

HOUSE BILL 347

F3, G1

2lr0938

By: **Delegates Boteler, Impallaria, Mangione, and Metzgar**

Introduced and read first time: January 19, 2022

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County – County Superintendent – Election and Recall Procedures**
3 **and Compensation**

4 FOR the purpose of establishing processes and procedures for the election and recall of the
5 County Superintendent of Baltimore County; establishing minimum and maximum
6 compensation levels for the County Superintendent of Baltimore County; and
7 generally relating to the County Superintendent of Baltimore County.

8 BY repealing and reenacting, with amendments,
9 Article – Education
10 Section 4–201 and 4–202
11 Annotated Code of Maryland
12 (2018 Replacement Volume and 2021 Supplement)

13 BY adding to
14 Article – Education
15 Section 4–201.2
16 Annotated Code of Maryland
17 (2018 Replacement Volume and 2021 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Election Law
20 Section 6–101(i) and 6–208(c); and 8–801 through 8–806 to be under the amended
21 subtitle “Subtitle 8. Boards of Education and County Superintendent of
22 Baltimore County”
23 Annotated Code of Maryland
24 (2017 Replacement Volume and 2021 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Education

4–201.

(a) (1) This section does not apply to Baltimore City.

(2) Subsections (b), (c), (d), and (f) of this section do not apply in Prince George's County.

(3) SUBSECTIONS (B), (C), AND (D) OF THIS SECTION DO NOT APPLY IN BALTIMORE COUNTY.

(b) (1) The term of a county superintendent is 4 years beginning on July 1. A county superintendent continues to serve until a successor is appointed and qualifies.

(2) By February 1 of the year in which a term ends, the county superintendent shall notify the county board whether the superintendent is a candidate for reappointment.

(3) In the year in which a term begins, the county board shall appoint a county superintendent between February 1 and June 30. However, if the county board decides to reappoint the incumbent superintendent, the county board shall take final action at a public meeting no later than March 1 of that year.

(4) If a county board is unable to appoint a county superintendent by July 1 of a year in which a term begins, the provisions of subsection (d) of this section apply.

(c) (1) An individual may not be appointed as county superintendent unless the individual:

(i) Is eligible to be issued a certificate for the office by the State Superintendent;

(ii) Has graduated from an accredited college or university; and

(iii) Has completed 2 years of graduate work at an accredited college or university, including public school administration, supervision, and methods of teaching.

(2) The appointment of a county superintendent is not valid unless approved in writing by the State Superintendent.

(3) If the State Superintendent disapproves an appointment, the State Superintendent shall give the reasons for disapproval in writing to the county board.

(d) If a vacancy occurs in the office of county superintendent, the county board shall appoint an interim county superintendent who serves until July 1 after the interim county superintendent's appointment.

(e) (1) Subject to the provisions of this subsection, the State Superintendent or a county board may remove a county superintendent for:

- (i) Immorality;
- (ii) Misconduct in office;
- (iii) Insubordination;
- (iv) Incompetency; or
- (v) Willful neglect of duty.

(2) (i) The State Superintendent may remove a county superintendent under this subsection if the State Superintendent provides the county superintendent with:

- 1. The reason for removal, chosen from one or more of the items in paragraph (1) of this subsection;
- 2. Documentation supporting the case for removal; and
- 3. The opportunity to request a hearing within 10 days before the State Superintendent in accordance with this subsection.

(ii) The county superintendent may appeal the decision of the State Superintendent to the State Board.

(3) If the county superintendent requests a hearing before the State Superintendent within the 10-day period:

(i) The State Superintendent promptly shall hold a hearing, but a hearing may not be set within 10 days after the State Superintendent sends the county superintendent a notice of the hearing; and

(ii) The county superintendent shall have an opportunity to be heard publicly before the State Superintendent in the county superintendent's own defense, in person or by counsel.

