

CONSTITUTIONAL AMENDMENT

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6lr1926

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

Introduced and read first time: February 2, 1996

Assigned to: Economic and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted with floor amendments

Read second time: March 8, 1996

CHAPTER _____

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, or provide other alternative means, to fill a vacancy in the County Council;
6 and submitting this amendment to the qualified voters of the State of Maryland for
7 their adoption or rejection.

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

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

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

17 **Article XI-A - Local Legislation**

18 3.

19 Every charter so formed shall provide for an elective legislative body in which shall
20 be vested the law-making power of said City or County. Such legislative body in the City
21 of Baltimore shall be known as the City Council of the City of Baltimore, and in any
22 county shall be known as the County Council of the County. The chief executive officer,
23 if any such charter shall provide for the election of such executive officer, or the presiding
24 officer of said legislative body, if such charter shall not provide for the election of a chief

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

35 **Article XVII - Quadrennial Elections**

36 2.

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

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

1 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
2 proposed as an amendment to the Constitution of Maryland shall be submitted to the
3 legal and qualified voters of this State at the next general election to be held in
4 November, 1996 for their adoption or rejection in pursuance of directions contained in
5 Article XIV of the Constitution of this State. At that general election, the vote on this
6 proposed amendment to the Constitution shall be by ballot, and upon each ballot there
7 shall be printed the words "For the Constitutional Amendments" and "Against the
8 Constitutional Amendments," as now provided by law. Immediately after the election, all
9 returns shall be made to the Governor of the vote for and against the proposed
10 amendment, as directed by Article XIV of the Constitution, and further proceedings had
11 in accordance with Article XIV.