
By: **Delegates McConkey, Gilleland, and McMillan**

Introduced and read first time: February 4, 2004

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 from appointment to election; establishing
5 a procedure for the election of members of the Anne Arundel County Board of
6 Education; establishing a certain term of office for elected members of the
7 County Board; providing for the removal of elected members under certain
8 circumstances; providing for a certain student member of the County Board;
9 providing a procedure to fill a vacancy on the County Board; providing for the
10 election of the chairman of the County Board; providing for the compensation of
11 the elected members of the County Board; providing for the termination of the
12 terms of the appointed members of the County Board; submitting this Act to a
13 referendum of the legally qualified voters of Anne Arundel County; making
14 technical corrections; providing for the effective date of this Act; and generally
15 relating to the Anne Arundel County Board of Education.

16 BY repealing
17 Article - Education
18 Section 3-110
19 Annotated Code of Maryland
20 (2001 Replacement Volume and 2003 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article - Education
23 Section 3-114
24 Annotated Code of Maryland
25 (2001 Replacement Volume and 2003 Supplement)

26 BY adding to
27 Article - Education
28 Section 3-2A-01 through 3-2A-04, inclusive, to be under the new subtitle
29 "Subtitle 2A. Anne Arundel County"
30 Annotated Code of Maryland

1 (2001 Replacement Volume and 2003 Supplement)

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

4 **Article - Education**

5 [3-110.

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

8 (1) 3 from the county at large;

9 (2) 1 each from Legislative Districts 30, 31, and 33;

10 (3) 1 from either:

11 (i) Legislative District 32; or

12 (ii) That portion of Legislative District 21 that lies within Anne
13 Arundel County; and

14 (4) 1 student member.

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

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

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

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

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

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

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

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

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

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

4 3-114.

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

6 (1) Allegany;

7 (2) ANNE ARUNDEL;

8 (3) Calvert;

9 [(3)] (4) Carroll;

10 [(4)] (5) Charles;

11 [(5)] (6) Dorchester;

12 [(6)] (7) Frederick;

13 [(7)] (8) Garrett;

14 [(8)] (9) Howard;

15 [(9)] (10) Kent;

16 [(10)] (11) Montgomery;

17 [(11)] (12) St. Mary's;

18 [(12)] (13) Somerset;

19 [(13)] (14) Washington; and

20 [(14)] (15) Worcester.

21 (b) An individual subject to the authority of the county board may not serve as
 22 a member of the county board. At the time of filing a certificate of candidacy for
 23 election to a county board, [a person] AN INDIVIDUAL shall certify to the local board
 24 of [supervisors of election] ELECTIONS whether or not [he] THE INDIVIDUAL is
 25 subject to the authority of the county board. The Governor shall not issue a
 26 commission of election to [a person] AN INDIVIDUAL who has certified affirmatively
 27 and who is elected to a county board until the member-elect offers proof that [he]
 28 THE MEMBER-ELECT is no longer subject to the authority of the county board.

29 (c) The election of the county boards shall be held as provided in Subtitles 2
 30 through 13 of this title and the Election Law Article.

SUBTITLE 2A. ANNE ARUNDEL COUNTY.

2 3-2A-01.

3 (A) THE ANNE ARUNDEL COUNTY BOARD CONSISTS OF EIGHT VOTING
4 MEMBERS AS FOLLOWS:

5 (1) ONE ELECTED MEMBER ELECTED FROM EACH OF THE SEVEN
6 COUNCILMANIC DISTRICTS; AND

7 (2) ONE STUDENT MEMBER.

8 (B) (1) THE ELECTED MEMBERS OF THE COUNTY BOARD SHALL BE
9 ELECTED AT THE NOVEMBER 2006 GENERAL ELECTION.

10 (2) ONE ELECTED MEMBER SHALL BE ELECTED FROM EACH OF THE
11 SEVEN COUNCILMANIC DISTRICTS ONLY BY THE VOTERS OF THAT COUNCILMANIC
12 DISTRICT.

13 (3) AN ELECTED MEMBER OF THE COUNTY BOARD SHALL BE ELECTED
14 IN ACCORDANCE WITH TITLE 8, SUBTITLE 8 OF THE ELECTION LAW ARTICLE.

15 (C) (1) EACH ELECTED MEMBER ELECTED FROM A COUNCILMANIC
16 DISTRICT SHALL BE A RESIDENT OF THE DISTRICT THAT THE MEMBER REPRESENTS.

17 (2) AN ELECTED MEMBER OF THE COUNTY BOARD WHO NO LONGER
18 RESIDES IN THE COUNCILMANIC DISTRICT THAT THE MEMBER REPRESENTS MAY
19 NOT CONTINUE AS A MEMBER OF THE COUNTY BOARD FROM THAT DISTRICT.

20 (D) (1) EACH ELECTED MEMBER SERVES FOR A TERM OF 4 YEARS
21 BEGINNING ON THE FIRST MONDAY IN DECEMBER AFTER THE MEMBER'S ELECTION
22 AND UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.

23 (2) AN ELECTED MEMBER MAY NOT SERVE FOR MORE THAN TWO
24 CONSECUTIVE TERMS.