(4) (i) A county board may remove a county superintendent under this subsection if the county board provides the county superintendent with:

- 1. The reason for removal, chosen from one or more of the items in paragraph (1) of this subsection;
- 2. Documentation supporting the case for removal; and

3. The opportunity to request a hearing within 10 days before the county board in accordance with this subsection.

(ii) The county superintendent may appeal the decision of the county board to the State Board.

(f) On notification of pending criminal charges against a county superintendent as provided under § 4-206 of this subtitle, the county board may suspend the county superintendent with pay until the final disposition of the criminal charges.

4-201.2.

(A) THIS SECTION APPLIES ONLY IN BALTIMORE COUNTY.

(B) SUBJECT TO SUBSECTION (D) OF THIS SECTION, THE COUNTY SUPERINTENDENT OF THE BALTIMORE COUNTY PUBLIC SCHOOL SYSTEM SHALL BE ELECTED IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.

(C) BEGINNING IN 2024, THE COUNTY SUPERINTENDENT SHALL BE ELECTED AT THE GENERAL ELECTION EVERY 4 YEARS BY THE VOTERS OF THE COUNTY IN ACCORDANCE WITH TITLE 8, SUBTITLE 8 OF THE ELECTION LAW ARTICLE.

(D) AN INDIVIDUAL MAY NOT BE ELECTED AS COUNTY SUPERINTENDENT UNLESS THE INDIVIDUAL:

(1) IS A RESIDENT OF BALTIMORE COUNTY FOR AT LEAST 30 DAYS BEFORE THE DATE THE INDIVIDUAL FILES A CERTIFICATE OF CANDIDACY TO RUN FOR COUNTY SUPERINTENDENT; AND

(2) (I) HAS A MASTER'S DEGREE AND AT LEAST 20 YEARS OF EXPERIENCE IN THE RESPECTIVE FIELD;

(II) HAS A DOCTORAL DEGREE AND AT LEAST 10 YEARS OF EXPERIENCE IN THE RESPECTIVE FIELD;

(III) HAS AT LEAST 5 YEARS OF EXPERIENCE AS A PRINCIPAL OF A PUBLIC SCHOOL IN ANY STATE; OR

(IV) HAS AT LEAST 5 YEARS OF EXPERIENCE AS THE DEAN OF AN INSTITUTION OF HIGHER EDUCATION IN ANY STATE.

(E) (1) THE TERM OF THE COUNTY SUPERINTENDENT IS 4 YEARS BEGINNING ON DECEMBER 1 AFTER THE COUNTY SUPERINTENDENT'S ELECTION

1 AND UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.

2 (2) THE COUNTY SUPERINTENDENT MAY NOT SERVE MORE THAN
3 THREE CONSECUTIVE TERMS.

4 (3) (I) WITHIN 60 DAYS AFTER THE DATE ON WHICH THE COUNTY
5 SUPERINTENDENT IS ELECTED, THE NEWLY ELECTED COUNTY SUPERINTENDENT
6 SHALL SELECT AN ASSISTANT SUPERINTENDENT, SUBJECT TO THE APPROVAL OF
7 THE COUNTY BOARD.

8 (II) THE ASSISTANT SUPERINTENDENT SELECTED IN
9 ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL MEET THE
10 QUALIFICATIONS LISTED UNDER SUBSECTION (D) OF THIS SECTION.

11 (F) IF A VACANCY OCCURS IN THE OFFICE OF COUNTY SUPERINTENDENT,
12 THE ASSISTANT SUPERINTENDENT SHALL:

13 (1) SERVE FOR THE REMAINDER OF THE TERM; AND

14 (2) SELECT AN INTERIM ASSISTANT SUPERINTENDENT, SUBJECT TO
15 THE APPROVAL OF THE COUNTY BOARD.

16 (G) SUBJECT TO § 4-201(E)(4) OF THIS SUBTITLE, THE COUNTY BOARD MAY
17 REMOVE THE COUNTY SUPERINTENDENT BY A SUPERMAJORITY VOTE OF THE
18 MEMBERS OF THE COUNTY BOARD.

