F3 5lr0670

By: Montgomery County Delegation

Introduced and read first time: January 29, 2015

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2

Montgomery County Board of Education - Special Election to Fill a Vacancy

3 MC 22–15

- 4 FOR the purpose of providing for the conduct of a special election to fill a vacancy for an 5 elected member on the Montgomery County Board of Education; repealing the 6 authority of the elected members of the county board to appoint an individual to fill 7 a vacancy for an elected member on the county board; providing that, under certain 8 circumstances, the special election shall be held concurrently with a regularly 9 scheduled general election in the county; requiring the County Executive for 10 Montgomery County to establish the date for the special election; providing that a 11 local special election to fill a vacancy shall be conducted by mail if the proclamation 12 of the chief executive officer or county executive of a charter county directs that the election be conducted by mail; and generally relating to a special election to fill a 13 vacancy for an elected member of the Montgomery County Board of Education. 14
- 15 BY repealing and reenacting, without amendments,
- 16 Article Education
- 17 Section 3–901(a) through (e), (f)(1), (2), (4), and (6), and (g)
- 18 Annotated Code of Maryland
- 19 (2014 Replacement Volume and 2014 Supplement)
- 20 BY repealing and reenacting, with amendments,
- 21 Article Education
- 22 Section 3-901(f)(5)
- 23 Annotated Code of Maryland
- 24 (2014 Replacement Volume and 2014 Supplement)
- 25 BY repealing and reenacting, with amendments,
- 26 Article Election Law
- 27 Section 9–501

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

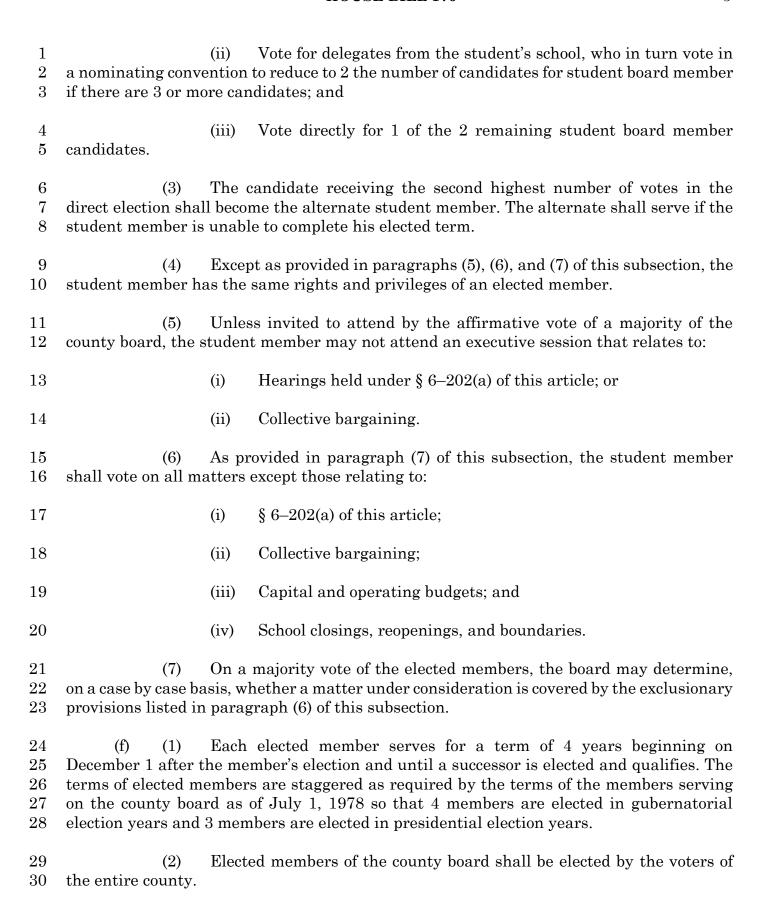
[Brackets] indicate matter deleted from existing law.



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1 Annotated Code of Maryland 2 (2010 Replacement Volume and 2014 Supplement) 3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows: 4 5 Article - Education 6 3-901. 7 (a) (1) In this subtitle the following words have the meanings indicated. 8 (2)"Board of Education District" means a geographic area of Montgomery County in which an elected member of the Montgomery County Board of Education must 9 be a legal resident. The geographic area of each district is described in subsection (f) of this 10 section. Each district shall be substantially equal in population, and the districts shall be 11 12 reapportioned on the basis of each decennial census of the United States. 13 "Elected member" means 1 of the 7 elected and voting members of the (3)14 Montgomery County Board or a member appointed to fill a vacancy of 1 of these 7 members. 15 The Montgomery County Board consists of: (b) 16 (1) 5 elected members, each of whom resides in a different board of 17 education district; 18 (2)2 elected members who may reside anywhere in the county; and 19 (3)1 student member. 20 (c) An elected member of the county board shall be a registered voter of 21Montgomery County. 22 (d) Members of the Montgomery County Board shall be elected at the general 23 election every 2 years as required by subsection (f) of this section. 24The student member shall be a bona fide resident of Montgomery (e) 25County and a regularly enrolled junior or senior year student from a Montgomery County public high school. 26 27 The nomination and election process shall be as agreed on by the county board and the Montgomery County region of the Maryland Association of Student Councils. 2829 This agreement shall include a process by which to replace one or both of the final 30 candidates if they are unable to proceed in the election. Any student enrolled in a middle 31 or high school in the Montgomery County public schools may:

