

# SENATE BILL 21

F3  
SB 114/11 – EHE

(PRE-FILED)

2lr0464  
CF 2lr1061

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By: **Senator Simonaire**

Requested: August 22, 2011

Introduced and read first time: January 11, 2012

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County Board of Education – Appointed Members Subject to**  
3 **Contested Elections**

4 FOR the purpose of requiring that the appointed members of the Anne Arundel  
5 County Board of Education be subject to contested elections; repealing certain  
6 provisions relating to a retention election for certain appointed members of the  
7 county board; providing for a nonpartisan election for the county board under  
8 certain circumstances; providing that certain candidates for election to the  
9 county board be nominated and that the elections be conducted in a certain  
10 manner; establishing rules regarding the inclusion of a candidate's name on the  
11 ballot and the counting of votes in the event a candidate dies, declines the  
12 nomination, or becomes disqualified; requiring the Governor to appoint a  
13 certain individual to fill a vacancy on the county board under certain  
14 circumstances; and generally relating to contested elections for certain  
15 appointed members of the Anne Arundel County Board of Education.

16 BY repealing and reenacting, with amendments,  
17 Article – Education  
18 Section 3–108, 3–110, and 3–114  
19 Annotated Code of Maryland  
20 (2008 Replacement Volume and 2011 Supplement)

21 BY adding to  
22 Article – Education  
23 Section 3–2A–01 to be under the new subtitle “Subtitle 2A. Anne Arundel  
24 County”  
25 Annotated Code of Maryland  
26 (2008 Replacement Volume and 2011 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Education**

4 3–108.

5 (a) (1) Except as provided in paragraph (2) of this subsection, the  
6 Governor shall appoint the members of each county board from the residents of that  
7 county.

8 (2) The members of the following county boards of education shall be  
9 selected as follows:

10 (i) The Baltimore City Board of School Commissioners in  
11 accordance with § 3–108.1 of this subtitle;

12 (ii) The Harford County Board of Education in accordance with  
13 § 3–6A–01 of this title;

14 (iii) The Caroline County Board of Education in accordance with  
15 § 3–3A–02 of this title;

16 (iv) The Anne Arundel County Board of Education in accordance  
17 with § 3–110 of this subtitle **AND § 3–2A–01 OF THIS TITLE**; and

18 (v) The county boards of education in the counties listed in  
19 § 3–114 of this subtitle in accordance with the provisions of that section.

20 (b) (1) Each member shall be appointed solely because of character and  
21 fitness and without regard to political affiliation.

22 (2) An individual who is subject to the authority of the county board  
23 may not be appointed to or serve on the county board.

24 (c) (1) Each member serves for a term of 5 years beginning July 1 after  
25 the member's appointment and until a successor is appointed and qualifies.

26 (2) The Governor shall appoint a new member to fill any vacancy on  
27 an appointed board for the remainder of that term and until a successor is appointed  
28 and qualifies.

29 (3) Unless otherwise disqualified under this section, a member of a  
30 board is eligible for reappointment. However, an individual may not serve for more  
31 than 2 consecutive terms.

1 (d) (1) With the approval of the Governor, the State Superintendent may  
2 remove any member of a county board appointed under this section for:

3 (i) Immorality;

4 (ii) Misconduct in office;

5 (iii) Incompetency;

6 (iv) Willful neglect of duty; or

7 (v) Failure to attend, without good cause, at least half of the  
8 scheduled meetings of the board in any one calendar year.

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

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

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

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

18 (4) If a member who is removed so requests, the State Superintendent  
19 shall file with the clerk of the circuit court for the county from which the member was  
20 appointed:

21 (i) A complete statement of all charges made against the  
22 member;

23 (ii) The findings of the State Superintendent; and

24 (iii) A complete record of the proceedings.

25 3-110.

26 (a) (1) **[The] SUBJECT TO § 3-2A-01 OF THIS TITLE, THE** Anne  
27 Arundel County Board consists of 9 members who shall be appointed as follows:

28 (i) 3 from the county at large;

29 (ii) 1 each from legislative districts 30, 31, 32, 33, and that  
30 portion of legislative district 21 that lies within Anne Arundel County; and

1 (iii) 1 student member.

2 (2) Except for the student member, the Governor shall appoint a  
3 member of the county board from a list of nominees submitted by the School Board  
4 Nominating Commission of Anne Arundel County as provided in subsection (b) of this  
5 section.

6 (b) (1) (i) There is a School Board Nominating Commission of Anne  
7 Arundel County.

8 (ii) The purpose of the Commission is to select nominees to be  
9 recommended to the Governor as qualified candidates for appointment to the Anne  
10 Arundel County Board of Education.

