
By: Delegates Leopold, Owings, M. Burns, Love, Greenip, Rzepkowski, Baldwin, and Schade

Introduced and read first time: January 17, 1997

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County Board of Education - Selection of Members**

3 FOR the purpose of altering the method of selection of the members of the Anne
4 Arundel County Board of Education; requiring the submission of certain sections of
5 this Act to a referendum of the legally qualified voters of Anne Arundel County to
6 be held on a certain date; specifying certain procedures governing the conduct of
7 the referendum and a runoff referendum, if one is required; providing for the
8 effective date of this Act; and generally relating to the method of selection of the
9 members of the Anne Arundel County Board of Education.

10 BY repealing and reenacting, without amendments,

11 Article - Education
12 Section 3-110
13 Annotated Code of Maryland
14 (1997 Replacement Volume)

15 BY repealing

16 Article - Education
17 Section 3-110
18 Annotated Code of Maryland
19 (1997 Replacement Volume)

20 BY adding to

21 Article - Education
22 Section 3-110.1
23 Annotated Code of Maryland
24 (1997 Replacement Volume)

25 BY repealing and reenacting, with amendments,

26 Article - Education
27 Section 3-114(a)
28 Annotated Code of Maryland
29 (1997 Replacement Volume)

2

1 BY adding to
2 Article - Education
3 Section 3-2A-01 through 3-2A-07, inclusive, to be under the new subtitle "Subtitle
4 2A. Anne Arundel County"
5 Annotated Code of Maryland
6 (1997 Replacement Volume)

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

9 **Article - Education**

10 3-110.

11 (a) The Anne Arundel County Board consists of 8 members who shall be
12 appointed as follows:

13 (1) 3 from the County at large;

14 (2) 1 each from Legislative Districts 31, 32, and 33;

15 (3) 1 from Legislative District 27B (Anne Arundel County Election District
16 7; Precincts 1, 2, and 9) or District 30; and

17 (4) 1 student member.

18 (b) (1) The student member shall:

19 (i) Be a regularly enrolled senior year student of good character and
20 in good standing in an Anne Arundel County public high school;

21 (ii) Be selected in the student's junior year by a method selected by the
22 Chesapeake Regional Association of Student Councils of Anne Arundel County;

23 (iii) 1. Serve a term of 1 year; and

24 2. Continue to serve after graduation and until a successor is
25 appointed and qualifies.

26 (2) If a vacancy in the position of the student member occurs during the
27 term of the student member, the Chesapeake Regional Association of Student Councils
28 shall:

29 (i) Conduct a special election at its next general meeting; and

30 (ii) By utilizing the same method that it used to select the previous
31 student member of the Board, select another student member to fill the vacancy.

32 (c) A Board member who does not maintain the residency qualification shall be
33 replaced as a member.

34 (d) If the boundary line of a legislative district changes, an incumbent member of
35 the County Board who, because of the change, no longer resides in the legislative district
36 from which the member was appointed may complete the term.

3

1 3-110.1.

2 (A) IN THIS SECTION, "SCHOOL BOARD NOMINATING CONVENTION" MEANS
3 THE ORGANIZATION IN EXISTENCE ON JANUARY 1, 1997 THAT SELECTS INDIVIDUALS
4 TO BE NOMINEES FOR APPOINTMENT TO THE COUNTY BOARD OF EDUCATION IN
5 ANNE ARUNDEL COUNTY.

6 (B) THE SCHOOL BOARD NOMINATING CONVENTION SHALL:

7 (1) ADOPT AND MAINTAIN BYLAWS THAT INCLUDE RULES AND
8 PROCEDURES GOVERNING THE SCHOOL BOARD NOMINATING CONVENTION AND
9 THAT PROVIDE FOR REPRESENTATIVE CITIZEN PARTICIPATION IN THE SELECTION
10 OF QUALIFIED CANDIDATES FOR APPOINTMENT TO THE COUNTY BOARD;

11 (2) IN ACCORDANCE WITH ITS BYLAWS, SOLICIT AND RECEIVE
12 APPLICATIONS FROM INDIVIDUALS SEEKING TO BE APPOINTED TO THE COUNTY
13 BOARD;

14 (3) CONDUCT PUBLIC HEARINGS; AND

15 (4) ENDORSE A NOMINEE FOR EACH VACANCY ON THE COUNTY
16 BOARD.

