

HOUSE BILL 1175

F3

0lr2625
CF SB 635

By: **Kent County Delegation**

Introduced and read first time: February 17, 2010

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Kent County Board of Education – Members – Terms and Vacancies**

3 FOR the purpose of altering the term of the members of the Kent County Board of
4 Education; requiring the County Commissioners of Kent County to appoint a
5 certain individual to fill any vacancy on the Board; repealing certain provisions
6 providing for the election of a certain candidate to fill a certain vacancy on the
7 Board; providing for the application of certain provisions of this Act; and
8 generally relating to the terms of members and vacancies on the Kent County
9 Board of Education.

10 BY repealing and reenacting, with amendments,
11 Article – Education
12 Section 3–801
13 Annotated Code of Maryland
14 (2008 Replacement Volume and 2009 Supplement)

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

17 **Article – Education**

18 3–801.

19 (a) The Kent County Board consists of five members.

20 (b) A candidate elected to the county board shall be a resident and registered
21 voter of Kent County. Any member who no longer resides in Kent County may not
22 continue as a member of the board.

23 (c) (1) The incumbent members of the Kent County Board who hold office
24 on July 1, 1978 shall hold office until their successors are elected and qualify.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) Members of the Kent County Board shall be elected from Kent
2 County at large as follows:

3 (i) Two members of the county board shall be elected in the
4 November general election of 1978 and every 6 years after to replace the two interim
5 incumbent members of the board whose terms expire in 1977 and 1978;

6 (ii) Two members of the county board shall be elected in the
7 November general election of 1980 and every 6 years after to replace the two interim
8 incumbent members of the board whose terms expire in 1980; and

9 (iii) One member of the county board shall be elected in the
10 November general election of 1982 and every 6 years after to replace the interim
11 incumbent member of the board whose term expires in 1981.

12 (d) (1) Each member serves for a term of [6] 4 years beginning on
13 January 1 after his election and until a successor is elected and qualifies. The terms of
14 members are staggered and elections shall be held as provided in subsection (c) of this
15 section.

16 (2) [(i)] Any vacancy on the county board [that occurs on or before
17 the filing deadline for candidates in an election held in the fourth year of the term of
18 office of any member shall be filled, for the remainder of that term and until a
19 successor is elected and qualifies, at the general election:

20 1. Next following the creation of the vacancy; and

21 2. For which the deadline for the filing of candidates has
22 not expired.

23 (ii) Any other vacancy, including a vacancy existing during the
24 period preceding the election of a successor as provided in subparagraph (i) of this
25 paragraph,] shall be filled by a qualified individual appointed by the [Governor]
26 **COUNTY COMMISSIONERS OF KENT COUNTY** to serve until a successor is elected
27 and qualifies.

28 [(iii) The election provided for in subparagraph (i) of this
29 paragraph shall be governed by Title 8, Subtitle 8 of the Election Law Article.]

30 (3) An individual may serve for more than 2 consecutive terms.

31 (e) (1) The State Board may remove a member of the county board for:

32 (i) Immorality;

33 (ii) Misconduct in office;

1 (iii) Incompetency; or

2 (iv) Willful neglect of duty.

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

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

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

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

12 (4) A member removed under this subsection has the right to a de
13 novo review of the removal by the Circuit Court for Kent County.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be
15 construed to extend or apply to the terms of the members of the Kent County Board of
16 Education elected to a term of office beginning before the effective date of this Act, but
17 the provisions of this Act concerning the length of term of the members of the Kent
18 County Board of Education shall take effect at the beginning of the elected successor's
19 term of office.

20 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 July 1, 2010.