

HOUSE BILL 1018
EMERGENCY BILL

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F3

2002 Regular Session
2r1534

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

Introduced and read first time: February 8, 2002

Assigned to: Commerce and Government Matters and Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Board of Education - Recall of Members by Voters**
3 **PG 431-02**

4 FOR the purpose of authorizing the recall of members of the Prince George's County
5 Board of Education by the registered voters of Prince George's County;
6 prohibiting the recall of certain members under certain circumstances;
7 establishing the grounds for recall; requiring the service, filing, and publication
8 of a certain notice; establishing the procedures for the service, filing, and
9 publication of a certain notice; requiring certain items to be included in a certain
10 notice; authorizing a certain answer to be filed; requiring certain items to be
11 included in a certain answer; requiring a petition to be signed by a certain
12 number of registered voters of the member's school board district; requiring the
13 petition to include certain items; requiring a candidate to succeed the member
14 subject to recall to comply with certain provisions; requiring a certain question
15 to be placed on the ballot at a certain election under certain circumstances;
16 requiring a certain statement and a certain answer, if any, to be printed above a
17 certain question on the ballot; providing that a certain election shall be held, as
18 scheduled, if a certain member resigns from office; authorizing voters to cast a
19 vote to elect a successor to the office of the member subject to recall under
20 certain circumstances; providing that, if a majority of the vote is cast to recall,
21 the member is removed from office and the candidate receiving the highest
22 number of votes is the successor to the unexpired term of the recalled member;
23 providing for the effective date for certain provisions of this Act; providing for
24 the termination of certain provisions of this Act; make this Act an emergency
25 measure; and generally relating to the recall of members of the Prince George's
26 County Board of Education.

27 BY repealing and reenacting, with amendments,
28 Article 33 - Election Code
29 Section 6-101(i) and 6-208(b)
30 Annotated Code of Maryland
31 (1997 Replacement Volume and 2001 Supplement)

32 BY repealing and reenacting, with amendments,

1 Article - Election Law
2 Section 6-101(i) and 6-208(b)
3 Annotated Code of Maryland
4 (As enacted by Chapter ____ (S.B. 1) of the Acts of the General Assembly of 2002)

5 BY adding to
6 Article - Education
7 Section 3-1002.1
8 Annotated Code of Maryland
9 (2001 Replacement Volume)

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

12 **Article 33 - Election Code**

13 6-101.

14 (i) "Petition" means all of the associated pages necessary to fulfill the
15 requirements of a process established by the law by which individuals affix their
16 signatures as evidence of support for:

17 (1) Placing the name of an individual, the names of individuals, or a
18 question on the ballot at any election;

19 (2) The creation of a new political party; [or]

20 (3) The appointment of a charter board under Article XI-A, § 1A of the
21 Maryland Constitution; OR

22 (4) RECALLING A MEMBER OF THE PRINCE GEORGE'S COUNTY BOARD
23 OF EDUCATION.

24 6-208.

25 (b) If the chief election official determines that a petition has satisfied all
26 requirements established by law relating to that petition, the chief election official
27 shall certify that the petition process has been completed and shall:

28 (1) With respect to a petition seeking to place the name of an individual
29 or a question on the ballot, certify that the name or question has qualified to be placed
30 on the ballot;

31 (2) With respect to a petition seeking to create a new political party,
32 certify the sufficiency of the petition to the chairman of the governing body of the
33 partisan organization; [and]

34 (3) With respect to the creation of a charter board under Article XI-A, §
35 1A of the Maryland Constitution, certify that the petition is sufficient; AND

1 (4) WITH RESPECT TO THE RECALL OF A MEMBER OF THE PRINCE
2 GEORGE'S COUNTY BOARD OF EDUCATION, CERTIFY THAT A RECALL ELECTION
3 SHALL BE HELD AT LEAST 60 DAYS BUT NOT MORE THAN 90 DAYS FROM THE DATE OF
4 THE CERTIFICATION.

