

HOUSE BILL 28

L1
HB 81/24 – ENT

CONSTITUTIONAL AMENDMENT
(PRE-FILED)

5lr0689

By: **Delegate Bouchat**

Requested: July 29, 2024

Introduced and read first time: January 8, 2025

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Constitutional Amendment – Form of County Government – Requirement to**
3 **Adopt Charter Home Rule**

4 FOR the purpose of requiring each county to adopt a charter on or before a certain date
5 using a certain procedure; altering the method by which a county shall adopt a
6 charter under certain circumstances; requiring the charter to provide for the election
7 of members of the county council by the voters of councilmanic districts; and limiting
8 the applicability of certain Constitutional provisions governing code home rule
9 counties.

10 BY proposing a repeal of the Maryland Constitution
11 Article XI–A – Local Legislation
12 Section 1

13 BY proposing an addition to the Maryland Constitution
14 Article XI–A – Local Legislation
15 Section 1

16 BY proposing an amendment to the Maryland Constitution
17 Article XI–A – Local Legislation
18 Section 1A and 3A

19 BY proposing an amendment to the Maryland Constitution
20 Article XI–F – Home Rule for Code Counties
21 Section 1

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article XI-A – Local Legislation

[1.

On demand of the Mayor of Baltimore and City Council of the City of Baltimore, or on petition bearing the signatures of not less than 20% of the registered voters of said City or any County (Provided, however, that in any case 10,000 signatures shall be sufficient to complete a petition), the Board of Election Supervisors of said City or County shall provide at the next general or congressional election, occurring after such demand or the filing of such petition, for the election of a charter board of eleven registered voters of said City or five registered voters in any such Counties. Nominations for members for said charter board may be made not less than forty days prior to said election by the Mayor of Baltimore and City Council of the City of Baltimore or the County Commissioners of such County, or not less than twenty days prior to said election by petition bearing the signatures written in their own handwriting (and not by their mark) of not less than 5% of the registered voters of the said City of Baltimore or said County; provided, that in any case Two thousand signatures of registered voters shall be sufficient to complete any such nominating petition, and if not more than eleven registered voters of the City of Baltimore or not more than five registered voters in any such County are so nominated their names shall not be printed on the ballot, but said eleven registered voters in the City of Baltimore or five in such County shall constitute said charter board from and after the date of said election. At said election the ballot shall contain the names of said nominees in alphabetical order without any indication of the source of their nomination, and shall also be so arranged as to permit the voter to vote for or against the creation of said charter board, but the vote cast against said creation shall not be held to bar the voter from expressing his choice among the nominees for said board, and if the majority of the votes cast for and against the creation of said charter board shall be against said creation the election of the members of said charter board shall be void; but if such majority shall be in favor of the creation of said charter board, then and in that event the eleven nominees of the City of Baltimore or five nominees in the County receiving the largest number of votes shall constitute the charter board, and said charter board, or a majority thereof, shall prepare within 18 months from the date of said election a charter or form of government for said city or such county and present the same to the Mayor of Baltimore or President of the Board of County Commissioners of such county, who shall publish the same in at least two newspapers of general circulation published in the City of Baltimore or County within thirty days after it shall be reported to him. Such charter shall be submitted to the voters of said City or County at the next general or Congressional election after the report of said charter to said Mayor of Baltimore or President of the Board of County Commissioners; and if a majority of the votes cast for and against the adoption of said charter shall be in favor of such adoption, the said charter from and after the thirtieth day from the date of such election shall become the law of said City or County, subject only to the Constitution and Public General Laws of this State, and any public local laws inconsistent with the provisions of said charter and any former charter of the City of Baltimore or County shall be thereby repealed.]

1.

1 (A) (1) BY DECEMBER 31, 2031, EACH COUNTY AND THE CITY OF
2 BALTIMORE SHALL ADOPT A CHARTER IN ACCORDANCE WITH THIS ARTICLE.

3 (2) AFTER DECEMBER 31, 2031, EACH COUNTY AND THE CITY OF
4 BALTIMORE SHALL OPERATE UNDER THE CHARTER ADOPTED IN ACCORDANCE
5 WITH THIS ARTICLE.

6 (B) A CHARTER ADOPTED IN ACCORDANCE WITH THIS ARTICLE SHALL
7 PROVIDE FOR:

8 (1) THE ELECTION OF BOTH A COUNTY EXECUTIVE AND THE
9 MEMBERS OF THE COUNTY COUNCIL AS PROVIDED UNDER § 3 OF THIS ARTICLE; AND

10 (2) THE ELECTION OF MEMBERS OF THE COUNTY COUNCIL TO BE
11 HELD IN ACCORDANCE WITH § 3A OF THIS ARTICLE.

12 (C) ON AND AFTER JANUARY 1, 2026, A COUNTY ADOPTING A NEW CHARTER
13 SHALL USE THE PROCEDURES SET FORTH IN THIS SECTION.

14 (D) (1) ON OR BEFORE JANUARY 1, 2028, THE BOARD OF COUNTY
15 COMMISSIONERS FOR ANY COUNTY NOT OPERATING UNDER A CHARTER FORM OF
16 GOVERNMENT AS OF THAT DATE SHALL APPOINT A CHARTER BOARD.

17 (2) (I) THE CHARTER BOARD SHALL CONSIST OF AN UNEVEN
18 NUMBER OF MEMBERS, NOT FEWER THAN FIVE OR MORE THAN NINE.

19 (II) EACH MEMBER OF A CHARTER BOARD SHALL BE A
20 REGISTERED VOTER OF THE COUNTY.

