
CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW
EBONY M. THOMPSON, CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

October 11, 2024

The Honorable President and Members
of the Baltimore City Council
Attn: Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

RE: Council Bill 24-0231R – Informational Hearing - 2024 Election Procedures

Dear President and Members:

The Law Department reviewed 24-0231R for legal form and sufficiency. The bill invites the Director of the Baltimore City Board of Elections, relevant staff members, and the members of the Board of Elections to appear before the City Council to discuss the upcoming 2024 general election and how the Board of Elections will address the problems that arose in the 2024 primary election that are enumerated in the recitals of this Resolution.

In general, Section 9 of Article III of the City Charter, as well as Section 1-4 of Article 1 of the City Code, give the City Council authority to study or investigate the operation of City agencies and to make recommendations for the more effective operation of the agencies. [Article III, §9 of the](#) The Charter requires department heads, municipal officers not embraced in a department, and members of commissions and boards to appear before the City Council if so requested to participate in the discussion of matters relating to their respective departments, offices, commissions, or boards.

However, the Council has no authority to compel either the Director of the Baltimore City Board of Elections or the Director of the State Board of Elections to attend a Council meeting. Both the State and local Election Boards are created by state law. See MD Code, Election Law, §§ 2-101 and 2-201. In *County Council for Montgomery County v. Montgomery Ass'n, Inc.*, 274 Md. 52, 62 (1975), the Court of Appeals noted,

For each county and Baltimore City, the State Legislature has created a local board of supervisors of elections to conduct elections. Members of these boards are appointed by the Governor, subject to confirmation by the Senate. Each board 'shall have charge of and make provisions for all elections to be held in its county or city, or any part thereof at any time' and 'shall have power to make all necessary rules and regulations, not inconsistent with this article, with reference to the registration of voters and the conduct of elections.' Art. 33, s 2-9(a), (b). This pervasive state administrative control of the election process, on both the statewide and local levels, is a compelling indication that the 2 General Assembly did not intend that local governments should enact election laws, but rather intended that the conduct and regulation of elections be strictly a state function.

See also *State Administrative Bd. Of Election Laws v. Board of Sup'rs of Elections of Baltimore City*, 342 Md. 586, 597 (1996) (The Court noted "the supervisory authority of the State Board over the

local boards is pervasive.”). The local and State Election Board Directors may, however, choose to voluntarily appear.

The Law Department approves Council Bill 24-0231R for form and legal sufficiency as it is a valid method of conducting an informational hearing; however, the attendance of the Director of the Baltimore City Election, relevant staff members, and the Board Directors is voluntary.

Very truly yours,



Desiree Luckey
Assistant Solicitor

cc: Ebony Thompson, City Solicitor
Nina Themelis, Mayor's Office of Government Relations
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Ashlea Brown, Chief Solicitor
Michelle Toth, Assistant Solicitor