

# SENATE BILL 964

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By: **Senators Colburn and Pipkin**

Introduced and read first time: February 23, 2009

Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **Caroline County Board of Education – Election of Members – Referendum**

3 FOR the purpose of requiring that the members of the Caroline County Board of  
4 Education be elected; establishing a procedure for the election of members of the  
5 county board; specifying that the members be elected by certain districts;  
6 specifying member qualifications; establishing a certain term of office for the  
7 members; specifying the initial terms of the members and staggering their  
8 terms; providing a procedure for filling a vacancy on the county board; requiring  
9 the county board to conduct certain interviews and publish certain notices when  
10 filling a vacancy; providing for the removal of members under certain  
11 circumstances; providing for the election of the president and vice president of  
12 the county board; providing for the compensation and expenses of the members  
13 of the county board; requiring the county board to meet at certain intervals;  
14 providing that the terms of certain appointed members of the county board shall  
15 expire on a certain date; making a stylistic change; submitting this Act to a  
16 referendum of the legally qualified voters of Caroline County; and generally  
17 relating to the Caroline County Board of Education and the election of its  
18 members.

19 BY repealing and reenacting, with amendments,

20 Article – Education

21 Section 3–114(a)

22 Annotated Code of Maryland

23 (2008 Replacement Volume)

24 BY adding to

25 Article – Education

26 Section 3–3A–01 through 3–3A–06 to be under the new subtitle “Subtitle 3A.  
27 Caroline County”

28 Annotated Code of Maryland

29 (2008 Replacement Volume)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article - Education**

4 3-114.

5 (a) In the following counties, the members of the county board shall be  
6 elected:

7 (1) Allegany;

8 (2) Calvert;

9 **(3) CAROLINE;**

10 ~~[(3)]~~ (4) Carroll;

11 ~~[(4)]~~ (5) Cecil;

12 ~~[(5)]~~ (6) Charles;

13 ~~[(6)]~~ (7) Dorchester;

14 ~~[(7)]~~ (8) Frederick;

15 ~~[(8)]~~ (9) Garrett;

16 ~~[(9)]~~ (10) Howard;

17 ~~[(10)]~~ (11) Kent;

18 [(11) Prince George's;

19 (12) Montgomery;]

20 **(12) MONTGOMERY;**

21 **(13) PRINCE GEORGE'S;**

22 ~~[(13)]~~ (14) Queen Anne's;

23 ~~[(14)]~~ (15) St. Mary's;

24 ~~[(15)]~~ (16) Somerset;

1 [(16)] (17) Talbot;  
2 [(17)] (18) Washington; and  
3 [(18)] (19) Worcester.

4 **SUBTITLE 3A. CAROLINE COUNTY.**

5 **3-3A-01.**

6 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
7 INDICATED.

8 (B) "BOARD OF EDUCATION DISTRICT" OR "DISTRICT" MEANS A  
9 GEOGRAPHIC AREA OF CAROLINE COUNTY IN WHICH AN ELECTED MEMBER OF  
10 THE CAROLINE COUNTY BOARD OF EDUCATION MUST BE A LEGAL RESIDENT.

11 (C) "ELECTED MEMBER" MEANS ONE OF THE FIVE NONPARTISAN  
12 VOTING MEMBERS OF THE CAROLINE COUNTY BOARD OF EDUCATION.

13 **3-3A-02.**

14 (A) THE CAROLINE COUNTY BOARD OF EDUCATION CONSISTS OF FIVE  
15 ELECTED MEMBERS.

16 (B) (1) ONE ELECTED MEMBER SHALL BE ELECTED FROM EACH OF  
17 THE FIVE BOARD OF EDUCATION DISTRICTS ESTABLISHED IN CAROLINE  
18 COUNTY.

19 (2) AN ELECTED MEMBER SHALL BE:

20 (I) A RESIDENT OF THE DISTRICT FROM WHICH THE  
21 MEMBER IS ELECTED; AND

22 (II) ELECTED ONLY BY THE VOTERS OF THAT DISTRICT.

