

(1) EACH MEMBER SERVES FOR A TERM OF 6 YEARS BEGINNING ON JANUARY 1 AFTER HIS ELECTION AND UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES. THE TERMS OF MEMBERS ARE STAGGERED AND ELECTIONS SHALL BE HELD AS PROVIDED IN SUBSECTION (C) OF THIS SECTION.

(2) THE GOVERNOR SHALL APPOINT A QUALIFIED INDIVIDUAL TO FILL ANY VACANCY ON THE COUNTY BOARD FOR THE REMAINDER OF THAT TERM AND UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.

(E) REMOVAL.

(1) THE STATE BOARD MAY REMOVE A MEMBER OF THE COUNTY BOARD FOR:

- (I) IMMORALITY;
- (II) MISCONDUCT IN OFFICE;
- (III) INCOMPETENCY; OR
- (IV) WILLFUL NEGLECT OF DUTY.

(2) BEFORE REMOVING A MEMBER, THE STATE BOARD SHALL SEND THE MEMBER A COPY OF THE CHARGES AGAINST HIM AND GIVE HIM AN OPPORTUNITY WITHIN 10 DAYS TO REQUEST A HEARING.

(3) IF THE MEMBER REQUESTS A HEARING WITHIN THE 10-DAY PERIOD:

(I) THE STATE BOARD PROMPTLY SHALL HOLD A HEARING, BUT A HEARING MAY NOT BE SET WITHIN 10 DAYS AFTER THE STATE BOARD SENDS THE MEMBER A NOTICE OF THE HEARING; AND

(II) THE MEMBER SHALL HAVE AN OPPORTUNITY TO BE HEARD PUBLICLY BEFORE THE STATE BOARD IN HIS OWN DEFENSE, IN PERSON OR BY COUNSEL.

(4) A MEMBER REMOVED UNDER THIS SUBSECTION HAS THE RIGHT TO A DE NOVO REVIEW OF THE REMOVAL BY THE CIRCUIT COURT FOR KENT COUNTY.

REVISOR'S NOTE: This section presently appears as Art. 77, §36E(a) and the tenth sentence of (b) (3) and Art. 77, §36E(g) and (h).

Subsection (e) of this section is rewritten for clarity. In this regard, see the revisor's note to §3-301 of this title.

In this section and throughout this title, all present references to election procedures including nomination, filing deadlines, filing fees, and provisions for nonpartisan elections are transferred to Art. 33, the Election Code. This includes the transfer of all of present Art.