

**COUNTY COUNCIL OF CECIL COUNTY, MARYLAND
LEGISLATIVE SESSION DAY 2022-09**

RESOLUTION NO. 28-2022

Title of Resolution: Charter Amendment – Vacancies – County Council

Synopsis: A Resolution amending Article 2, County Council, Section 209, Vacancies, of the Cecil County Charter to provide that the County Council shall have thirty (30) days after receiving a list of nominees from the county central committee of the political party affiliated with the person vacating the office, to fill the Council vacancy. To require submission of this amendment to the legally qualified voters of Cecil County for their adoption or rejection, in accordance with Section 602 of the Charter of Cecil County.

Introduced by: Council President on behalf of the County Council

Introduced and ordered posted on: April 19, 2022

Public hearing scheduled on: May 17, 2022 at 7:00 p.m.

Scheduled for consideration on: June 7, 2022

By: _____
Council Manager

Notice and title of Resolution having been posted on (date) at the County Administration Building, 200 Chesapeake Blvd., Elkton and having been published according to the Charter on (dates), a public hearing was held on (date), and concluded on (date).

By: _____
Council Manager

Explanation: CAPITAL LETTERS INDICATE LANGUAGE ADDED TO EXISTING DOCUMENT
~~Strike through~~ indicates language deleted from existing document
Underlining indicates language added to document by amendment.
~~Double Strike through~~ indicates language stricken from document by amendment

1 **WHEREAS**, pursuant to Article 6, Section 602 of the Cecil County Charter, the Charter
2 may be amended by the procedures provided in Article XI-A of the Maryland Constitution; and

3 **WHEREAS**, pursuant to Article XI-A, §5 of the Maryland Constitution, amendments to
4 any charter adopted by any County of this State under the provisions of this Article may be
5 proposed by a resolution of the Council of the County, or by a petition signed by not less than
6 20% of the registered voters of the City or County, provided, however, that in any case 10,000
7 signatures shall be sufficient to complete a petition; and

8 **WHEREAS**, pursuant to Md. Code Ann., §7-103(a)(iii) and §7-103(c)(3)(i) of the Election
9 Law Article, the Attorney, designated to represent the county legislative body, shall prepare
10 and certify, and submit to the State Board of Election, not later than August 5, 2022, the
11 following information as required under §7-103(b) of the Election Law Article for each question
12 to be voted on in the County: (1) a question number or letter as by the Election Board; (2) a
13 brief designation of the type or source of the question; (3) a brief descriptive title in boldface
14 type; (4) a condensed statement of the purpose of the question; and (5) the voting choices that
15 the voter has; and

16 **WHEREAS**, pursuant to Article 6, Section 602 of the Cecil County Charter and
17 Article XI-A, §5 of the Maryland Constitution, the amendments shall be published by the
18 President of the County Council once a week for five successive weeks prior to the election in at
19 least one newspaper published in said County; and

20 **WHEREAS**, pursuant to Article 6, Section 602 of the Cecil County Charter and
21 Article XI-A, §5 of the Maryland Constitution, an amendment so proposed shall be submitted to
22 the voters of the County at the next general or congressional election occurring after the
23 passage of the resolution; and

24 **WHEREAS**, in accordance with Article 6, Section 602 of the Cecil County Charter and
25 Article XI-A, §5 of the Maryland Constitution, if at the election the majority of the votes cast for
26 the amendment shall be in favor thereof, the amendment shall be adopted and become a part
27 of the charter of the County from and after the thirtieth day after said election; and

28 **WHEREAS**, Article 2, County Council, Section 209, Vacancies, of the Cecil County
29 Charter currently provides that:

30 “(a) A vacancy occurs when a council member, prior to the expiration of the term
31 for which elected, dies, resigns from office, or becomes disqualified to hold office pursuant
32 to Section 208 of this Charter.

33 (b) When a vacancy occurs, the remaining council members within thirty
34 days shall appoint a person to serve the unexpired term of office. The appointee
35 shall be selected by a majority vote of the remaining council members. The
36 appointee shall meet the same qualifications and residence requirements and,
37 when succeeding a party member, shall be a member of the same political party
38 as the person who vacated office.

39 (c) When succeeding a party member, the appointee shall be selected from a list of
40 three persons submitted to the Council by the County central committee of the political
41 party affiliated with the person vacating office, provided the list is submitted within thirty
42 days from the date a vacancy occurs. If no such list is submitted within thirty days, or if the
43 council member vacating office is not a member of a political party, the Council shall
44 appoint the person it deems best qualified to hold office regardless of his or her party
45 affiliation, if any, provided the appointee meets the qualifications and residency
46 requirements provided in Subsection (b) of this section.

47 (d) If the Council fails to fill a vacancy pursuant to the provisions of this section, the
48 Executive shall appoint a person to fill the vacancy, provided the appointee is nominated in
49 accordance with the provisions of this section and meets its qualification and residency
50 requirements.”; and

51 **WHEREAS**, in accordance with Article 6, Section 602 of the Cecil County Charter and
52 Article XI-A, §5 of the Maryland Constitution, this Resolution proposes the following
53 amendment to Article 2, County Council, Section 209, Vacancies, of the Cecil County Charter:

54 “(a) A vacancy occurs when a council member, prior to the expiration of the term
55 for which elected, dies, resigns from office, or becomes disqualified to hold office pursuant
56 to Section 208 of this Charter.

