

File No. 24706

Baltimore, October 13, 1919.

Hon. William F. Broening,  
Mayor of Baltimore.

Dear Mr. Mayor: -

13445 Further referring to the letter of Dr. C. Hampson Jones, transmitted by you to me on October 10th, with reference to the submission to the voters at this fall election of the loan of \$750,000, authorized by the Legislature by Chapter 722 of the Acts of 1914, in order to make this loan available it is necessary that the City Council pass an ordinance authorizing the issuance of the loan and the submission thereof to the people. This action is required by Section 7 of Article 11 of the Constitution.

While, as Dr. Jones says, there is no provision in Section 7 of Article 11 requiring the advertisement of this ordinance, the question is controlled by Section 52 of Article 33 of Bagby's Code, title "Elections", sub-title "Ballot", which reads as follows:

"Whenever a proposed constitution or constitutional amendment or other question is submitted for popular approval to the voters of the State, the Secretary of State shall duly, and not less than thirty days before the election, certify the same to the supervisors of elections in the counties and the City of Baltimore, and thereupon the said supervisors shall include the same in the publication provided for in Section 49 of this article. If questions of local concern are to be submitted for approval to the vote of the people of a county or a municipality the same shall be certified to said supervisors of elections within said period by the county commissioners or the register of the city of Baltimore, as the case may be, and shall be advertised as herein provided in the case of nominees for county or city offices."

From the above it seems clear that in order to put this loan on the ballot at the election on November 4th, it would have been necessary to have an ordinance authorizing the same passed, so that the same could have been certified by the City Register to the Supervisors of Elections at least thirty days prior to November 4th. As the time for doing this is passed, the loan cannot be submitted to the voters at the next election.