

# SENATE BILL 851

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HB 410/20 – W&M

1lr2842  
CF HB 798

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By: **Senator Hough**

Introduced and read first time: February 9, 2021

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 7, 2021

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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; specifying that an individual appointed to fill a vacancy serves for the  
5 remainder of a certain term and until a successor is ~~appointed~~ elected and qualifies  
6 except that, under certain circumstances, the individual serves only until a successor  
7 is elected at the next general election; specifying how certain positions are to be filled  
8 at a general election; establishing the manner for nominating candidates for vacated  
9 offices; establishing the term of an individual elected to fill a vacated position; and  
10 generally relating to the Frederick County Board of Education.

11 BY repealing and reenacting, without amendments,  
12 Article – Education  
13 Section 3–5B–01(a)  
14 Annotated Code of Maryland  
15 (2018 Replacement Volume and 2020 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article – Education  
18 Section 3–5B–01(d)  
19 Annotated Code of Maryland  
20 (2018 Replacement Volume and 2020 Supplement)

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

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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 **Article – Education**

2 3–5B–01.

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

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

5 (2) One nonvoting student member.

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

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

11 **(2) ~~EXCEPT AS PROVIDED IN PARAGRAPHS (3) AND (4) OF THIS~~**  
12 **~~SUBSECTION AND SUBJECT TO CONFIRMATION OF THE COUNTY COUNCIL IF THERE~~**  
13 **~~IS A VACANCY BY AN ELECTED MEMBER OF THE COUNTY BOARD OCCURRING 30 DAYS~~**  
14 **~~OR LESS BEFORE THE CANDIDATE REGISTRATION DEADLINE FOR THE NEXT~~**  
15 **~~PRIMARY ELECTION, THE COUNTY EXECUTIVE SHALL APPOINT, SUBJECT TO~~**  
16 **~~CONFIRMATION OF THE COUNTY COUNCIL, A QUALIFIED INDIVIDUAL TO FILL ANY~~**  
17 **~~THE VACANCY ON THE COUNTY BOARD FOR THE REMAINDER OF THAT TERM AND~~**  
18 **~~UNTIL A SUCCESSOR IS APPOINTED ELECTED IN ACCORDANCE WITH PARAGRAPH~~**  
19 **~~(4)(I) OF THIS SUBSECTION AND QUALIFIES.~~**

20 **(3) ~~IF THERE IS A VACANCY FOR BY AN ELECTED MEMBER OCCURS OF~~**  
21 **~~THE COUNTY BOARD OCCURRING MORE THAN 30 DAYS BEFORE THE CANDIDATE~~**  
22 **~~REGISTRATION DEADLINE FOR THE NEXT PRIMARY ELECTION FOLLOWING THE~~**  
23 **~~VACATING MEMBER'S ELECTION, THE INDIVIDUAL APPOINTED UNDER PARAGRAPH~~**  
24 **~~(2) OF THIS SUBSECTION SHALL SERVE ONLY UNTIL A SUCCESSOR IS ELECTED AND~~**  
25 **~~QUALIFIES AT THE NEXT GENERAL ELECTION;~~**

26 **(I) THE COUNTY EXECUTIVE SHALL APPOINT, SUBJECT TO**  
27 **CONFIRMATION OF THE COUNTY COUNCIL, A QUALIFIED INDIVIDUAL TO**  
28 **TEMPORARILY FILL THE VACANCY ON THE COUNTY BOARD WHO SHALL SERVE UNTIL**  
29 **A QUALIFIED INDIVIDUAL IS ELECTED IN ACCORDANCE WITH PARAGRAPH (4)(II) OF**  
30 **THIS SUBSECTION; AND**

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

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

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

5                   **(II) AFTER ALL VACANT POSITIONS FOR A FULL TERM OF 4**  
6 **YEARS ARE FILLED, THE CANDIDATE WITH THE NEXT HIGHEST VOTE TOTAL SHALL**  
7 **FILL THE POSITION FOR WHICH A SUCCESSOR WAS APPOINTED UNDER PARAGRAPH**  
8 **~~(2)~~ (3) OF THIS SUBSECTION AND SERVE THE REMAINDER OF THAT TERM.**

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

12           ~~**(6) A CANDIDATE ELECTED TO FILL A VACATED POSITION SHALL**~~  
13 ~~**TAKE OFFICE ON THE FIRST MONDAY IN DECEMBER AFTER THE ELECTION AND**~~  
14 ~~**SHALL CONTINUE TO SERVE FOR THE REMAINDER OF THE VACATED TERM AND**~~  
15 ~~**UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.**~~

16           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
17 1, 2021.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.