



Committee: Directly to Council
Committee Review: N/A
Staff: Christine Wellons, Senior Legislative Attorney
Purpose: To introduce agenda item – no vote expected
Keywords: #CharterAmendments

AGENDA ITEM #14
July 12, 2022
Introduction

SUBJECT

Resolution, Proposed Amendment to the County Charter – General Provisions – Conflicting Charter Amendments

Lead Sponsor: Council President at the Request of the Charter Review Commission

EXPECTED ATTENDEES: N/A

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION:

N/A

DESCRIPTION/ISSUE

If approved, the Resolution would place on the 2022 General Election Ballot Question A.

Question A would ask voters to decide whether to amend Section 507 of the County Charter regarding what happens if, during an election, voters approve two different Charter amendments that conflict with each other and cannot both take effect. Under current law, neither amendment would take effect in that situation. Both amendments would fail. Under the proposed Charter amendment, only the amendment with the highest number of favorable votes would win and amend the County Charter. The other amendment would fail.

This amendment was proposed to the Council by the Charter Review Commission in its 2022 Report. <https://www.montgomerycountymd.gov/crc/Resources/Files/CRC2022Report.pdf>.

SUMMARY OF KEY DISCUSSION POINTS:

N/A

This report contains:

Resolution

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Resolution No.: _____
Introduced: July 12, 2022
Adopted: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Council President at the Request of the Charter Review Commission

**SUBJECT: Proposed Amendment to County Charter – General Provisions – Conflicting
Charter Amendments**

Background

- (1) Under 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, 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 not later than the 95th day before the general election. County Code §16-16 provides that a ballot title or summary, prepared by the County Council, of all proposed Charter amendments must appear in print on the voting machine or ballot.
- (3) The Council intends to submit for inclusion on the 2020 general election ballot:

Question A: General Provisions – Conflicting Charter Amendments, which would amend §507 of the Charter.

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 questions, the following Charter amendment must be placed on the 2022 general election ballot:

A

General Provisions – Conflicting Charter Amendments

The County Council proposes to amend Section 507 of the Charter of Montgomery County as follows:

Sec. 507. Amendments.

This Charter may be amended in the manner provided in Section 5 of Article XI-A of the Constitution of Maryland. If, at a congressional or general election held after 2022, voters approve Charter amendments containing provisions so inconsistent that only one can be given effect, only the amendment that receives the highest number of favorable votes must take effect and amend the Charter.

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

Question A

Charter amendment by act of County Council

Charter Provisions – Conflicting Charter Amendments

Amend Section 507 of the County Charter regarding what happens if, during an election, voters approve two different Charter amendments that conflict with each other and cannot both take effect. Under current law, neither amendment would take effect in that situation. Both amendments would fail. Under the proposed Charter amendment, only the amendment with the highest number of favorable votes would win and amend the County Charter. The other amendment would fail.

FOR

AGAINST

This is a correct copy of Council action.

Approved as to form and legality: