

QUESTION 2: CONSTITUTIONAL AMENDMENT

Chief Executive Officer or County Executive – Special Election to Fill a Vacancy in Office

Chapter 261 of 2014 (House Bill 1415)

Summary

This proposed constitutional amendment would authorize, but not require, Baltimore City and counties that have adopted charter home rule to fill a vacancy in the office of chief executive officer or county executive by special election. A special election for chief executive officer or county executive would be exempt from the constitutional requirement that all elections for State and county officers be held on the Tuesday after the first Monday of November on a specified four-year election cycle.

Statutory provisions that take effect if the constitutional amendment is approved authorize a charter county to provide for the conduct of a special election for chief executive officer or county executive. A special election for chief executive officer or county executive must be held as provided in the charter of the county or Baltimore City, and may be held at a time other than the date of a regular election. The county or city council is authorized, but not required, to direct that a special election for chief executive officer or county executive be conducted by mail.

Charter counties are currently authorized to fill a vacancy in the county council by special election under an amendment to the Maryland Constitution approved by the voters in 1996. Some counties have chosen to exercise this authority, and special elections for county council seats have been held in some counties. This proposed constitutional amendment would extend to charter counties and Baltimore City the same authority to fill a vacancy in the office of chief executive officer or county executive by special election.

Jurisdictions that operate under charter home rule currently include Baltimore City and Anne Arundel, Baltimore, Cecil, Dorchester, Harford, Howard, Montgomery, Prince George's, Talbot, and Wicomico counties. Frederick County will become a charter county on December 1, 2014. Of these jurisdictions, Baltimore City has an elected mayor and Anne Arundel, Baltimore, Cecil, Harford, Howard, Montgomery, Prince George's, and Wicomico counties have elected county executives. Frederick County will have an elected county executive when it becomes a charter county on December 1, 2014.