

## Chapter 460

### (House Bill 1175)

AN ACT concerning

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

FOR the purpose of altering the term of the members of the Kent County Board of Education; requiring the County Commissioners of Kent County to appoint a certain individual to fill any vacancy on the Board under certain circumstances; repealing certain provisions providing for the election of a certain candidate to fill a certain vacancy on the Board; ~~providing for the application of certain provisions of this Act;~~ requiring certain members of the Board to be elected in a certain general election; providing for the termination of the terms of certain elected members of the county board; making certain technical corrections; and generally relating to the terms of members and vacancies on the Kent County Board of Education.

BY repealing and reenacting, with amendments,

Article – Education

Section 3–801

Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)

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

#### **Article – Education**

3–801.

- (a) The Kent County Board consists of five members.
- (b) A candidate elected to the county board shall be a resident and registered voter of Kent County. Any member who no longer resides in Kent County may not continue as a member of the board.
- (c)
  - (1) The incumbent members of the Kent County Board who hold office on July 1, ~~1978~~ **2010** shall hold office until their successors are elected and qualify.
  - (2) Members of the Kent County Board shall be elected from Kent County at large as follows:

(i) Two members of the county board shall be elected in the November general election of ~~1978~~ **2012** and every ~~6 years~~ after to replace the ~~two interim incumbent members of the board whose terms expire in 1977 and 1978;~~ **4 YEARS THEREAFTER; AND**

(ii) ~~Two~~ **THREE** members of the county board shall be elected in the November general election of ~~1980~~ **2014** and every ~~6 years~~ after to replace the ~~two interim incumbent members of the board whose terms expire in 1980;~~ **4 YEARS THEREAFTER.** ~~and~~

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

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

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

1. Next following the creation of the vacancy; and
2. For which the deadline for the filing of candidates has not expired.

(ii) Any other vacancy, including a vacancy existing during the period preceding the election of a successor as provided in subparagraph (i) of this paragraph,] shall be filled by a qualified individual appointed by the [Governor] **COUNTY COMMISSIONERS OF KENT COUNTY** to serve until a successor is elected and qualifies **AT THE GENERAL ELECTION NEXT FOLLOWING THE CREATION OF THE VACANCY AND FOR WHICH THE DEADLINE FOR THE FILING OF CANDIDATES HAS NOT EXPIRED.**

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

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

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

(i) Immorality;

- (ii) Misconduct in office;
- (iii) Incompetency; or
- (iv) Willful neglect of duty.

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

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

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) Two members of the Kent County Board of Education shall be elected in the November general election of 2010.

(b) The terms of the members of the Kent County Board of Education shall expire as follows:

(1) The terms of the two members whose terms are scheduled to expire on December 31, 2010, shall terminate at the end of December 31, 2010, and those members shall be succeeded by:

(i) the member receiving the highest number of votes at the general election in November 2010, who shall serve for a term of 4 years until a successor is elected and qualifies; and

(ii) the member receiving the second highest number of votes at the general election in November 2010, who shall serve for a term of 2 years until a successor is elected and qualifies.

(2) The term of the member whose term is scheduled to expire on December 31, 2012, shall terminate at the end of December 31, 2012, and the member

elected at the general election in November 2012, shall succeed that member and serve for a term of 4 years until a successor is elected and qualifies.

(3) The terms of the two members whose terms are scheduled to expire on December 31, 2014, shall terminate at the end of December 31, 2014, and the members elected at the general election in November 2014, shall succeed those elected members and serve for a term of 4 years until a successor is elected and qualifies.

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

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

**Approved by the Governor, May 4, 2010.**