

**Department of Legislative Services**  
Maryland General Assembly  
2011 Session

**FISCAL AND POLICY NOTE**

House Bill 399 (Delegate McConkey)  
Ways and Means

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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 may continue to serve for the remainder of the initial term if 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; provisions of law governing the election of members of county boards of education do not apply.

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 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, are 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 considered vacant. The Governor must fill such a vacancy by selecting one of the nominees who ties in the general election.

The bill also establishes procedures and clarifies the status of an office in the event that a candidate or nominee dies, becomes disqualified, or declines nomination prior to 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). 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 board member 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 board member 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 required notice from the county board of education to the State Board of Elections, 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 becomes vacant 10 days after certification of the election returns, and the member serves until a successor is appointed and qualifies.

The student board member 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 receives \$8,000 annually as compensation and, except for the student member, board members receive \$6,000 each annually.

**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 of appointed and elected members. Harford County has such a hybrid board. Eighteen local boards are elected by county voters. 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**

School System	Number of Members	Term	Means of Selection <sup>1</sup>
Allegheny	7	4 years	E 5 from county at large 1 commissioner <i>ex officio</i> (nonvoting) 1 student (nonvoting, one-year term)
Anne Arundel	9	5 years	A 3 from county at large 5 from legislative districts 1 student (one-year term)
Baltimore City	10	3 years	A 9 from city at large 1 student (one-year term)
Baltimore	12	5 years	A 4 from county at large 7 from council districts 1 student (one-year term)
Calvert	6	4 years	E 2 from county at large 3 from commissioner districts 1 student (nonvoting, one-year term)
Caroline <sup>2</sup>	7	4 years	A/E 3 elected from school board districts 2 appointed from county at large 2 students (nonvoting, one-year term)
Carroll	9	4 years	E 5 from county at large 3 commissioners <i>ex officio</i> (nonvoting) 1 student (nonvoting, one-year term)
Cecil	6	4 years	E 5 from commissioner districts 1 student (nonvoting, one-year term)
Charles	8	4 years	E 7 from county at large 1 student (nonvoting, one-year term)
Dorchester	7	4 years	E 5 from council districts 2 students (nonvoting, one-year term)
Frederick	8	4 years	E 7 from county at large 1 student (nonvoting, one year term)
Garrett	7	4 years	E 2 from county at large 3 from commissioner districts 1 commissioner <i>ex officio</i> (nonvoting) 1 student (nonvoting, one-year term)

<b>School System</b>	<b>Number of Members</b>	<b>Term</b>	<b>Means of Selection<sup>1</sup></b>
Harford	11	4 years	A/E 6 elected from council districts 3 appointed 1 superintendent <i>ex officio</i> (nonvoting) 1 student (nonvoting, one-year term)
Howard	8	4 years	E 7 from county at large 1 student (one-year term)
Kent	6	4 years	E 5 from county at large 1 student (nonvoting, one-year term)
Montgomery	8	4 years	E 2 from county at large 5 from school board districts 1 student (one-year term)
Prince George's	10	4 years	E 9 from school board districts 1 student (one-year term)
Queen Anne's	7	4 years	E 1 from county at large 4 from commissioner districts 2 students (nonvoting, one-year term)
St. Mary's	6	4 years	E 1 from county at large 4 from commissioner districts 1 student (nonvoting, one-year term)
Somerset	5	4 years	E All from commissioner districts
Talbot	8	4 years	E 7 from school board districts 1 student (nonvoting, one-year term)
Washington	8	4 years	E 7 from county at large 1 student (nonvoting, one-year term)
Wicomico	7	5 years	A All from county at large
Worcester	10	4 years	E 7 from commissioner districts 3 students (nonvoting, one-year term)

<sup>1</sup>A = Appointed by Governor, except in Baltimore City where board is appointed jointly by the Governor and the Mayor. E = Elected. A/E = Combined appointed and elected board.

<sup>2</sup>Voters in Caroline County decided at the 2010 general election to change from an appointed board to a combination appointed and elected board beginning with the November 2012 general election. The terms of the five current appointed members will expire December 2, 2012.

Source: Annotated Code of Maryland, Education Article, Sections 3-101 through 3-1405; local board of education websites

## **Additional Information**

**Prior Introductions:** SB 765 of 2010 received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken. Its cross file, HB 1083 of 2010, received a hearing in the House Ways and Means Committee, but no further action was taken.

**Cross File:** SB 114 (Senators Simonaire and Reilly) - Education, Health, and Environmental Affairs.

**Information Source(s):** Anne Arundel County, Maryland State Department of Education, Maryland State Board of Elections, Department of Legislative Services

**Fiscal Note History:** First Reader - February 7, 2011  
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Analysis by: Scott P. Gates

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510