

(PRE-FILED)

By: **Senator Kittleman**
 Requested: November 15, 2004
 Introduced and read first time: January 12, 2005
 Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Charter Counties - Vacancy in the Office of County Executive - Special**
3 **Election**

4 FOR the purpose of authorizing a charter county to provide for the conduct of a
5 special election in the event of a vacancy in the office of a certain county
6 executive that occurs under certain circumstances; making this Act contingent
7 on the passage and ratification of a certain Constitutional Amendment; and
8 generally relating to the authority of a charter county to hold a certain special
9 election to fill a vacancy in the office of a certain county executive.

10 BY repealing and reenacting, with amendments,
11 Article 25A - Chartered Counties of Maryland
12 Section 5(Q)
13 Annotated Code of Maryland
14 (2001 Replacement Volume and 2004 Supplement)

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

17 **Article 25A - Chartered Counties of Maryland**

18 5.

19 The following enumerated express powers are granted to and conferred upon
20 any county or counties which hereafter form a charter under the provisions of Article
21 XI-A of the Constitution, that is to say:

22 (Q)

23 (1) To provide for the appointment and removal of all county officers
24 except those whose appointment or election is provided for by the Constitution or
25 public general law, and to establish a merit system, if deemed desirable, in connection
26 with the appointment of all county officials and employees not elected or appointed
27 under the Constitution and the public general laws; to fix the qualifications and term

1 of office of such county executive authority as may be established, and to fix its
2 compensation; provided that the county council may enact local laws designed to
3 prevent conflicts between the private interests and public duties of any county
4 officers, including members of the county council, and to govern the conduct and
5 actions of all such county officers in the performance of their public duties, and to
6 provide for penalties, including removal from office, for violation of any such laws or
7 the regulations adopted thereunder.

8 (2) To provide for the conduct of a special election to fill a vacancy in the
9 county council, OR A VACANCY IN THE CHIEF EXECUTIVE OFFICER OF A COUNTY WHO
10 IS NOT A MEMBER OF THE COUNTY COUNCIL, that occurs upon the death or
11 resignation of a member of the county council OR THE CHIEF EXECUTIVE OFFICER or
12 on forfeiture of office by a member of the county council OR THE CHIEF EXECUTIVE
13 OFFICER.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is contingent on
15 the passage of Chapter _____ (S.B._____) (5lr1004) of the Acts of the General
16 Assembly of 2005, a Constitutional Amendment, and its ratification by the voters of
17 the State.

18 SECTION 3. AND BE IT FURTHER ENACTED, That, subject to the provisions
19 of Section 2 of this Act, this Act shall take effect October 1, 2005.