

# HOUSE BILL 703

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3lr2441

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By: **Delegates Schuh and McConkey**

Introduced and read first time: February 4, 2013

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County – Board of Education – Selection of Members**

3 FOR the purpose of requiring that certain members of the Anne Arundel County  
4 Board of Education be elected at certain elections; requiring that certain  
5 members of the county board be appointed; providing for the residency, the  
6 terms of office, and the filling of a vacancy of certain members of the county  
7 board; authorizing the Anne Arundel County Board of Elections to adopt certain  
8 regulations; providing that a certain member elected to the county board from a  
9 certain geographic area but whose district boundaries subsequently are altered  
10 may remain as a member of the county board for a certain period of time;  
11 providing for the termination of the terms of certain appointed members of the  
12 county board; making certain conforming changes; and generally relating to the  
13 Anne Arundel County Board of Education.

14 BY repealing and reenacting, with amendments,  
15 Article – Education  
16 Section 3–108(a), 3–110, and 3–114  
17 Annotated Code of Maryland  
18 (2008 Replacement Volume and 2012 Supplement)

19 BY adding to  
20 Article – Education  
21 Section 3–2A–01 to be under the new subtitle “Subtitle 2A. Anne Arundel  
22 County”  
23 Annotated Code of Maryland  
24 (2008 Replacement Volume and 2012 Supplement)

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

27 **Article – Education**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 3–108.

2 (a) (1) Except as provided in paragraph (2) of this subsection, the  
3 Governor shall appoint the members of each county board from the residents of that  
4 county.

5 (2) The members of the following county boards of education shall be  
6 selected as follows:

7 (i) The Baltimore City Board of School Commissioners in  
8 accordance with § 3–108.1 of this subtitle;

9 (ii) The Harford County Board of Education in accordance with  
10 § 3–6A–01 of this title;

11 (iii) The Caroline County Board of Education in accordance with  
12 § 3–3A–02 of this title;

13 (iv) The Anne Arundel County Board of Education in accordance  
14 with § 3–110 of this subtitle **AND § 3–2A–01 OF THIS TITLE**; and

15 (v) The county boards of education in the counties listed in §  
16 3–114 of this subtitle in accordance with the provisions of that section.

17 3–110.

18 (a) (1) **[The] UNTIL THE ELECTION OF MEMBERS OF THE COUNTY**  
19 **BOARD AT THE PRIMARY AND GENERAL ELECTIONS OF 2016 AND THE**  
20 **COMMENCEMENT OF THEIR TERMS ON DECEMBER 1, 2016, AND SUBJECT TO §**  
21 **3–2A–01 OF THIS TITLE, THE** Anne Arundel County Board consists of 9 members  
22 who shall be appointed as follows:

23 (i) **[3] THREE** from the county at large, **APPOINTED BY THE**  
24 **GOVERNOR**;

25 (ii) **[1] ONE** each from legislative districts 30, 31, 32, 33, and  
26 that portion of legislative district 21 that lies within Anne Arundel County; and

27 (iii) **[1] ONE** student member, **SELECTED IN ACCORDANCE**  
28 **WITH SUBSECTION (F) OF THIS SECTION.**

29 **(2) AFTER THE PRIMARY AND GENERAL ELECTIONS OF 2014 AND**  
30 **THE COMMENCEMENT OF THE TERMS OF THE MEMBERS ELECTED FOLLOWING**  
31 **THOSE ELECTIONS, AND UNTIL THE ELECTION OF MEMBERS OF THE COUNTY**  
32 **BOARD AT THE PRIMARY AND GENERAL ELECTIONS OF 2018 AND THE**

1 COMMENCEMENT OF THEIR TERMS ON DECEMBER 3, 2018, AND SUBJECT TO §  
2 3-2A-01 OF THIS TITLE, THE COUNTY BOARD SHALL CONSIST OF:

3 (I) TWO ELECTED MEMBERS, ONE FROM LEGISLATIVE  
4 DISTRICT 32 AND ONE FROM THAT PORTION OF LEGISLATIVE DISTRICT 21 THAT  
5 LIES WITHIN ANNE ARUNDEL COUNTY, ELECTED BY THE VOTERS OF THE  
6 APPLICABLE LEGISLATIVE DISTRICT;

