

UNOFFICIAL COPY OF SENATE BILL 37
CONSTITUTIONAL AMENDMENT

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(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 - Vacancies - Special Elections for County Executive**

3 FOR the purpose of proposing amendments to the Maryland Constitution to authorize
4 a charter county, as authorized by statute, to enact local legislation permitting
5 the conduct of a special election to fill a vacancy in the county executive; and
6 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 Maryland Constitution
9 Article XI-A - Local Legislation
10 Section 3

11 BY proposing an amendment to the Maryland Constitution
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 Maryland Constitution 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
20 shall be vested the law-making power of said City or County. Such legislative body in
21 the City of Baltimore shall be known as the City Council of the City of Baltimore, and
22 in any county shall be known as the County Council of the County. The chief executive
23 officer, if any such charter shall provide for the election of such executive officer, or
24 the presiding officer of said legislative body, if such charter shall not provide for the
25 election of a chief executive officer, shall be known in the City of Baltimore as Mayor
26 of Baltimore, and in any County as the President or Chairman of the County Council
27 of the County, and all references in the Constitution and laws of this State to the
28 Mayor of Baltimore and City Council of the City of Baltimore or to the County

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

34

Article XVII - Quadrennial Elections

35 2.

36 Except for a special election that may be authorized to fill a vacancy in a County
37 Council, OR A VACANCY IN THE CHIEF EXECUTIVE OFFICER OF A COUNTY WHO IS
38 NOT A MEMBER OF THE COUNTY COUNCIL, under Article XI-A, Section 3 of the
39 Constitution, elections by qualified voters for State and county officers shall be held
40 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 Maryland Constitution proposed by this Act
44 affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the

1 Maryland Constitution concerning local approval of constitutional amendments do
2 not apply.

3 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
4 proposed as an amendment to the Maryland Constitution shall be submitted to the
5 legal and qualified voters of this State at the next general election to be held in
6 November, 2006 for their adoption or rejection in pursuance of directions contained in
7 Article XIV of the Maryland Constitution. At that general election, the vote on this
8 proposed amendment to the Constitution shall be by ballot, and upon each ballot
9 there shall be printed the words "For the Constitutional Amendment" and "Against
10 the Constitutional Amendment," as now provided by law. Immediately after the
11 election, all returns shall be made to the Governor of the vote for and against the
12 proposed amendment, as directed by Article XIV of the Maryland Constitution, and
13 further proceedings had in accordance with Article XIV.