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(unpublished)**

**CHARTER HOME RULE COUNTIES ) ELECTIONS ) SPECIAL ELECTION  
PROCEDURES**

November 13, 1997

*Charles W. Thompson, Jr., Esquire  
County Attorney*

You have requested our opinion whether Montgomery County may provide in its charter for the use of special elections to fill County Council vacancies, or whether these special election procedures may only be adopted by the County Council as a local law.

In a recent memorandum, a copy of which is attached, your office advised the Montgomery County Charter Review Commission that, as a result of a 1996 amendment to Article XI-A of the Maryland Constitution, charter counties may provide for special elections to fill county council vacancies only if the council so provides through local legislation. Article XI-A, as amended, does not authorize a charter county to adopt special election procedures for council vacancies by means of a charter amendment.

We have carefully reviewed the matter and agree with your office's analysis and conclusion.<sup>1</sup>

J. Joseph Curran, Jr.  
*Attorney General*

Jack Schwartz  
*Chief Counsel  
Opinions & Advice*

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<sup>1</sup>This opinion does not address the question of special elections to fill vacancies in the Baltimore City Council.