7 (II) THREE APPOINTED MEMBERS, ONE EACH FROM  
8 LEGISLATIVE DISTRICTS 30, 31, AND 33, APPOINTED BY THE GOVERNOR;

9 (III) THREE APPOINTED MEMBERS FROM THE COUNTY AT  
10 LARGE, APPOINTED BY THE GOVERNOR; AND

11 (IV) ONE STUDENT MEMBER, SELECTED IN ACCORDANCE  
12 WITH SUBSECTION (F) OF THIS SECTION.

13 (3) AFTER THE PRIMARY AND GENERAL ELECTIONS OF 2018 AND  
14 THE COMMENCEMENT OF THE TERMS OF THE MEMBERS ELECTED FOLLOWING  
15 THOSE ELECTIONS, AND SUBJECT TO § 3-2A-01 OF THIS TITLE, THE COUNTY  
16 BOARD SHALL CONSIST OF:

17 (I) FIVE ELECTED MEMBERS, ONE EACH FROM  
18 LEGISLATIVE DISTRICTS 30, 31, 32, 33, AND THAT PORTION OF LEGISLATIVE  
19 DISTRICT 21 THAT LIES WITHIN ANNE ARUNDEL COUNTY;

20 (II) THREE APPOINTED MEMBERS FROM THE COUNTY AT  
21 LARGE, APPOINTED BY THE GOVERNOR; AND

22 (III) ONE STUDENT MEMBER, SELECTED IN ACCORDANCE  
23 WITH SUBSECTION (F) OF THIS SECTION.

24 [(2)] (4) (I) [Except for the student member, the] THE Governor  
25 shall appoint [a member] THE APPOINTED MEMBERS of the county board from a list  
26 of nominees submitted by the School Board Nominating Commission of Anne Arundel  
27 County as provided in subsection (b) of this section.

28 (II) AN ELECTED MEMBER OF THE COUNTY BOARD SHALL  
29 BE A RESIDENT OF THE COUNTY.

30 (b) (1) (i) There is a School Board Nominating Commission of Anne  
31 Arundel County.

1                   (ii)    The purpose of the Commission is to select nominees to be  
2 recommended to the Governor as qualified candidates for appointment to the Anne  
3 Arundel County Board of Education.

4                   (iii)   The Commission shall hold at least two public hearings on  
5 the selection of nominees before recommending to the Governor nominees for  
6 appointment to the county board.

7                   (2)    (i)    The Commission consists of 11 members who shall be  
8 appointed in accordance with this paragraph.

9                   (ii)    The Governor shall appoint five members, one from each  
10 legislative district that lies in whole or in part in Anne Arundel County.

11                   (iii)   The County Executive of Anne Arundel County shall appoint  
12 one member from the county at large.

13                   (iv)    The following organizations shall each appoint one member:

- 14                               1.    The Teachers Association of Anne Arundel County;
- 15                               2.    The Annapolis and Anne Arundel County Chamber of  
16 Commerce;
- 17                               3.    The Anne Arundel County Council of Parent Teacher  
18 Associations;
- 19                               4.    The Anne Arundel County Community College Board  
20 of Trustees; and
- 21                               5.    The Association of Educational Leaders (AEL).

22                   (3)    (i)    The Governor shall designate as chair of the Commission  
23 one of the five members appointed by the Governor under subsection (b)(2)(ii) of this  
24 section.

25                   (ii)    The term of the chair of the Commission is 4 years.

26                   (iii)   The Governor may reappoint the chair of the Commission for  
27 a second term.

28                   (iv)    The term of a member of the Commission is 4 years.

29                   (4)    The Department of Legislative Services shall provide staff for the  
30 Commission.

1           (5) [Beginning January 1, 2008, for] **FOR** each nomination to the  
2 county board, the Commission shall submit to the Governor a list of nominees that  
3 contains:

4                   (i) At least two names for each vacancy; or

5                   (ii) If there are fewer than two applicants for a vacancy, the  
6 number of names that is equal to the number of applicants for the vacancy.

