

# HOUSE BILL 988

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By: **Montgomery County Delegation**

Introduced and read first time: February 5, 2024

Assigned to: Ways and Means

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## 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.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

(b) The Montgomery County Board consists of:

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

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

(3) 1 student member.

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

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

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

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

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

**A. THE CANDIDATE WITH THE SECOND LARGEST 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.