

HOUSE BILL 568

F3, G1

0lr1149

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

Introduced and read first time: February 3, 2010

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – Board of Education – Member Candidacy for Other**
3 **Public Office**

4 **PG 425–10**

5 FOR the purpose of repealing a provision prohibiting a member of the Prince George's
6 County Board of Education from being a candidate for a public office other than
7 a position on the county board while serving on the county board; and providing
8 for the effective date of this Act.

9 BY repealing and reenacting, with amendments,
10 Article – Education
11 Section 3–1002
12 Annotated Code of Maryland
13 (2008 Replacement Volume and 2009 Supplement)
14 (As enacted by Chapters 348 and 349 of the Acts of the General Assembly of
15 2008)

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

18 **Article – Education**

19 3–1002.

20 (a) In this subtitle, “elected member” means a member of the Prince George's
21 County Board elected from one of the nine school board districts described in § 3–1001
22 of this subtitle.

23 (b) The Prince George's County Board consists of 10 members as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) Nine elected members, each of whom resides in a different school
2 board district; and

3 (2) One student member selected under subsection (f)(2) of this
4 section.

5 (c) (1) One member of the county board shall be elected from each of the
6 nine school board districts described in § 3–1001 of this subtitle.

7 (2) From the time of filing as a candidate for election, each candidate
8 shall be a registered voter of the county and a resident of the school board district the
9 candidate seeks to represent.

10 (3) An elected county board member shall forfeit the office if the
11 member:

12 (i) Fails to reside in the school board district from which the
13 member was elected, unless this change is caused by a change in the boundaries of the
14 district; or

15 (ii) Fails to be a registered voter of the county.

16 (4) A county board member may not hold another office of profit in
17 county government during the member's term.

18 (5) Each elected member of the county board shall be nominated by
19 the registered voters of the member's school board district.

20 (d) The elected members of the county board shall be elected:

21 (1) At the general election every 4 years as required by subsection (g)
22 of this section; and

23 (2) By the voters of the school board district that each member
24 represents.

25 (e) (1) If a candidate for the county board dies or withdraws the candidacy
26 during the period beginning with the date of the primary and ending 70 days before
27 the date of the general election, the Board of Elections shall:

28 (i) Replace the name of the deceased or withdrawn candidate
29 on the ballot for the general election with the name of the candidate who received the
30 next highest number of votes in the primary election; or

31 (ii) If a contested primary was not held, reopen the filing
32 process to allow other persons to file as candidates.

1 (2) (i) Except as otherwise provided in subparagraph (ii) of this
2 paragraph, the Board of Elections shall add to the ballot for the general election the
3 name of any person who files as a candidate in accordance with paragraph (1)(ii) of
4 this subsection.

5 (ii) The Board of Elections may not add additional candidates to
6 the ballot for the general election within 70 days before the date of the election.

7 (f) (1) The student member shall be an eleventh or twelfth grade student
8 in the Prince George's County public school system during the student's term in office.

9 (2) An eligible student shall file a nomination form at least 2 weeks
10 before a special election meeting of the Prince George's Regional Association of
11 Student Governments. Nomination forms shall be made available in the
12 administrative offices of all public senior high schools in the county, the office of
13 student concerns, and the office of the president of the regional association. The
14 delegates to the regional association annually shall elect the student member to the
15 board at a special election meeting to be held each school year.

16 (3) The student member may vote on all matters before the board
17 except those relating to:

18 (i) Capital and operating budgets;

19 (ii) School closings, reopenings, and boundaries;

20 (iii) Collective bargaining decisions;

21 (iv) Student disciplinary matters;

22 (v) Teacher and administrator disciplinary matters as provided
23 under § 6-202(a) of this article; and

24 (vi) Other personnel matters.

25 (4) On an affirmative vote of a majority of the elected members of the
26 county board, the board may determine if a matter before the board relates to a
27 subject that the student member may not vote on under paragraph (3) of this
28 subsection.

29 (5) Unless invited to attend by an affirmative vote of a majority of the
30 elected members of the county board, the student member may not attend an
31 executive session that relates to hearings on appeals of special education placements,
32 hearings held under § 6-202(a) of this article, or collective bargaining.

33 (6) The Prince George's Regional Association of Student Governments
34 may establish procedures for the election of the student member of the county board.

1 (7) The election procedures established by the Prince George's
2 Regional Association of Student Governments are subject to the approval of the elected
3 members of the county board.

