

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 336 (Delegate Impallaria)
Ways and Means

Harford County - County Superintendent - Election and Recall Procedures and Compensation

This bill requires the Harford County Superintendent of Schools to be elected in accordance with a specified process beginning in 2024. To be elected as superintendent, an individual must meet specified requirements. The Harford County Board of Education may vote to remove the superintendent by a supermajority vote. The superintendent may be subject to a recall election via a specified process. The school superintendent’s compensation set by the county board must be at least equal to the current compensation of the Harford County Executive but not greater than a certain fraction of the executive’s salary.

Fiscal Summary

State Effect: To the extent the superintendent is subject to a recall election, the State Board of Elections will share in the cost of administering any election.

Local Effect: To the extent the superintendent is subject to a recall election, Harford County expenditures increase by approximately \$1.1 million to conduct each countywide recall election in the timeframe provided. Harford County can add the county superintendent position to the ballot at the 2024 general election with existing resources. As discussed below, Harford County expenditures may change by a further indeterminant amount based on new school superintendent salary guidelines. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary:

Election of Superintendent

Beginning in 2024, the superintendent must be elected on a nonpartisan basis at the general election every four years by the voters of the county. To be elected as superintendent, an individual must be a resident of Harford County for at least 30 days before filing for candidacy and have specified qualifications and/or experience. The term of the superintendent is four years beginning on December 1 after the election, and a superintendent may not serve more than three consecutive terms. The nominee who receives the largest number of votes in a general election must be declared elected as superintendent.

Assistant Superintendent

A superintendent must select an assistant superintendent who meets the qualifications to run for superintendent within 60 days, subject to board approval. If a vacancy occurs in the office of superintendent, the assistant superintendent serves for the remainder of the term and must select a new assistant superintendent.

Recall Election Process

The superintendent is subject to recall by the voters of Harford County. The superintendent may not be recalled if the superintendent has not held office for more than 90 days, a recall election has been determined in the superintendent's favor in the preceding six months, or the superintendent's term ends within the next six month.

A registered voter of Harford County may initiate the recall via a specified process. To successfully begin a recall election, a petition containing specified elements must be signed by not less than 30% of registered voters of Harford County. Like the election of the superintendent, a recall election must be held on a nonpartisan basis.

At the recall election, the reasons for the recall, response by the superintendent, and the question "Shall (name of the county superintendent), the County Superintendent of Harford County, be removed from office?" must appear on the ballot. If a voter casts a vote in favor of recalling the county superintendent, the voter may cast a vote for a successor. The local board of elections must hold an election at least 60 days, but not more than 90 days, from the date on which the local board of elections chief election official certifies that the petition has satisfied all requirements. If a majority of voters vote to recall the county superintendent, the superintendent is removed, and the candidate receiving the

highest number of votes must serve the remainder of the superintendent's term until a successor is elected and qualifies.

Tied Elections, Lack of Valid Candidates

The bill sets out specified processes for determining ties in the primary and general election and processes for selecting a superintendent when a candidate dies, declines the nomination, or is disqualified.

Current Law:

County Superintendent – Appointment

Generally, the term of a local superintendent of schools is four years, beginning on July 1. A local superintendent continues to serve until a successor is appointed and qualifies. By February 1 of the year in which a term ends, the local superintendent must notify the local board whether the superintendent is a candidate for reappointment. In the year in which a term begins, the local board must appoint a local superintendent between February 1 and June 30. However, if the local board decides to reappoint the incumbent superintendent, the local board must take final action at a public meeting no later than March 1 of that year.

County Superintendent – Qualifications

An individual may not be appointed as superintendent unless the individual is eligible to be issued a certificate for the office by the State Superintendent, has graduated from an accredited college or university, and has completed two years of graduate work at an accredited college or university including public school administration, supervision, and methods of teaching. The appointment of a superintendent is not valid unless approved in writing by the State Superintendent.

County Superintendent – Removal

The State Superintendent of Schools or county board of education may remove a local superintendent of schools for immorality, misconduct in office, insubordination, incompetency, or willful neglect of duty. Prior to removing the local superintendent, the State Superintendent or county board of education must send the local superintendent a copy of the charges against the individual and give the individual an opportunity, within 10 days, to request a hearing. After this 10-day period, but promptly, the local superintendent must have an opportunity to be heard publicly before the State Superintendent in his or her own defense, in person or by counsel. In the case where a county board removes a local superintendent, the county superintendent may appeal the decision of the county board to the state board.

County Superintendent – Compensation

The salary of a local superintendent may not be decreased during the superintendent's term of office. Each local superintendent must devote full time to public school business.

County Superintendent – Vacancy

If a vacancy in the position of local superintendent occurs or the local board is unable to appoint a county superintendent by July 1 of a year in which a term begins, an interim superintendent must be appointed.

Local Expenditures: Harford County expenditures are affected by two provisions of the bill as discussed below.

Recall Election

To the extent the superintendent is subject to a recall election, Harford County expenditures increase by approximately \$1.1 million to conduct each countywide recall election in the timeframe provided.

School Superintendent Salary

The Harford County School Superintendent receives an annual salary of \$232,860, which is considerably higher than the current salary of the Harford County Executive, which is set at \$140,000. Under the bill, the school superintendent's salary would be reduced significantly from its current level and would be below the average compensation level for school superintendents of peer counties. For context, the Maryland State Department of Education's most recent [salary schedule for 2019-2020](#) lists salaries of \$279,868 for the Superintendent of Anne Arundel County Public Schools, \$219,937 for the Superintendent of Carroll County Public Schools, and \$200,984 for the Superintendent of Cecil County Public Schools.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Harford County; Maryland State Department of Education; Department of Legislative Services

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