5 **Article - Education**

6 3-1002.1.

7 (A) (1) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (2) OF THIS
8 SUBSECTION, A MEMBER OF THE PRINCE GEORGE'S COUNTY BOARD OF EDUCATION
9 MAY BE RECALLED BY THE REGISTERED VOTERS OF THE SCHOOL BOARD DISTRICT
10 THE MEMBER REPRESENTS.

11 (2) A MEMBER MAY NOT BE RECALLED IF:

12 (I) THE MEMBER HAS NOT HELD OFFICE DURING THE CURRENT
13 TERM FOR MORE THAN 90 DAYS;

14 (II) A RECALL ELECTION HAS BEEN DETERMINED IN THE
15 MEMBER'S FAVOR IN THE PRECEDING 6 MONTHS; OR

16 (III) THE MEMBER'S TERM ENDS WITHIN THE NEXT 6 MONTHS.

17 (B) (1) A REGISTERED VOTER OF THE DISTRICT FROM WHICH A MEMBER OF
18 THE PRINCE GEORGE'S COUNTY BOARD OF EDUCATION WAS ELECTED MAY INITIATE
19 A RECALL OF THE MEMBER BY SERVICE, FILING, AND PUBLICATION OF A NOTICE OF
20 INTENTION.

21 (2) THE NOTICE OF INTENTION SHALL INCLUDE:

22 (I) THE NAME AND TITLE OF THE MEMBER TO BE RECALLED;

23 (II) A STATEMENT OF NOT MORE THAN 200 WORDS CONTAINING
24 THE REASONS FOR RECALL;

25 (III) A STATEMENT THAT THE MEMBER SUBJECT TO RECALL MAY
26 FILE AN ANSWER TO THE NOTICE OF INTENTION WITH THE PRINCE GEORGE'S
27 COUNTY BOARD OF ELECTIONS;

28 (IV) THE PROVISIONS OF SUBSECTION (D) OF THIS SECTION
29 RELATING TO ANSWERS; AND

30 (V) THE NAME, BUSINESS OR RESIDENTIAL ADDRESS, AND
31 SIGNATURE OF THE REGISTERED VOTER OR VOTERS SEEKING THE RECALL.

32 (3) A COPY OF THE NOTICE OF INTENTION SHALL BE SERVED BY
33 PERSONAL DELIVERY OR BY CERTIFIED MAIL ON THE MEMBER SUBJECT TO RECALL.

1 (4) THE ORIGINAL NOTICE OF INTENTION SHALL BE FILED, WITHIN 7
2 DAYS AFTER SERVICE ON THE MEMBER SUBJECT TO RECALL, WITH THE PRINCE
3 GEORGE'S COUNTY BOARD OF ELECTIONS.

4 (5) (I) A COPY OF THE NOTICE OF INTENTION SHALL BE PUBLISHED
5 AT LEAST ONCE IN A NEWSPAPER OF GENERAL CIRCULATION.

6 (II) PROOF OF PUBLICATION SHALL BE FILED WITH THE PRINCE
7 GEORGE'S COUNTY BOARD OF ELECTIONS WHEN THE PETITION IS FILED.

8 (C) (1) WITHIN 14 DAYS AFTER THE FILING OF THE NOTICE OF INTENTION,
9 THE MEMBER SUBJECT TO RECALL MAY FILE AN ANSWER OF NOT MORE THAN 200
10 WORDS WITH THE PRINCE GEORGE'S COUNTY BOARD OF ELECTIONS.

11 (2) THE ANSWER SHALL INCLUDE:

12 (I) THE SWORN SIGNATURE OF THE MEMBER SUBJECT TO RECALL;
13 AND

14 (II) THE NAME AND BUSINESS OR RESIDENTIAL ADDRESS OF THE
15 MEMBER SUBJECT TO RECALL.

