

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 28 (Delegate Bouchat)
Environment and Transportation

Constitutional Amendment - Form of County Government - Requirement to
Adopt Charter Home Rule

This constitutional amendment requires each county and Baltimore City to adopt a charter home rule form of county government by December 31, 2031.

Fiscal Summary

State Effect: The constitutional amendment is not expected to materially affect State finances.

Local Effect: If the constitutional amendment is approved by voters, local expenditures may increase significantly for counties transitioning to the charter home rule form of government. Local revenues are not affected. **This constitutional amendment imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary: The constitutional amendment requires all counties and Baltimore City to operate under the charter home rule form of government, thus, repealing code home rule and commission forms of county government. By December 31, 2031, each county and Baltimore City must adopt a charter and operate under this charter after this date. An adopted charter must provide for the election of both a county executive and county council. On or after January 1, 2026, a county adopting a new charter must use the procedures set forth in the constitutional amendment.

By January 1, 2028, the board of county commissioners for any county not operating under a charter home rule form of government as of this date must appoint a charter board. The charter board must consist of an uneven number of members, not fewer than five or more than nine. Each member of the charter board must be a registered voter of the county. Within 18 months from the date of appointment of its members, the charter board must present a proposed charter for the county to the board of county commissioners, which must publish it at least twice in one or more newspapers of general circulation in the county within 30 days after it is presented.

The board of county commissioners must vote on the adoption of the charter within 90 days after the proposed charter is published. If a majority of the votes cast by the board of county commissioners are in favor of its adoption, the charter will become effective on the thirtieth day following the vote. However, if a majority of the votes opposes the adoption of the charter, the board of county commissioners must remand the proposed charter and include an explanation of the reasons for its rejection to the charter board for revision and resubmittal.

Within 90 days after the proposed charter was remanded back to the charter board, the charter board must revise and present the revised charter to the board of county commissioners, which must publish it at least twice in one or more newspapers of general circulation in the county within 30 days after it is presented.

A county or Baltimore City must use the procedures set forth in Article XI-A, § 5 of the Maryland Constitution to amend any charter adopted under the Article.

A county adopting a charter prior to January 1, 2026, may use procedures provided in Article XI-A, § 1A of the Maryland Constitution in lieu of the procedures provided in the constitutional amendment.

Current Law: Maryland counties operate under three forms of government: commission, charter home rule, and code home rule. To date, only 6 counties continue to operate under the commission, or nonhome rule, form of government, while 11 counties operate under charter home rule and 6 counties operate under code home rule. Each of the 11 counties that ratified the charter home rule form of government are governed by county councils; and all but Dorchester and Talbot counties have county executives. **Exhibit 1** shows the form of government for each Maryland county and the year in which local home rule became effective.

Exhibit 1
Forms of County Governments in Maryland

<u>Charter Home Rule</u>		<u>Code Home Rule</u>		<u>Commission</u>
Anne Arundel	1964	Allegany	1974	Calvert
Baltimore City	1918	Caroline	1984	Carroll
Baltimore	1956	Charles	2002	Garrett
Cecil	2012	Kent	1970	St. Mary's
Dorchester	2002	Queen Anne's	1990	Somerset
Frederick	2014	Worcester	1976	Washington
Harford	1972			
Howard	1968			
Montgomery	1948			
Prince George's	1970			
Talbot	1973			
Wicomico	1964			

Source: Department of Legislative Services

The 12 counties operating under commission and code home rule forms of government elect county commissioners. State law requires the number of county commissioners in a county to be set by the public local laws of each county. The public local laws of each county also determine whether commissioners are elected by voters from within a district or by voters of the entire county.

In three counties (Carroll, Somerset, and Worcester), commissioners run by district and are elected by the voters residing in that district. In one county (Charles), four commissioners run by district and are elected by the voters residing in that district, and one at-large commissioner serves as the president of the county commissioners. In four counties (Allegany, Caroline, Kent, and Washington), commissioners run countywide, not by district. In one county (Garrett), commissioners run by district and are elected by the voters at large.

In three counties (Calvert, Queen Anne's, and St. Mary's), a hybrid board structure is utilized wherein a specified number of county commissioners represent a district, the remaining run countywide, and all of the commissioners are elected by the voters at large. In St. Mary's County, the at-large commissioner serves as the president of the county commissioners.

Charles County Charter Referendum

At the November 2024 general election, Charles County residents voted to keep their current Code Home Rule form of government rather than adopt a Charter form of government. Based on election results, 55.7% of voters supported maintaining Code Home Rule for the county. In the last three years, no other county has put a similar ballot question up to a vote.

Local Expenditures: The Maryland Association of Counties advises that the proposed constitutional amendment could pose significant cost burdens on county governments that currently do not have the government structure proposed by the constitutional amendment.

Carroll, Charles, Queen Anne's, St. Mary's, and Worcester counties advise that this amendment, if approved, will have a material impact on their expenditures due to the constitutional amendment's requirement for each county to transition to the charter home rule form of government. Additional expenditures cited by these counties include office space renovations, additional salaries and staff, and other costs associated with the transition.

Eleven counties currently operate under the charter home rule form of government. Most recently, Frederick County transitioned from the county commissioner form of government to the charter home rule form of government on December 1, 2014. Based on the county's fiscal 2015 adopted budget, the estimated additional cost for Frederick County to transition to the charter home rule form of government totaled approximately \$175,000 in the first year of transition. By the second year (fiscal 2016), county expenditures for the county executive and county council were approximately \$725,000 higher than the cost for the board of county commissioners and county manager in fiscal 2014.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 81 of 2024.

Designated Cross File: None.

Information Source(s): Baltimore City; Carroll, Charles, Queen Anne's, St. Mary's, Washington, and Worcester counties; Maryland Association of Counties; Maryland State Board of Elections; Department of Legislative Services

Fiscal Note History: First Reader - January 26, 2025
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