

**Department of Legislative Services**  
Maryland General Assembly  
2010 Session

**FISCAL AND POLICY NOTE**

Senate Bill 765 (Senator Simonaire)  
Education, Health, and Environmental Affairs

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**Anne Arundel County Board of Education - Appointed Members Subject to  
Contested Elections**

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This bill requires that appointed members of the Anne Arundel County Board of Education be subject to contested elections. The three at-large members will be subject to countywide elections, and the five members from individual legislative districts will be subject to the elections in those districts.

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**Fiscal Summary**

**State Effect:** None.

**Local Effect:** The Anne Arundel County Board of Elections can add extra names to election ballots using existing resources.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** In Anne Arundel County, a member of the county board of education may be:

- an appointed member who subsequently is elected at the first general election following the member's initial appointment;
- an appointed member who, after serving an initial term, is re-elected at the next general election following the completion of the member's initial term;

- an individual elected to replace an appointed member at the general election following the appointed member's initial appointment; or
- an individual elected to replace a member seeking re-election to a second term, regardless of whether the member seeking re-election gained membership on the county board initially by appointment or by election.

A member must be nominated and elected on a nonpartisan basis in the same manner as judges of the circuit courts and the provisions of law governing the election of members of county boards of education do not apply.

In accordance with the general requirements of election law, a candidate for election to the county board must: file a certificate of candidacy; be certified to the ballot; appear on the ballot; be voted on; and be nominated and elected. In a year that one or more members are to be elected to the county board, candidates must be nominated at the primary election. However, if after the deadline for withdrawal, the number of candidates having filed certificates of candidacy in any contest does not exceed twice the number of offices to be filled, a certificate of nomination must be issued to each candidate, and the names of the candidates and the offices must be omitted from the primary ballot.

In a general election, the nominees, equal in number to the number of offices to be filled, who receive the highest number of votes in the general election, must be declared elected. If two or more nominees each receive the lowest number of votes necessary to qualify for election, creating a tie for the last office to be filled, the office is required to be considered vacant. Such a vacancy must be filled by the Governor by the selection of one of the nominees who ties in the general election.

**Current Law:** The Anne Arundel County Board of Education consists of nine members, of whom three members are appointed from the county at large, five members are appointed from each of the five legislative districts in the county, and one is a student member. Except for the student member, the Governor must appoint a member of the county board from a list of nominees submitted by the School Board Nominating Commission of Anne Arundel County.

The School Board Nominating Commission of Anne Arundel County was established in 2007 (Chapter 454) to select nominees from whom the Governor must choose for appointment to the Anne Arundel County Board of Education. The commission must submit at least two nominees to the Governor for each vacancy for the county board, unless there are fewer than two applicants for a vacancy.

Following the initial appointment of a member of the Anne Arundel County Board of Education by the Governor, a member may continue to serve for the remainder of the member's first term subject to the approval or rejection of the registered voters of the county at the next general election. A member of the county board may serve for a second consecutive term subject to the approval or rejection by the registered voters of the county at the next general election.

On receipt of the notice, the name of a county board member must be placed on the appropriate ballot and shown, without opposition. Voters must vote for or against retaining the member on the board. If the voters reject the retention of the member, or if the vote is tied, the position is required to become vacant 10 days after certification of the election returns, and the member serves until a successor is appointed and qualifies.

The student member of the board must be a regularly enrolled senior-year student of good character and in good standing in an Anne Arundel County public high school, and be selected in the student's junior year by a method selected by the Chesapeake Regional Association of Student Councils of Anne Arundel County.

The President of the Anne Arundel County Board of Education is entitled to receive \$8,000 annually as compensation and, except for the student member, board members are entitled to receive \$6,000 each annually as compensation.

**Background:** The Anne Arundel County Board of Education is one of five appointed school boards in the State, including one (Caroline County) that is in the process of transitioning to a hybrid board. Eighteen local boards are elected by county voters and one, the Harford County school board, is composed of both appointed and elected members. The selection method and number of school board members for each of the 24 local boards are shown in **Exhibit 1**.

**Exhibit 1**  
**Local Boards of Education**  
**Members and Selection Methods**

<b>County</b>	<b>Full Voting Members</b>	<b>Appointed Members</b>	<b>Elected Members from County at Large</b>	<b>Elected Members from Districts</b>	<b>Student Member(s)</b>
Allegany	5	0	5	0	1
Anne Arundel	9	8	0	0	1
Baltimore City <sup>1</sup>	9	9	0	0	1
Baltimore	11	11	0	0	1
Calvert	5	0	2	3	1
Caroline <sup>2</sup>	5	5	0	0	0
Carroll	5	0	5	0	1
Cecil	5	0	0	5	1
Charles	7	0	7	0	1
Dorchester	5	0	0	5	2
Frederick	7	0	7	0	1
Garrett	5	0	2	3	1
Harford	9	3	0	6	1
Howard	7	0	7	0	1
Kent	5	0	5	0	0
Montgomery	7	0	2	5	1
Prince George's <sup>3</sup>	9	0	4	5	1
Queen Anne's	5	0	1	4	2
St. Mary's	5	0	1	4	1
Somerset	5	0	0	5	0
Talbot	7	0	0	7	1
Washington	7	0	7	0	0
Wicomico	7	7	0	0	0
Worcester	7	0	0	7	3

<sup>1</sup>The Baltimore City Board of Education is appointed jointly by the Governor and mayor.

<sup>2</sup>Beginning in 2010, three members will be elected from three school board districts. Two members will continue to be appointed by the Governor.

<sup>3</sup>Beginning in 2010, each of the nine elected members of the Prince George's County Board of Education will be elected from one of nine school board districts.

## Additional Information

**Prior Introductions:** None.

**Cross File:** HB 1083 (Delegate McConkey, *et al.*) - Ways and Means.

**Information Source(s):** Maryland State Department of Education, Department of Legislative Services

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mlm/mwc

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