7           (c) (1) **AN APPOINTED MEMBER WHO IS APPOINTED AFTER JULY 1,**  
8 **2013, SERVES FOR A TERM OF 4 YEARS BEGINNING JULY 1 AFTER THE MEMBER**  
9 **IS APPOINTED AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

10           (2) Following the appointment of [a] **AN APPOINTED** member of the  
11 Anne Arundel County Board of Education by the Governor, [a] **AN APPOINTED**  
12 member may serve for the remainder of the **APPOINTED** member's term, [as provided  
13 in § 3-108(c) of this subtitle,] subject to the approval or rejection of the registered  
14 voters of the county at the next general election.

15           [(2)] (3) [A] **AN APPOINTED** member of the county board is eligible  
16 for nomination and reappointment for a second consecutive term in accordance with  
17 the provisions of subsections (a), [and] (b), **AND (E)** of this section.

18           [(3)] (4) (i) The approval or rejection of [a] **AN APPOINTED**  
19 member of the county board by the registered voters of the county provided for in  
20 subparagraph (ii) of this paragraph shall be a vote for the **APPOINTED** member's  
21 retention or removal.

22                   (ii) On receipt of the notice required under § 5-301(h) of the  
23 Election Law Article, the name of the **APPOINTED** member of the county board shall  
24 be placed on the appropriate ballot and shown, without opposition, and the voters  
25 shall vote for or against the **APPOINTED** member's retention as a member of the  
26 county board.

27           [(4)] (5) If the voters reject the retention of the **APPOINTED** member,  
28 or the vote is tied:

29                   (i) The position shall become vacant 10 days after certification  
30 of the election returns; and

31                   (ii) The **APPOINTED** member serves until a successor is  
32 appointed and qualifies.

33           (6) **THE GOVERNOR SHALL APPOINT A QUALIFIED INDIVIDUAL TO**  
34 **FILL ANY VACANCY OF AN APPOINTED MEMBER ON THE COUNTY BOARD FOR**

1 THE REMAINDER OF THAT TERM AND UNTIL A SUCCESSOR IS APPOINTED AND  
2 QUALIFIES.

3 (D) (1) (I) AN ELECTED MEMBER SERVES FOR A TERM OF 4 YEARS  
4 BEGINNING ON THE FIRST MONDAY IN DECEMBER AFTER THE MEMBER IS  
5 ELECTED AND UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.

6 (II) UNLESS OTHERWISE DISQUALIFIED UNDER THIS  
7 SECTION, AN ELECTED MEMBER OF THE COUNTY BOARD IS ELIGIBLE FOR  
8 REELECTION.

9 (III) THE ANNE ARUNDEL COUNTY BOARD OF ELECTIONS  
10 MAY ADOPT REGULATIONS TO IMPLEMENT THIS PARAGRAPH.

11 (2) THE GOVERNOR SHALL APPOINT A QUALIFIED INDIVIDUAL TO  
12 FILL ANY VACANCY OF AN ELECTED MEMBER ON THE COUNTY BOARD FOR THE  
13 REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS ELECTED AND  
14 QUALIFIES.

15 [(d)] (E) (1) AN APPOINTED OR ELECTED MEMBER MAY NOT SERVE  
16 FOR MORE THAN TWO CONSECUTIVE TERMS AS A MEMBER OF THE COUNTY  
17 BOARD.

18 (2) THE TERM OF AN APPOINTED OR ELECTED MEMBER WHO  
19 DOES NOT SERVE A FULL TERM DOES NOT COUNT TOWARD THE TWO  
20 CONSECUTIVE TERM LIMIT.

21 (F) (1) The student member shall:

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

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

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

27 2. Continue to serve after graduation and until a  
28 successor is appointed and qualifies.

29 (2) If a vacancy in the position of the student member occurs during  
30 the term of the student member, the Chesapeake Regional Association of Student  
31 Councils shall:

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

1 (ii) By utilizing the same method that it used to select the  
2 previous student member of the board, select another student member to fill the  
3 vacancy.

