

HOUSE BILL 733

G1, F1

5lr1716

By: **Delegates Miller, Arentz, Boaf, Grammer, Hutchinson, Nawrocki, Otto, Roberson, Rose, Schmidt, Szeliga, and Valentine**

Introduced and read first time: January 27, 2025

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Elections for County Boards of Education – Party Designation or Affiliation –**
3 **Certificates of Candidacy and Ballots**

4 FOR the purpose of authorizing a candidate for election to a county board of education to
5 disclose the candidate's party designation or party affiliation on the candidate's
6 certificate of candidacy; prohibiting a local board of elections from disqualifying a
7 candidate for election to a county board for disclosing the candidate's party
8 designation or party affiliation; requiring each local board to include certain
9 information on a ballot under certain circumstances; and generally relating to
10 candidates for election to a county board of education.

11 BY repealing and reenacting, without amendments,
12 Article – Election Law
13 Section 8–801
14 Annotated Code of Maryland
15 (2022 Replacement Volume and 2024 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Election Law
18 Section 8–802 and 8–803
19 Annotated Code of Maryland
20 (2022 Replacement Volume and 2024 Supplement)

21 BY adding to
22 Article – Election Law
23 Section 9–205.1
24 Annotated Code of Maryland
25 (2022 Replacement Volume and 2024 Supplement)

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 MARYLAND,
2 That the Laws of Maryland read as follows:

3 **Article – Election Law**

4 8–801.

5 Except as otherwise provided in this subtitle and in Title 3 of the Education Article,
6 the provisions of this article relating to the nomination and election of candidates to public
7 office shall govern the nomination and election of members to an elected county board of
8 education.

9 8–802.

10 (a) (1) (i) **[Members] NOTWITHSTANDING PARAGRAPH (3) OF THIS**
11 **SUBSECTION, MEMBERS** of boards of education shall be elected on a nonpartisan basis.

12 (ii) In a primary election to nominate board of education candidates,
13 any registered voter of the county, regardless of party affiliation or lack of party affiliation,
14 is eligible to vote in those contests for nomination.

15 (2) Candidates for election to boards of education shall[, without party
16 designation or regard to party affiliation]:

17 (i) file certificates of candidacy;

18 (ii) be certified to the ballot;

19 (iii) appear on the ballot;

20 (iv) be voted on; and

21 (v) be nominated and elected.

22 **(3) A CANDIDATE FOR ELECTION TO A BOARD OF EDUCATION MAY**
23 **DISCLOSE THE CANDIDATE’S PARTY DESIGNATION OR PARTY AFFILIATION ON THE**
24 **CANDIDATE’S CERTIFICATE OF CANDIDACY.**

25 (b) This section does not apply to candidates for nomination or election to a board
26 of education if Title 3 of the Education Article requires a partisan election.

27 8–803.

28 (a) Before certifying the name of a board of education candidate to appear on the
29 ballot, the local board shall determine whether the candidate qualifies as provided under
30 Title 3 of the Education Article and Title 5 of this article.

1 (b) (1) Unless Title 3 of the Education Article requires a partisan election AND
2 EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, an individual may not
3 qualify as a board of education candidate or nominee by filing a petition or being nominated
4 by a political party.

5 (2) THE LOCAL BOARD MAY NOT DISQUALIFY A CANDIDATE UNDER
6 THIS SECTION BECAUSE THE CANDIDATE DISCLOSED THE CANDIDATE'S PARTY
7 DESIGNATION OR PARTY AFFILIATION UNDER § 8-802(A)(3) OF THIS SUBTITLE.

8 9-205.1.

9 (A) IF A CANDIDATE FOR ELECTION TO A BOARD OF EDUCATION DISCLOSES
10 THE CANDIDATE'S PARTY DESIGNATION OR PARTY AFFILIATION ON THE
11 CERTIFICATE OF CANDIDACY UNDER § 8-802(A)(3) OF THIS ARTICLE, THE LOCAL
12 BOARD SHALL INCLUDE THE PARTY DESIGNATION OR PARTY AFFILIATION OF THE
13 CANDIDATE ON THE BALLOT.

14 (B) UNLESS TITLE 3 OF THE EDUCATION ARTICLE REQUIRES A PARTISAN
15 ELECTION, AN ELECTION FOR A CANDIDATE TO A BOARD OF EDUCATION SHALL BE
16 NONPARTISAN REGARDLESS OF THE INCLUSION OF PARTY DESIGNATION OR PARTY
17 AFFILIATION ON A BALLOT IN ACCORDANCE WITH THIS SECTION.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
19 1, 2025.