23 (C) (1) THE BOARD OF EDUCATION DISTRICTS SHALL:

24 (I) BE ESTABLISHED BY THE COUNTY COMMISSIONERS OF  
25 CAROLINE COUNTY; AND

1                   **(II) BE SUBSTANTIALLY EQUAL IN POPULATION AND**  
2 **REAPPORTIONED ON THE BASIS OF EACH DECENNIAL CENSUS OF THE UNITED**  
3 **STATES.**

4                   **(2) REAPPORTIONED DISTRICTS SHALL BECOME EFFECTIVE FOR**  
5 **THE TERM OF OFFICE COMMENCING AFTER THE FIRST REGULAR PRIMARY**  
6 **ELECTION HELD AT LEAST 15 MONTHS AFTER THE OFFICIAL REPORT ON**  
7 **POPULATION IS RECEIVED BY THE STATE FROM THE BUREAU OF THE CENSUS.**

8                   **(D) (1) AS APPLICABLE FOR THAT BOARD OF EDUCATION DISTRICT,**  
9 **AT THE GENERAL ELECTION THE BALLOT SHALL PROVIDE THE VOTER WITH THE**  
10 **CHOICE TO CAST A VOTE "FOR" A CANDIDATE FOR ELECTION FROM THAT**  
11 **DISTRICT.**

12                   **(2) AFTER THE ELECTION RESULTS ARE CERTIFIED, THE STATE**  
13 **BOARD OF ELECTIONS SHALL DECLARE FOR EACH DISTRICT WHETHER A**  
14 **CANDIDATE HAS BEEN ELECTED.**

15                   **(E) (1) AN INDIVIDUAL ELECTED TO THE COUNTY BOARD SHALL BE**  
16 **AT LEAST 21 YEARS OLD AND A REGISTERED VOTER AND RESIDENT OF**  
17 **CAROLINE COUNTY FOR AT LEAST 3 YEARS.**

18                   **(2) A MEMBER MAY NOT CONTINUE AS A MEMBER OF THE COUNTY**  
19 **BOARD IF THE MEMBER:**

20                   **(I) NO LONGER RESIDES IN THE BOARD OF EDUCATION**  
21 **DISTRICT THAT THE MEMBER IS DESIGNATED TO REPRESENT; OR**

22                   **(II) IS NOT A REGISTERED VOTER OF CAROLINE COUNTY.**

23                   **(3) AN INDIVIDUAL EMPLOYED BY, OR UNDER THE DIRECTION OF,**  
24 **THE COUNTY BOARD OR THE CAROLINE COUNTY SUPERINTENDENT OF**  
25 **SCHOOLS IS NOT ELIGIBLE TO SERVE ON THE COUNTY BOARD.**

26                   **(F) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, EACH**  
27 **ELECTED MEMBER SERVES FOR A TERM OF 4 YEARS BEGINNING ON THE FIRST**  
28 **MONDAY IN DECEMBER AFTER THE MEMBER'S ELECTION AND UNTIL A**  
29 **SUCCESSOR IS ELECTED AND QUALIFIES.**

30                   **(2) THE INITIAL TERMS OF THE ELECTED MEMBERS ARE**  
31 **STAGGERED AS FOLLOWS:**

32                   **(I) THE THREE MEMBERS ELECTED TO THE COUNTY BOARD**  
33 **AT THE GENERAL ELECTION IN NOVEMBER 2012 WHO RECEIVE THE HIGHEST**

1 NUMBER OF VOTES CAST FROM AMONG THE SUCCESSFUL CANDIDATES AT THAT  
2 ELECTION SHALL SERVE FOR A TERM OF 4 YEARS; AND

3 (II) THE TWO MEMBERS ELECTED TO THE COUNTY BOARD  
4 AT THE GENERAL ELECTION IN NOVEMBER 2012 WHO RECEIVE THE LEAST  
5 NUMBER OF VOTES CAST FROM AMONG THE SUCCESSFUL CANDIDATES AT THAT  
6 ELECTION SHALL SERVE FOR A TERM OF 2 YEARS.

