

# HOUSE BILL 1281

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By: **Delegates Rose, Boteler, Buckel, Chisholm, M. Fisher, Grammer, Hartman, Hornberger, Howard, Kipke, Kittleman, Mangione, McComas, McKay, Parrott, Pippy, Reilly, Saab, Shoemaker, Szeliga, and Thiam**  
Introduced and read first time: February 11, 2022  
Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **County Boards of Education – Elected Members – Recall Procedures**

3 FOR the purpose of establishing processes and procedures for the recall of an elected  
4 member of a county board of education; and generally relating to recall procedures  
5 for elected members of county boards of education.

6 BY adding to

7 Article – Education

8 Section 3–106

9 Annotated Code of Maryland

10 (2018 Replacement Volume and 2021 Supplement)

11 BY repealing and reenacting, with amendments,

12 Article – Election Law

13 Section 6–101(i) and 6–208(c)

14 Annotated Code of Maryland

15 (2017 Replacement Volume and 2021 Supplement)

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

18 **Article – Education**

19 **3–106.**

20 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
21 **INDICATED.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(2) (I) “ELECTED MEMBER” MEANS A MEMBER OF A COUNTY**  
2 **BOARD OF EDUCATION ELECTED BY THE VOTERS OF THE APPROPRIATE**  
3 **JURISDICTION AT A GENERAL ELECTION.**

4           **(II) “ELECTED MEMBER” DOES NOT INCLUDE A MEMBER OF A**  
5 **COUNTY BOARD WHO IS APPOINTED BY AN APPOINTING AUTHORITY OR IS A**  
6 **STUDENT MEMBER.**

7           **(3) “LOCAL BOARD” MEANS A LOCAL BOARD OF ELECTIONS.**

8           **(4) “PETITION” HAS THE MEANING STATED IN § 6-101 OF THE**  
9 **ELECTION LAW ARTICLE.**

10          **(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**  
11 **AN ELECTED MEMBER IS SUBJECT TO RECALL BY THE VOTERS OF THE ELECTED**  
12 **MEMBER’S COUNTY WHO ARE QUALIFIED TO VOTE FOR A SUCCESSOR OF THE**  
13 **INCUMBENT.**

14          **(2) THE ELECTED MEMBER MAY NOT BE RECALLED IF:**

15               **(I) THE ELECTED MEMBER HAS NOT HELD OFFICE DURING THE**  
16 **CURRENT TERM FOR MORE THAN 90 DAYS;**

17               **(II) A RECALL ELECTION HAS BEEN DETERMINED IN THE**  
18 **ELECTED MEMBER’S FAVOR IN THE PRECEDING 6 MONTHS; OR**

19               **(III) THE ELECTED MEMBER’S TERM ENDS WITHIN THE NEXT 6**  
20 **MONTHS.**

21          **(C) (1) A REGISTERED VOTER MAY INITIATE A RECALL OF AN ELECTED**  
22 **MEMBER BY SERVICE, FILING, AND PUBLICATION OF A NOTICE OF INTENTION.**

23          **(2) A NOTICE OF INTENTION SHALL INCLUDE:**

24               **(I) THE NAME AND TITLE OF THE ELECTED MEMBER;**

25               **(II) A STATEMENT INDICATING THE REASON OR REASONS FOR**  
26 **THE RECALL;**

27               **(III) A STATEMENT THAT THE ELECTED MEMBER MAY FILE AN**  
28 **ANSWER TO THE NOTICE OF INTENTION WITH THE LOCAL BOARD; AND**

1 (IV) THE NAME, BUSINESS OR RESIDENTIAL ADDRESS, AND  
2 SIGNATURE OF THE VOTER OR VOTERS WHO ARE SEEKING THE RECALL.

3 (3) THE VOTER OR VOTERS SEEKING A RECALL IN ACCORDANCE WITH  
4 THIS SUBSECTION SHALL:

5 (I) DELIVER A COPY OF THE NOTICE OF INTENTION TO THE  
6 ELECTED MEMBER BY REGISTERED OR CERTIFIED MAIL;

7 (II) PUBLISH THE NOTICE OF INTENTION IN A NEWSPAPER OF  
8 GENERAL CIRCULATION; AND

9 (III) FILE THE ORIGINAL NOTICE OF INTENTION AND PROOF OF  
10 PUBLICATION WITH THE LOCAL BOARD WITHIN 7 DAYS AFTER THE DAY ON WHICH  
11 THE COPY IS DELIVERED TO THE ELECTED MEMBER.

12 (D) (1) WITHIN 14 DAYS AFTER THE DATE OF FILING OF THE NOTICE OF  
13 INTENTION WITH THE LOCAL BOARD IN ACCORDANCE WITH SUBSECTION (C) OF THIS  
14 SECTION, THE ELECTED MEMBER MAY FILE A RESPONSE TO THE NOTICE OF  
15 INTENTION WITH THE LOCAL BOARD.

16 (2) THE RESPONSE SHALL INCLUDE THE SWORN SIGNATURE OF THE  
17 ELECTED MEMBER.