19 (H) (1) IN THIS SUBSECTION, "LOCAL BOARD" MEANS THE BALTIMORE
20 COUNTY BOARD OF ELECTIONS.

21 (2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
22 PARAGRAPH, THE COUNTY SUPERINTENDENT IS SUBJECT TO RECALL BY THE
23 VOTERS OF BALTIMORE COUNTY QUALIFIED TO VOTE FOR A SUCCESSOR OF THE
24 INCUMBENT.

25 (II) THE COUNTY SUPERINTENDENT MAY NOT BE RECALLED IF:

26 1. THE COUNTY SUPERINTENDENT HAS NOT HELD
27 OFFICE DURING THE CURRENT TERM FOR MORE THAN 90 DAYS;

28 2. A RECALL ELECTION HAS BEEN DETERMINED IN THE
29 COUNTY SUPERINTENDENT'S FAVOR IN THE PRECEDING 6 MONTHS; OR

30 3. THE COUNTY SUPERINTENDENT'S TERM ENDS

1 WITHIN THE NEXT 6 MONTHS.

2 (3) (I) A REGISTERED VOTER OF BALTIMORE COUNTY MAY
3 INITIATE A RECALL OF THE COUNTY SUPERINTENDENT BY SERVICE, FILING, AND
4 PUBLICATION OF A NOTICE OF INTENTION.

5 (II) A NOTICE OF INTENTION SHALL INCLUDE:

6 1. THE NAME AND TITLE OF THE COUNTY
7 SUPERINTENDENT;

8 2. A STATEMENT INDICATING THE REASON OR REASONS
9 FOR THE RECALL;

10 3. A STATEMENT THAT THE COUNTY SUPERINTENDENT
11 MAY FILE AN ANSWER TO THE NOTICE OF INTENTION WITH THE LOCAL BOARD; AND

12 4. THE NAME, BUSINESS OR RESIDENTIAL ADDRESS,
13 AND SIGNATURE OF THE VOTER OR VOTERS WHO ARE SEEKING THE RECALL.

14 (III) THE VOTER OR VOTERS SEEKING A RECALL IN
15 ACCORDANCE WITH THIS SUBSECTION SHALL:

16 1. DELIVER A COPY OF THE NOTICE OF INTENTION TO
17 THE COUNTY SUPERINTENDENT BY REGISTERED OR CERTIFIED MAIL;

18 2. PUBLISH THE NOTICE OF INTENTION IN A
19 NEWSPAPER OF GENERAL CIRCULATION; AND

20 3. FILE THE ORIGINAL NOTICE OF INTENTION AND
21 PROOF OF PUBLICATION WITH THE LOCAL BOARD WITHIN 7 DAYS AFTER THE DAY
22 ON WHICH THE COPY IS DELIVERED TO THE COUNTY SUPERINTENDENT.

23 (4) (I) WITHIN 14 DAYS AFTER THE DATE OF FILING OF THE
24 NOTICE OF INTENTION WITH THE LOCAL BOARD IN ACCORDANCE WITH PARAGRAPH
25 (3) OF THIS SUBSECTION, THE COUNTY SUPERINTENDENT MAY FILE A RESPONSE TO
26 THE NOTICE OF INTENTION WITH THE LOCAL BOARD.

27 (II) THE RESPONSE SHALL INCLUDE THE SWORN SIGNATURE OF
28 THE COUNTY SUPERINTENDENT.

29 (5) (I) IN THIS PARAGRAPH, "PETITION" HAS THE MEANING
30 STATED IN § 6-101 OF THE ELECTION LAW ARTICLE.

1 (II) A PETITION SHALL BE SIGNED BY NOT LESS THAN 30% OF
2 THE REGISTERED VOTERS OF BALTIMORE COUNTY.

3 (III) A PETITION SHALL:

4 1. CONTAIN THE STATEMENT PROVIDED IN THE NOTICE
5 OF INTENTION REQUIRED UNDER PARAGRAPH (3)(II)2 OF THIS SUBSECTION;

6 2. DEMAND AN ELECTION OF A SUCCESSOR TO THE
7 COUNTY SUPERINTENDENT; AND

8 3. SATISFY ALL LEGAL REQUIREMENTS FOR PETITIONS
9 UNDER TITLE 6 OF THE ELECTION LAW ARTICLE.

