



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

AGENDA ITEM #6
August 4, 2020
Introduction/Action

SUBJECT

Proposed Amendment to County Charter – County Council – Residency Requirement for At-Large Members

Lead Sponsor: Councilmember Navarro

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 place on the 2020 general election ballot a question to require that At-Large Councilmembers be nominated and elected by the qualified voters of the entire County, but reside in different At-Large districts.

DESCRIPTION/ISSUE

The resolution would place on the ballot a question that, if approved by the voters, would amend the County Charter to:

- require the four At-Large Councilmembers to reside in certain At-Large districts; and
- require the At-Large Councilmembers to be elected by qualified voters of the entire County.

This process would be similar in practice to the members of the Board of Education.

This report contains:

Resolution

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Resolution No.: _____
Introduced: _____
Adopted: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Councilmember Navarro

SUBJECT: Proposed Amendment to County Charter – County Council – Residency Requirement for 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 and filed with the President of the County Council.
- (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) The Council intends to submit for inclusion on the 2020 general election ballot:

Question F: County Council – Residency Requirement for At-Large Members

Action

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:

County Council – Residency Requirement for At-Large Councilmembers

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, but shall reside in a different At-Large district. Each of the five other members 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 or At-Large 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. 103A. At-Large Districts.

Montgomery County shall be divided into four At-Large districts for the purpose of nominating and electing four At-Large members. Each district shall be compact in form and be composed of adjoining territory. Populations of the At-Large districts shall be substantially equal.

Sec. 104. Redistricting Procedure.

The boundaries of Council districts and At-Large districts shall be reviewed in 1972 and every tenth year thereafter. Whenever district boundaries are to be reviewed, the Council shall appoint, not later than February 1 of the year before the year in which redistricting is to take effect, a commission on redistricting. The Commission shall be composed of eleven registered voters who reside in the County. The Commission shall include at least one but no more than four members of each political party which polled at least fifteen percent of the total vote cast for all candidates for the Council in the last preceding regular election. At least one member of the Commission shall reside in each Council district. The Commission shall, at its first meeting, select one of its members to serve as its chair. No person who holds any elected office shall be eligible for appointment to the Commission.

By November 15 of the year before the year in which redistricting is to take effect, the Commission shall present a plan of Council districts and At-Large districts, together with a report explaining it, to the Council. Within thirty days after receiving the plan of the Commission, the Council shall hold a public hearing on the plan. If within ninety days after presentation of the Commission's plan no other law reestablishing the boundaries of the Council districts and At-Large districts has been enacted, then the plan, as submitted, shall become law. After any redistricting plan or any other law amending the boundaries of Council districts and At-Large districts becomes law, the boundaries of the Council districts and At-Large districts so established shall apply to the next regular election for Councilmembers and to any special election held or appointment made to fill a vacancy on the Council that occurs after those boundaries are established.

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

Question F

Charter amendment by Council

County Council – Residency Requirement for At-Large Councilmembers

Amend the County Charter to:

- require the four At-Large Councilmembers to reside in certain At-Large districts; and
- require the At-Large Councilmembers to be elected by qualified voters of the entire County.

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