

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 140 (Delegate Woods)
Ways and Means

County Boards of Education and Baltimore City Board of School Commissioners
- Vacancy Procedures - Alterations

This bill establishes procedures for filling vacancies on local boards of education that apply statewide, replacing current procedures that vary by local board. For elected members, the new, statewide procedures provide for election of a successor at the next general election if the vacancy occurs 55 days or more before the candidate filing deadline for the primary election in the second year of the vacating member’s term. But if the vacancy occurs later than that, or if no one qualifies to be on the ballot, the remaining members select an individual to fill the vacancy. For boards with appointed members, a vacancy for an appointed member is filled by the method the board uses to appoint members to the board and the appointment must occur within 60 days of the vacancy. **The bill takes effect July 1, 2026.**

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances.

Local Effect: The bill is not expected to materially affect local government finances.

Small Business Effect: None.

Analysis

Bill Summary: The bill standardizes procedures for filling vacancies on local boards of education by establishing a new statewide process and repealing existing local processes for filling vacancies.

Elected Members

Under the bill, if a vacancy occurs 55 days or more before the candidate filing deadline for the primary election held in the second year of a vacating elected member's term, the successor must be elected at the next general election, with the election conducted in accordance with existing provisions of the Election Law Article governing board of education elections, including nomination of candidates at the primary election (if there are more than two candidates) and election of a nominee at the general election.

If a vacancy occurs 54 days or less before the candidate filing deadline (or if no candidate files a certificate of candidacy for the office or if no individual otherwise qualifies to be on the ballot), the remaining members of the county board must select a qualified individual to fill the vacancy for the remainder of that term and until a successor is elected and qualifies. To select an individual, the remaining members must (1) advertise the vacancy; (2) review resumes submitted from candidates for the vacancy; (3) conduct livestreamed interviews of all candidates; and (4) hold a public vote to select a candidate to fill the vacancy.

Appointed Members

Vacancies for appointed members of local boards must be filled for the remainder of that term and until a successor is appointed and qualifies using the method that the local board uses to appoint members to the board. Appointments to fill a vacancy in an appointed member seat must occur not later than 60 days after the date on which the vacancy occurs.

Current Law: The **Appendix – Local Boards of Education Membership** shows the selection methods, terms of office, and membership of the 24 local boards of education.

Procedures to fill vacancies on local boards of education vary by jurisdiction. In some counties, specified officials appoint individuals to vacant elected and appointed member seats. In other jurisdictions, vacancies must be filled at subsequent general elections in certain situations. Vacant seats are generally filled until successors are appointed or elected and qualify, though some vacancies are filled by appointment only until the next regularly scheduled election.

Appointing Authority

In some jurisdictions, including Allegany, Anne Arundel, Calvert, Dorchester, Garrett, Harford (elected member vacancies only), Kent, St. Mary's, Washington, Wicomico, and Worcester counties, the *county council or county commissioners* fill vacancies on the local board in at least some situations.

In Caroline (elected members only), Charles, and Montgomery counties, the *remaining members of the local board of education* appoint an individual to fill a vacancy on the board in at least some situations.

In other counties, the *Governor* fills vacancies in at least some situations, including in Baltimore, Caroline (appointed members only), Carroll, Cecil, Queen Anne's, Somerset, and Talbot counties.

In some counties, the *county executive* fills vacancies in at least some situations, including in Frederick County (with confirmation by the county council), Harford County (with the advice and consent of the county council and for appointed member vacancies only), Howard (subject to confirmation of the county council), and Prince George's County (where the county council has the opportunity to disapprove an appointment). In Baltimore City, the *mayor* must fill vacancies in both elected and appointed member seats.

In some jurisdictions, the authority of the above entities to fill vacancies is limited by requirements that *school board nominating commissions* generate a list of names for consideration. Baltimore City and Baltimore, Washington, and Wicomico counties all use some form of nominating commission as part of the process to fill vacancies in board membership (Baltimore City and Baltimore County also appoint regular members to the board of education using a nominating commission process).

