



Committee: Directly to Council
Committee Review: N/A
Staff: Christine Wellons, Legislative Attorney
Purpose: Final action – vote expected

AGENDA ITEM #2
August 4, 2020
Introduction/Action

SUBJECT

Resolution, Proposed Amendment to the County Charter – County Council - Alter Council Composition to 9 District Members and No At-Large Members

EXPECTED ATTENDEES: N/A

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION:

- Suspension of Rule 7(c) is required to introduce the resolution and act on it the same day.
- Vote expected on whether to adopt a resolution to confirm that a petitioned ballot question to change the Council composition to 9 district Councilmembers must be placed on the 2020 general election ballot, pending qualification of signatures by the local board of elections.

DESCRIPTION/ISSUE

This resolution is required under the State Election Law, Section 7-0102(c)(3), which gives a county's governing body the responsibility to determine that a petitioned question qualifies to appear on the ballot. The resolution is not an endorsement of the proposed Charter amendment.

This report contains:

Resolution

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Resolution No.: _____
Introduced: August 4, 2020
Adopted: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: County Council

SUBJECT: Proposed Amendment to County Charter – County Council – Alter Council Composition to 9 District Members and No At-Large Members

Background

- (1) Section 5 of Article XI-A of the Maryland Constitution, §7 -102(c)(3)(i) of the Election Law Article of the Maryland Code, and § 16-14 of the Montgomery County Code provide that amendments to the Charter of Montgomery County may be proposed by a resolution of the County Council. Section 5 of Article XI-A of the Constitution also provides that amendments to the Charter may be proposed by a petition signed by at least 10,000 registered voters of the County.
- (2) Under § 7-103(c)(3)(i) of the Election Law Article of the Maryland Code, ballot questions for proposed Charter amendments must be certified to the State Board of Elections.
- (3) A petition has been circulated to amend §§ 102 and 103 of the Charter to provide that all 9 Councilmembers be elected by district. The Board of Elections has not determined whether the petition has the required number of signatures and otherwise qualifies for inclusion on the 2020 general election ballot.

Action

The County Council for Montgomery County, Maryland approves the following resolution:

- 1) Subject to the approval of the County Attorney as to the form of the question, the following Charter amendment must be placed on the 2020 general election ballot if the petition containing the amendment qualifies for inclusion on the 2020 general election ballot:

County Council – Alter Council Composition to 9 Districts

By petition, certain voters of Montgomery County propose to amend Sections 102 and 103 of the Charter of Montgomery County as follows:

Sec. 102. Composition and Election.

The Council shall be composed of nine members, each of whom shall be a qualified voter of Montgomery County. [Four Councilmembers shall be nominated and elected by the qualified voters of the entire County. Each of the five other members] Each member of the Council shall, at the time of Nomination and election and throughout the member’s term of office, reside in a different Council district, and shall be nominated and elected by the qualified voters of that district. Any change in the boundaries of a Council district after a member is elected shall not render the member ineligible to complete the term for which the member was elected. No member of the Council shall hold any other office of profit in state, county or municipal government. No member of the Council shall be eligible for appointment during the member's term of office to any other office or position carrying compensation created by or under this Charter, except to County Executive in the event of a vacancy.

Sec. 103. Council Districts.

Montgomery County shall be divided into [five] nine Council districts for the purpose of nominating and electing [five] nine members of the Council. Each district shall be compact in form and be composed of adjoining territory. Populations of the Council districts shall be substantially equal.

The ballot for this question must be designated and read as follows:

Question D

Charter amendment by petition

County Council – Alter Council Composition to 9 Districts

Amend Sections 102 and 103 of the County Charter to:

- divide the County into 9, rather than the current 5, Council districts;
- elect all Councilmembers by district, rather than the current 5 by district and 4 at large; and
- reduce from 5 to 1 the number of Councilmembers each voter can vote for.

FOR

AGAINST

2) Language included within [brackets] is proposed to be deleted from the Charter. Language that is underlined is proposed to be added to the Charter.

This is a correct copy of Council action.

Approved as to form and legality:

Selena Mendy Singleton, Esquire
Clerk of the Council

Marc P. Hansen
County Attorney

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