

HOUSE BILL 1114

F3

71r1374
CF SB 324

By: **Delegate Love**

Introduced and read first time: February 15, 2007

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County – Board of Education – Appointment Process**

3 FOR the purpose of requiring the Governor to appoint a member of the Anne Arundel
4 County Board of Education from a list of nominees submitted by the School
5 Board Nominating Commission of Anne Arundel County; requiring the
6 Commission to hold certain public hearings before recommending to the
7 Governor nominees for appointment to the County Board; providing for the
8 establishment, purpose, membership, terms of office, and chair of the
9 Commission; requiring the Commission to submit to the Governor a certain list
10 of nominees for each nomination to the County Board beginning on a certain
11 date; authorizing members of the County Board to serve the remainder of a
12 member's first term or a second consecutive term subject to the results of a
13 certain retention election at a certain time; specifying the process of
14 reappointment of members serving on the County Board as of a certain date;
15 specifying the terms of the initial members of the Commission; requiring the
16 County Board to provide written notice to the State Board of Elections of the
17 name of the member to be placed on a certain ballot at a certain time; providing
18 that an incumbent member of the County Board is not required to file a certain
19 certificate of candidacy for an election for continuance in office; making a
20 stylistic change; and generally relating to the appointment process for members
21 of the Anne Arundel County Board of Education.

22 BY repealing and reenacting, with amendments,
23 Article – Education
24 Section 3–108(a) and (c) and 3–110
25 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2006 Replacement Volume)

2 BY adding to
 3 Article – Election Law
 4 Section 5–301(h)
 5 Annotated Code of Maryland
 6 (2003 Volume and 2006 Supplement)

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

9 **Article – Education**

10 3–108.

11 (a) Except for the Baltimore City Board of School Commissioners established
 12 under § 3–108.1 of this subtitle [and], counties listed in § 3–114 of this subtitle, **AND**
 13 **SUBJECT TO THE PROVISIONS OF § 3–110 OF THIS SUBTITLE WITH RESPECT TO**
 14 **THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION**, the Governor shall appoint
 15 the members of each county board from the residents of that county.

16 (c) (1) Each member serves for a term of 5 years beginning July 1 after
 17 [his] **THE MEMBER’S** appointment and until a successor is appointed and qualifies.

18 (2) The Governor shall appoint a new member to fill any vacancy on
 19 an appointed board for the remainder of that term and until a successor is appointed
 20 and qualifies.

21 (3) Unless otherwise disqualified under this section, a member of a
 22 board is eligible for reappointment. However, an individual may not serve for more
 23 than 2 consecutive terms.

24 3–110.

25 (a) **(1)** The Anne Arundel County Board consists of 8 members who shall
 26 be appointed as follows:

27 [(1)] **(I)** [3] **2** from the county at large;

28 [(2)] **(II)** 1 each from Legislative Districts 30, 31, [and] **32, 33, AND**
 29 **THAT PORTION OF LEGISLATIVE DISTRICT 21 THAT LIES WITHIN ANNE**
 30 **ARUNDEL COUNTY; AND**

1 [(3) 1 from either:

2 (i) Legislative District 32; or

3 (ii) That portion of Legislative District 21 that lies within Anne
4 Arundel County; and

5 (4)] (III) 1 student member.

6 **(2) EXCEPT FOR THE STUDENT MEMBER, THE GOVERNOR SHALL**
7 **APPOINT A MEMBER OF THE COUNTY BOARD FROM A LIST OF NOMINEES**
8 **SUBMITTED BY THE SCHOOL BOARD NOMINATING COMMISSION OF ANNE**
9 **ARUNDEL COUNTY AS PROVIDED IN SUBSECTION (B) OF THIS SECTION.**

10 **(B) (1) (I) THERE IS A SCHOOL BOARD NOMINATING COMMISSION**
11 **OF ANNE ARUNDEL COUNTY.**

12 **(II) THE PURPOSE OF THE COMMISSION IS TO SELECT**
13 **NOMINEES TO BE RECOMMENDED TO THE GOVERNOR AS QUALIFIED**
14 **CANDIDATES FOR APPOINTMENT TO THE ANNE ARUNDEL COUNTY BOARD OF**
15 **EDUCATION.**

16 **(III) THE COMMISSION SHALL HOLD AT LEAST TWO PUBLIC**
17 **HEARINGS ON THE SELECTION OF NOMINEES BEFORE RECOMMENDING TO THE**
18 **GOVERNOR NOMINEES FOR APPOINTMENT TO THE COUNTY BOARD.**

19 **(2) (I) THE COMMISSION CONSISTS OF 11 MEMBERS WHO**
20 **SHALL BE APPOINTED IN ACCORDANCE WITH THIS PARAGRAPH.**

21 **(II) THE GOVERNOR SHALL APPOINT FIVE MEMBERS, ONE**
22 **FROM EACH LEGISLATIVE DISTRICT THAT LIES IN WHOLE OR IN PART IN ANNE**
23 **ARUNDEL COUNTY.**