18 (E) (1) A PETITION SHALL BE SIGNED BY NOT LESS THAN 30% OF THE  
19 REGISTERED VOTERS OF THE COUNTY IN WHICH THE ELECTED MEMBER IS BEING  
20 RECALLED.

21 (2) A PETITION SHALL:

22 (I) CONTAIN THE STATEMENT PROVIDED IN THE NOTICE OF  
23 INTENTION REQUIRED UNDER SUBSECTION (C)(2)(II) OF THIS SECTION;

24 (II) DEMAND AN ELECTION OF A SUCCESSOR TO THE ELECTED  
25 MEMBER; AND

26 (III) SATISFY ALL LEGAL REQUIREMENTS FOR PETITIONS  
27 UNDER TITLE 6 OF THE ELECTION LAW ARTICLE.

28 (F) A CANDIDATE TO SUCCEED THE ELECTED MEMBER SHALL:

29 (1) FILE A CERTIFICATE OF CANDIDACY AT LEAST 30 DAYS BEFORE  
30 THE DATE OF THE RECALL ELECTION; AND

1           **(2) MEET ALL OTHER REQUIREMENTS FOR CANDIDACY SET FORTH IN**  
 2 **TITLE 5 OF THE ELECTION LAW ARTICLE.**

3           **(G) (1) AT THE RECALL ELECTION, THE FOLLOWING SHALL BE PLACED**  
 4 **ON THE BALLOT:**

5                   **(I) THE STATEMENT PROVIDED IN THE NOTICE OF INTENTION**  
 6 **REQUIRED UNDER SUBSECTION (C)(2)(II) OF THIS SECTION;**

7                   **(II) THE RESPONSE BY THE ELECTED MEMBER, IF ANY, FILED IN**  
 8 **ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION; AND**

9                   **(III) THE FOLLOWING QUESTION:**

10           **“SHALL (NAME OF THE ELECTED MEMBER), AN ELECTED MEMBER OF THE**  
 11 **BOARD OF EDUCATION OF (NAME OF COUNTY), BE REMOVED FROM OFFICE?”.**

12           **(2) THE LOCAL BOARD SHALL MAKE THE STATEMENT AND RESPONSE**  
 13 **AVAILABLE FOR DISTRIBUTION AT POLLING PLACES.**

14           **(3) (I) IF A VOTER CASTS A VOTE IN FAVOR OF RECALLING THE**  
 15 **ELECTED MEMBER, THE VOTER MAY CAST A VOTE FOR A SUCCESSOR.**

16                   **(II) THE ELECTED MEMBER SUBJECT TO RECALL MAY NOT BE A**  
 17 **CANDIDATE TO SUCCEED HIMSELF OR HERSELF AT THE RECALL ELECTION.**

18           **(4) IF THE ELECTED MEMBER RESIGNS BEFORE THE RECALL**  
 19 **ELECTION, THE ELECTION SHALL BE HELD AS SCHEDULED TO ELECT A SUCCESSOR.**

20           **(H) IF A MAJORITY OF VOTERS VOTE TO RECALL THE ELECTED MEMBER,**  
 21 **THE MEMBER IS REMOVED AND THE CANDIDATE RECEIVING THE HIGHEST NUMBER**  
 22 **OF VOTES SHALL SERVE THE REMAINDER OF THE MEMBER’S TERM UNTIL A**  
 23 **SUCCESSOR IS ELECTED AND QUALIFIES.**

24                                   **Article – Election Law**

25           6–101.

26           (i) “Petition” means all of the associated pages necessary to fulfill the  
 27 requirements of a process established by the law by which individuals affix their signatures  
 28 as evidence of support for:

1 (1) placing the name of an individual, the names of individuals, or a  
2 question on the ballot at any election;

3 (2) the creation of a new political party; [or]

4 (3) the appointment of a charter board under Article XI–A, § 1A of the  
5 Maryland Constitution; **OR**

6 **(4) RECALLING AN ELECTED MEMBER OF A COUNTY BOARD OF**  
7 **EDUCATION.**

8 6–208.

9 (c) If the chief election official determines that a petition has satisfied all  
10 requirements established by law relating to that petition, the chief election official shall  
11 certify that the petition process has been completed and shall:

12 (1) with respect to a petition seeking to place the name of an individual or  
13 a question on the ballot, certify that the name or question has qualified to be placed on the  
14 ballot;

15 (2) with respect to a petition seeking to create a new political party, certify  
16 the sufficiency of the petition to the chairman of the governing body of the partisan  
17 organization; [and]

18 (3) with respect to the creation of a charter board under Article XI–A, § 1A  
19 of the Maryland Constitution, certify that the petition is sufficient; **AND**

20 **(4) WITH RESPECT TO THE RECALL OF AN ELECTED MEMBER OF A**  
21 **COUNTY BOARD OF EDUCATION, CERTIFY THAT A RECALL ELECTION SHALL BE HELD**  
22 **AT LEAST 60 DAYS BUT NOT MORE THAN 90 DAYS FROM THE DATE OF THE**  
23 **CERTIFICATION.**

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 2022.