

HOUSE BILL 238

F3, F1

0lr1677
CF 0lr2358

By: **Allegany County Delegation**

Introduced and read first time: January 17, 2020

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Allegany County Board of Education – Elected Members – Filling a Vacancy**

3 FOR the purpose of requiring the Board of County Commissioners of Allegany County,
4 rather than the Governor, to fill a vacancy in an elected member’s position on the
5 Allegany County Board of Education in a certain manner; and generally relating to
6 filling a vacancy on the Allegany County Board of Education.

7 BY repealing and reenacting, without amendments,
8 Article – Education
9 Section 3–201(a) through (d)
10 Annotated Code of Maryland
11 (2018 Replacement Volume and 2019 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Education
14 Section 3–201(e)
15 Annotated Code of Maryland
16 (2018 Replacement Volume and 2019 Supplement)

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

19 **Article – Education**

20 3–201.

21 (a) (1) In this subtitle, “elected member” means a voting member elected under
22 subsection (d) or (e) of this section or a member appointed to an elected position on the
23 county board under subsection (e)(3) of this section.

24 (2) “Elected member” does not include the nonvoting student member

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 selected under subsection (f) of this section.

2 (b) The Allegany County Board consists of:

3 (1) Five elected members; and

4 (2) One nonvoting student member, who is to advise the other members of
5 the county board on the viewpoint of students who attend Allegany County public schools.

6 (c) An individual nominated for membership as an elected member on the county
7 board shall be a qualified voter and a resident of Allegany County for at least 1 year before
8 the election.

9 (d) The elected members of the Allegany County Board shall be elected:

10 (1) At a general election as required by this subsection or as provided under
11 subsection (e) of this section; and

12 (2) From Allegany County at large.

13 (e) (1) Each elected member serves for a term of 4 years beginning on January
14 2 after the member's election and until a successor is elected and qualifies. If January 2 is
15 a legal holiday, the term begins on the first day after January 2 that is not a legal holiday.

16 (2) The terms of elected members are staggered as required by the terms
17 of the members serving on the county board on July 1, 1978.

18 (3) Except as provided in paragraph (4) of this subsection, the [Governor]
19 **ALLEGANY COUNTY COMMISSIONERS** shall appoint a [new member] **QUALIFIED**
20 **INDIVIDUAL** to fill any vacancy [of] **IN** an elected member's position on the board for the
21 remainder of that term and until a successor is elected and qualifies.

22 (4) If a vacancy occurs before the date that is 10 days prior to the filing
23 deadline for candidates for the primary election that is held in the second year of the term,
24 the individual appointed under paragraph (3) of this subsection shall serve only until a
25 successor is elected by the voters at the time of the next general election.

26 (5) Candidates for the vacated office may be nominated at a primary
27 election in the same manner as for any other position on the county board.

28 (6) When more than one member of the board is to be elected at an election
29 and the terms of the offices to be filled at the election vary, the elected candidate receiving
30 the greater number of votes shall fill the office with the longer term.

31 (7) The candidate receiving the vacated position shall take office as soon as
32 possible after the election, and shall continue to serve for the remainder of the vacated term
33 and until a successor is elected and qualifies.

1 (8) Except as provided in this subsection, an election to fill a vacancy on
2 the Allegany County Board of Education shall be governed by §§ 8–801 through 8–806 of
3 the Election Law Article.

4 (9) The Allegany County Board of Supervisors of Elections may adopt
5 regulations to implement this subsection.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
7 1, 2020.