

19 5-301.

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

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

29 SECTION 2. AND BE IT FURTHER ENACTED, That a member serving a first
30 term on the Anne Arundel County Board of Education on or before June 30, 2008:

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

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

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

9 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial
10 members of the School Board Nominating Commission of Anne Arundel County shall
11 expire January 18, 2009.

12 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 July 1, 2007.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.