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**By: Prince George's County Delegation**

Introduced and read first time: February 1, 1996

Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County Board of Education - Election of Members - Replacement of**  
3 **Candidates on Ballots**  
4 **PG 404-96**

5 FOR the purpose of requiring the Prince George's County Board of Supervisors of  
6 Elections to replace the names of certain persons on school board election ballots  
7 under specified circumstances; making a certain exception; requiring the Prince  
8 George's County Board of Supervisors of Elections to reopen the filing process for  
9 candidates for election to the Prince George's County Board of Education under  
10 specified circumstances; and generally relating to the election of the members of the  
11 Prince George's County Board of Education.

12 BY repealing and reenacting, with amendments,  
13 Article - Education  
14 Section 3-802  
15 Annotated Code of Maryland  
16 (1992 Replacement Volume and 1995 Supplement)

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

19 **Article - Education**

20 3-802.

21 (a) In this subtitle, "elected member" means one of the nine elected members of  
22 the Prince George's County Board or a member appointed to fill a vacancy of one of these  
23 nine members.

24 (b) The Prince George's County Board consists of nine elected members and one  
25 student member selected under subsection (f)(2) of this section.

26 (c) (1) A candidate for the County Board shall be a resident of Prince George's  
27 County for at least 3 years and a registered voter of the County before the election.

28 (2) From the time of filing as a candidate for election, each candidate for  
29 the County Board shall reside in the school board district the candidate seeks to  
30 represent.

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1 (3) An elected County Board member shall forfeit his office if he:

2 (i) Fails to reside in the school board district from which he was  
3 elected, unless this change is caused by a change in the boundaries of the district; or

4 (ii) Fails to be a registered voter of the County.

5 (4) A County Board member may not hold another office of profit in county  
6 government during his term.

7 (5) Each elected member of the County Board shall be nominated by the  
8 registered voters of his school board district.

9 (d) Members of the Prince George's County Board shall be elected:

10 (1) At the general election every 2 years as required by subsection (g) of this  
11 section; and

12 (2) By the registered voters of his school board district.

13 (E) (1) IF A CANDIDATE FOR THE COUNTY BOARD DIES OR WITHDRAWS  
14 THE CANDIDACY DURING THE PERIOD BEGINNING WITH THE DATE OF THE  
15 PRIMARY AND ENDING 70 DAYS BEFORE THE DATE OF THE GENERAL ELECTION,  
16 THE BOARD OF SUPERVISORS OF ELECTIONS SHALL:

17 (I) REPLACE THE NAME OF THE DECEASED OR WITHDRAWN  
18 CANDIDATE ON THE BALLOT FOR THE GENERAL ELECTION WITH THE NAME OF THE  
19 CANDIDATE WHO RECEIVED THE NEXT HIGHEST NUMBER OF VOTES IN THE  
20 PRIMARY ELECTION; OR

21 (II) IF A CONTESTED PRIMARY WAS NOT HELD, REOPEN THE  
22 FILING PROCESS TO ALLOW OTHER PERSONS TO FILE AS CANDIDATES.

23 (2) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF  
24 THIS PARAGRAPH, THE BOARD OF SUPERVISORS OF ELECTIONS SHALL ADD TO THE  
25 BALLOT FOR THE GENERAL ELECTION THE NAME OF ANY PERSON WHO FILES AS A  
26 CANDIDATE IN ACCORDANCE WITH PARAGRAPH (1)(I) OF THIS SUBSECTION.

27 (II) THE BOARD OF SUPERVISORS OF ELECTIONS MAY NOT ADD  
28 ADDITIONAL CANDIDATES TO THE BALLOT FOR THE GENERAL ELECTION WITHIN 70  
29 DAYS BEFORE THE DATE OF THE ELECTION.

30 [(e)] (F) (1) The student member shall be an eleventh or twelfth grade student  
31 in the Prince George's County public school system during the student's term in office.

32 (2) An eligible student shall file a nomination form at least 2 weeks before  
33 a special election meeting of the Prince George's regional association of student  
34 governments. Nomination forms shall be made available in the administrative offices of  
35 all public senior high schools in the County, the office of student concerns, and the office  
36 of the president of the regional association. The delegates to the regional association  
37 annually shall elect the student member to the Board at a special election meeting to be  
38 held each school year.

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1 (3) The student member may vote on all matters before the Board except  
2 those relating to:

- 3 (i) Capital and operating budgets;
- 4 (ii) School closings, reopenings, and boundaries;
- 5 (iii) Collective bargaining decisions;
- 6 (iv) Student disciplinary matters;
- 7 (v) Teacher and administrator disciplinary matters as provided under  
8 § 6-202(a) of this article; and
- 9 (vi) Other personnel matters.

10 (4) Unless invited to attend by an affirmative vote of a majority of the  
11 County Board, the student member may not attend an executive session that relates to  
12 hearings on appeals of special education placements, hearings held under § 6-202(a) of  
13 this article, or collective bargaining.

14 [(f)] (G) (1) Each elected member serves for a term of 4 years beginning on the  
15 first Monday in December after his election and until his successor is elected and  
16 qualifies. The terms of members are staggered as required by the terms of the members  
17 serving on the County Board as of July 1, 1978.

18 (2) The student member serves for a term of 1 year beginning at the end of  
19 a school year.

20 (3) Subject to the confirmation of the County Council, the County Executive  
21 of Prince George's County shall appoint a qualified individual to fill any vacancy on the  
22 County Board for the remainder of that term and until a successor is elected and  
23 qualifies.

24 [(g)] (H) (1) The County Board members from school board districts II, V, and  
25 VIII who were elected for the first time at the November 6, 1973 election serve until the  
26 first Monday in December 1978 and may seek reelection in 1978 for a 4-year term.

27 (2) The members from school board districts III, VI, and IX who were  
28 elected at the November 6, 1973 election serve until the first Monday in December, 1980  
29 and may seek reelection in 1980 for a 4-year term.

30 [(h)] (I) (1) With the approval of the Governor, the State Board may remove a  
31 member of the County Board for any of the following reasons:

- 32 (i) Immorality;
- 33 (ii) Misconduct in office;
- 34 (iii) Incompetency; or
- 35 (iv) Willful neglect of duty.

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1                   (2) Before removing a member, the State Board shall send the member a  
2 copy of the charges against him and give him an opportunity within 10 days to request a  
3 hearing.

4                   (3) If the member requests a hearing within the 10-day period:

5                   (i) The State Board promptly shall hold a hearing, but a hearing may  
6 not be set within 10 days after the State Board sends the member a notice of the hearing;  
7 and

8                   (ii) The member shall have an opportunity to be heard publicly before  
9 the State Board in his own defense, in person or by counsel.

10                  (4) A member removed under this subsection has the right to a de novo  
11 review of the removal by the Circuit Court for Prince George's County.

12                  SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 1996.