

# SENATE BILL 952

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SB 851/21 – EHE

2lr2767

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By: **Senators Hough and Young**

Introduced and read first time: February 13, 2022

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, February 25, 2022

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 6, 2022

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Frederick County – Board of Education – Vacancies**

3 FOR the purpose of altering the method for filling a vacancy on the Frederick County Board  
4 of Education; and generally relating to the Frederick County Board of Education.

5 BY repealing and reenacting, without amendments,  
6 Article – Education  
7 Section 3–5B–01(a)  
8 Annotated Code of Maryland  
9 (2018 Replacement Volume and 2021 Supplement)

10 BY repealing and reenacting, with amendments,  
11 Article – Education  
12 Section 3–5B–01(d)  
13 Annotated Code of Maryland  
14 (2018 Replacement Volume and 2021 Supplement)

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

17 **Article – Education**

18 3–5B–01.

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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) The Frederick County Board consists of eight members as follows:

2 (1) Seven members elected from the county at large; and

3 (2) One nonvoting student member.

4 (d) (1) The terms of voting members are staggered as provided in subsection  
5 (c) of this section.

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

9 **(2) IF THERE IS A VACANCY BY AN ELECTED MEMBER OF THE COUNTY**  
10 **BOARD OCCURRING 30 DAYS OR LESS BEFORE THE CANDIDATE REGISTRATION**  
11 **DEADLINE FOR THE NEXT PRIMARY ELECTION, THE COUNTY EXECUTIVE SHALL**  
12 **APPOINT, SUBJECT TO CONFIRMATION OF THE COUNTY COUNCIL, A QUALIFIED**  
13 **INDIVIDUAL TO FILL THE VACANCY ON THE COUNTY BOARD FOR THE REMAINDER**  
14 **OF THAT TERM AND UNTIL A SUCCESSOR IS ELECTED IN ACCORDANCE WITH**  
15 **PARAGRAPH (4)(I) OF THIS SUBSECTION AND QUALIFIES.**

16 **(3) IF THERE IS A VACANCY BY AN ELECTED MEMBER OF THE COUNTY**  
17 **BOARD OCCURRING MORE THAN 30 DAYS BEFORE THE CANDIDATE REGISTRATION**  
18 **DEADLINE FOR THE NEXT PRIMARY ELECTION FOLLOWING THE VACATING**  
19 **MEMBER'S ELECTION:**

20 **(I) THE COUNTY EXECUTIVE SHALL APPOINT, SUBJECT TO**  
21 **CONFIRMATION OF THE COUNTY COUNCIL, A QUALIFIED INDIVIDUAL TO**  
22 **TEMPORARILY FILL THE VACANCY ON THE COUNTY BOARD WHO SHALL SERVE UNTIL**  
23 **A QUALIFIED INDIVIDUAL IS ELECTED IN ACCORDANCE WITH PARAGRAPH (4)(II) OF**  
24 **THIS SUBSECTION; AND**

25 **(II) THE INDIVIDUAL ELECTED UNDER ITEM (I) OF THIS**  
26 **PARAGRAPH SHALL SERVE FOR THE REMAINDER OF THAT TERM UNTIL A**  
27 **SUCCESSOR IS ELECTED AND QUALIFIES.**

28 **(4) AT A GENERAL ELECTION, VACANCIES SHALL BE FILLED AS**  
29 **FOLLOWS:**

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

32 **(II) AFTER ALL VACANT POSITIONS FOR A FULL TERM OF 4**  
33 **YEARS ARE FILLED, THE CANDIDATE WITH THE NEXT HIGHEST VOTE TOTAL SHALL**  
34 **FILL THE POSITION FOR WHICH A SUCCESSOR WAS APPOINTED UNDER PARAGRAPH**

1 **(3) OF THIS SUBSECTION AND SERVE THE REMAINDER OF THAT TERM.**

2 **(5) CANDIDATES FOR A VACATED OFFICE MAY BE NOMINATED AT A**  
3 **PRIMARY ELECTION IN THE SAME MANNER AS ANY OTHER POSITION ON THE COUNTY**  
4 **BOARD.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
6 1, 2022.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.