

**CITY OF BALTIMORE
COUNCIL BILL 15-0494
(Resolution)**

Introduced by: Councilmember Henry
Introduced and read first time: March 9, 2015
Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor

A RESOLUTION ENTITLED

1 A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning

2 **Charter Amendment – Special Elections – Mayoral Vacancies**

3 FOR the purpose of authorizing, under certain circumstances, the filling of Mayoral vacancies by
4 special election; conforming, correcting, and clarifying related provisions; and submitting this
5 amendment to the qualified voters of the City for adoption or rejection.

6 BY authority of
7 Article XI-A - Local Legislation
8 Section 3
9 Maryland Constitution

10 BY proposing to amend
11 Article IV - Mayor
12 Section 2
13 Baltimore City Charter
14 (1996 Edition)

15 BY proposing to amend
16 Article III - City Council
17 Sections 4, 10(b), and 10(c)
18 Baltimore City Charter
19 (1996 Edition)

20 **SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
21 City Charter is proposed to be amended to read as follows:

22 **Baltimore City Charter**

23 **Article IV. Mayor**

EXPLANATION: Underlining indicates matter added by amendment.
~~Strike out~~ indicates matter deleted by amendment.

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§ 2. Vacancy or absence.

(a) *Vacancy.*

[In case of vacancy in the office of the Mayor by death, resignation, or permanent disqualification,] IF THE MAYOR DIES, RESIGNS, IS REMOVED, OR BECOMES DISQUALIFIED BEFORE EXPIRATION OF THE TERM FOR WHICH THE MAYOR WAS ELECTED, THE VACANCY SHALL BE FILLED AS FOLLOWS:

(1) FOR A VACANCY THAT OCCURS DURING THE FIRST 3 YEARS OF THE TERM, THE VACANCY SHALL BE FILLED BY SPECIAL ELECTION, TO BE CALLED AND CONDUCTED AS PROVIDED BY ORDINANCE OF THE MAYOR AND CITY COUNCIL, CONSISTENT WITH THE CONSTITUTION AND LAWS OF THE STATE. UNTIL THE NEW MAYOR IS ELECTED AND QUALIFIED, THE PRESIDENT OF THE CITY COUNCIL SHALL SERVE AS ACTING MAYOR.

(2) FOR A VACANCY THAT OCCURS DURING THE LAST YEAR OF THE TERM, the President of the City Council [shall be] BECOMES Mayor for the remainder of the UNEXPIRED term [for which the Mayor was elected].

(b) *Absence.*

In case of, and during, THE MAYOR’S sickness, temporary disqualification, or necessary absence [of the Mayor], the President of the City Council shall [be ex officio] SERVE AS ACTING Mayor [of the City].

Article III. City Council

§ 4. Vacancy in presidency.

[If it becomes necessary for the President of the City Council to fill the unexpired term of the Mayor, or in] IN case of the PRESIDENT’S BECOMING MAYOR UNDER ARTICLE IV, § 2(A)(2) OF THIS CHARTER, OR THE PRESIDENT’S death, resignation, removal, or [other] disqualification [of the President], the City Council, by a majority vote of its members, shall elect a PERSON, QUALIFIED UNDER SECTION 3 OF THIS ARTICLE, TO SERVE AS [new president] PRESIDENT for the REMAINDER OF THE unexpired term. The person so elected as President may[,] but need not[,] be, at the time of election, a member of the City Council.

§ 10. Procedures; Council officers.

(b) *Vice-President — [in general] APPOINTMENT.*

The City Council, by a majority vote of its members, shall [appoint] ELECT A COUNCIL VICE-PRESIDENT from AMONG its members [a Vice-President,].

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1 (C) *VICE-PRESIDENT – DUTIES.*

2 (1) [who, in] IN CASE OF, AND DURING, THE PRESIDENT’S SERVICE AS ACTING MAYOR
3 UNDER ARTICLE IV, § 2(A)(1) OF THIS CHARTER, OR THE PRESIDENT’S [absence,]
4 sickness, [or] TEMPORARY disqualification, OR OTHER ABSENCE [of the President],
5 THE VICE-PRESIDENT shall:

6 (I) preside at all [its] meetings OF THE CITY COUNCIL[.]; AND

7 (II) [The Vice-President also shall be] SERVE AS [an] acting member AND ACTING
8 PRESIDENT of the Board of Estimates [in the absence, sickness, or temporary
9 disqualification of the President].

10 [(c) *Vice-President — as acting Mayor.*]

11 (2) In case of, and during, [necessary absence,] THE sickness, [or the] temporary
12 disqualification, OR NECESSARY ABSENCE of both the Mayor and the President [of the
13 City Council], the Vice-President shall [be acting] SERVE AS ACTING Mayor.

14 **SECTION 2. AND BE IT FURTHER RESOLVED,** That this proposed amendment to the City
15 Charter be submitted to the legal and qualified voters of Baltimore City, for adoption or rejection,
16 in accordance with Article XI-A, § 5 of the Maryland Constitution, in the form specified by the
17 City Solicitor.