4 (g) (1) Except as provided in paragraph (2) of this subsection, an elected
5 member serves for a term of 4 years beginning on the first Monday in December after
6 the member's election and until the member's successor is elected and qualifies.

7 (2) The terms of the elected members are staggered as follows:

8 (i) The five elected members who received the lowest
9 percentage of votes, as determined by the final vote count of the 2010 General Election
10 as certified by the Board of Elections, shall serve for a term of 2 years; and

11 (ii) The other four members elected in the 2010 General
12 Election shall serve for a term of 4 years.

13 (3) The student member serves for a term of 1 year beginning at the
14 end of a school year.

15 (4) (i) 1. A seat on the county board held by an elected member
16 that becomes vacant more than 180 days before the end of that member's term of office
17 shall be filled for the remainder of the term at a special election.

18 2. A seat on the county board held by an elected member
19 that becomes vacant 180 days or less before the end of that member's term of office
20 shall remain vacant until a successor is elected and qualifies.

21 (ii) 1. A. No later than 7 days after the occurrence of a
22 vacancy on the county board that must be filled at a special election, the County
23 Council shall adopt a resolution directing that a special primary election and special
24 general election be held in the school board district where the vacancy occurs.

25 B. The County Council shall consult with the Board of
26 Elections before adopting the resolution.

27 2. Subject to subparagraph (iii) of this paragraph, the
28 County Council resolution shall specify:

29 A. The date by which a certificate of candidacy must be
30 filed with the Board of Elections;

31 B. The date of the special primary election; and

32 C. The date of the special general election.

1 3. No later than 7 days after the adoption of the County
2 Council resolution, the Board of Elections shall publish the information contained in
3 the resolution once in at least one newspaper of general circulation.

4 (iii) 1. A candidate shall file a certificate of candidacy with
5 the Board of Elections no later than 28 days before a special primary election in order
6 to appear on the ballot.

7 2. The following provisions are subject to
8 subsubparagraph 3 of this subparagraph:

9 A. A special primary election shall be held on a Tuesday
10 at least 45 days but no later than 60 days after the occurrence of a vacancy.

11 B. A special general election shall be held on a Tuesday
12 at least 60 days but no later than 90 days after the occurrence of a vacancy.

13 3. A special election may not be held less than 30 days
14 before a regularly scheduled election.

15 4. On the day of a special election, polling places shall be
16 open from 7 a.m. to 8 p.m.

17 (iv) 1. No later than 10 days before a special primary
18 election and special general election, the Board of Elections shall mail a specimen
19 ballot to the household of each registered voter in the school board district where the
20 vacancy occurs.

21 2. The specimen ballot shall include the names of the
22 candidates in the order and form in which they are to appear on the ballot, together
23 with a statement, not to exceed 500 words, provided by each candidate.

24 (v) 1. Prince George's County shall fund a special election
25 held under this paragraph.

26 2. The Board of Elections shall submit a request for a
27 supplemental budget appropriation to the Director of the Office of Management and
28 Budget to cover the cost of a special election no later than 60 days after the election.

29 (vi) A special election under this paragraph shall be governed by
30 Title 8, Subtitle 8 of the Election Law Article and all other relevant provisions of law
31 relating to the conduct of elections except as otherwise provided in this subtitle or
32 where such construction would be unreasonable.

33 (h) (1) With the approval of the Governor, the State Board may remove a
34 member of the county board for any of the following reasons:

35 (i) Immorality;

1 (ii) Misconduct in office;

2 (iii) Incompetency; or

3 (iv) Willful neglect of duty.

4 (2) Before removing a member, the State Board shall send the member
5 a copy of the charges pending and give the member an opportunity within 10 days to
6 request a hearing.

7 (3) If the member requests a hearing within the 10-day period:

8 (i) The State Board promptly shall hold a hearing, but a
9 hearing may not be set within 10 days after the State Board sends the member a
10 notice of the hearing; and

11 (ii) The member shall have an opportunity to be heard publicly
12 before the State Board in the member's own defense, in person or by counsel.

13 (4) A member removed under this subsection has the right to judicial
14 review of the removal by the Circuit Court for Prince George's County based on an
15 administrative record and such additional evidence as would be authorized by §
16 10-222(f) and (g) of the State Government Article.

17 [(i) While serving on the county board, a member may not be a candidate for
18 a public office other than a position on the county board.]

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 July 1, 2010, the effective date of Chapters 348 and 349 of the Acts of the General
21 Assembly of 2008. If the effective date of Chapters 348 and 349 is amended, this Act
22 shall take effect on the taking effect of Chapters 348 and 349.