

**CITY OF BALTIMORE
COUNCIL BILL 11-0248R
(Resolution)**

Introduced by: Councilmembers Henry, Stokes, Clarke, Welch
Introduced and read first time: January 31, 2011
Assigned to: Judiciary and Legislative Investigations Committee

A RESOLUTION ENTITLED

1 A COUNCIL RESOLUTION concerning

2 **Request for State Legislation - Elections to Fill Vacant City Council Seats**

3 FOR the purpose of respectfully calling on the Honorable Chairs and Members of the Baltimore
4 City Senate and House Delegations to the 2011 Session of the Maryland General Assembly
5 to sponsor and secure the adoption of legislation giving Baltimore City the same right to fill
6 Council vacancies through special elections enjoyed by charter counties throughout the State.

7 **Recitals**

8 A pair of vacancies on the Baltimore City Council in the last year have recently highlighted
9 the process used to fill empty seats on the Council. Currently, vacancies are filled through a vote
10 of the remaining Councilmembers. This system predates the change from 3 member districts to
11 single member districts approved by City voters in 2002.

12 Prior to the 2002 change it was the Council's custom to allow the remaining members of a
13 district's delegation to nominate a new Councilperson to fill any vacancy that arose from their
14 district. This system ensured that residents and representatives from the district played the lead
15 role in determining who would represent that district on the City Council.

16 However, with the change to single member districts the same rules produce a different
17 result. Now 13 of the 14 people eligible to vote for a person to fill a Council vacancy - the
18 Councilmembers from the other single member districts - are required by law to be legal
19 residents of a district other than the one with a vacant seat. And no institutional mechanism
20 exists to ensure that district residents have any decisive voice, or even representation, in the
21 process of deciding who to nominate as a new Councilmember.

22 In the mid 90s, before the change to single member districts, Baltimore enacted a law that
23 would have rendered these concerns moot by providing for a special election to fill most Council
24 vacancies. Unfortunately, in 1998 the Maryland Attorney General issued an opinion that barred
25 the application of this law by stating that, although State law did allow most *counties* to fill
26 vacancies on their local governing councils through elections, Maryland law as written did not
27 allow Baltimore City to fill City Council vacancies through special elections. After this opinion
28 was issued the effort to allow the election of replacement Council members died out, perhaps
29 partially because at that time it was understood that district residents still had a voice in selecting
30 a new Councilmember through their remaining representatives on the City Council.

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

Council Bill 11-0248R

1 Today, it has become apparent that the change to single member districts made the current
2 method of filling Council districts more problematic. In order to ensure that Council vacancies
3 are filled as democratically as possible, and that district residents are given a formal say in who
4 represents them, the idea of using special elections to select replacement representatives, as can
5 be done in other Maryland Jurisdictions, should be revived.

6 Baltimore residents should not be denied the same right to elect their own local
7 representatives that charter county residents enjoy. Accordingly, the General Assembly should
8 correct the oversight in State law that bars Baltimore City from being allowed to hold special
9 elections to fill City Council vacancies by enacting the necessary legislation to give Baltimore
10 the ability to more democratically select replacement Councilmembers.

11 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That this
12 Council respectfully calls on the Honorable Chairs and Members of the Baltimore City Senate
13 and House Delegations to the 2011 Session of the Maryland General Assembly to sponsor and
14 secure the adoption of legislation giving Baltimore City the same right to fill Council vacancies
15 through special elections enjoyed by charter counties throughout the State.

16 **AND BE IT FURTHER RESOLVED,** That a copy of this Resolution be sent to the Honorable
17 Chair and Members of the Baltimore City Senate and Housing Delegations to the 2011 Maryland
18 General Assembly, the Mayor, the Mayor's Office of Intergovernmental Relations, and the
19 Mayor's Legislative Liaison to the City Council.