10 (6) A CANDIDATE TO SUCCEED THE COUNTY SUPERINTENDENT
11 SHALL:

12 (I) FILE A CERTIFICATE OF CANDIDACY AT LEAST 30 DAYS
13 BEFORE THE DATE OF THE RECALL ELECTION;

14 (II) MEET ALL OTHER REQUIREMENTS FOR CANDIDACY SET
15 FORTH IN TITLE 5 OF THE ELECTION LAW ARTICLE; AND

16 (III) BE QUALIFIED FOR CANDIDACY AS REQUIRED UNDER
17 SUBSECTION (D) OF THIS SECTION.

18 (7) (I) AT THE RECALL ELECTION, THE FOLLOWING SHALL BE
19 PLACED ON THE BALLOT:

20 1. THE STATEMENT PROVIDED IN THE NOTICE OF
21 INTENTION REQUIRED UNDER PARAGRAPH (3)(II)2 OF THIS SUBSECTION;

22 2. THE RESPONSE BY THE COUNTY SUPERINTENDENT,
23 IF ANY, FILED IN ACCORDANCE WITH PARAGRAPH (4) OF THIS SUBSECTION; AND

24 3. THE FOLLOWING QUESTION:

25 “SHALL (NAME OF THE COUNTY SUPERINTENDENT), THE COUNTY
26 SUPERINTENDENT OF BALTIMORE COUNTY, BE REMOVED FROM OFFICE?”.

27 (II) THE LOCAL BOARD SHALL MAKE THE STATEMENT AND
28 RESPONSE AVAILABLE FOR DISTRIBUTION AT POLLING PLACES.

(III) 1. IF A VOTER CASTS A VOTE IN FAVOR OF RECALLING THE COUNTY SUPERINTENDENT, THE VOTER MAY CAST A VOTE FOR A SUCCESSOR.

2. THE COUNTY SUPERINTENDENT SUBJECT TO RECALL MAY NOT BE A CANDIDATE TO SELF-SUCCEED AT THE RECALL ELECTION.

(IV) IF THE COUNTY SUPERINTENDENT RESIGNS BEFORE THE RECALL ELECTION, THE ELECTION SHALL BE HELD AS SCHEDULED TO ELECT A SUCCESSOR.

(8) IF A MAJORITY OF VOTERS VOTE TO RECALL THE COUNTY SUPERINTENDENT, THE COUNTY SUPERINTENDENT IS REMOVED AND THE CANDIDATE RECEIVING THE HIGHEST NUMBER OF VOTES SHALL SERVE THE REMAINDER OF THE COUNTY SUPERINTENDENT'S TERM UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.

4-202.

(a) (1) Except as provided in paragraph (2) of this subsection, **AND SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION**, each county superintendent is entitled to the compensation set by the county board.

(2) In Prince George's County, the Chief Executive Officer is entitled to the compensation set by the contract with the county board.

(3) IN BALTIMORE COUNTY, THE COMPENSATION SET BY THE COUNTY BOARD FOR THE COUNTY SUPERINTENDENT SHALL BE AT LEAST EQUAL TO THE CURRENT COMPENSATION OF THE COUNTY EXECUTIVE OF BALTIMORE COUNTY, BUT NOT GREATER THAN THE CURRENT COMPENSATION OF THE COUNTY EXECUTIVE MULTIPLIED BY 20%.

(b) (1) The salary of a county superintendent may not be decreased during the superintendent's term of office.

(2) Each county superintendent shall devote full time to public school business.

(c) In Anne Arundel County, the county board may not pay monetary compensation to the county superintendent for sick leave benefits earned while employed by any other board of education or public school system but may allow the county superintendent to use the sick leave in the same manner as sick leave accrued while employed by the county.

6–101.

