A BILL ENTITLED

AN ACT concerning

Frederick County Board of Education – Vacancies

FOR the purpose of altering the method for filling a vacancy on the Frederick County Board of Education; specifying that an individual appointed to fill a vacancy serves for the remainder of a certain term and until a successor is appointed and qualifies except that, under certain circumstances, the individual serves only until a successor is elected at the next general election; specifying how certain positions are to be filled at a general election; establishing the manner for nominating candidates for vacated offices; establishing the term of an individual elected to fill a vacated position; and generally relating to the Frederick County Board of Education.

BY repealing and reenacting, without amendments,
Article – Education
Section 3–5B–01(a)
Annotated Code of Maryland
(2018 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 3–5B–01(d)
Annotated Code of Maryland
(2018 Replacement Volume and 2020 Supplement)

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

Article – Education

3–5B–01.

(a) The Frederick County Board consists of eight members as follows:
Seven members elected from the county at large; and

One nonvoting student member.

The terms of voting members are staggered as provided in subsection (c) of this section.

[(2) Subject to confirmation of the County Council, the County Executive shall appoint a qualified individual to fill a vacancy on the county board for the remainder of the term and until a successor is elected and qualifies.]

EXCEPT AS PROVIDED IN PARAGRAPHS (3) AND (4) OF THIS SUBSECTION AND SUBJECT TO CONFIRMATION OF THE COUNTY COUNCIL, THE COUNTY EXECUTIVE SHALL APPOINT A QUALIFIED INDIVIDUAL TO FILL ANY VACANCY ON THE COUNTY BOARD FOR THE REMAINDER OF THAT TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

IF A VACANCY FOR AN ELECTED MEMBER OCCURS MORE THAN 30 DAYS BEFORE THE CANDIDATE REGISTRATION DEADLINE FOR THE NEXT PRIMARY ELECTION FOLLOWING THE VACATING MEMBER’S ELECTION, THE INDIVIDUAL APPOINTED UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL SERVE ONLY UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES AT THE NEXT GENERAL ELECTION.

AT A GENERAL ELECTION, VACANCIES SHALL BE FILLED AS FOLLOWS:

(1) THE CANDIDATES WITH THE HIGHEST VOTE TOTALS SHALL FIRST FILL ANY VACANT POSITIONS FOR A FULL TERM OF 4 YEARS; AND

(II) AFTER ALL VACANT POSITIONS FOR A FULL TERM OF 4 YEARS ARE FILLED, THE CANDIDATE WITH THE NEXT HIGHEST VOTE TOTAL SHALL FILL THE POSITION FOR WHICH A SUCCESSOR WAS APPOINTED UNDER PARAGRAPH (2) OF THIS SUBSECTION AND SERVE THE REMAINDER OF THAT TERM.

CANDIDATES FOR A VACATED OFFICE MAY BE NOMINATED AT A PRIMARY ELECTION IN THE SAME MANNER AS ANY OTHER POSITION ON THE COUNTY BOARD.

A CANDIDATE ELECTED TO FILL A VACATED POSITION SHALL TAKE OFFICE ON THE FIRST MONDAY IN DECEMBER AFTER THE ELECTION AND SHALL CONTINUE TO SERVE FOR THE REMAINDER OF THE VACATED TERM AND UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.
SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2021.