17 (C) THE SCHOOL BOARD NOMINATING CONVENTION SHALL SUBMIT THE
18 NAME OF THE NOMINEE TO THE GOVERNOR FOR APPOINTMENT.

19 (D) THE GOVERNOR MAY:

20 (1) WITHIN 30 DAYS, APPOINT THE NOMINEE OF THE SCHOOL BOARD
21 NOMINATING CONVENTION FOR EACH VACANCY ON THE COUNTY BOARD; OR

22 (2) APPOINT ANOTHER NOMINEE FOR EACH VACANCY ON THE COUNTY
23 BOARD.

24 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
25 read as follows:

26 **Article - Education**

27 3-110.

28 (a) The Anne Arundel County Board consists of 8 members who shall be
29 appointed as follows:

30 (1) 3 from the County at large;

31 (2) 1 each from Legislative Districts 31, 32, and 33;

32 (3) 1 from Legislative District 27B (Anne Arundel County Election District
33 7; Precincts 1, 2, and 9) or District 30; and

34 (4) 1 student member.

35 (b) (1) The student member shall:

4

1 (i) Be a regularly enrolled senior year student of good character and
2 in good standing in an Anne Arundel County public high school;

3 (ii) Be selected in the student's junior year by a method selected by the
4 Chesapeake Regional Association of Student Councils of Anne Arundel County;

5 (iii) 1. Serve a term of 1 year; and

6 2. Continue to serve after graduation and until a successor is
7 appointed and qualifies.

8 (2) If a vacancy in the position of the student member occurs during the
9 term of the student member, the Chesapeake Regional Association of Student Councils
10 shall:

11 (i) Conduct a special election at its next general meeting; and

12 (ii) By utilizing the same method that it used to select the previous
13 student member of the Board, select another student member to fill the vacancy.

14 (c) A Board member who does not maintain the residency qualification shall be
15 replaced as a member.

16 (d) If the boundary line of a legislative district changes, an incumbent member of
17 the County Board who, because of the change, no longer resides in the legislative district
18 from which the member was appointed may complete the term.

19 3-110.1.

20 (A) IN THIS SECTION, "SCHOOL BOARD NOMINATING CONVENTION" MEANS
21 THE ORGANIZATION IN EXISTENCE ON JANUARY 1, 1997 THAT SELECTS INDIVIDUALS
22 TO BE NOMINEES FOR ELECTION TO THE COUNTY BOARD OF EDUCATION IN ANNE
23 ARUNDEL COUNTY.

24 (B) THE SCHOOL BOARD NOMINATING CONVENTION SHALL:

25 (1) ADOPT AND MAINTAIN BYLAWS THAT INCLUDE RULES AND
26 PROCEDURES GOVERNING THE SCHOOL BOARD NOMINATING CONVENTION AND
27 THAT PROVIDE FOR REPRESENTATIVE CITIZEN PARTICIPATION IN THE SELECTION
28 OF QUALIFIED CANDIDATES FOR APPOINTMENT TO THE COUNTY BOARD;

29 (2) IN ACCORDANCE WITH ITS BYLAWS, SOLICIT AND RECEIVE
30 APPLICATIONS FROM INDIVIDUALS SEEKING TO BE APPOINTED TO THE COUNTY
31 BOARD;

32 (3) CONDUCT PUBLIC HEARINGS; AND

33 (4) ENDORSE A NOMINEE FOR EACH VACANCY ON THE COUNTY
34 BOARD.

35 (C) THE SCHOOL BOARD NOMINATING CONVENTION SHALL SUBMIT THE
36 NAME OF THE NOMINEE TO THE COUNTY EXECUTIVE OF ANNE ARUNDEL COUNTY
37 FOR APPOINTMENT.

38 (D) THE COUNTY EXECUTIVE MAY:

5

1 (1) WITHIN 30 DAYS, APPOINT THE NOMINEE OF THE SCHOOL BOARD
2 NOMINATING CONVENTION FOR EACH VACANCY ON THE COUNTY BOARD; OR

3 (2) APPOINT ANOTHER NOMINEE FOR EACH VACANCY ON THE COUNTY
4 BOARD.

5 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
6 read as follows:

7 **Article - Education**

8 [3-110.