11 (iii) The Commission shall hold at least two public hearings on  
12 the selection of nominees before recommending to the Governor nominees for  
13 appointment to the county board.

14 (2) (i) The Commission consists of 11 members who shall be  
15 appointed in accordance with this paragraph.

16 (ii) The Governor shall appoint five members, one from each  
17 legislative district that lies in whole or in part in Anne Arundel County.

18 (iii) The County Executive of Anne Arundel County shall appoint  
19 one member from the county at large.

20 (iv) The following organizations shall each appoint one member:

21 1. The Teachers Association of Anne Arundel County;

22 2. The Annapolis and Anne Arundel County Chamber of  
23 Commerce;

24 3. The Anne Arundel County Council of Parent Teacher  
25 Associations;

26 4. The Anne Arundel County Community College Board  
27 of Trustees; and

28 5. The Association of Educational Leaders (AEL).

29 (3) (i) The Governor shall designate as chair of the Commission  
30 one of the five members appointed by the Governor under subsection (b)(2)(ii) of this  
31 section.

- 1 (ii) The term of the chair of the Commission is 4 years.
- 2 (iii) The Governor may reappoint the chair of the Commission for  
3 a second term.
- 4 (iv) The term of a member of the Commission is 4 years.
- 5 (4) The Department of Legislative Services shall provide staff for the  
6 Commission.
- 7 (5) [Beginning January 1, 2008, for] **FOR** each nomination to the  
8 county board, the Commission shall submit to the Governor a list of nominees that  
9 contains:
- 10 (i) At least two names for each vacancy; or
- 11 (ii) If there are fewer than two applicants for a vacancy, the  
12 number of names that is equal to the number of applicants for the vacancy.
- 13 (c) (1) Following the appointment of a member of the Anne Arundel  
14 County Board of Education by the Governor, a member may serve for the remainder of  
15 the member's term, as provided in § 3-108(c) of this subtitle, [subject to the approval  
16 or rejection of the registered voters of the county] **PROVIDED THE MEMBER IS  
17 ELECTED** at the next general election:
- 18 (I) **BY THE REGISTERED VOTERS OF THE COUNTY, IF THE  
19 MEMBER WAS APPOINTED FROM THE COUNTY AT LARGE; OR**
- 20 (II) **BY THE REGISTERED VOTERS OF THE APPLICABLE  
21 LEGISLATIVE DISTRICT, IF THE MEMBER WAS APPOINTED FROM A LEGISLATIVE  
22 DISTRICT.**
- 23 (2) [A] **AN APPOINTED** member of the county board is eligible for  
24 nomination and reappointment for a second consecutive term in accordance with the  
25 provisions of subsections (a) and (b) of this section, **PROVIDED THE MEMBER IS  
26 REELECTED AT THE NEXT GENERAL ELECTION FOLLOWING THE END OF THE  
27 MEMBER'S INITIAL TERM:**
- 28 (I) **BY THE REGISTERED VOTERS OF THE COUNTY, IF THE  
29 MEMBER WAS APPOINTED FROM THE COUNTY AT LARGE; OR**
- 30 (II) **BY THE REGISTERED VOTERS OF THE APPLICABLE  
31 LEGISLATIVE DISTRICT, IF THE MEMBER WAS APPOINTED FROM A LEGISLATIVE  
32 DISTRICT.**



1           (g)   (1)   The President of the Anne Arundel County Board of Education is  
2 entitled to receive \$8,000 annually as compensation and, except for the student  
3 member, the other board members are entitled to receive \$6,000 each annually as  
4 compensation.

5                   (2)   A student member who completes a full term on the board shall be  
6 granted a scholarship of \$6,000 to be applied toward the student's higher education  
7 costs.

8   3-114.

9           (a)   In the following counties, the members of the county board shall be  
10 elected:

- 11                   (1)   Allegany;
- 12                   (2)   Calvert;
- 13                   (3)   Carroll;
- 14                   (4)   Cecil;
- 15                   (5)   Charles;
- 16                   (6)   Dorchester;
- 17                   (7)   Frederick;
- 18                   (8)   Garrett;
- 19                   (9)   Howard;
- 20                   (10)  Kent;
- 21                   (11)  Prince George's;
- 22                   (12)  Montgomery;
- 23                   (13)  Queen Anne's;
- 24                   (14)  St. Mary's;
- 25                   (15)  Somerset;
- 26                   (16)  Talbot;

1 (17) Washington; and

2 (18) Worcester.