21 (3) WITHIN 18 MONTHS FROM THE DATE OF THE APPOINTMENT OF
22 ITS MEMBERS, THE CHARTER BOARD SHALL PRESENT A PROPOSED CHARTER FOR
23 THE COUNTY TO THE BOARD OF COUNTY COMMISSIONERS, WHICH SHALL PUBLISH
24 IT AT LEAST TWICE IN ONE OR MORE NEWSPAPERS OF GENERAL CIRCULATION IN
25 THE COUNTY WITHIN 30 DAYS AFTER IT IS PRESENTED.

26 (4) WITHIN 90 DAYS AFTER THE PROPOSED CHARTER IS PUBLISHED
27 IN ACCORDANCE WITH PARAGRAPH (3) OF THIS SUBSECTION, THE BOARD OF
28 COUNTY COMMISSIONERS SHALL VOTE ON WHETHER TO ADOPT THE CHARTER.

29 (5) (I) IF A MAJORITY OF THE VOTES CAST BY THE BOARD OF
30 COUNTY COMMISSIONERS ARE IN FAVOR OF ITS ADOPTION, THE CHARTER SHALL
31 BECOME EFFECTIVE AS THE CHARTER OF THE COUNTY ON THE THIRTIETH DAY
32 FOLLOWING THE VOTE.

(II) IF A MAJORITY OF THE VOTES CAST BY THE BOARD OF COUNTY COMMISSIONERS ARE AGAINST ITS ADOPTION, THE BOARD OF COUNTY COMMISSIONERS SHALL REMAND THE PROPOSED CHARTER ALONG WITH AN EXPLANATION OF THE REASONS FOR ITS REJECTION TO THE CHARTER BOARD FOR REVISION AND RESUBMITTAL.

(6) WITHIN 90 DAYS AFTER A PROPOSED CHARTER IS REMANDED BACK TO THE CHARTER BOARD, THE CHARTER BOARD SHALL REVISE AND PRESENT THE PROPOSED CHARTER WITH THE REVISIONS TO THE BOARD OF COUNTY COMMISSIONERS IN ACCORDANCE WITH PARAGRAPH (3) OF THIS SUBSECTION.

(E) A COUNTY OR THE CITY OF BALTIMORE SHALL USE THE PROCEDURES SET FORTH IN § 5 OF THIS ARTICLE TO AMEND ANY CHARTER ADOPTED UNDER THIS ARTICLE.

1A.

[The] BEFORE JANUARY 1, 2026, THE procedure provided in this section for adoption of a charter may be used in any county in lieu of the procedures provided in Section 1 of this Article[, and a]. A charter THAT IS adopted pursuant to this section PRIOR TO JANUARY 1, 2026, has the effect of a charter adopted in accordance with the provisions of Section 1. The board of county commissioners of any county at any time may appoint a charter board. Said charter board shall be registered voters and shall consist of an uneven number of members, not fewer than five or more than nine. The board of county commissioners shall appoint a charter board within thirty days after receiving a petition signed by five percent of the registered voters of the county or by ten thousand voters of the county, whichever is the lesser number. If additional charter board members are nominated by petitions signed by three percent of the registered voters of the county or by two thousand registered voters, whichever is the lesser number, delivered to the board of county commissioners within sixty days after the charter board is appointed, the board of county commissioners shall call a special election not less than thirty or more than ninety days after receiving petitions, unless a regular election falls within the designated period. The appointees of the board of county commissioners and those nominated by petitions shall be placed on the ballot in alphabetical order without party designation. The voters may cast votes for, and elect a number of nominees equal to the number of charter board members originally selected by the board of county commissioners, and those so elected are the charter board. The charter board, within 18 months from the date of its appointment, or if there was an election for some of its members, within 18 months from the date of the election, shall present a proposed charter for the county to the board of county commissioners, which shall publish it at least twice in one or more newspapers of general circulation in the county within thirty days after it is presented. The charter shall be submitted to the voters of the county at a special or regular election held not earlier than thirty days or later than ninety days after publication of the charter. If a majority of the votes cast for and against the adoption of the charter are in favor of its adoption, the charter

shall become effective as the charter of the county on the thirtieth day after the election or such later date as shall be specified in the charter.

3A.

The charter for the government of any county governed by the provisions of this Article [may] **SHALL** provide for the election of members of the county council by the voters of councilmanic districts therein established[, or by the voters of the entire county, or by a combination of these methods of election].

Article XI-F – Home Rule for Code Counties

1.

(A) For the purposes of this Article, (1) “code county” means a county which is not a charter county under Article 11A of this Constitution and has adopted the optional powers of home rule provided under this Article; and (2) “public local law” means a law applicable to the incorporation, organization, or government of a code county and contained in the county’s code of public local laws; but this latter term specifically does not include (i) the charters of municipal corporations under Article 11E of this Constitution, (ii) the laws or charters of counties under Article 11A of this Constitution, (iii) laws, whether or not Statewide in application, in the code of public general laws, (iv) laws which apply to more than one county, and (v) ordinances and resolutions of the county government enacted under public local laws.

(B) THE PROVISIONS OF THIS ARTICLE APPLY ONLY UNTIL EACH COUNTY HAS ADOPTED A CHARTER UNDER ARTICLE XI-A OF THIS CONSTITUTION.

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

SECTION 3. AND BE IT FURTHER ENACTED, That the amendment to the Maryland Constitution proposed by Section 1 of this Act shall be submitted to the qualified voters of the State at the next general election to be held in November 2026 for adoption or rejection in accordance with Article XIV of the Maryland Constitution. At that general election, the vote on the proposed amendment to the Constitution shall be by ballot, and on each ballot there shall be printed the words “For the Constitutional Amendment” and “Against the Constitutional Amendment”, as now provided by law. Immediately after the election, all returns shall be made to the Governor of the vote for and against the proposed amendment, as directed by Article XIV of the Maryland Constitution, and further proceedings had in accordance with Article XIV.