9 (a) The Anne Arundel County Board consists of 8 members who shall be
10 appointed as follows:

11 (1) 3 from the County at large;

12 (2) 1 each from Legislative Districts 31, 32, and 33;

13 (3) 1 from Legislative District 27B (Anne Arundel County Election District
14 7; Precincts 1, 2, and 9) or District 30; and

15 (4) 1 student member.

16 (b) (1) The student member shall:

17 (i) Be a regularly enrolled senior year student of good character and
18 in good standing in an Anne Arundel County public high school;

19 (ii) Be selected in the student's junior year by a method selected by the
20 Chesapeake Regional Association of Student Councils of Anne Arundel County;

21 (iii) 1. Serve a term of 1 year; and

22 2. Continue to serve after graduation and until a successor is
23 appointed and qualifies.

24 (2) If a vacancy in the position of the student member occurs during the
25 term of the student member, the Chesapeake Regional Association of Student Councils
26 shall:

27 (i) Conduct a special election at its next general meeting; and

28 (ii) By utilizing the same method that it used to select the previous
29 student member of the Board, select another student member to fill the vacancy.

30 (c) A Board member who does not maintain the residency qualification shall be
31 replaced as a member.

32 (d) If the boundary line of a legislative district changes, an incumbent member of
33 the County Board who, because of the change, no longer resides in the legislative district
34 from which the member was appointed may complete the term.]

6

1 3-114.

2 (a) In the following counties, the members of the county board shall be elected:

3 (1) Allegany;

4 (2) ANNE ARUNDEL;

5 [(2)] (3) Calvert;

6 [(3)] (4) Carroll;

7 [(4)] (5) Charles;

8 [(5)] (6) Garrett;

9 [(6)] (7) Howard;

10 [(7)] (8) Kent;

11 [(8)] (9) Prince George's;

12 [(9)] (10) Montgomery;

13 [(10)] (11) St. Mary's;

14 [(11)] (12) Somerset; and

15 [(12)] (13) Washington.

16 SUBTITLE 2A. ANNE ARUNDEL COUNTY.

17 3-2A-01.

18 (A) THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION CONSISTS OF
19 SEVEN ELECTED MEMBERS AND ONE STUDENT MEMBER.

20 (B) THE ELECTED MEMBERS OF THE ANNE ARUNDEL COUNTY BOARD SHALL
21 BE ELECTED AT A GENERAL ELECTION AS REQUIRED BY THIS SECTION.

22 (C) (1) ONE MEMBER OF THE COUNTY BOARD SHALL BE ELECTED FROM
23 EACH OF THE SEVEN COUNCILMANIC DISTRICTS IN THE COUNTY.

24 (2) EACH MEMBER OF THE COUNTY BOARD SHALL RESIDE IN THE
25 COUNCILMANIC DISTRICT THAT THE MEMBER REPRESENTS.

26 (3) A MEMBER OF THE COUNTY BOARD WHO NO LONGER RESIDES IN
27 THE COUNCILMANIC DISTRICT THAT THE MEMBER REPRESENTS MAY NOT
28 CONTINUE AS A MEMBER OF THE COUNTY BOARD FROM THAT DISTRICT .

29 (4) A MEMBER OF THE COUNTY BOARD SHALL BE A REGISTERED
30 VOTER OF THE COUNTY FOR AT LEAST 2 YEARS PRIOR TO THE DATE OF THE
31 BEGINNING OF THE TERM OF OFFICE OF THE MEMBER.

7

1 (D) (1) EXCEPT FOR THE STUDENT MEMBER, A MEMBER SERVES FOR A
2 TERM OF 4 YEARS BEGINNING JANUARY 1 AFTER THE ELECTION OF THE MEMBER
3 AND UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.

4 (2) (I) UNLESS OTHERWISE DISQUALIFIED UNDER THIS SECTION, A
5 MEMBER OF THE COUNTY BOARD IS ELIGIBLE FOR REELECTION.

6 (II) AN INDIVIDUAL MAY NOT SERVE FOR MORE THAN 2
7 CONSECUTIVE TERMS.

8 (3) AN INDIVIDUAL SUBJECT TO THE AUTHORITY OF THE COUNTY
9 BOARD AT THE TIME OF FILING IS INELIGIBLE TO BE A CANDIDATE.

10 3-2A-02.