57 (b) When a vacancy occurs, the remaining council members within thirty
58 days, **AFTER RECEIVING A LIST OF THREE PERSONS FROM THE COUNTY CENTRAL**

59 **COMMITTEE OF THE POLITICAL PARTY AFFILIATED WITH THE PERSON VACATING**

60 **OFFICE**, shall appoint a person to serve the unexpired term of office. The
61 appointee shall be selected by a majority vote of the remaining council members.
62 The appointee shall meet the same qualifications and residence requirements
63 and, when succeeding a party member, shall be a member of the same political
64 party as the person who vacated office.

65 (c) When succeeding a party member, the appointee shall be selected from a list of
66 three persons submitted to the Council by the County central committee of the political
67 party affiliated with the person vacating office, provided the list is submitted within thirty
68 days from the date a vacancy occurs. If no such list is submitted within thirty days, or if the
69 council member vacating office is not a member of a political party, the Council shall
70 appoint the person it deems best qualified to hold office regardless of his or her party
71 affiliation, if any, provided the appointee meets the qualifications and residency
72 requirements provided in Subsection (b) of this section.

73 (d) If the Council fails to fill a vacancy pursuant to the provisions of this section, the
74 Executive shall appoint a person to fill the vacancy, provided the appointee is nominated in
75 accordance with the provisions of this section and meets its qualification and residency
76 requirements.”, and

77 **NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE COUNTY COUNCIL OF CECIL**

78 **COUNTY, MARYLAND**, that the following amendment to Article 2, County Council, Section 209,
79 Vacancies, of the Cecil County Charter, shall be submitted to the voters of the County at the
80 next general or congressional election in accordance with Article 6, Section 602 of the Cecil
81 County Charter and Article XI-A, §5 of the Maryland Constitution:

82 “(a) A vacancy occurs when a council member, prior to the expiration of the term
83 for which elected, dies, resigns from office, or becomes disqualified to hold office pursuant
84 to Section 208 of this Charter.

85 (b) When a vacancy occurs, the remaining council members within thirty
86 days, **AFTER RECEIVING A LIST OF THREE PERSONS FROM THE COUNTY CENTRAL**
87 **COMMITTEE OF THE POLITICAL PARTY AFFILIATED WITH THE PERSON VACATING**

88 **OFFICE**, shall appoint a person to serve the unexpired term of office. The
89 appointee shall be selected by a majority vote of the remaining council members.
90 The appointee shall meet the same qualifications and residence requirements
91 and, when succeeding a party member, shall be a member of the same political
92 party as the person who vacated office.

93 (c) When succeeding a party member, the appointee shall be selected from a list of
94 three persons submitted to the Council by the County central committee of the political
95 party affiliated with the person vacating office, provided the list is submitted within thirty
96 days from the date a vacancy occurs. If no such list is submitted within thirty days, or if the
97 council member vacating office is not a member of a political party, the Council shall
98 appoint the person it deems best qualified to hold office regardless of his or her party
99 affiliation, if any, provided the appointee meets the qualifications and residency
100 requirements provided in Subsection (b) of this section.

101 (d) If the Council fails to fill a vacancy pursuant to the provisions of this section, the
102 Executive shall appoint a person to fill the vacancy, provided the appointee is nominated in
103 accordance with the provisions of this section and meets its qualification and residency
104 requirements.”

105 **AND BE IT HEREBY FURTHER RESOLVED BY THE COUNTY COUNCIL OF CECIL**
106 **COUNTY, MARYLAND**, that, pursuant to Md. Code Ann., §7-103(a)(iii) and §7-103(c)(3)(i)
107 of the Election Law Article, the Attorney, designated to represent the county legislative
108 body, shall prepare, certify, and submit to the State Board of Election, not later than
109 August 5, 2022, the following information as required under §7-103(b) of the Election Law
110 Article: (1) a question number or letter as by the Election Board; (2) a brief designation of
111 the type or source of the question; (3) a brief descriptive title in boldface type; (4) a
112 condensed statement of the purpose of the question; and (5) the voting choices that the
113 voter has.

114 **AND BE IT HEREBY FURTHER RESOLVED BY THE COUNTY COUNCIL OF CECIL COUNTY,**
115 **MARYLAND**, that pursuant to Article 6, Section 602 of the Cecil County Charter and Article XI-A,
116 §5 of the Maryland Constitution, the amendments shall be published by the President of the

117 County Council once a week for five successive weeks prior to the election in at least one
118 newspaper published in said County.

119 **AND BE IT HEREBY FURTHER RESOLVED BY THE COUNTY COUNCIL OF CECIL COUNTY,**
120 **MARYLAND,** that pursuant to Article 6, Section 602 of the Cecil County Charter and Article XI-A,
121 §5 of the Maryland Constitution, the aforementioned proposed amendment shall be submitted
122 to the voters of the County at the next general or congressional election occurring after the
123 passage of this Resolution.

124 **AND BE IT HEREBY FURTHER RESOLVED BY THE COUNTY COUNCIL OF CECIL COUNTY,**
125 **MARYLAND,** that in accordance with Article 6, Section 602 of the Cecil County Charter and
126 Article XI-A, §5 of the Maryland Constitution, if at the election the majority of the votes cast for
127 the aforementioned proposed amendment shall be in favor thereof, then the proposed
128 amendment shall be adopted and become a part of the Charter of Cecil County from and after
129 the thirtieth day after said election.

INTRODUCED: April 19, 2022

ADOPTED: _____

President of the Council

ATTEST:

Council Manager