

# HOUSE BILL 1147

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6lr1508

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By: ~~Delegate Shoemaker~~ Carroll County Delegation

Introduced and read first time: February 11, 2016

Assigned to: Ways and Means

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2016

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Carroll County – Board of Education Members – Term Limitation and**  
3 **Referendum**

4 FOR the purpose of prohibiting a voting member of the Carroll County Board of Education  
5 from serving on the board for more than a certain number of consecutive terms;  
6 submitting this Act to a referendum of the qualified voters of Carroll County; and  
7 generally relating to a term limitation for members of the Carroll County Board of  
8 Education.

9 BY repealing and reenacting, with amendments,  
10 Article – Education  
11 Section 3–401  
12 Annotated Code of Maryland  
13 (2014 Replacement Volume and 2015 Supplement)

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

16 **Article – Education**

17 3–401.

18 (a) The Carroll County Board consists of:

19 (1) Five voting members;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1           (2) Subject to subsection (f) of this section, one nonvoting student  
2 representative; and

3           (3) The County Commissioners, who are nonvoting ex officio members.

4           (b) A candidate elected to the county board shall be a resident and registered  
5 voter of Carroll County. Any member who no longer resides in Carroll County may not  
6 continue as a member of the board.

7           (c) (1) Voting members of the Carroll County Board shall be elected as follows:

8                   (i) Two members of the board shall be elected in the November  
9 general election of 1994 and every 4 years thereafter;

10                   (ii) Two members of the county board shall be elected in the  
11 November general election of 1996 and every 4 years thereafter; and

12                   (iii) One member of the county board shall be elected in the  
13 November general election of 1998 and every 4 years thereafter.

14           (2) Voting members of the county board shall be elected:

15                   (i) At a general election as required by this section; and

16                   (ii) On a general countywide ticket.

17           (d) (1) Each voting member serves for a term of 4 years beginning the first  
18 Monday in December immediately following the voting member's election and until a  
19 successor is elected and qualifies. The terms of the voting members are staggered as  
20 required for the elections to the county board in subsection (c)(1) of this section.

21                   **(2) A VOTING MEMBER MAY NOT SERVE FOR MORE THAN TWO**  
22 **CONSECUTIVE TERMS.**

23           **[(2)] (3)** The Governor shall appoint a new voting member to fill any  
24 vacancy on the board for the remainder of that term and until a successor is elected and  
25 qualifies.

26           **[(3)] (4)** A voting member of the county board as of October 1, 1993, and  
27 any voting member appointed to fill a vacancy in an unexpired term of such member, shall  
28 hold office during his term and until a successor is elected and qualifies.

29           (e) (1) The State Board may remove a voting member of the county board for:

30                   (i) Immorality;

1 (ii) Misconduct in office;

2 (iii) Incompetency; or

3 (iv) Willful neglect of duty.

4 (2) Before removing a voting member, the State Board shall send the  
5 member a copy of the charges against him and give him an opportunity within 10 days to  
6 request a hearing.

7 (3) If the voting member requests a hearing within the 10-day period:

8 (i) The State Board promptly shall hold a hearing, but a hearing  
9 may not be set within 10 days after the State Board sends the member a notice of the  
10 hearing; and

11 (ii) The voting member shall have an opportunity to be heard  
12 publicly before the State Board in his own defense, in person or by counsel.

13 (4) A voting member removed under this subsection has the right to a de  
14 novo review of the removal by the Circuit Court for Carroll County.

15 (f) (1) The student representative shall:

16 (i) Be an eleventh or a twelfth grade student in the Carroll County  
17 public school system elected by the high school students of the county in accordance with  
18 procedures established by the school system;

19 (ii) Be a student government association representative at the  
20 student's high school;

21 (iii) Serve for 1 year beginning on July 1 after the election of the  
22 student representative; and

23 (iv) Advise the county board on the thoughts and feelings of students  
24 in Carroll County public schools.

25 (2) Unless invited to attend by an affirmative vote of a majority of the  
26 county board, the student representative may not attend an executive session of the county  
27 board.

28 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July~~  
29 ~~1, 2016.~~ SECTION 2. AND BE IT FURTHER ENACTED, That before this Act becomes  
30 effective it shall first be submitted to a referendum of the qualified voters of Carroll County  
31 at the general election to be held in November of 2018. The County governing body and the  
32 Carroll County Board of Elections shall do those things necessary and proper to provide for  
33 and hold the referendum required by this section. If a majority of the votes cast on the

1 question are “For the referred law” the provisions of this Act shall become effective on the  
2 30th day following the official canvass of votes for the referendum, but if a majority of the  
3 votes cast on the question are “Against the referred law” the provisions of this Act are of no  
4 effect and null and void.

5 SECTION 3. AND BE IT FURTHER ENACTED, That, subject to the provisions of  
6 Section 2 of this Act and for the sole purpose of providing for the referendum required by  
7 Section 2 of this Act, this Act shall take effect July 1, 2016.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.