

SENATE BILL 851

F3
HB 410/20 – W&M

1lr2842
CF HB 798

By: **Senator Hough**

Introduced and read first time: February 9, 2021

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Frederick County Board of Education – Vacancies**

3 FOR the purpose of altering the method for filling a vacancy on the Frederick County Board
4 of Education; specifying that an individual appointed to fill a vacancy serves for the
5 remainder of a certain term and until a successor is appointed and qualifies except
6 that, under certain circumstances, the individual serves only until a successor is
7 elected at the next general election; specifying how certain positions are to be filled
8 at a general election; establishing the manner for nominating candidates for vacated
9 offices; establishing the term of an individual elected to fill a vacated position; and
10 generally relating to the Frederick County Board of Education.

11 BY repealing and reenacting, without amendments,
12 Article – Education
13 Section 3–5B–01(a)
14 Annotated Code of Maryland
15 (2018 Replacement Volume and 2020 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Education
18 Section 3–5B–01(d)
19 Annotated Code of Maryland
20 (2018 Replacement Volume and 2020 Supplement)

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

23 **Article – Education**

24 3–5B–01.

25 (a) The Frederick County Board consists of eight members as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) Seven members elected from the county at large; and

2 (2) One nonvoting student member.

3 (d) (1) The terms of voting members are staggered as provided in subsection
4 (c) of this section.

5 [(2) Subject to confirmation of the County Council, the County Executive
6 shall appoint a qualified individual to fill a vacancy on the county board for the remainder
7 of the term and until a successor is elected and qualifies.]

8 (2) EXCEPT AS PROVIDED IN PARAGRAPHS (3) AND (4) OF THIS
9 SUBSECTION AND SUBJECT TO CONFIRMATION OF THE COUNTY COUNCIL, THE
10 COUNTY EXECUTIVE SHALL APPOINT A QUALIFIED INDIVIDUAL TO FILL ANY
11 VACANCY ON THE COUNTY BOARD FOR THE REMAINDER OF THAT TERM AND UNTIL
12 A SUCCESSOR IS APPOINTED AND QUALIFIES.

13 (3) IF A VACANCY FOR AN ELECTED MEMBER OCCURS MORE THAN 30
14 DAYS BEFORE THE CANDIDATE REGISTRATION DEADLINE FOR THE NEXT PRIMARY
15 ELECTION FOLLOWING THE VACATING MEMBER'S ELECTION, THE INDIVIDUAL
16 APPOINTED UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL SERVE ONLY UNTIL
17 A SUCCESSOR IS ELECTED AND QUALIFIES AT THE NEXT GENERAL ELECTION.

18 (4) AT A GENERAL ELECTION, VACANCIES SHALL BE FILLED AS
19 FOLLOWS:

20 (I) THE CANDIDATES WITH THE HIGHEST VOTE TOTALS SHALL
21 FIRST FILL ANY VACANT POSITIONS FOR A FULL TERM OF 4 YEARS; AND

22 (II) AFTER ALL VACANT POSITIONS FOR A FULL TERM OF 4
23 YEARS ARE FILLED, THE CANDIDATE WITH THE NEXT HIGHEST VOTE TOTAL SHALL
24 FILL THE POSITION FOR WHICH A SUCCESSOR WAS APPOINTED UNDER PARAGRAPH
25 (2) OF THIS SUBSECTION AND SERVE THE REMAINDER OF THAT TERM.

26 (5) CANDIDATES FOR A VACATED OFFICE MAY BE NOMINATED AT A
27 PRIMARY ELECTION IN THE SAME MANNER AS ANY OTHER POSITION ON THE COUNTY
28 BOARD.

29 (6) A CANDIDATE ELECTED TO FILL A VACATED POSITION SHALL
30 TAKE OFFICE ON THE FIRST MONDAY IN DECEMBER AFTER THE ELECTION AND
31 SHALL CONTINUE TO SERVE FOR THE REMAINDER OF THE VACATED TERM AND
32 UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
2 1, 2021.