25 (E) THE GOVERNOR SHALL APPOINT A NEW MEMBER TO FILL ANY VACANCY
26 OF AN ELECTED MEMBER ON THE COUNTY BOARD FOR THE REMAINDER OF THAT
27 TERM AND UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.

28 (F) (1) THE STUDENT MEMBER OF THE COUNTY BOARD SHALL BE A 12TH
29 GRADE STUDENT OF GOOD CHARACTER AND IN GOOD STANDING IN THE ANNE
30 ARUNDEL COUNTY PUBLIC SCHOOL SYSTEM.

31 (2) THE STUDENT MEMBER SHALL BE SELECTED IN ACCORDANCE WITH
32 PROCEDURES ESTABLISHED BY THE CHESAPEAKE REGIONAL ASSOCIATION OF
33 STUDENT COUNCILS OF ANNE ARUNDEL COUNTY.

34 (3) THE TERM OF THE STUDENT MEMBER SHALL BE 1 YEAR.

1 (4) THE STUDENT MEMBER MAY NOT RECEIVE COMPENSATION BUT,
2 AFTER SUBMITTING EXPENSE VOUCHERS, MAY BE REIMBURSED FOR
3 OUT-OF-POCKET EXPENSES INCURRED IN CONNECTION WITH OFFICIAL DUTIES
4 APPROVED BY THE COUNTY BOARD.

5 (5) IF A VACANCY OCCURS IN THE STUDENT MEMBER'S POSITION
6 BEFORE THE END OF THE TERM, A QUALIFIED STUDENT SHALL BE SELECTED FOR
7 THE REMAINDER OF THE TERM IN ACCORDANCE WITH PROCEDURES ESTABLISHED
8 BY THE CHESAPEAKE REGIONAL ASSOCIATION OF STUDENT COUNCILS OF ANNE
9 ARUNDEL COUNTY.

10 3-2A-02.

11 (A) THE STATE BOARD MAY REMOVE AN ELECTED MEMBER OF THE COUNTY
12 BOARD FOR ANY OF THE FOLLOWING REASONS:

- 13 (1) IMMORALITY;
14 (2) MISCONDUCT IN OFFICE;
15 (3) INCOMPETENCY; OR
16 (4) WILLFUL NEGLECT OF DUTY.

17 (B) BEFORE REMOVING AN ELECTED MEMBER, THE STATE BOARD SHALL
18 SEND THE MEMBER A COPY OF THE CHARGES AGAINST THE MEMBER AND GIVE THE
19 MEMBER AN OPPORTUNITY WITHIN 10 DAYS TO REQUEST A HEARING.

20 (C) IF THE MEMBER REQUESTS A HEARING WITHIN THE 10-DAY PERIOD:

21 (1) THE STATE BOARD SHALL PROMPTLY HOLD A HEARING, BUT A
22 HEARING MAY NOT BE SET WITHIN 10 DAYS AFTER THE STATE BOARD SENDS THE
23 MEMBER A NOTICE OF THE HEARING; AND

24 (2) THE MEMBER SHALL HAVE AN OPPORTUNITY TO BE HEARD
25 PUBLICLY BEFORE THE STATE BOARD IN THE MEMBER'S OWN DEFENSE, IN PERSON
26 OR BY COUNSEL.

27 (D) A MEMBER REMOVED UNDER THIS SECTION HAS THE RIGHT TO A DE
28 NOVO REVIEW OF THE REMOVAL BY THE CIRCUIT COURT FOR ANNE ARUNDEL
29 COUNTY.

30 3-2A-03.

31 EACH YEAR, AT ITS FIRST MEETING IN DECEMBER, THE COUNTY BOARD SHALL
32 ELECT A CHAIRMAN FROM AMONG ITS ELECTED MEMBERS.

33 3-2A-04.

34 (A) THE CHAIRMAN OF THE COUNTY BOARD AND OTHER ELECTED MEMBERS
35 ARE ENTITLED TO RECEIVE \$12,000 ANNUALLY AS COMPENSATION.

1 (B) IN ACCORDANCE WITH THE COUNTY BUDGET, EACH MEMBER OF THE
2 COUNTY BOARD MAY BE REIMBURSED FOR TRAVEL AND OTHER EXPENSES
3 INCURRED IN CONNECTION WITH THE MEMBER'S OFFICIAL DUTIES ON THE COUNTY
4 BOARD.

5 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the
6 appointed members of the Anne Arundel County Board serving on or before June 30,
7 2004 shall terminate on December 3, 2006.

8 SECTION 3. AND BE IT FURTHER ENACTED, That before this Act becomes
9 effective it shall first be submitted to a referendum of the legally qualified voters of
10 Anne Arundel County at the general election to be held in November of 2004. Any
11 additional cost for that election occasioned by this Act shall be paid by the County
12 governing body. The County governing body and the Anne Arundel County Board of
13 Elections shall do those things necessary and proper to provide for and hold the
14 referendum required by this section. If a majority of the votes cast on the question are
15 "For a Board of Education Elected by the Voters of Anne Arundel County" the
16 provisions of this Act shall become effective on the 30th day following the official
17 canvass of votes for the referendum, but if a majority of the votes cast on the question
18 are "For a Board of Education Appointed by the Governor" the provisions of this Act
19 are of no effect and null and void.

20 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the
21 provisions of Section 3 of this Act, this Act shall take effect July 1, 2004.