

SENATE BILL 148

F3

4r1176
CF 4r0376

By: **Senators Reilly and Simonaire**

Introduced and read first time: January 10, 2014

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

AN ACT concerning

Anne Arundel County – Board of Education – Selection of Members

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

BY repealing and reenacting, with amendments,
Article – Education
Section 3–108(a), 3–110, and 3–114
Annotated Code of Maryland
(2008 Replacement Volume and 2013 Supplement)

BY adding to
Article – Education
Section 3–2A–01 to be under the new subtitle “Subtitle 2A. Anne Arundel County”
Annotated Code of Maryland
(2008 Replacement Volume and 2013 Supplement)

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

Article – Education

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



3-108.

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

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

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

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

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

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

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

3-110.

(a) (1) **[The] UNTIL THE ELECTION OF MEMBERS OF THE COUNTY BOARD AT THE PRIMARY AND GENERAL ELECTIONS OF 2016 AND THE COMMENCEMENT OF THEIR TERMS ON DECEMBER 5, 2016, AND SUBJECT TO § 3-2A-01 OF THIS TITLE, THE** Anne Arundel County Board consists of **[9] NINE** members who shall be appointed as follows:

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

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

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

(2) AFTER THE PRIMARY AND GENERAL ELECTIONS OF 2016 AND THE COMMENCEMENT OF THE TERMS OF THE TWO MEMBERS ELECTED FOLLOWING THOSE ELECTIONS, AND UNTIL THE ELECTION OF MEMBERS OF THE COUNTY BOARD FOR THOSE OFFICES AT THE PRIMARY AND GENERAL

ELECTIONS OF 2020 AND THE COMMENCEMENT OF THEIR TERMS ON DECEMBER 7, 2020, AND SUBJECT TO § 3-2A-01 OF THIS TITLE, THE COUNTY BOARD SHALL CONSIST OF:

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

(II) THREE APPOINTED MEMBERS, ONE EACH FROM LEGISLATIVE DISTRICTS 30, 31, AND 33, APPOINTED BY THE GOVERNOR FOR A TERM OF 2 YEARS UNTIL THE ELECTION FOR THE MEMBERS FROM THOSE DISTRICTS AT THE PRIMARY AND GENERAL ELECTIONS OF 2018;

(III) THREE APPOINTED MEMBERS FROM THE COUNTY AT LARGE, APPOINTED BY THE GOVERNOR FOR A TERM OF 4 YEARS; AND

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

(3) AFTER THE PRIMARY AND GENERAL ELECTIONS OF 2020 AND THE COMMENCEMENT OF THE TERMS OF THE MEMBERS ELECTED FROM LEGISLATIVE DISTRICTS 30, 31, AND 33 FOLLOWING THOSE ELECTIONS AND SUBJECT TO § 3-2A-01 OF THIS TITLE, THE COUNTY BOARD SHALL CONSIST OF:

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

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

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

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

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

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

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

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

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

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

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

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

1. The Teachers Association of Anne Arundel County;
2. The Annapolis and Anne Arundel County Chamber of Commerce;
3. The Anne Arundel County Council of Parent Teacher Associations;
4. The Anne Arundel County Community College Board of Trustees; and
5. The Association of Educational Leaders (AEL).

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

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

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

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

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

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

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

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

(c) (1) **AN APPOINTED MEMBER WHO IS APPOINTED AFTER JULY 1, 2014, SERVES FOR A TERM OF 4 YEARS BEGINNING JULY 1 AFTER THE MEMBER IS APPOINTED AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

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

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

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

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

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

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

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

(6) THE GOVERNOR SHALL APPOINT A QUALIFIED INDIVIDUAL TO FILL ANY VACANCY OF AN APPOINTED MEMBER ON THE COUNTY BOARD FOR THE REMAINDER OF THAT TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

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

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

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

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

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

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

[(d)] (F) (1) The student member shall:

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

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

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

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

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

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

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

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

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

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

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

3-114.

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

- (1) Allegany;
- (2) Calvert;
- (3) Carroll;
- (4) Cecil;
- (5) Charles;
- (6) Dorchester;
- (7) Frederick;
- (8) Garrett;
- (9) Howard;
- (10) Kent;

- (11) Montgomery;
- (12) Queen Anne's;
- (13) St. Mary's;
- (14) Somerset;
- (15) Talbot;
- (16) Washington; and
- (17) Worcester.

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

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

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

[(d)] (4) In Prince George's County, in accordance with Subtitle 10 of this title, the members of the county board shall be a combination of members who are elected and appointed.

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

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

SUBTITLE 2A. ANNE ARUNDEL COUNTY.

3-2A-01.

(A) IN ANNE ARUNDEL COUNTY, A MEMBER APPOINTED TO THE COUNTY BOARD BY THE GOVERNOR SHALL BE SELECTED FROM A LIST SUBMITTED TO THE APPOINTING AUTHORITY BY THE SCHOOL BOARD NOMINATING COMMISSION OF ANNE ARUNDEL COUNTY UNDER § 3-110 OF THIS TITLE.

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

SECTION 2. AND BE IT FURTHER ENACTED, That:

(1) the terms of the appointed members of the Anne Arundel County Board of Education for legislative district 32 and for that portion of legislative district 21 that lies within Anne Arundel County, in office on December 4, 2016, shall terminate at the end of December 4, 2016; and

(2) the terms of appointed members of the Anne Arundel County Board of Education for legislative districts 30, 31, and 33, in office on December 2, 2018, shall terminate at the end of December 2, 2018.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.