

HOUSE BILL 988

F3

4lr0698

By: **Montgomery County Delegation**

Introduced and read first time: February 5, 2024

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County Board of Education – Vacancy Procedures – Alterations**

3 **MC 5–24**

4 FOR the purpose of altering the procedures used to fill a vacancy of an elected member of
5 the Montgomery County Board of Education under certain circumstances; and
6 generally relating to vacancy procedures for the Montgomery County Board of
7 Education.

8 BY repealing and reenacting, without amendments,

9 Article – Education

10 Section 3–901(a), (b), and (f)(1) and (2)

11 Annotated Code of Maryland

12 (2022 Replacement Volume and 2023 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – Education

15 Section 3–901(f)(5)

16 Annotated Code of Maryland

17 (2022 Replacement Volume and 2023 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

20 **Article – Education**

21 3–901.

22 (a) (1) In this subtitle the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) “Board of education district” means a geographic area of Montgomery
2 County in which an elected member of the Montgomery County Board of Education must
3 be a legal resident. The geographic area of each district is described in subsection (f) of this
4 section. Each district shall be substantially equal in population, and the districts shall be
5 reapportioned on the basis of each decennial census of the United States.

6 (3) “Elected member” means 1 of the 7 elected and voting members of the
7 Montgomery County Board or a member appointed to fill a vacancy of 1 of these 7 members.

8 (b) The Montgomery County Board consists of:

9 (1) 5 elected members, each of whom resides in a different board of
10 education district;

11 (2) 2 elected members who may reside anywhere in the county; and

12 (3) 1 student member.

13 (f) (1) Each elected member serves for a term of 4 years beginning on
14 December 1 after the member’s election and until a successor is elected and qualifies. The
15 terms of elected members are staggered as required by the terms of the members serving
16 on the county board as of July 1, 1978 so that 4 members are elected in gubernatorial
17 election years and 3 members are elected in presidential election years.

18 (2) Elected members of the county board shall be elected by the voters of
19 the entire county.

20 (5) **(I) IF THERE IS A VACANCY BY AN ELECTED MEMBER OF THE**
21 **COUNTY BOARD OCCURRING 55 DAYS OR MORE BEFORE THE CANDIDATE FILING**
22 **DEADLINE FOR THE PRIMARY ELECTION THAT IS HELD IN THE SECOND YEAR OF THE**
23 **VACATING MEMBER’S TERM, THE VACANT POSITION SHALL BE FILLED AT THE NEXT**
24 **GENERAL ELECTION IN ACCORDANCE WITH SUBPARAGRAPH (II) OF THIS**
25 **PARAGRAPH.**

26 **(II) 1. IF THE VACATED OFFICE IS AN OFFICE ELECTED**
27 **FROM A BOARD OF EDUCATION DISTRICT, THE CANDIDATE WITH THE LARGEST**
28 **NUMBER OF VOTES AT THE GENERAL ELECTION SHALL FILL THE VACANCY FOR THE**
29 **REMAINDER OF THAT TERM AND UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.**

30 **2. IF THE VACATED OFFICE IS AN OFFICE ELECTED**
31 **FROM THE COUNTY AT LARGE:**

32 **A. THE CANDIDATE WITH THE SECOND LARGEST**
33 **NUMBER OF VOTES AT THE GENERAL ELECTION SHALL FILL THE VACANCY FOR THE**

1 REMAINDER OF THAT TERM AND UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES;
2 AND

3 **B. THE CANDIDATE WITH THE LARGEST NUMBER OF**
4 **VOTES AT THE GENERAL ELECTION SHALL SERVE A FULL 4-YEAR TERM FOR THE**
5 **OFFICE ELECTED FROM THE COUNTY AT LARGE THAT FINISHES A FULL TERM ON**
6 **NOVEMBER 30 FOLLOWING THE GENERAL ELECTION AND UNTIL A SUCCESSOR IS**
7 **ELECTED AND QUALIFIES.**

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

11 **(IV) THE TERM OF AN INDIVIDUAL ELECTED UNDER**
12 **SUBPARAGRAPH (II) OF THIS PARAGRAPH SHALL BEGIN DECEMBER 1 AFTER THE**
13 **INDIVIDUAL'S ELECTION.**

14 **(V) THE REMAINING MEMBERS OF THE COUNTY BOARD SHALL**
15 **SELECT A QUALIFIED INDIVIDUAL TO FILL A VACANCY DESCRIBED IN**
16 **SUBPARAGRAPH (I) OF THIS PARAGRAPH UNTIL A SUCCESSOR IS ELECTED IN**
17 **ACCORDANCE WITH SUBPARAGRAPH (II) OF THIS PARAGRAPH AND QUALIFIES.**

18 **(VI) [The] IF THERE IS A VACANCY OF AN ELECTED MEMBER OF**
19 **THE COUNTY BOARD OCCURRING 54 DAYS OR LESS BEFORE THE CANDIDATE FILING**
20 **DEADLINE FOR THE PRIMARY ELECTION THAT IS HELD IN THE SECOND YEAR OF THE**
21 **VACATING MEMBER'S TERM, THE remaining members of the county board shall select a**
22 **qualified individual to fill [any] THE vacancy on the elected board for the remainder of that**
23 **term and until a successor is elected and qualifies.**

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
25 1, 2024.