
By: **Delegates Cane, Bozman, McClenahan, Conway, Crouse, Sophocleus,
and Rudolph**

Introduced and read first time: February 7, 2002
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **County Officials - Vacancies Filled by the Governor - Advertising by Central**
3 **Committees**

4 FOR the purpose of requiring the central committee of a certain political party, before
5 selecting a name or list of names to submit to the Governor to fill a vacancy in
6 the office of a certain county official, to advertise the vacancy in a local
7 newspaper and submit the evidence of the advertising to the Governor;
8 requiring the central committee of a certain political party, before selecting a
9 name or list of names to submit to the Governor to fill a vacancy in the office of
10 a county commissioner, to advertise the vacancy in a local newspaper and
11 submit the evidence of the advertising to the Governor; requiring the central
12 committee of a certain political party, before selecting a name or list of names to
13 submit to the Governor to fill a vacancy in the office of an appointed school
14 board member or elected school board member, to advertise the vacancy in a
15 local newspaper and submit the evidence of the advertising to the Governor;
16 making stylistic changes; defining a certain term; and generally relating to the
17 advertising of vacancies in the offices of county officials.

18 BY adding to
19 Article 24 - Political Subdivisions - Miscellaneous Provisions
20 Section 1-111
21 Annotated Code of Maryland
22 (2001 Replacement Volume)

23 BY repealing and reenacting, with amendments,
24 Article 25 - County Commissioners
25 Section 16
26 Annotated Code of Maryland
27 (2001 Replacement Volume)

28 BY repealing and reenacting, without amendments,
29 Article - Education
30 Section 3-108(a)

1 Annotated Code of Maryland
2 (2001 Replacement Volume)

3 BY repealing and reenacting, with amendments,
4 Article - Education
5 Section 3-108(c)
6 Annotated Code of Maryland
7 (2001 Replacement Volume)

8 BY adding to
9 Article - Education
10 Section 3-114.1
11 Annotated Code of Maryland
12 (2001 Replacement Volume)

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

15 **Article 24 - Political Subdivisions - Miscellaneous Provisions**

16 1-111.

17 (A) IN THIS SECTION, "COUNTY OFFICIAL" MEANS AN ELECTED OR
18 APPOINTED POSITION IN A COUNTY FOR WHICH A VACANCY IS FILLED BY THE
19 GOVERNOR FROM A NAME OR LIST OF NAMES SUBMITTED BY THE CENTRAL
20 COMMITTEE OF THE POLITICAL PARTY WITH WHICH THE FORMER COUNTY OFFICIAL
21 WAS AFFILIATED.

22 (B) IF THE GOVERNOR APPOINTS A NEW MEMBER TO FILL A VACANCY IN THE
23 POSITION OF A COUNTY OFFICIAL, THE CENTRAL COMMITTEE OF THE POLITICAL
24 PARTY WITH WHICH THE FORMER COUNTY OFFICIAL WAS AFFILIATED SHALL:

25 (1) BEFORE SELECTING A NAME OR LIST OF NAMES, ADVERTISE THE
26 VACANCY IN A LOCAL NEWSPAPER; AND

27 (2) WHEN SUBMITTING THE NAME OR LIST OF NAMES TO THE
28 GOVERNOR, SUBMIT EVIDENCE OF THE ADVERTISING TO THE GOVERNOR.

29 **Article 25 - County Commissioners**

30 16.

31 (A) In case any office of county commissioner shall become vacant in any
32 county by death, resignation or otherwise, the Governor, if such vacancy shall occur
33 during the session of the Senate, shall, by and with the advice and consent of the
34 Senate, appoint, and if such vacancy shall occur during the recess of the Senate, [he]
35 THE GOVERNOR shall appoint a proper person [or proper persons] to fill [such] THE
36 vacancy [or vacancies; and the]. THE nomination of the person [or persons thus]

1 appointed during [such] A recess, or of some other person in [his or their] THE
2 NOMINEE'S place, shall be made to the Senate within thirty days after the next
3 meeting of the legislature.

