

(6) The county is authorized to enact by ordinance provisions consistent with this subsection for conducting and tabulating the results of any referendum conducted pursuant to the authority granted by this subsection.]

EXPLANATION: Article 23A, § 19(u) affects municipal corporations within a single county. In Mayor of Annapolis v. Wimbleton, 52 Md. App. 256 (1982), the Court of Special Appeals held that § 19(u) violates Art. XI-E, § 1 of the Constitution which permits the General Assembly to enact legislation affecting the "...incorporation, organization, government, or affairs of any...municipal corporation only by general laws which shall in their terms and in their effect apply alike to all municipal corporations in one or more classes...". Since this kind of classification has never been made, there is only a single class. See Article 23A, § 10 of the Code. Because this subsection has been held unconstitutional, staff recommends its repeal.

[(v) In Anne Arundel County, if lands annexed pursuant to this section have been provided by the county with governmental services or facilities (including but not limited to sewer, water, roads or capital improvements) with respect to which county bonds, or other financial obligations or indebtedness are still outstanding at the time the annexation resolution is passed by the legislative body of the annexing authority, the annexing authority shall be liable to the county for the entire amount of the county's indebtedness which is fairly allocable to such services and facilities, and is then still unpaid. The annexing authority shall discharge the obligation created by this section by reimbursing to the county no later than 60 days after the end of each county's fiscal year during which any part of the indebtedness allocable to the services and facilities remains outstanding all interest and principal paid by the county during the previous fiscal year, together with all administrative expense of servicing the county's indebtedness and fairly allocable to the governmental services and facilities on the land being annexed, which were provided by the county prior to the passage of the annexation resolution.]

EXPLANATION: Article 23A, § 19(v) affects municipal corporations within a single county. While this section has not been challenged, it is the opinion of staff that it violates Art. XI-E of the Constitution for the reasoning discussed under Article 23A, § 19(u). Staff recommends its repeal.

[45.

A municipal corporation subject to Article XI-E of the Constitution, whether through its charter or otherwise, shall not impose any requirement, distinction, or discriminatory provision in municipal elections which is based upon or in any way related to the sex of the voter; and it shall not impose any distinction or discriminatory provision based upon the sex of an individual and having to do with the right to hold a municipal public office.]

EXPLANATION: Article 23A, § 45 prohibits discrimination based on sex in municipal elections or in qualifications for municipal office. This law is no longer necessary in light of the State's Equal Rights Amendment, Article 46 of the Declaration of Rights, therefore, staff recommends its repeal.

#### Article 24 – Political Subdivisions – Miscellaneous Provisions