16 (D) (1) A PETITION SHALL BE SIGNED BY A NUMBER OF REGISTERED
17 VOTERS OF THE DISTRICT FROM WHICH THE MEMBER WHOSE RECALL IS SOUGHT
18 EQUAL TO AT LEAST 20% OF THE ENTIRE VOTE CAST FOR ALL THE CANDIDATES TO
19 REPRESENT THAT DISTRICT ON THE PRINCE GEORGE'S COUNTY BOARD OF
20 EDUCATION AT THE LAST PRECEDING REGULAR ELECTION.

21 (2) THE PETITION SHALL:

22 (I) CONTAIN THE STATEMENT PROVIDED IN THE NOTICE OF
23 INTENTION, AS REQUIRED UNDER SUBSECTION (C)(2)(II) OF THIS SECTION;

24 (II) NAME ONLY ONE PERSON FOR RECALL;

25 (III) DESIGNATE, BY NAME AND ADDRESS, THREE PEOPLE TO SERVE
26 AS THE REPRESENTATIVES OF THE SIGNERS;

27 (IV) DEMAND AN ELECTION OF A SUCCESSOR TO THE MEMBER
28 NAMED IN THE PETITION; AND

29 (V) MEET ALL OTHER REQUIREMENTS FOR PETITIONS SET FORTH
30 IN ARTICLE 33, TITLE 6 OF THE CODE.

31 (E) CANDIDATES TO SUCCEED THE MEMBER SUBJECT TO RECALL SHALL:

32 (1) FILE CERTIFICATES OF CANDIDACY AT LEAST 30 DAYS PRIOR TO THE
33 RECALL ELECTION;

34 (2) MEET ALL OTHER REQUIREMENTS FOR CANDIDACY SET FORTH IN
35 ARTICLE 33, § 8-802 OF THE CODE; AND

1 (3) BE QUALIFIED FOR CANDIDACY AS REQUIRED IN ARTICLE 33, § 8-803
2 OF THE CODE.

3 (F) (1) AT THE ELECTION, THE FOLLOWING QUESTION SHALL BE PLACED
4 ON THE BALLOT:

5 "SHALL (NAME OF THE MEMBER SUBJECT TO RECALL) BE REMOVED FROM
6 THE OFFICE OF MEMBER OF THE PRINCE GEORGE'S COUNTY BOARD OF
7 EDUCATION?".

8 (2) THE STATEMENT PROVIDED IN THE NOTICE OF INTENTION
9 PURSUANT TO SUBSECTION (C)(2)(II) OF THIS SECTION AND THE ANSWER, IF ANY,
10 PROVIDED PURSUANT TO SUBSECTION (D)(1) OF THIS SECTION SHALL:

11 (I) BE PRINTED ABOVE THE QUESTION SET FORTH IN PARAGRAPH
12 (1) OF THIS SUBSECTION; AND

13 (II) BE AVAILABLE FOR DISTRIBUTION AT POLLING PLACES.

14 (3) (I) AFTER THE QUESTION SET FORTH IN PARAGRAPH (1) OF THIS
15 SUBSECTION, IF THE VOTER CAST A VOTE IN FAVOR OF RECALLING THE MEMBER,
16 THE VOTER MAY CAST A VOTE TO ELECT A SUCCESSOR TO THE OFFICE OF THE
17 MEMBER SUBJECT TO RECALL.

18 (II) THE MEMBER SUBJECT TO RECALL MAY NOT BE A CANDIDATE
19 TO SUCCEED THE MEMBER AT THE RECALL ELECTION.

20 (4) IF THE MEMBER SUBJECT TO RECALL RESIGNS PRIOR TO THE
21 ELECTION, THE ELECTION SHALL BE HELD, AS SCHEDULED, TO CHOOSE THE
22 MEMBER'S SUCCESSOR.

23 (G) IF THE MAJORITY VOTE ON THE QUESTION IN SUBSECTION (G)(1) OF THIS
24 SECTION IS TO RECALL, THE MEMBER IS REMOVED AND THE CANDIDATE RECEIVING
25 THE HIGHEST NUMBER OF VOTES IS THE SUCCESSOR TO THE UNEXPIRED TERM OF
26 THE RECALLED MEMBER.

