

**COUNTY COUNCIL OF CECIL COUNTY, MARYLAND
LEGISLATIVE SESSION DAY 2024-10**

RESOLUTION NO. 22-2024

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 vacancies in County Council shall be filled based on the vacating members party at the time of filing. 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 at the request of the County Council

Introduced and ordered posted on: June 4, 2024

Public hearing scheduled on: July 2, 2024 at 7:00 p.m.

Scheduled for consideration on: July 16, 2024

By: _____
Council Manager

Notice and title of Resolution having been posted on June 4, 2024 at the County Administration Building, 200 Chesapeake Blvd., Elkton and having been published according to the Charter on June 19, 2024 and June 26, 2024, a public hearing was held on July 2, 2024, and concluded on July 2, 2024.

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 1, 2024, 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 for which
31 elected, dies, resigns from office, or becomes disqualified to hold office pursuant to Section
32 208 of this Charter.

33 (b) When a vacancy occurs, the remaining Council members, within 30 days after receiving
34 a list of three persons from the County Central Committee of the political party affiliated
35 with the person vacating office, shall appoint a person to serve the unexpired term of office.
36 The appointee shall be selected by a majority vote of the remaining Council members. The
37 appointee shall meet the same qualifications and residence requirements and, when
38 succeeding a party member, shall be a member of the same political party as the person
39 who vacated office.

40 (c) When succeeding a party member, the appointee shall be selected from a list of three
41 persons submitted to the Council by the County central committee of the political party
42 affiliated with the person vacating office, provided the list is submitted within 30 days from
43 the date a vacancy occurs. If no such list is submitted within 30 days, or if the Council
44 member vacating office is not a member of a political party, the Council shall appoint the
45 person it deems best qualified to hold office regardless of his or her party affiliation, if any,
46 provided the appointee meets the qualifications and residency requirements provided in
47 Subsection (b) of this section.

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

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

55 “(a) A vacancy occurs when a Council member, prior to the expiration of the term for which
56 elected, dies, resigns from office, or becomes disqualified to hold office pursuant to Section
57 208 of this Charter.

58 (b) When a vacancy occurs, the remaining Council members, within 30 days after receiving

59 a list of three persons from the County Central Committee of the political party affiliated
60 with the person vacating office, shall appoint a person to serve the unexpired term of office.
61 The appointee shall be selected by a majority vote of the remaining Council members. The
62 appointee shall meet the same qualifications and residence requirements and, when
63 succeeding a party member, shall be a member of the same political party as the person
64 who vacated office **AT THE TIME OF THE VACATING MEMBER’S ELECTION TO OFFICE.**

65 (c) When succeeding a party member, the appointee shall be selected from a list of three
66 persons submitted to the Council by the County central committee of the political party
67 affiliated with the person vacating office, provided the list is submitted within 30 days from
68 the date a vacancy occurs. If no such list is submitted within 30 days, or if the Council
69 member vacating office is not a member of a political party, the Council shall appoint the
70 person it deems best qualified to hold office regardless of his or her party affiliation, if any,
71 provided the appointee meets the qualifications and residency requirements provided in
72 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”.

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 for which
83 elected, dies, resigns from office, or becomes disqualified to hold office pursuant to Section
84 208 of this Charter.

85 (b) When a vacancy occurs, the remaining Council members, within 30 days after receiving
86 a list of three persons from the County Central Committee of the political party affiliated
87 with the person vacating office, shall appoint a person to serve the unexpired term of office.

88 The appointee shall be selected by a majority vote of the remaining Council members. The
89 appointee shall meet the same qualifications and residence requirements and, when
90 succeeding a party member, shall be a member of the same political party as the person
91 who vacated office **AT THE TIME OF THE VACATING MEMBER’S ELECTION TO OFFICE.**

92 (c) When succeeding a party member, the appointee shall be selected from a list of three
93 persons submitted to the Council by the County central committee of the political party
94 affiliated with the person vacating office, provided the list is submitted within 30 days from
95 the date a vacancy occurs. If no such list is submitted within 30 days, or if the Council
96 member vacating office is not a member of a political party, the Council shall appoint the
97 person it deems best qualified to hold office regardless of his or her party affiliation, if any,
98 provided the appointee meets the qualifications and residency requirements provided in
99 Subsection (b) of this section.

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

104 **AND BE IT HEREBY FURTHER RESOLVED BY THE COUNTY COUNCIL OF CECIL**
105 **COUNTY, MARYLAND,** that, pursuant to Md. Code Ann., §7-103(a)(iii) and §7-103(c)(3)(i)
106 of the Election Law Article, the Attorney, designated to represent the county legislative
107 body, shall prepare, certify, and submit to the State Board of Election, not later than
108 August 1, 2024, the following information as required under §7-103(b) of the Election Law
109 Article: (1) a question number or letter as by the Election Board; (2) a brief designation of
110 the type or source of the question; (3) a brief descriptive title in boldface type; (4) a
111 condensed statement of the purpose of the question; and (5) the voting choices that the
112 voter has.

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

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

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

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

INTRODUCED: June 4, 2024

ADOPTED: _____

President of the Council

ATTEST:

Council Manager