24 **(III) THE COUNTY EXECUTIVE OF ANNE ARUNDEL COUNTY**
25 **SHALL APPOINT ONE MEMBER FROM THE COUNTY AT LARGE.**

26 **(IV) THE FOLLOWING ORGANIZATIONS SHALL EACH**
27 **APPOINT ONE MEMBER:**

1 **1. THE TEACHERS ASSOCIATION OF ANNE**
2 **ARUNDEL COUNTY;**

3 **2. THE ANNAPOLIS AND ANNE ARUNDEL COUNTY**
4 **CHAMBER OF COMMERCE;**

5 **3. THE ANNE ARUNDEL COUNTY COUNCIL OF**
6 **PARENT TEACHER ASSOCIATIONS;**

7 **4. THE ANNE ARUNDEL COUNTY COMMUNITY**
8 **COLLEGE BOARD OF TRUSTEES; AND**

9 **5. THE ASSOCIATION OF EDUCATIONAL LEADERS**
10 **(AEL).**

11 **(3) (I) THE GOVERNOR SHALL DESIGNATE AS CHAIR OF THE**
12 **COMMISSION ONE OF THE FIVE MEMBERS APPOINTED BY THE GOVERNOR**
13 **UNDER SUBSECTION (B)(2)(II) OF THIS SECTION.**

14 **(II) THE TERM OF THE CHAIR OF THE COMMISSION IS 4**
15 **YEARS.**

16 **(III) THE GOVERNOR MAY REAPPOINT THE CHAIR OF THE**
17 **COMMISSION FOR A SECOND TERM.**

18 **(IV) THE TERM OF A MEMBER OF THE COMMISSION IS 4**
19 **YEARS.**

20 **(4) BEGINNING JANUARY 1, 2008, FOR EACH NOMINATION TO**
21 **THE COUNTY BOARD, THE COMMISSION SHALL SUBMIT TO THE GOVERNOR A**
22 **LIST OF NOMINEES THAT CONTAINS:**

23 **(I) AT LEAST TWO NAMES FOR EACH VACANCY; OR**

24 **(II) IF THERE ARE FEWER THAN TWO APPLICANTS FOR A**
25 **VACANCY, THE NUMBER OF NAMES THAT IS EQUAL TO THE NUMBER OF**
26 **APPLICANTS FOR THE VACANCY.**

1 **(C) (1) FOLLOWING THE INITIAL APPOINTMENT OF A MEMBER OF**
2 **THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION BY THE GOVERNOR, A**
3 **MEMBER MAY CONTINUE TO SERVE FOR THE REMAINDER OF THE MEMBER'S**
4 **FIRST TERM SUBJECT TO THE APPROVAL OR REJECTION OF THE REGISTERED**
5 **VOTERS OF THE COUNTY AT THE NEXT GENERAL ELECTION.**

6 **(2) A MEMBER OF THE COUNTY BOARD MAY SERVE FOR A**
7 **SECOND CONSECUTIVE TERM SUBJECT TO THE APPROVAL OF OR REJECTION BY**
8 **THE REGISTERED VOTERS OF THE COUNTY AT THE NEXT GENERAL ELECTION.**

9 **(3) (I) THE APPROVAL OR REJECTION OF A MEMBER OF THE**
10 **COUNTY BOARD BY THE REGISTERED VOTERS OF THE COUNTY PROVIDED FOR**
11 **IN SUBPARAGRAPH (II) OF THIS PARAGRAPH SHALL BE A VOTE FOR THE**
12 **MEMBER'S RETENTION OR REMOVAL.**

13 **(II) ON RECEIPT OF THE NOTICE REQUIRED UNDER §**
14 **5-301(H) OF THE ELECTION LAW ARTICLE, THE NAME OF THE MEMBER OF THE**
15 **COUNTY BOARD SHALL BE PLACED ON THE APPROPRIATE BALLOT AND SHOWN,**
16 **WITHOUT OPPOSITION, AND THE VOTERS SHALL VOTE FOR OR AGAINST THE**
17 **MEMBER'S RETENTION AS A MEMBER OF THE COUNTY BOARD.**

18 **(4) IF THE VOTERS REJECT THE RETENTION OF THE MEMBER, OR**
19 **THE VOTE IS TIED:**

20 **(I) THE POSITION SHALL BECOME VACANT 10 DAYS AFTER**
21 **CERTIFICATION OF THE ELECTION RETURNS; AND**

22 **(II) THE MEMBER SERVES UNTIL A SUCCESSOR IS**
23 **APPOINTED AND QUALIFIES.**

24 **[(b)] (D) (1) The student member shall:**

25 **(i) Be a regularly enrolled senior year student of good character**
26 **and in good standing in an Anne Arundel County public high school;**

27 **(ii) Be selected in the student's junior year by a method selected**
28 **by the Chesapeake Regional Association of Student Councils of Anne Arundel County;**

29 **(iii) 1. Serve a term of 1 year; and**

1 (2) may be reappointed by the Governor to the Anne Arundel County
2 Board of Education subject to the approval or rejection of the registered voters of the
3 county at the next general election; and

4 (b) as provided in § 3-108(c)(3) of the Education Article, is not eligible to
5 serve another consecutive term following the second term by a reappointment.

6 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial
7 members of the School Board Nominating Commission of Anne Arundel County shall
8 expire January 18, 2009.

9 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 July 1, 2007.