7 (G) (1) IN THE EVENT OF A VACANCY ON THE COUNTY BOARD DUE TO  
8 DEATH, RESIGNATION, DISQUALIFICATION, OR REMOVAL, THE REMAINING  
9 ELECTED MEMBERS SHALL SELECT A QUALIFIED INDIVIDUAL TO FILL THE  
10 VACANCY FOR THE REMAINDER OF THE TERM OF THE VACATING MEMBER AND  
11 UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.

12 (2) AN INDIVIDUAL APPOINTED TO FILL A VACANCY FOR AN  
13 ELECTED MEMBER SHALL BE A RESIDENT OF THE SAME BOARD OF EDUCATION  
14 DISTRICT AS THAT OF THE VACATING MEMBER.

15 (3) BEFORE FILLING A VACANCY FOR AN ELECTED MEMBER, THE  
16 REMAINING ELECTED MEMBERS OF THE COUNTY BOARD SHALL CONDUCT AN  
17 INTERVIEW OF EACH APPLICANT AT AN OPEN MEETING.

18 (4) (I) THE COUNTY BOARD SHALL PUBLISH A LIST OF THE  
19 NAMES OF THE APPLICANTS FOR A VACANCY ON THE COUNTY BOARD AT LEAST 2  
20 WEEKS BEFORE THE INTERVIEW OF THE FIRST APPLICANT IS SCHEDULED TO  
21 OCCUR.

22 (II) THE COUNTY BOARD SHALL CAUSE PUBLIC NOTICE OF  
23 THE DATE, TIME, AND LOCATION OF THE INTERVIEW FOR EACH APPLICANT TO  
24 BE PUBLISHED:

25 1. AT LEAST 2 WEEKS BEFORE THE INTERVIEW IS  
26 SCHEDULED TO OCCUR; AND

27 2. IN THE SAME MANNER AS PUBLIC NOTICE OF A  
28 REGULAR MEETING OF THE COUNTY BOARD IS PUBLISHED.

29 (5) THE COUNTY BOARD IS NOT REQUIRED TO CONDUCT  
30 DISCUSSIONS OF THE APPLICANTS OR MAKE THE FINAL SELECTION OF THE  
31 ELECTED MEMBER TO FILL THE VACANCY AT AN OPEN MEETING.

32 3-3A-03.

1           **(A) WITH THE APPROVAL OF THE GOVERNOR, THE STATE BOARD MAY**  
2 **REMOVE ANY MEMBER OF THE COUNTY BOARD FOR ANY OF THE FOLLOWING**  
3 **REASONS:**

- 4                   **(1) IMMORALITY;**  
5                   **(2) MISCONDUCT IN OFFICE;**  
6                   **(3) INCOMPETENCY; OR**  
7                   **(4) WILLFUL NEGLECT OF DUTY.**

8           **(B) BEFORE REMOVING A MEMBER, THE STATE BOARD SHALL SEND**  
9 **THE MEMBER A COPY OF THE CHARGES AGAINST THE MEMBER AND GIVE THE**  
10 **MEMBER AN OPPORTUNITY WITHIN 10 DAYS TO REQUEST A HEARING.**

11           **(C) IF THE MEMBER REQUESTS A HEARING WITHIN THE 10-DAY**  
12 **PERIOD:**

13                   **(1) (I) THE STATE BOARD PROMPTLY SHALL HOLD A**  
14 **HEARING; BUT**

15                               **(II) A HEARING MAY NOT BE SET WITHIN 10 DAYS AFTER**  
16 **THE STATE BOARD SENDS THE MEMBER A NOTICE OF THE HEARING; AND**

17                   **(2) THE MEMBER SHALL HAVE AN OPPORTUNITY TO BE HEARD**  
18 **PUBLICLY BEFORE THE STATE BOARD IN THE MEMBER'S OWN DEFENSE, IN**  
19 **PERSON OR BY COUNSEL.**