4 [(e)] (G) A board member who does not maintain the residency qualification  
5 shall be replaced as a member.

6 [(f)] (H) If the boundary line of a legislative district changes, an incumbent  
7 member of the county board who, because of the change, no longer resides in the  
8 legislative district from which the member was appointed **OR ELECTED** may complete  
9 the term.

10 [(g)] (I) (1) The President of the Anne Arundel County Board of  
11 Education is entitled to receive \$8,000 annually as compensation and, except for the  
12 student member, the other board members are entitled to receive \$6,000 each  
13 annually as compensation.

14 (2) A student member who completes a full term on the board shall be  
15 granted a scholarship of \$6,000 to be applied toward the student's higher education  
16 costs.

17 3-114.

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

20 (1) Allegany;

21 (2) Calvert;

22 (3) Carroll;

23 (4) Cecil;

24 (5) Charles;

25 (6) Dorchester;

26 (7) Frederick;

27 (8) Garrett;

28 (9) Howard;

29 (10) Kent;

- 1 (11) Prince George's;  
2 (12) Montgomery;  
3 (13) Queen Anne's;  
4 (14) St. Mary's;  
5 (15) Somerset;  
6 (16) Talbot;  
7 (17) Washington; and  
8 (18) Worcester.

9 (b) (1) IN ANNE ARUNDEL COUNTY, IN ACCORDANCE WITH § 3-110  
10 OF THIS SUBTITLE AND § 3-2A-01 OF THIS TITLE, THE MEMBERS OF THE  
11 COUNTY BOARD SHALL BE A COMBINATION OF MEMBERS WHO ARE ELECTED  
12 AND APPOINTED.

13 (2) In Caroline County, in accordance with Subtitle 3A of this title, the  
14 members of the county board shall be a combination of members who are elected and  
15 appointed.

16 [(c)] (3) In Harford County, in accordance with Subtitle 6A of this title, the  
17 members of the county board shall be a combination of members who are elected and  
18 appointed.

19 [(d)] (C) An individual subject to the authority of the county board may not  
20 serve as a member of the county board. At the time of filing a certificate of candidacy  
21 for election to a county board, a person shall certify to the local board of supervisors of  
22 elections whether or not he is subject to the authority of the county board. The  
23 Governor shall not issue a commission of election to a person who has certified  
24 affirmatively and who is elected to a county board until the member-elect offers proof  
25 that he is no longer subject to the authority of the county board.

26 [(e)] (D) The election of the county boards shall be held as provided in  
27 Subtitles 2 through 14 of this title and the Election Law Article.

28 **SUBTITLE 2A. ANNE ARUNDEL COUNTY.**

29 **3-2A-01.**

30 (A) IN ANNE ARUNDEL COUNTY, A MEMBER APPOINTED TO THE  
31 COUNTY BOARD BY THE GOVERNOR SHALL BE SELECTED FROM A LIST



1 SUBMITTED TO THE APPOINTING AUTHORITY BY THE SCHOOL BOARD  
2 NOMINATING COMMISSION FOR ANNE ARUNDEL COUNTY UNDER § 3-110 OF  
3 THIS TITLE.

4 (B) THE ELECTED MEMBERS OF THE COUNTY BOARD SHALL BE  
5 ELECTED IN ACCORDANCE WITH THE PROVISIONS OF TITLE 8, SUBTITLE 8 OF  
6 THE ELECTION LAW ARTICLE GOVERNING THE ELECTION OF MEMBERS OF  
7 COUNTY BOARDS OF EDUCATION.

8 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the  
9 appointed members of the Anne Arundel County Board of Education for legislative  
10 district 32 and for that portion of legislative district 21 that lies within Anne Arundel  
11 County, in office on November 30, 2014, shall terminate at the end of November 30,  
12 2014, and the terms of appointed members of the Anne Arundel County Board of  
13 Education for legislative districts 30, 31, and 33, in office on December 2, 2018, shall  
14 terminate at the end of December 2, 2018.

15 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 July 1, 2013.