

## COMPARISON OF CONSTITUTIONS

### CONSTITUTION OF 1867

### PROPOSED CONSTITUTION OF 1968

#### ARTICLE XI-A. LOCAL LEGISLATION.

**Section 1.** On demand of the Mayor of Baltimore and City Council of the City of Baltimore, or on petition bearing the signatures of not less than 20% of the registered voters of said city or any county (Provided, however, that in any case 10,000 signatures shall be sufficient to complete a petition), the Board of Election Supervisors of said city or county shall provide at the next general or congressional election, occurring after such demand or the filing of such petition, for the election of a charter board of eleven registered voters of said city or five registered voters in any such counties. Nominations for members for said charter board may be made not less than forty days prior to said election by the Mayor of Baltimore and City Council of the City of Baltimore or the County Commissioners of such county, or not less than twenty days prior to said election by petition bearing the signatures written in their own handwriting (and not by their mark) of not less than 5% of the registered voters of the said City of Baltimore or said county; provided, that in any case two thousand signatures of registered voters shall be sufficient to complete any such nominating petition, and if not more than eleven registered voters of the City of Baltimore or not more than five registered voters in any such county are so nominated their names shall not be printed on the ballot, but said eleven registered voters in the City of Baltimore or five in such county shall constitute said charter board from and after the date of said election. At said election the ballot shall contain the names of said nominees in alphabetical order without any indication of the source of their nomination, and shall also be so arranged as to permit the voter to vote for or against the creation of said charter board, but the vote cast against said creation shall not be held to bar the voter from expressing his choice among the nominees for said board, and if the majority of the votes cast for and against the creation of said charter board shall be against said creation the election of the members of said charter board shall be void; but if such majority shall be in favor of the creation of said charter board, then and in that event the eleven nominees of the City of Baltimore or five nominees in the county receiving the largest number of votes shall constitute the charter board, and said charter board, or a majority

*See Section 3.22, General Application of Laws, p. 31, for prohibition of the passage of local laws by the General Assembly.*

#### **Section 7.01. Establishment of Counties.**

County shall mean Baltimore City, each of the twenty-three existing counties, and other counties established pursuant to this Constitution. The General Assembly may provide by law for the establishment, merger, or dissolution of counties, or for the alteration of their boundaries. No such law shall become effective until submitted to the voters of each county affected and approved by a majority of those voting on the question in each county affected.

#### **Section 7.02. Structure of County Governments.**

Each county shall have a written instrument of government which establishes its governmental structure. An instrument of government shall be submitted to the voters of the county and shall be adopted only if approved by a majority of those voting on the proposal.

#### **Section 7.03. Change of Structure of County Governments.**

An amendment to an instrument of government may be proposed to the voters of a county by its governing body or by petition of the voters in the county as prescribed in the instrument of government. An amendment also may be proposed by other means prescribed either in the instrument of government or by the General Assembly by law. An amendment shall be adopted only if approved by a majority of those voting on the proposal.

#### **Section 7.04. Powers of Counties.**

A county may exercise any power, other than the judicial power, or perform any function unless that power or function has been denied to the county by the Constitution or by its instrument of government, or has been transferred exclusively to another governmental unit, or has been denied to the county by the General Assembly by law. A county may exercise only those taxing powers granted to it by the General Assembly by law but shall retain taxing powers granted to it prior to the effective date of this Constitution, unless any of those powers are subsequently denied to it by law.