11 (A) ANY INDIVIDUAL MAY BE A CANDIDATE AT THE PRIMARY ELECTION FOR
12 NOMINATION FOR ELECTION TO THE SCHOOL BOARD FROM THE COUNCILMANIC
13 DISTRICT IN WHICH THE INDIVIDUAL RESIDES.

14 (B) THE TWO INDIVIDUALS WITH THE HIGHEST NUMBER OF VOTES IN THE
15 PRIMARY ELECTION IN EACH COUNCILMANIC DISTRICT SHALL BE THE NOMINEES
16 FOR ELECTION TO THE COUNTY BOARD FROM THAT DISTRICT.

17 (C) THE COUNTY BOARD SHALL BE ELECTED ON A NONPARTISAN BASIS.

18 3-2A-03.

19 (A) (1) MEMBERS OF THE COUNTY BOARD ELECTED IN THE 2000 GENERAL
20 ELECTION FROM COUNCILMANIC DISTRICTS 1, 2, 3, AND 4 SHALL SERVE FOR AN
21 INITIAL TERM OF 2 YEARS.

22 (2) AN ELECTION FOR THESE POSITIONS SHALL BE CONDUCTED IN 2002
23 AND EVERY 4 YEARS THEREAFTER.

24 (B) (1) MEMBERS OF THE COUNTY BOARD ELECTED IN THE 2000 GENERAL
25 ELECTION FROM COUNCILMANIC DISTRICTS 5, 6, AND 7 SHALL SERVE FOR AN
26 INITIAL TERM OF 4 YEARS.

27 (2) AN ELECTION FOR THESE POSITIONS SHALL BE CONDUCTED IN 2004
28 AND EVERY 4 YEARS THEREAFTER.

29 (C) EXCEPT AS SPECIFIED IN THIS SECTION, ELECTIONS SHALL BE
30 CONDUCTED IN ACCORDANCE WITH ARTICLE 33, SUBTITLE 32 OF THE ANNOTATED
31 CODE OF MARYLAND.

32 3-2A-04.

33 (A) IF A VACANCY OCCURS ON THE COUNTY BOARD BEFORE THE END OF A
34 TERM OF OFFICE, THE COUNTY EXECUTIVE SHALL APPOINT A QUALIFIED
35 INDIVIDUAL FROM THE SAME COUNCILMANIC DISTRICT TO SERVE.

36 (B) IF THE VACANCY OCCURS WITHIN THE FIRST 2 YEARS OF A TERM, THE
37 INDIVIDUAL SHALL SERVE UNTIL A SPECIAL ELECTION CAN BE HELD AND A
38 SUCCESSOR IS ELECTED AND QUALIFIES.

8

1 (C) IF THE VACANCY OCCURS WITHIN THE LAST 2 YEARS OF A TERM, THE
2 INDIVIDUAL SHALL SERVE FOR THE REMAINDER OF THE TERM AND UNTIL A
3 SUCCESSOR IS ELECTED AND QUALIFIES.

4 3-2A-05.

5 (A) THE STATE BOARD MAY REMOVE A MEMBER OF THE COUNTY BOARD
6 FOR:

7 (1) IMMORALITY;

8 (2) MISCONDUCT IN OFFICE;

9 (3) INCOMPETENCE; OR

10 (4) WILLFUL NEGLECT OF DUTY.

11 (B) BEFORE REMOVING A MEMBER, THE STATE BOARD SHALL SEND THE
12 MEMBER A NOTICE, BY REGISTERED MAIL, RETURN RECEIPT REQUESTED, THAT
13 SPECIFIES THE CHARGES AGAINST THE MEMBER.

14 (C) (1) (I) WITHIN 15 DAYS FROM THE DATE THE STATE BOARD SENDS
15 THE NOTICE, THE MEMBER MAY REQUEST A PUBLIC HEARING.

16 (II) THE MEMBER SHALL SEND THIS REQUEST TO THE COUNTY
17 BOARD BY REGISTERED MAIL, RETURN RECEIPT REQUESTED.

18 (2) IF THE MEMBER REQUESTS A HEARING, THE STATE BOARD SHALL
19 CONDUCT A HEARING PROMPTLY, BUT NOT BEFORE THE 11TH DAY FROM THE DATE
20 THE STATE BOARD SENT NOTICE TO THE MEMBER.

21 (3) THE MEMBER SHALL HAVE THE RIGHT TO A PUBLIC HEARING AND
22 TO REPRESENTATION BY COUNSEL AT THE HEARING.