Procedures for Filling Vacancies by Appointment

Current law does not uniformly specify procedures for soliciting, interviewing, or selecting candidates to fill vacancies on local boards of education, though for some jurisdictions there are limitations or procedures set out in statute, such as the school board nominating commission processes described above. For some counties, statute requires that interviews of candidates to fill a vacancy occur at public meetings. In Howard County, the county executive must endeavor to ensure that the county board reflects the race, gender, and ethnic diversity of the population of the county when filling vacancies.

Elections to Fill Vacancies

In addition to the above appointment mechanisms to fill vacancies, for some counties, procedures are outlined in statute for filling board member vacancies at the subsequent general election following the vacancy in certain scenarios. Even in situations where an appointing authority fills a vacancy initially (described above), in some counties members appointed to fill vacancies only serve until the subsequent election, when a new member is elected to complete the vacated term. There are time frames relating to when the vacancy occurs, that determine whether a vacancy must be filled at the subsequent general election. Provisions governing Allegany, Frederick, Howard, Kent, Queen Anne's, Talbot, and

Wicomico counties' boards all have requirements for elections to fill vacancies on local boards of education in some situations (either to fill the initial vacancy or to fill the vacancy at the next election following an initial appointment to fill a vacancy).

Timing of Appointments and Elections to Fill Vacancies

Current law imposes various time limitations on appointments to fill a vacancy and requires that elections be used to fill vacancies occurring in certain time frames, though the exact timing required varies by jurisdiction.

For example, in Allegany County, vacancies filled by appointment generally serve until a successor is elected and qualifies, but appointments to fill a vacancy must only serve until the subsequent general election if the vacancy occurs before the date that is 10 days prior to the filing deadline for the primary election held in the second year of the voting member's term. In Anne Arundel County, the county council must fill a vacancy due to lack of a candidate in an election within 30 days of the general election. In Charles County, remaining members have 90 days to fill a vacancy on the board and the board may choose to not fill a seat that becomes vacant in an election year. The mayor must fill vacancies within 60 days in Baltimore City. In Baltimore County, the Governor must act within 30 days to make any appointment to the county board. In Frederick County, vacancies must be filled by appointment when they occur 30 days or less before the candidate registration deadline for the next primary election. Otherwise, when there are more than 30 days before the candidate registration deadline for the next primary election, the county executive must still make an appointment to temporarily fill the vacancy, but that individual must serve only until a qualified individual is elected at the next general election. Washington County's nominating commission must submit names to the county commissioners within 30 days of the vacancy occurring and the county commissioners must select an individual within 15 days of receiving the names. In Wicomico County, members appointed to fill a vacancy serve only until a successor is elected at the next general election if the vacancy occurs before the date that is 30 days before the filing deadline for the presidential primary election.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years

Designated Cross File: None.

Information Source(s): Maryland State Board of Elections; Maryland State Department of Education; Calvert, Howard, and Prince George's counties; Anne Arundel County

Public Schools; Montgomery County Public Schools; Wicomico County Public Schools;
Department of Legislative Services

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Appendix – Local Boards of Education Membership

The composition of the local boards of education varies with members serving three- to four-year terms. Twenty counties have elected school boards and four counties have combined appointed and elected school boards. All 24 boards have either student members or student representatives who regularly present at board meetings; however, only 8 boards allow student members to vote, which generally excludes authority to vote on matters relating to collective bargaining and personnel. Three counties with voting student members also preclude student members from voting on matters relating to operating and capital budgets. **Exhibit 1** shows the selection methods, terms of office, and membership of the 24 local school boards.