4 (B) (1) The Governor shall nominate or appoint the person to fill [such] A
5 vacancy whose name shall be submitted to [him] THE GOVERNOR in writing by the
6 central committee of the political party with which the county commissioner, so
7 vacating, has been affiliated in the particular county, provided that the nominee or
8 appointee shall be of the same political party as the person whose office is to be
9 filled[; and it]. IT shall be the duty of the Governor to make [said] THE nomination
10 or appointment within fifteen days after the submission [thereof to him] OF THE
11 NAME OR LIST OF NAMES TO THE GOVERNOR.

12 (2) BEFORE SELECTING A NAME OR LIST OF NAMES TO SUBMIT TO THE
13 GOVERNOR, THE CENTRAL COMMITTEE SHALL ADVERTISE THE VACANCY IN A LOCAL
14 NEWSPAPER. WHEN SUBMITTING THE NAME OR LIST OF NAMES TO THE GOVERNOR,
15 THE CENTRAL COMMITTEE SHALL ALSO SUBMIT EVIDENCE OF THE ADVERTISING TO
16 THE GOVERNOR.

17 (3) In the event there is no central committee in the county in which the
18 vacancy occurs, the Governor shall appoint to fill the vacancy a person who has all the
19 qualifications required for the office of county commissioner in the particular county.

20 (C) As to Allegany County, if there is no resident Senator from Allegany
21 County in the Senate of Maryland at the time of the appointment, it shall be by and
22 with the advice and consent of the House of Delegates of Maryland.

23

Article - Education

24 3-108.

25 (a) Except for the New Baltimore City Board of School Commissioners
26 established under § 3-108.1 of this subtitle and counties listed in § 3-114 of this
27 subtitle, the Governor shall appoint the members of each county board from the
28 residents of that county.

29 (c) (1) Each member serves for a term of 5 years beginning July 1 after his
30 appointment and until a successor is appointed and qualifies.

31 (2) (I) The Governor shall appoint a new member to fill any vacancy
32 on an appointed board for the remainder of that term and until a successor is
33 appointed and qualifies.

34 (II) IF THE GOVERNOR APPOINTS A NEW MEMBER TO FILL A
35 VACANCY FROM A NAME OR LIST OF NAMES SUBMITTED BY THE CENTRAL
36 COMMITTEE OF THE POLITICAL PARTY WITH WHICH A FORMER MEMBER WAS
37 AFFILIATED, THE CENTRAL COMMITTEE SHALL:

38 1. BEFORE SELECTING A NAME OR LIST OF NAMES,
39 ADVERTISE THE VACANCY IN A LOCAL NEWSPAPER; AND

1 2. WHEN SUBMITTING THE NAME OR LIST OF NAMES TO THE
2 GOVERNOR, SUBMIT EVIDENCE OF THE ADVERTISING TO THE GOVERNOR.

3 (3) Unless otherwise disqualified under this section, a member of a
4 board is eligible for reappointment. However, an individual may not serve for more
5 than 2 consecutive terms.

6 3-114.1.

7 IF THE GOVERNOR APPOINTS A NEW MEMBER TO FILL A VACANCY ON AN
8 ELECTED BOARD FROM A NAME OR LIST OF NAMES SUBMITTED BY THE CENTRAL
9 COMMITTEE OF THE POLITICAL PARTY WITH WHICH A FORMER MEMBER WAS
10 AFFILIATED, THE CENTRAL COMMITTEE SHALL:

11 (1) BEFORE SELECTING A NAME OR LIST OF NAMES, ADVERTISE THE
12 VACANCY IN A LOCAL NEWSPAPER; AND

13 (2) WHEN SUBMITTING THE NAME OR LIST OF NAMES TO THE
14 GOVERNOR, SUBMIT EVIDENCE OF THE ADVERTISING TO THE GOVERNOR.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2002.