3 (B) IN ANNE ARUNDEL COUNTY, IN ACCORDANCE WITH § 3-110 OF  
4 THIS SUBTITLE AND § 3-2A-01 OF THIS TITLE, A MEMBER OF THE COUNTY  
5 BOARD MAY BE:

6 (1) AN APPOINTED MEMBER WHO:

7 (I) SUBSEQUENTLY IS ELECTED AT THE FIRST GENERAL  
8 ELECTION FOLLOWING THE MEMBER'S INITIAL APPOINTMENT; OR

9 (II) AFTER SERVING AN INITIAL TERM, IS REELECTED AT  
10 THE NEXT GENERAL ELECTION FOLLOWING THE COMPLETION OF THE  
11 MEMBER'S INITIAL TERM;

12 (2) AN INDIVIDUAL ELECTED TO REPLACE AN APPOINTED  
13 MEMBER AT THE GENERAL ELECTION FOLLOWING THE APPOINTED MEMBER'S  
14 INITIAL APPOINTMENT; OR

15 (3) AN INDIVIDUAL ELECTED TO REPLACE A MEMBER SEEKING  
16 REELECTION TO A SECOND TERM, REGARDLESS OF WHETHER THE MEMBER  
17 SEEKING REELECTION GAINED MEMBERSHIP ON THE COUNTY BOARD INITIALLY  
18 BY APPOINTMENT OR BY ELECTION.

19 [(b)] (C) In Caroline County, in accordance with Subtitle 3A of this title, the  
20 members of the county board shall be a combination of members who are elected and  
21 appointed.

22 [(c)] (D) In Harford County, in accordance with Subtitle 6A of this title, the  
23 members of the county board shall be a combination of members who are elected and  
24 appointed.

25 [(d)] (E) An individual subject to the authority of the county board may not  
26 serve as a member of the county board. At the time of filing a certificate of candidacy  
27 for election to a county board, a person shall certify to the local board of supervisors of  
28 elections whether or not he is subject to the authority of the county board. The  
29 Governor shall not issue a commission of election to a person who has certified  
30 affirmatively and who is elected to a county board until the member-elect offers proof  
31 that he is no longer subject to the authority of the county board.

32 [(e)] (F) The election of the county boards shall be held as provided in  
33 Subtitles 2 through 14 of this title and the Election Law Article.



1                   **SUBTITLE 2A. ANNE ARUNDEL COUNTY.**

2   **3-2A-01.**

3           **(A) IN ANNE ARUNDEL COUNTY, A MEMBER APPOINTED TO THE**  
4 **COUNTY BOARD BY THE GOVERNOR UNDER § 3-110 OF THIS TITLE IS SUBJECT**  
5 **TO NOMINATION AND ELECTION:**

6                   **(1) AT THE FIRST PRIMARY AND GENERAL ELECTION FOLLOWING**  
7 **THE MEMBER'S INITIAL APPOINTMENT; AND**

8                   **(2) IF APPOINTED TO A SECOND TERM, AT THE FIRST PRIMARY**  
9 **AND GENERAL ELECTION AFTER THE END OF THE MEMBER'S INITIAL TERM.**

10           **(B) THE PROVISIONS OF TITLE 8, SUBTITLE 8 OF THE ELECTION LAW**  
11 **ARTICLE GOVERNING THE ELECTION OF MEMBERS OF COUNTY BOARDS OF**  
12 **EDUCATION DO NOT APPLY TO ANNE ARUNDEL COUNTY.**

13           **(C) (1) A MEMBER OF THE COUNTY BOARD SHALL BE NOMINATED**  
14 **AND ELECTED ON A NONPARTISAN BASIS IN THE SAME MANNER AS JUDGES OF**  
15 **THE CIRCUIT COURT.**

16                   **(2) IN A PRIMARY ELECTION, THE NAME OF AN APPOINTED**  
17 **MEMBER AND EACH CANDIDATE CONTESTING THAT MEMBER'S APPOINTMENT**  
18 **OR REELECTION SHALL BE LISTED ON EVERY PRIMARY BALLOT.**

19           **(D) IN ACCORDANCE WITH THE GENERAL REQUIREMENTS OF THE**  
20 **ELECTION LAW ARTICLE, A CANDIDATE FOR NOMINATION FOR ELECTION TO**  
21 **THE COUNTY BOARD SHALL:**

22                   **(1) FILE A CERTIFICATE OF CANDIDACY;**

23                   **(2) BE CERTIFIED TO THE BALLOT;**

24                   **(3) APPEAR ON THE BALLOT;**

25                   **(4) BE VOTED ON; AND**

26                   **(5) BE NOMINATED AND ELECTED.**

27           **(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
28 **SUBSECTION, IN EACH YEAR THAT ONE OR MORE MEMBERS ARE TO BE ELECTED**

