

SENATE BILL 637

F3

4lr0419

By: **Senator Simonaire**

Introduced and read first time: January 30, 2014

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 2014

CHAPTER _____

1 AN ACT concerning

2 **Anne Arundel County – Board of Education Member – Limitation on**
3 **Candidacy for Other Elective Office**

4 FOR the purpose of prohibiting a member of the Anne Arundel County Board of
5 Education who vacates the office before the expiration of the term for which the
6 member was appointed from being a candidate for election to a municipal,
7 county, or State office ~~during a certain period of time immediately following~~
8 before the conclusion of the term to which the member was appointed; providing
9 an exception; providing for the application of this Act; and generally relating to
10 the candidacy of a member of the Anne Arundel County Board of Education for
11 election to another local or State office.

12 BY repealing and reenacting, with amendments,
13 Article – Education
14 Section 3–110
15 Annotated Code of Maryland
16 (2008 Replacement Volume and 2013 Supplement)

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

19 **Article – Education**

20 3–110.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) (1) The Anne Arundel County Board consists of 9 members who shall
2 be appointed as follows:

3 (i) 3 from the county at large;

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

6 (iii) 1 student member.

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

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

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

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

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

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

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

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

26 1. The Teachers Association of Anne Arundel County;

27 2. The Annapolis and Anne Arundel County Chamber of
28 Commerce;

29 3. The Anne Arundel County Council of Parent Teacher
30 Associations;

31 4. The Anne Arundel County Community College Board
32 of Trustees; and

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

2 (3) (i) The Governor shall designate as chair of the Commission
3 one of the five members appointed by the Governor under [subsection (b)(2)(ii) of this
4 section] **PARAGRAPH (2)(II) OF THIS SUBSECTION.**

5 (ii) The term of the chair of the Commission is 4 years.

6 (iii) The Governor may reappoint the chair of the Commission for
7 a second term.

8 (iv) The term of a member of the Commission is 4 years.

9 (4) The Department of Legislative Services shall provide staff for the
10 Commission.

11 (5) Beginning January 1, 2008, for each nomination to the county
12 board, the Commission shall submit to the Governor a list of nominees that contains:

13 (i) At least two names for each vacancy; or

14 (ii) If there are fewer than two applicants for a vacancy, the
15 number of names that is equal to the number of applicants for the vacancy.

16 (c) (1) Following the appointment of a member of the Anne Arundel
17 County Board of Education by the Governor, a member may serve for the remainder of
18 the member's term, as provided in § 3-108(c) of this subtitle, subject to the approval or
19 rejection of the registered voters of the county at the next general election.

20 (2) A member of the county board is eligible for nomination and
21 reappointment for a second consecutive term in accordance with the provisions of
22 subsections (a) and (b) of this section.

23 (3) (i) The approval or rejection of a member of the county board by
24 the registered voters of the county provided for in subparagraph (ii) of this paragraph
25 shall be a vote for the member's retention or removal.

26 (ii) On receipt of the notice required under § 5-301(h) of the
27 Election Law Article, the name of the member of the county board shall be placed on
28 the appropriate ballot and shown, without opposition, and the voters shall vote for or
29 against the member's retention as a member of the county board.

30 (4) If the voters reject the retention of the member, or the vote is tied:

31 (i) The position shall become vacant 10 days after certification
32 of the election returns; and

1 (ii) The member serves until a successor is appointed and
2 qualifies.

3 (d) (1) The student member shall:

4 (i) Be a regularly enrolled senior year student of good character
5 and in good standing in an Anne Arundel County public high school;

6 (ii) Be selected in the student's junior year by a method selected
7 by the Chesapeake Regional Association of Student Councils of Anne Arundel County;

8 (iii) 1. Serve a term of 1 year; and

9 2. Continue to serve after graduation and until a
10 successor is appointed and qualifies.

11 (2) If a vacancy in the position of the student member occurs during
12 the term of the student member, the Chesapeake Regional Association of Student
13 Councils shall:

14 (i) Conduct a special election at its next general meeting; and

15 (ii) By utilizing the same method that it used to select the
16 previous student member of the board, select another student member to fill the
17 vacancy.

18 (e) A board member who does not maintain the residency qualification shall
19 be replaced as a member.

20 (f) If the boundary line of a legislative district changes, an incumbent
21 member of the county board who, because of the change, no longer resides in the
22 legislative district from which the member was appointed may complete the term.

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

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

30 (H) (1) ~~A~~ EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
31 SUBSECTION, IF A BOARD MEMBER VACATES THE OFFICE BEFORE THE
32 EXPIRATION OF THE TERM FOR WHICH THE MEMBER WAS APPOINTED, THE
33 BOARD MEMBER MAY NOT BE A CANDIDATE FOR ELECTION TO A MUNICIPAL,

1 COUNTY, OR STATE OFFICE IN THIS STATE ~~DURING THE 2 YEARS IMMEDIATELY~~
2 ~~FOLLOWING~~ BEFORE THE END OF THE TERM TO WHICH THE MEMBER WAS
3 APPOINTED.

4 (2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO A
5 BOARD MEMBER WHO VACATES OFFICE BEFORE THE EXPIRATION OF THE TERM
6 TO WHICH THE MEMBER WAS APPOINTED AND WHO SUBSEQUENTLY IS
7 APPOINTED TO A MUNICIPAL, COUNTY, OR STATE ELECTIVE OFFICE IN THIS
8 STATE.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
10 construed to apply only prospectively and may not be applied or interpreted to have
11 any effect on or application to any member of the Anne Arundel County Board of
12 Education in office on or before the effective date of this Act.

13 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2014.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.