(i) “Petition” means all of the associated pages necessary to fulfill the requirements of a process established by the law by which individuals affix their signatures as evidence of support for:

(1) placing the name of an individual, the names of individuals, or a question on the ballot at any election;

(2) the creation of a new political party; [or]

(3) the appointment of a charter board under Article XI–A, § 1A of the Maryland Constitution; **OR**

(4) RECALLING THE COUNTY SUPERINTENDENT OF BALTIMORE COUNTY.

6–208.

(c) If the chief election official determines that a petition has satisfied all requirements established by law relating to that petition, the chief election official shall certify that the petition process has been completed and shall:

(1) with respect to a petition seeking to place the name of an individual or a question on the ballot, certify that the name or question has qualified to be placed on the ballot;

(2) with respect to a petition seeking to create a new political party, certify the sufficiency of the petition to the chairman of the governing body of the partisan organization; [and]

(3) with respect to the creation of a charter board under Article XI–A, § 1A of the Maryland Constitution, certify that the petition is sufficient; **AND**

(4) WITH RESPECT TO THE RECALL OF THE COUNTY SUPERINTENDENT OF BALTIMORE COUNTY, CERTIFY THAT A RECALL ELECTION SHALL BE HELD AT LEAST 60 DAYS BUT NOT MORE THAN 90 DAYS FROM THE DATE OF THE CERTIFICATION.

Subtitle 8. Boards of Education **AND COUNTY SUPERINTENDENT OF BALTIMORE COUNTY.**

8–801.

Except as otherwise provided in this subtitle and in Title 3 of the Education Article,

the provisions of this article relating to the nomination and election of candidates to public office shall govern the nomination and election of:

(1) members to an elected county board of education; AND

(2) THE COUNTY SUPERINTENDENT OF BALTIMORE COUNTY.

8–802.

(a) (1) (i) Members of boards of education **AND THE COUNTY SUPERINTENDENT OF BALTIMORE COUNTY** shall be elected on a nonpartisan basis.

(ii) In a primary election to nominate board of education candidates **OR CANDIDATES FOR THE COUNTY SUPERINTENDENT OF BALTIMORE COUNTY**, any registered voter of the county, regardless of party affiliation or lack of party affiliation, is eligible to vote in those contests for nomination.

(2) Candidates for election to boards of education **OR FOR COUNTY SUPERINTENDENT OF BALTIMORE COUNTY** shall, without party designation or regard to party affiliation:

(i) file certificates of candidacy;

(ii) be certified to the ballot;

(iii) appear on the ballot;

(iv) be voted on; and

(v) be nominated and elected.

(b) This section does not apply to candidates for nomination or election to a board of education if Title 3 of the Education Article requires a partisan election.

8–803.

(a) Before certifying the name of a board of education candidate **OR A CANDIDATE FOR COUNTY SUPERINTENDENT OF BALTIMORE COUNTY** to appear on the ballot, the local board shall determine whether the candidate qualifies as provided under Title 3 of the Education Article and Title 5 of this article.

(b) **(1)** Unless Title 3 of the Education Article requires a partisan election, an individual may not qualify as a board of education candidate or nominee by filing a petition or being nominated by a political party.

(2) AN INDIVIDUAL MAY NOT QUALIFY AS A CANDIDATE OR NOMINEE

**FOR COUNTY SUPERINTENDENT OF BALTIMORE COUNTY BY FILING A PETITION OR
BEING NOMINATED BY A POLITICAL PARTY.**

8–804.

(a) In each year that one or more members of a board of education **[are] OR THE
COUNTY SUPERINTENDENT OF BALTIMORE COUNTY** is to be elected, candidates shall
be nominated at the primary election.

(b) (1) If a candidate dies or becomes disqualified before the ballots are
printed, or at a time when the ballots can be reprinted, the name of the candidate may not
appear on the ballot.

(2) If a candidate dies or becomes disqualified after the ballots are printed
and too late for the ballot to be reprinted, any votes cast for that candidate may not be
counted.

