



Legislation Details (With Text)

File #: 15-0493 **Version:** 0 **Name:** Charter Amendment - Special Elections - Council Vacancies
Type: Mayor and City Council Res. **Status:** Failed - End of Term
File created: 3/9/2015 **In control:** Judiciary and Legislative Investigations
On agenda: **Final action:** 12/5/2016
Enactment date: **Enactment #:**
Title: Charter Amendment - Special Elections - Council Vacancies
FOR the purpose of authorizing, under certain circumstances, the filling of Council vacancies by special election; conforming, correcting, and clarifying related provisions; and submitting this amendment to the qualified voters of the City for adoption or rejection.
Sponsors: Bill Henry, Mary Pat Clarke
Indexes: Charter Amendment, Special Elections - Council Vacancies
Code sections:
Attachments: 1. 15-0493~1st Reader

Date	Ver.	Action By	Action	Result
3/12/2015	0	The City Council	Refer to City Solicitor	
3/9/2015	0	City Council	Assigned	
3/9/2015	0	City Council	Introduced	

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL
(Charter Amendment)

Introduced by: Councilmember Henry
A RESOLUTION ENTITLED

A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning
Charter Amendment - Special Elections - Council Vacancies

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

BY authority of

Article XI-A - Local Legislation
Section 3
Maryland Constitution

BY proposing to amend
Article III - City Council
Sections 4, 5, 6, 10(b), and 10(c)
Baltimore City Charter
(1996 Edition)

BY proposing to amend
Article IV - Mayor
Section 2
Baltimore City Charter
(1996 Edition)

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

Baltimore City Charter

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) 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.

◆◆5. [◆◆6.] Individual vacancies.

[Each vacancy in the City Council shall be filled without delay.] IF A MEMBER OF THE CITY COUNCIL (OTHER THAN THE PRESIDENT) DIES, RESIGNS, IS REMOVED, OR BECOMES DISQUALIFIED BEFORE EXPIRATION OF THE TERM FOR WHICH THE MEMBER 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.

(2) [After] FOR A VACANCY THAT OCCURS DURING THE LAST YEAR OF THE TERM, THE CITY COUNCIL, AFTER public notice[, the City Council,] AND by a majority vote of its remaining

members, shall elect a person, [possessing the qualifications prescribed in] QUALIFIED UNDER Section 1 of this article, to serve FOR the remainder of the unexpired term [of the former incumbent].

◆◆6. [◆◆5.] Emergency vacancies.

(A) APPOINTMENT OF SUCCESSORS.

(1) If, by reason of any catastrophe, a majority of the members elected to the City Council are killed, or are sick, or incapacitated, missing, or otherwise unavailable, so that for a temporary or indefinite period there is not a quorum of the City Council available to permit that body to function, the Mayor, if the Mayor is available, or the Governor of Maryland or the other person acting in that capacity, if the Mayor is unavailable, is authorized to appoint for a temporary or indefinite period persons to fill the vacancies thus existing.

(2) If possible, each of the appointees shall have the qualifications required of members of the City Council.

(B) POWERS OF APPOINTED MEMBERS.

During their tenure, all [such appointive] OF THESE APPOINTED members of the City Council shall possess and may exercise the powers and prerogatives of regularly elected members.

(C) TERMS OF OFFICE.

Each appointee shall continue to hold office during the incapacity or unavailability of the member whose position the appointee was appointed to fill, or until the position is filled pursuant to the regular election and qualification of a successor.

◆◆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,].

(C) VICE-PRESIDENT ◆ DUTIES.

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

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

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

[(c) Vice-President ◆ as acting Mayor.]

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

Article IV. Mayor

◆◆2. Vacancy or absence.

(a) Vacancy.

In case of A vacancy in the office of the Mayor by death, resignation, or permanent disqualification, 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].

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

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