Exhibit 1 Local Boards of Education As of January 2026

School System	Number of Members	Term		Means of Selection ¹
Allegany	6	4 years	E	5 from county at large 1 student (nonvoting, 1-year term)
Anne Arundel	8	4 years	E	7 from councilmanic districts 1 student (1-year term)
Baltimore City	12	3 or 4 years	A/E	2 elected from city at large 9 appointed by mayor 1 student (1-year term)
Baltimore	12	4 years	A/E	4 appointed by Governor from county at large 7 elected from councilmanic districts 1 student (1-year term)
Calvert	6	4 years	E	2 from county at large 3 from commissioner districts 1 student (nonvoting, 1-year term)
Caroline	7	4 years	A/E	3 elected from school board districts 2 appointed by Governor from county at large 2 students (nonvoting, 1-year term)
Carroll	11	4 years	E	5 from county at large 5 commissioners <i>ex officio</i> (nonvoting) 1 student (nonvoting, 1-year term)
Cecil	6	4 years	E	5 from commissioner districts 1 student (nonvoting, 1-year term)

School System	Number of Members	Term		Means of Selection ¹
Charles	10	4 years	E	1 from county at large 8 from commissioner districts 1 student (1-year term)
Dorchester	8	4 years	E	5 from councilmanic districts 3 students (nonvoting, 1-year term)
Frederick	8	4 years	E	7 from county at large 1 student (nonvoting, 1-year term)
Garrett	6	4 years	E	2 from county at large 3 from commissioner districts 1 student (nonvoting, 1-year term)
Harford	11	4 years	A/E	6 elected from councilmanic districts 3 appointed by County Executive from county at large 1 superintendent <i>ex officio</i> (nonvoting) 1 student (1-year term)
Howard	8	4 years	E	2 from county at large 5 from councilmanic districts 1 student (1-year term)
Kent	6	4 years	E	5 from county at large 1 student (nonvoting, 1-year term)
Montgomery	8	4 years	E	2 from county at large 5 from school districts 1 student (1-year term)
Prince George's	10	4 years	E	9 from school board districts 1 student (1-year term)
Queen Anne's	7	4 years	E	1 from county at large 4 from commissioner districts 2 students (nonvoting, 1-year term)
St. Mary's	6	4 years	E	1 from county at large 4 from commissioner districts 1 student (nonvoting, 1-year term)
Somerset ²	8	4 years	E	5 from commissioner districts 3 students (nonvoting, 1-year term)

School System	Number of Members	Term	Means of Selection¹
Talbot	9	4 years	E 7 from school board districts 2 students (nonvoting, 1-year term)
Washington ³	8	4 years	E 7 from county at large 1 student (nonvoting, 1-year term)
Wicomico ⁴	11	4 years	E 5 from councilmanic districts 2 from county at large 4 students (nonvoting, 1-year term)
Worcester	10	4 years	E 7 from commissioner districts 3 students (nonvoting, 1-year term)

¹ E = Elected and A/E = Combined appointed and elected board: (1) in Baltimore County, members are appointed by the Governor from a list of names provided by the Baltimore County School Board Nominating Commission; (2) in Caroline County, members are appointed by the Governor with the advice and consent of the Senate; (3) in Baltimore City, members are appointed by the mayor from a list of names provided by the Baltimore City Public School Board Community Panel; and (4) in Harford County, members are appointed by the county executive with the advice and consent of the county council.

² Although not in statute, the Somerset County Board of Education reports that there are three nonvoting student representatives who give presentations at board meetings on current events of interest at each of the three regular high schools in the county.

³ Although not in statute, the Washington County Board of Education reports that there is a student member on the board and that the student member can only concur on votes and must abstain from certain matters.

⁴ Chapter 429 of 2025 codified at least one nonvoting student member on the Wicomico County Board of Education. The Wicomico County Board of Education includes four student representatives who give presentations at board meetings on current events of interest at each of the four high schools in the county. At each meeting, one of the four student representatives sits with the regular board members on the dais for the full meeting, while other student board members come forward to speak as needed.

Source: Sections 3-101 through 3-1405 of the Education Article; Local Boards of Education