

Bill No.: _____

Requested: _____

Committee: _____

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By: Montgomery County Delegation

Requested By: Delegates Palakovich Carr, Charkoudian, Fraser Hidalgo, Kaufman, Solomon, Wu and Ziegler

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)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Education**

4 3–901.

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

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

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

13 (b) The Montgomery County Board consists of:

14 (1) 5 elected members, each of whom resides in a different board of
15 education district;

16 (2) 2 elected members who may reside anywhere in the county; and

17 (3) 1 student member.

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

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

25 (5) (1) **IF THERE IS A VACANCY BY AN ELECTED MEMBER OF THE**
26 **COUNTY BOARD OCCURRING 55 DAYS OR MORE BEFORE THE CANDIDATE FILING**

1 DEADLINE FOR THE PRIMARY ELECTION THAT IS HELD IN THE SECOND YEAR OF THE
2 VACATING MEMBER'S TERM, THE VACANT POSITION SHALL BE FILLED AT THE NEXT
3 GENERAL ELECTION IN ACCORDANCE WITH SUBPARAGRAPH (II) OF THIS
4 PARAGRAPH.

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

9 2. IF THE VACATED OFFICE IS AN OFFICE ELECTED
10 FROM THE COUNTY AT LARGE:

11 A. THE CANDIDATE WITH THE SECOND LARGEST
12 NUMBER OF VOTES AT THE GENERAL ELECTION SHALL FILL THE VACANCY FOR THE
13 REMAINDER OF THAT TERM AND UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES;
14 AND

15 B. THE CANDIDATE WITH THE LARGEST NUMBER OF
16 VOTES AT THE GENERAL ELECTION SHALL SERVE A FULL 4-YEAR TERM FOR THE
17 OFFICE ELECTED FROM THE COUNTY AT LARGE THAT FINISHES A FULL TERM ON
18 NOVEMBER 30 FOLLOWING THE GENERAL ELECTION AND UNTIL A SUCCESSOR IS
19 ELECTED AND QUALIFIES.

20 (III) CANDIDATES FOR A VACATED OFFICE MAY BE NOMINATED
21 AT A PRIMARY ELECTION IN THE SAME MANNER AS ANY OTHER POSITION ON THE
22 COUNTY BOARD.

23 (IV) THE TERM OF AN INDIVIDUAL ELECTED UNDER
24 SUBPARAGRAPH (II) OF THIS PARAGRAPH SHALL BEGIN DECEMBER 1 AFTER THE
25 INDIVIDUAL'S ELECTION.

26 (V) THE REMAINING MEMBERS OF THE COUNTY BOARD SHALL
27 SELECT A QUALIFIED INDIVIDUAL TO FILL A VACANCY DESCRIBED IN
28 SUBPARAGRAPH (I) OF THIS PARAGRAPH UNTIL A SUCCESSOR IS ELECTED IN
29 ACCORDANCE WITH SUBPARAGRAPH (II) OF THIS PARAGRAPH AND QUALIFIES.

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

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
8 1, 2024.