(c) (1) The candidates, equal in number to twice the number of offices to be
filled, who receive the largest number of votes in the primary election shall be the
nominated candidates.

(2) **[If] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS
SUBSECTION, IF** two or more candidates each receive the lowest number of votes necessary
to qualify for nomination, creating a tie for the last nomination for the office to be filled,
each shall be a nominated candidate.

**(3) IN AN ELECTION FOR COUNTY SUPERINTENDENT OF BALTIMORE
COUNTY, IF TWO OR MORE CANDIDATES EACH RECEIVE THE LOWEST NUMBER OF
VOTES NECESSARY TO QUALIFY FOR NOMINATION, CREATING A TIE FOR THE LAST
NOMINATION, THE CANDIDATES SHALL DRAW LOTS TO DETERMINE WHO SHALL BE
THE NOMINATED CANDIDATE.**

8–805.

(a) (1) If, after the primary election but before the general election, a nominee
dies, declines the nomination, or becomes disqualified before the ballots are printed or at a
time when the ballots can be reprinted, the name of the nominee may not appear on the
ballot.

(2) (I) **[If] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
PARAGRAPH, IF** the number of remaining nominees is less than the number of offices to
be filled, a new nominee shall be appointed in the same manner as provided in the
Education Article for filling a vacancy on the board of education.

**(II) IN AN ELECTION FOR COUNTY SUPERINTENDENT OF
BALTIMORE COUNTY, IF THERE ARE NO REMAINING NOMINEES FOR THE OFFICE,**

1 THE CANDIDATES WHO WERE NOT NOMINATED SHALL DRAW LOTS TO DETERMINE
2 WHO SHALL BE THE NOMINATED CANDIDATES.

3 (b) If a nominee dies, declines the nomination, or is disqualified after the ballots
4 are printed and too late for the ballot to be reprinted, and if that nominee receives sufficient
5 votes to have been elected, the office shall be deemed vacant and:

6 (1) IN AN ELECTION FOR ONE OR MORE MEMBERS OF A BOARD OF
7 EDUCATION, shall be filled as if the vacancy had occurred during the term of office; AND

8 (2) IN AN ELECTION FOR COUNTY SUPERINTENDENT OF BALTIMORE
9 COUNTY, THE CANDIDATES WHO WERE NOT NOMINATED SHALL DRAW LOTS TO
10 DETERMINE WHO SHALL BE ELECTED AS COUNTY SUPERINTENDENT.

11 8-806.

12 (a) (1) In a general election for board of education members, a voter may vote
13 for a number of nominees equal to the number of members to be elected.

14 [(b) (1)] (2) (I) The nominees, equal in number to the number of offices to
15 be filled, who receive the largest number of votes in a general election shall be declared
16 elected.

17 [(2) (i)] (II) 1. If two or more nominees each receive the lowest
18 number of votes necessary to qualify for election, creating a tie for the last office to be filled,
19 the office shall be considered vacant.

20 [(ii)] 2. A vacancy occurring under [subparagraph (i)]
21 SUBSUBPARAGRAPH 1 of this [paragraph] SUBPARAGRAPH shall be filled:

22 [1.] A. as if the vacancy occurred during the term of office
23 for which the election is being held; and

24 [2.] B. by the selection of one of the nominees who ties in
25 the general election.

26 (B) (1) IN A GENERAL ELECTION FOR COUNTY SUPERINTENDENT OF
27 BALTIMORE COUNTY, A VOTER MAY VOTE FOR ONE NOMINEE TO BE ELECTED.

28 (2) (I) THE NOMINEE WHO RECEIVES THE LARGEST NUMBER OF
29 VOTES IN A GENERAL ELECTION SHALL BE DECLARED ELECTED.

30 (II) IF THE TWO NOMINEES RECEIVE THE SAME NUMBER OF
31 VOTES NECESSARY TO QUALIFY FOR ELECTION, THE NOMINEES SHALL DRAW LOTS
32 TO DETERMINE WHO SHALL BE ELECTED AS COUNTY SUPERINTENDENT.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2022.