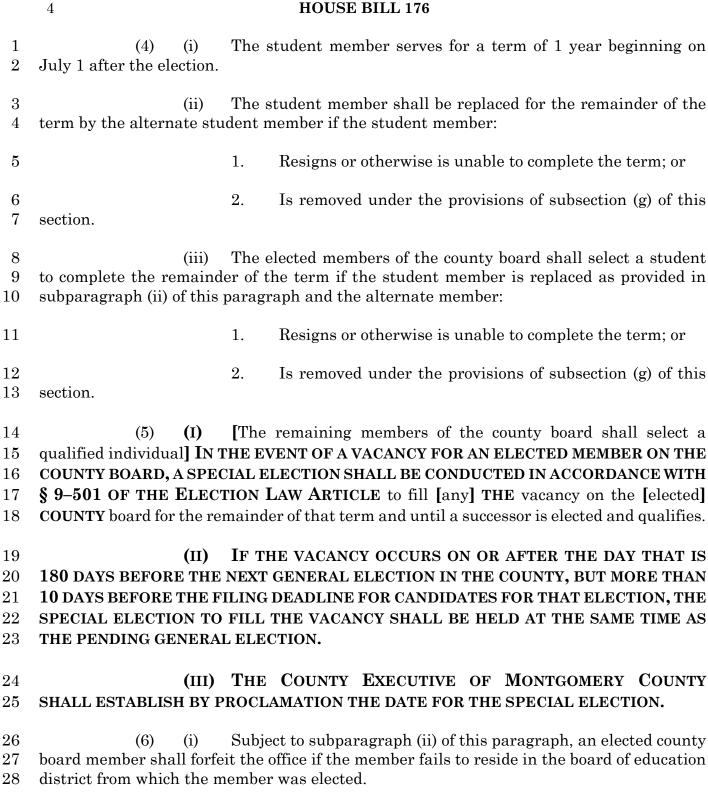
(i) Nominate a student member candidate;



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32 In the event of a vacancy caused by a member who is required to (iii) 33 reside in a particular board of education district, the person appointed to fill the vacancy

member may complete the term for which the member was elected.

alteration in the board of education district boundaries because of reapportionment, the

(ii)

If the failure to continue to reside in the district is caused by an

1 2	shall reside in the same district at the time of appointment and while filling out the unexpired term.			
3 4	(g) board for:	(1)	The I	Montgomery County Council may remove a member of the county
5			(i)	Immorality;
6			(ii)	Misconduct in office;
7			(iii)	Incompetency; or
8			(iv)	Willful neglect of duty.
9 10 11	(2) Before removing a member, the County Council shall provide the member a copy of the charges against him and give him an opportunity within 10 days to request a hearing.			
12		(3)	If the	e member requests a hearing within the 10-day period:
13 14 15	(i) The County Council promptly shall hold a hearing, but a hearing may not be set within 10 days after the County Council sends the member a notice of the hearing; and			
16 17	before the G	County	(ii) Counc	The member shall have an opportunity to be heard publicly il in the member's own defense, in person or by counsel.
18 19	(4) A member removed under this subsection has the right to a de novo review of the removal by the Circuit Court for Montgomery County.			
20	Article - Election Law			
21	9–501.			
22 23	(a) This subtitle applies only to a special election that is not held concurrently with a regularly scheduled primary or general election.			
24 25	(b) Voting by mail may be utilized in a special election in accordance with this subtitle.			
26 27 28	(c) A special election to fill a vacancy in the Office of Representative in Congress shall be conducted by mail if the Governor's proclamation issued under § 8–710 of this article directs that the election be conducted by mail.			
29	(d)	(1)	In th	is subsection, "local special election" means a special election to:

- 1 (i) fill a vacancy in the offices of county council member, chief 2 executive officer, or county executive of a charter county if the charter of that county 3 provides for special elections;
- 4 (ii) fill a vacancy in the board of county commissioners of a code 5 home rule county if a local law enacted by that county provides for special elections;
- 6 (iii) fill a vacancy in the board of county commissioners of a 7 commission county if a law provides for special elections;
- 8 (iv) fill a vacancy in a local board of education if State law provides 9 for special elections;
- 10 (v) elect members of a charter board or submit a proposed charter to 11 the voters for adoption or rejection in accordance with Article XI–A, § 1A of the Maryland 12 Constitution; or
- 13 (vi) submit a local law enacted by a code home rule county to the voters for adoption or rejection in accordance with § 9–313 of the Local Government Article.
- 15 (2) A local special election shall be conducted by mail if THE
 16 PROCLAMATION OF THE CHIEF EXECUTIVE OFFICER OR COUNTY EXECUTIVE OF A
 17 CHARTER COUNTY, OR the resolution of the county council or board of county
 18 commissioners OF THE AFFECTED COUNTY, establishing the date of the special election
 19 directs that the election be conducted by mail.
- 20 (e) Except as otherwise provided in this subtitle:
- 21 (1) provisions of this article relating to absentee voting apply to voting by 22 mail; and
- 23 (2) all pertinent State or local laws relating to the conduct of a special election apply to a special election conducted under this subtitle.
- 25 (f) Provisions of this article relating to the conduct of elections apply to a special election conducted under this subtitle, unless a law specifically relevant to a special election applies.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 29 October 1, 2015.