20           **(D) A MEMBER REMOVED UNDER THIS SECTION HAS THE RIGHT TO A DE**  
21 **NOVO REVIEW OF THE REMOVAL BY THE CIRCUIT COURT FOR CAROLINE**  
22 **COUNTY.**

23 **3-3A-04.**

24           **(A) AT ITS FIRST MEETING IN DECEMBER OF EACH YEAR, THE ELECTED**  
25 **MEMBERS OF THE COUNTY BOARD SHALL ELECT A PRESIDENT AND VICE**  
26 **PRESIDENT FROM AMONG ITS MEMBERS.**

27           **(B) IN THE EVENT OF A VACANCY IN THE OFFICE OF PRESIDENT OR**  
28 **VICE PRESIDENT OF THE COUNTY BOARD, THE ELECTED MEMBERS OF THE**  
29 **COUNTY BOARD SHALL ELECT A NEW OFFICER TO FILL THE VACANCY WITHIN 30**  
30 **DAYS AFTER THE VACANCY OCCURS.**

1 **3-3A-05.**

2 (A) THE PRESIDENT OF THE COUNTY BOARD IS ENTITLED TO RECEIVE  
3 \$4,000 ANNUALLY AS COMPENSATION, AND THE OTHER VOTING MEMBERS ARE  
4 ENTITLED TO RECEIVE \$3,500 EACH ANNUALLY AS COMPENSATION.

5 (B) AS PROVIDED IN THE CAROLINE COUNTY BUDGET, EACH ELECTED  
6 MEMBER IS ENTITLED TO AN ALLOWANCE FOR TRAVEL AND OTHER EXPENSES.

7 (C) AN ELECTED MEMBER IS NOT ELIGIBLE FOR ANY FRINGE BENEFIT  
8 PROVIDED BY THE CAROLINE COUNTY PUBLIC SCHOOL SYSTEM, THE  
9 CAROLINE COUNTY BOARD OF EDUCATION, OR THE COUNTY COMMISSIONERS  
10 OF CAROLINE COUNTY, INCLUDING:

11 (1) HEALTH INSURANCE;

12 (2) LIFE INSURANCE; AND

13 (3) A PENSION.

14 **3-3A-06.**

15 (A) THE COUNTY BOARD SHALL MEET AT LEAST ONCE EACH MONTH.

16 (B) (1) EACH MEETING OF THE COUNTY BOARD SHALL BE  
17 CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF THE MARYLAND OPEN  
18 MEETINGS ACT, TITLE 10, SUBTITLE 5 OF THE STATE GOVERNMENT ARTICLE.

19 (2) THE COUNTY BOARD MAY AVAIL ITSELF OF ANY EXCLUSION  
20 AUTHORIZED UNDER THE MARYLAND OPEN MEETINGS ACT.

21 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding the  
22 provisions of this Act, the terms of the appointed members of the Caroline County  
23 Board of Education in office on the effective date of this Act shall expire at the end of  
24 December 2, 2012.

25 SECTION 3. AND BE IT FURTHER ENACTED, That before this Act becomes  
26 effective it shall first be submitted to a referendum of the legally qualified voters of  
27 Caroline County at the general election to be held in November of 2010. The County  
28 governing body and the Caroline County Board of Elections shall do those things  
29 necessary and proper to provide for and hold the referendum required by this section.  
30 There shall be printed on the ballot to be used at this election the title of this Act and  
31 underneath the title, on separate lines, a square or box opposite the words "For a  
32 Board of Education Elected by the Voters of Caroline County" and a corresponding  
33 square box opposite the words "For a Board of Education Appointed by the Governor".

1 A voter may choose only one of the methods of selection. If a majority of the votes cast  
2 on the question are “For a Board of Education Elected by the Voters of Caroline  
3 County”, the provisions of this Act shall become effective on the 30th day following the  
4 official canvass of votes for the referendum.

5 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the provisions  
6 of Section 3 of this Act and for the sole purpose of providing for the referendum  
7 required by Section 3 of this Act, this Act shall take effect October 1, 2009.