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

29 **Article - Election Law**

30 6-101.

31 (i) "Petition" means all of the associated pages necessary to fulfill the
32 requirements of a process established by the law by which individuals affix their
33 signatures as evidence of support for:

34 (1) Placing the name of an individual, the names of individuals, or a
35 question on the ballot at any election;

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3 Maryland Constitution; OR

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8 requirements established by law relating to that petition, the chief election official
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14 certify the sufficiency of the petition to the chairman of the governing body of the
15 partisan organization; [and]

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17 1A of the Maryland Constitution, certify that the petition is sufficient; AND

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19 GEORGE'S COUNTY BOARD OF EDUCATION, CERTIFY THAT A RECALL ELECTION
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23 3-1002.1.

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32 MEMBER'S FAVOR IN THE PRECEDING 6 MONTHS; OR

33 (III) THE MEMBER'S TERM ENDS WITHIN THE NEXT 6 MONTHS.

1 (B) (1) A REGISTERED VOTER OF THE DISTRICT FROM WHICH A MEMBER OF
2 THE PRINCE GEORGE'S COUNTY BOARD OF EDUCATION WAS ELECTED MAY INITIATE
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13 RELATING TO ANSWERS; AND

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15 SIGNATURE OF THE REGISTERED VOTER OR VOTERS SEEKING THE RECALL.

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17 PERSONAL DELIVERY OR BY CERTIFIED MAIL ON THE MEMBER SUBJECT TO RECALL.

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19 DAYS AFTER SERVICE ON THE MEMBER SUBJECT TO RECALL, WITH THE PRINCE
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35 WAS ELECTED EQUAL TO AT LEAST 20% OF THE ENTIRE VOTE CAST FOR ALL THE

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2 BOARD OF ELECTION AT THE LAST PRECEDING REGULAR ELECTION.

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8 AS THE REPRESENTATIVES OF THE SIGNERS;

9 (IV) DEMAND AN ELECTION OF A SUCCESSOR TO THE MEMBER
10 NAMED IN THE PETITION; AND

11 (V) MEET ALL OTHER REQUIREMENTS FOR PETITIONS SET FORTH
12 IN TITLE 6 OF THE ELECTION LAW ARTICLE.

13 (E) CANDIDATES TO SUCCEED THE MEMBER SUBJECT TO RECALL SHALL:

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17 8-802 OF THE ELECTION LAW ARTICLE; AND

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19 ELECTION LAW ARTICLE.

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1 (II) THE MEMBER SUBJECT TO RECALL MAY NOT BE A CANDIDATE
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4 ELECTION, THE ELECTION SHALL BE HELD, AS SCHEDULED, TO CHOOSE THE
5 MEMBER'S SUCCESSOR.

6 (G) IF THE MAJORITY VOTE ON THE QUESTION IN SUBSECTION (G)(1) OF THIS
7 SECTION IS TO RECALL, THE MEMBER IS REMOVED AND THE CANDIDATE RECEIVING
8 THE HIGHEST NUMBER OF VOTES IS THE SUCCESSOR TO THE UNEXPIRED TERM OF
9 THE RECALLED MEMBER.

10 SECTION 3. AND BE IT FURTHER ENACTED, That, Section 2 of this Act shall
11 take effect January 1, 2003.

12 SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an
13 emergency measure, is necessary for the immediate preservation of the public health
14 or safety, has been passed by a yea and nay vote supported by three-fifths of all the
15 members elected to each of the two Houses of the General Assembly, and except as
16 provided in Section 3 of this Act, shall take effect from the date it is enacted. Section
17 1 of this Act shall remain effective until the taking effect of Section 2 of this Act. If
18 Section 2 of this Act takes effect, Section 1 of this Act shall be abrogated and of no
19 further force and effect.