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

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

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Committee Report: Favorable  
House action: Adopted  
Read second time: March 12, 2002

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CHAPTER \_\_\_\_\_

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

1 Section 16  
2 Annotated Code of Maryland  
3 (2001 Replacement Volume)

4 BY repealing and reenacting, without amendments,  
5 Article - Education  
6 Section 3-108(a)  
7 Annotated Code of Maryland  
8 (2001 Replacement Volume)

9 BY repealing and reenacting, with amendments,  
10 Article - Education  
11 Section 3-108(c)  
12 Annotated Code of Maryland  
13 (2001 Replacement Volume)

14 BY adding to  
15 Article - Education  
16 Section 3-114.1  
17 Annotated Code of Maryland  
18 (2001 Replacement Volume)

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

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

22 1-111.

23 (A) IN THIS SECTION, "COUNTY OFFICIAL" MEANS AN ELECTED OR  
24 APPOINTED POSITION IN A COUNTY FOR WHICH A VACANCY IS FILLED BY THE  
25 GOVERNOR FROM A NAME OR LIST OF NAMES SUBMITTED BY THE CENTRAL  
26 COMMITTEE OF THE POLITICAL PARTY WITH WHICH THE FORMER COUNTY OFFICIAL  
27 WAS AFFILIATED.

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

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

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

**Article 25 - County Commissioners**

16.

(A) In case any office of county commissioner shall become vacant in any county by death, resignation or otherwise, the Governor, if such vacancy shall occur during the session of the Senate, shall, by and with the advice and consent of the Senate, appoint, and if such vacancy shall occur during the recess of the Senate, [he] THE GOVERNOR shall appoint a proper person [or proper persons] to fill [such] THE vacancy [or vacancies; and the]. THE nomination of the person [or persons thus] appointed during [such] A recess, or of some other person in [his or their] THE NOMINEE'S place, shall be made to the Senate within thirty days after the next meeting of the legislature.

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

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

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

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

**Article - Education**

3-108.

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

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

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

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

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

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

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

15 3-114.1.

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

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

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

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