

HOUSE BILL 1175

F3
HB 798/21 – W&M

2lr2776

By: **Frederick County Delegation**

Introduced and read first time: February 11, 2022

Assigned to: Ways and Means

A BILL ENTITLED

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.

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

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

21 (2) One nonvoting student member.

22 (d) (1) The terms of voting members are staggered as provided in subsection

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) of this section.

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

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

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

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

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

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

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

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

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

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