



THE MARYLAND HOUSE OF DELEGATES ANNAPOLIS, MARYLAND 21401

Testimony in Support of MC HB 988 Montgomery County Board of Education – Vacancy Procedures – Alterations

This Montgomery County local bill would give voters the ability to fill vacancies on the Montgomery County Board of Education when a vacancy occurs in the first year of a term.

Filling elected offices through an election is inherently more democratic than appointments and ensures that the voters have a say in who represents them. But under current state law, the remaining members of the Montgomery County Board of Education fill all vacancies, even when the vacancy occurs early on in a four year term.

What This Bill Would Do

- Vacancies that occur in the first approximately 12 months of a term would be filled at the next regularly occurring congressional election.¹
 - A primary would occur, if a sufficient number of candidates file, which is the same as for regular Board of Education elections.
 - The winner would be selected at the general election.
 - For a district seat, the candidate with the highest number of votes would serve the remainder of the vacated term; this equates to a two year term.
 - For an at-large seat, it's a bit more complicated, because of the staggered terms for the two at-large members of the Board. The top vote getter would serve a four year term; the second highest vote getter would serve the remainder of the vacated term (two years).
 - The Board would appoint a temporary member until the election is held and the winner is sworn in.
- Vacancies that occur after the cutoff would still be filled by appointment by the Board.

Benefits

Under the bill, the election to fill the vacancy would be held at the next regularly scheduled congressional election, so there wouldn't be any additional expenses to hold the election.

¹ The specific cutoff in the bill is 55 days before the candidate filing deadline. Looking back at the elections held between 2014 and 2022, that cutoff date would have ranged from November 25th to January 21, depending on how early or late the primary occurred that election.

Moreover, there wouldn't be any concerns about potentially low voter turnout, since congressional primaries and general elections in Maryland have solid voter turnout.^{2,3}

Aligns with Other Offices and Jurisdictions

Six other Maryland counties have adopted use of elections to fill certain vacancies on their Boards of Education: Allegany, Howard, Frederick, Kent, Talbot, and Queen Anne's Counties. The most recently enacted was Frederick County in 2022.

Locally, special elections are used to fill other offices, including Montgomery County Executive, Montgomery County Council, Rockville Mayor and Council, Takoma Park Mayor and Council, and by resident petition in Gaithersburg.

Special elections enjoy broad support among Montgomery County residents as demonstrated by the 2014 constitutional amendment to authorize counties to fill a vacancy in the office of county executive via special election. That ballot question passed in Montgomery County with 85% of the vote.

² Maryland statewide primary election turnout: 2022=26%, 2020=41.8%, 2018=24.3%, 2016=41.7%

³ Maryland statewide general election turnout: 2022=49.3%, 2020=49.%, 2018=59.1%, 2016=72%