

CONSTITUTIONAL AMENDMENT

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**By: Senator Green (Chairman, Prince George's County Delegation)**

Introduced and read first time: February 2, 1996

Assigned to: Economic and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **Charter Counties - Vacancies - Special Elections**

3 FOR the purpose of proposing amendments to the Constitution of Maryland to authorize  
4 a charter county to enact local legislation permitting the conduct of a special  
5 election to fill a vacancy in the County Council; and submitting this amendment to  
6 the qualified voters of the State of Maryland for their adoption or rejection.

7 BY proposing an amendment to the Constitution of Maryland  
8 Article XI-A - Local Legislation  
9 Section 3

10 BY proposing an amendment to the Constitution of Maryland  
11 Article XVII - Quadrennial Elections  
12 Section 2

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
14 MARYLAND, (Three-fifths of all the members elected to each of the two Houses  
15 concurring), That it be proposed that the Constitution of Maryland read as follows:

16 **Article XI-A - Local Legislation**

17 3.

18 Every charter so formed shall provide for an elective legislative body in which shall  
19 be vested the law-making power of said City or County. Such legislative body in the City  
20 of Baltimore shall be known as the City Council of the City of Baltimore, and in any  
21 county shall be known as the County Council of the County. The chief executive officer,  
22 if any such charter shall provide for the election of such executive officer, or the presiding  
23 officer of said legislative body, if such charter shall not provide for the election of a chief  
24 executive officer, shall be known in the City of Baltimore as Mayor of Baltimore, and in  
25 any County as the President or Chairman of the County Council of the County, and all  
26 references in the Constitution and laws of this State to the Mayor of Baltimore and City  
27 Council of the City of Baltimore or to the County Commissioners of the Counties, shall be  
28 construed to refer to the Mayor of Baltimore and City Council of the City of Baltimore  
29 and to the President or Chairman and County Council herein provided for whenever such  
30 construction would be reasonable. From and after the adoption of a charter by the City of  
31 Baltimore, or any County of this State, as hereinbefore provided, the Mayor of Baltimore  
32 and City Council of the City of Baltimore or the County Council of said County, subject

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1 to the Constitution and Public General Laws of this State, shall have full power to enact  
 2 local laws of said City or County including the power to repeal or amend local laws of said  
 3 City or County enacted by the General Assembly, upon all matters covered by the express  
 4 powers granted as above provided, AND TO PROVIDE FOR THE FILLING OF A VACANCY  
 5 IN THE COUNTY COUNCIL BY SPECIAL ELECTION; provided that nothing herein  
 6 contained shall be construed to authorize or empower the County Council of any County  
 7 in this State to enact laws or regulations for any incorporated town, village, or  
 8 municipality in said County, on any matter covered by the powers granted to said town,  
 9 village, or municipality by the Act incorporating it, or any subsequent Act or Acts  
 10 amendatory thereto. Provided, however, that the charters for the various Counties shall  
 11 specify the number of days, not to exceed forty-five, which may but need not be  
 12 consecutive, that the County Council of the Counties may sit in each year for the purpose  
 13 of enacting legislation for such Counties, and all legislation shall be enacted at the times  
 14 so designated for that purpose in the charter, and the title or a summary of all laws and  
 15 ordinances proposed shall be published once a week for two successive weeks prior to  
 16 enactment followed by publication once after enactment in at least one newspaper of  
 17 general circulation in the county, so that the taxpayers and citizens may have notice  
 18 thereof. The validity of emergency legislation shall not be affected if enacted prior to the  
 19 completion of advertising thereof. These provisions concerning publication shall not apply  
 20 to Baltimore City. All such local laws enacted by the Mayor of Baltimore and City Council  
 21 of the City of Baltimore or the Council of the Counties as hereinbefore provided, shall be  
 22 subject to the same rules of interpretation as those now applicable to the Public Local  
 23 Laws of this State, except that in case of any conflict between said local law and any  
 24 Public General Law now or hereafter enacted the Public General Law shall control.

25 **Article XVII - Quadrennial Elections**

26 2.

27 [Elections] EXCEPT FOR A SPECIAL ELECTION THAT MAY BE AUTHORIZED TO  
 28 FILL A VACANCY IN A COUNTY COUNCIL UNDER ARTICLE XI-A, SECTION 3 OF THE  
 29 CONSTITUTION, ELECTIONS by qualified voters for State and county officers shall be  
 30 held on the Tuesday next after the first Monday of November, in the year nineteen  
 31 hundred and twenty-six, and on the same day in every fourth year thereafter.

32 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly  
 33 determines that the amendment to the Constitution of Maryland proposed by this Act  
 34 affects multiple jurisdictions and that the provisions of Article XIV, Section 1 of the  
 35 Constitution concerning local approval of constitutional amendments do not apply.

36 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section  
 37 proposed as an amendment to the Constitution of Maryland shall be submitted to the  
 38 legal and qualified voters of this State at the next general election to be held in  
 39 November, 1996 for their adoption or rejection in pursuance of directions contained in  
 40 Article XIV of the Constitution of this State. At that general election, the vote on this  
 41 proposed amendment to the Constitution shall be by ballot, and upon each ballot there  
 42 shall be printed the words "For the Constitutional Amendments" and "Against the  
 43 Constitutional Amendments," as now provided by law. Immediately after the election, all  
 44 returns shall be made to the Governor of the vote for and against the proposed

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1 amendment, as directed by Article XIV of the Constitution, and further proceedings had  
2 in accordance with Article XIV.