1 TO THE COUNTY BOARD, CANDIDATES SHALL BE NOMINATED AT THE PRIMARY  
2 ELECTION.

3 (2) IF, AFTER THE DEADLINE FOR WITHDRAWAL AS PROVIDED IN  
4 § 5-503 OF THE ELECTION LAW ARTICLE, THE NUMBER OF CANDIDATES  
5 HAVING FILED CERTIFICATES OF CANDIDACY IN ANY CONTEST DOES NOT  
6 EXCEED TWICE THE NUMBER OF OFFICES TO BE FILLED:

7 (I) A CERTIFICATE OF NOMINATION SHALL BE ISSUED TO  
8 EACH CANDIDATE; AND

9 (II) THE NAMES OF THE CANDIDATES AND THE OFFICES  
10 SHALL BE OMITTED FROM THE PRIMARY BALLOT.

11 (F) (1) BEFORE THE PRIMARY ELECTION:

12 (I) IF A CANDIDATE DIES OR BECOMES DISQUALIFIED  
13 BEFORE THE BALLOTS ARE CERTIFIED UNDER TITLE 9, SUBTITLE 2 OF THE  
14 ELECTION LAW ARTICLE, THE NAME OF THE CANDIDATE MAY NOT APPEAR ON  
15 THE BALLOT; AND

16 (II) IF A CANDIDATE DIES OR BECOMES DISQUALIFIED  
17 AFTER THE BALLOTS ARE CERTIFIED UNDER TITLE 9, SUBTITLE 2 OF THE  
18 ELECTION LAW ARTICLE, AND IT IS TOO LATE FOR THE BALLOTS TO BE  
19 CORRECTED, ANY VOTES FOR THAT CANDIDATE MAY NOT BE COUNTED.

20 (2) AFTER THE PRIMARY ELECTION BUT BEFORE THE GENERAL  
21 ELECTION:

22 (I) IF A NOMINEE DIES, DECLINES THE NOMINATION, OR  
23 BECOMES DISQUALIFIED BEFORE THE BALLOTS ARE CERTIFIED UNDER TITLE 9,  
24 SUBTITLE 2 OF THE ELECTION LAW ARTICLE, OR AT A TIME WHEN THE  
25 BALLOTS CAN BE CORRECTED, THE NAME OF THE NOMINEE MAY NOT APPEAR  
26 ON THE BALLOT; AND

27 (II) IF A NOMINEE DIES, DECLINES THE NOMINATION, OR IS  
28 DISQUALIFIED AFTER THE BALLOTS ARE CERTIFIED UNDER TITLE 9, SUBTITLE  
29 2 OF THE ELECTION LAW ARTICLE, AND IT IS TOO LATE FOR THE BALLOTS TO  
30 BE CORRECTED, AND IF THE NOMINEE RECEIVES SUFFICIENT VOTES TO HAVE  
31 BEEN ELECTED, THE OFFICE SHALL BE DEEMED VACANT AND SHALL BE FILLED  
32 AS IF THE VACANCY HAD OCCURRED DURING THE TERM OF OFFICE.

1           **(G) (1) IN A GENERAL ELECTION, A VOTER MAY VOTE ONLY FOR**  
2 **NOMINEES FOR WHOM THE VOTER IS ELIGIBLE TO VOTE AT THAT ELECTION.**

3           **(2) (I) THE NOMINEES, EQUAL IN NUMBER TO THE NUMBER OF**  
4 **OFFICES TO BE FILLED, WHO RECEIVE THE HIGHEST NUMBER OF VOTES IN THE**  
5 **GENERAL ELECTION SHALL BE DECLARED ELECTED.**

6           **(II) IF TWO OR MORE NOMINEES EACH RECEIVE THE**  
7 **LOWEST NUMBER OF VOTES NECESSARY TO QUALIFY FOR ELECTION, CREATING**  
8 **A TIE FOR THE LAST OFFICE TO BE FILLED, THE OFFICE SHALL BE CONSIDERED**  
9 **VACANT.**

10           **(III) A VACANCY OCCURRING UNDER SUBPARAGRAPH (II) OF**  
11 **THIS PARAGRAPH SHALL BE FILLED BY THE GOVERNOR:**

12                           **1. AS IF THE VACANCY OCCURRED DURING THE**  
13 **TERM OF OFFICE FOR WHICH THE ELECTION IS BEING HELD; AND**

14                           **2. BY THE SELECTION OF ONE OF THE NOMINEES**  
15 **WHO TIES IN THE GENERAL ELECTION.**

16           **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
17 **October 1, 2012.**