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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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Committee Report: Favorable

House action: Adopted

Read second time: March 5, 1996

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CHAPTER \_\_\_\_\_

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.

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

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

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

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

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

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

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

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

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

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

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

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

24 (I) REPLACE THE NAME OF THE DECEASED OR WITHDRAWN  
25 CANDIDATE ON THE BALLOT FOR THE GENERAL ELECTION WITH THE NAME OF THE  
26 CANDIDATE WHO RECEIVED THE NEXT HIGHEST NUMBER OF VOTES IN THE  
27 PRIMARY ELECTION; OR

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

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

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

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

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

8 (3) The student member may vote on all matters before the Boardexcept  
9 those relating to:

10 (i) Capital and operating budgets;

11 (ii) School closings, reopenings, and boundaries;

12 (iii) Collective bargaining decisions;

13 (iv) Student disciplinary matters;

14 (v) Teacher and administrator disciplinary matters as provided under  
15 § 6-202(a) of this article; and

16 (vi) Other personnel matters.

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

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

25 (2) The student member serves for a term of 1 year beginning atthe end of  
26 a school year.

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

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

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

37 [(h)] (I) (1) With the approval of the Governor, the State Board mayremove a  
38 member of the County Board for any of the following reasons:

39 (i) Immorality;

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1 (ii) Misconduct in office;

2 (iii) Incompetency; or

3 (iv) Willful neglect of duty.

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

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

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

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

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

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