23 (D) A MEMBER REMOVED UNDER THIS SUBSECTION HAS THE RIGHT TO A DE
24 NOVO REVIEW OF THE REMOVAL BY THE CIRCUIT COURT OF ANNE ARUNDEL
25 COUNTY.

26 3-2A-06.

27 (A) THE TERMS OF THE INTERIM INCUMBENT MEMBERS OF THE COUNTY
28 BOARD WHO HOLD OFFICE ON OCTOBER 1, 2000 SHALL EXPIRE ON JANUARY 1, 2001.

29 (B) THE MEMBERS ELECTED UNDER THE PROVISIONS OF THIS SECTION
30 SHALL BE ELECTED TO REPLACE THE MEMBERS OF THE COUNTY BOARD SERVING
31 ON THE COUNTY BOARD ON THE DATE OF THE ELECTION.

32 3-2A-07.

33 (A) THE STUDENT MEMBER SHALL:

34 (1) BE A REGULARLY ENROLLED SENIOR YEAR STUDENT OF GOOD
35 CHARACTER AND IN GOOD STANDING IN AN ANNE ARUNDEL COUNTY PUBLIC HIGH
36 SCHOOL;

9

1 (2) BE SELECTED IN THE STUDENT'S JUNIOR YEAR BY A METHOD
2 SELECTED BY THE CHESAPEAKE REGIONAL ASSOCIATION OF STUDENT COUNCILS
3 OF ANNE ARUNDEL COUNTY; AND

4 (3) (I) SERVE A TERM OF 1 YEAR; AND

5 (II) CONTINUE TO SERVE AFTER GRADUATION AND UNTIL A
6 SUCCESSOR IS APPOINTED AND QUALIFIES.

7 (B) IF A VACANCY IN THE POSITION OF STUDENT MEMBER OCCURS DURING
8 THE TERM OF A STUDENT MEMBER, THE CHESAPEAKE REGIONAL ASSOCIATION OF
9 STUDENT COUNCILS SHALL:

10 (1) CONDUCT A SPECIAL ELECTION AT ITS NEXT GENERAL MEETING;
11 AND

12 (2) BY THE SAME METHOD THAT IT USED TO SELECT THE PREVIOUS
13 STUDENT MEMBER OF THE BOARD, SELECT ANOTHER STUDENT MEMBER TO FILL
14 THE VACANCY.

15 SECTION 4. AND BE IT FURTHER ENACTED, That before Section 1, Section
16 2, or Section 3 of this Act becomes legally effective, each of these shall first be submitted
17 to a referendum of the legally qualified voters of Anne Arundel County at the general
18 election to be held in November of 1998. The County Council of Anne Arundel County
19 and the Board of Supervisors of Elections of Anne Arundel County shall do those things
20 necessary and proper to provide for and hold the referendum required by this section.
21 There shall be printed on the ballot or ballots to be used at this election the title of this
22 Act and underneath the title, on separate lines, a square or box to the right of and
23 opposite the words: " For a School Board Appointed by the County Executive of Anne
24 Arundel County (Section 1 of this Act)", a corresponding square or box to the right of
25 and opposite the word "For a School Board Appointed by the Governor (Section 2 of this
26 Act)", and a corresponding square or box to the right of and opposite the words "For a
27 School Board Elected by the Voters of Anne Arundel County (Section 3 of this Act)", so
28 that each voter of the county may designate his or her decision concerning the selection
29 of the members of the Anne Arundel County Board of Education. A voter may choose
30 only one of the methods of selection. The section that receives the largest number of
31 votes shall become effective on December 1, 1998. The other sections shall be of no effect
32 and null and void. If two of the sections each receive the same number of votes, thereby
33 creating a tie, and the third section did not receive the largest number of votes, there shall
34 be a special runoff referendum within 30 days. The cost of the runoff referendum, if any,
35 shall be paid by the County Council of Anne Arundel County. The section that receives
36 the larger number of votes at the runoff referendum shall become effective on the 30th
37 day following the official canvass of votes for the runoff referendum.

38 SECTION 5. AND BE IT FURTHER ENACTED, That, subject to the provisions
39 of Section 4 of this Act and for the sole purpose of providing for the referendum required
40 by Section 4 of this Act, this Act shall take effect October 1, 1997.