

Charter Review Commission Opposes Petition to Restrict the County Executive to Two Terms and Proposes an Alternative

The Montgomery County Charter Review Commission on June 12, 2024, voted unanimously to oppose a proposed Charter amendment that seeks to prohibit anyone from serving as County Executive for more than two consecutive terms, beginning in December, 2026.¹ That proposal is the subject of a petition that is currently being circulated in an effort to get the question on the ballot this November. If enacted, the proposed Charter amendment would replace the existing three-term limit that was enacted and approved by voters in the 2016 election.

Although the three-term limit established in 2016 applies to both the County Executive and Council members, the circulating petition's proposed two-term limit would apply only to the Executive. After rejecting the petition's proposed amendment, the Charter Review Commission then voted to recommend an alternative ballot question aimed at improving the existing three-term limit.

The bipartisan, ten-member Commission was unanimous in finding that the petitioner's proposal, which seeks to prevent the sitting executive from serving a third term, is unnecessary. Some Commission members do not oppose term limits but believe that the existing three-term limit is adequate and find no reason to change it. Other Commission members oppose term limits generally because they restrict voters' ability to choose who represents them. They believe term limits are unnecessary because voters already have the power to replace officials through the electoral process if the voters believe the official has served too long or if they are dissatisfied with an official's performance.

The current petition drive to amend the Charter was initiated by an organization known as "The Committee for Better Government" ("CBG") which is led by Reardon Sullivan, the Republican candidate who ran unsuccessfully for County Executive in the 2022 election. CBG states on its website that it was formed specifically "to limit the number of consecutive four-year terms that the Montgomery County Executive may hold." With over 687,000 registered

¹ Voting in opposition to the petition's proposed Charter amendment that would limit the County Executive to two consecutive terms: Chair Michaels and Commissioners Brett-Major, Denis, Lynch, Nachtsheim, Naftal, Persh, and Samuels. Commissioner Grant and Commissioner Presman were absent for the vote but both of them stated in advance that if they were present they would vote with the majority to oppose the petition's proposed amendment.

voters in Montgomery County, if CBG's petition is signed by at least 10,000 voters, its proposed Charter amendment will appear on the November 2024 ballot for voters' approval.

Montgomery County elected its first County Executive in 1970. Since then, there have been 7 Executives. Only 2 of the previous executives served three terms: 2 executives served two terms, and 2 served just one term. The current executive is in his second term.

Maryland has 23 counties plus Baltimore City. There are only 9 counties that have County Executives; in the other 14 counties the highest elected official is the President of the Board of County Commissioners or County Council. In the 9 counties with a County Executive, a limit of two consecutive terms applies to 6 County Executives (and Baltimore's Mayor) while 2 counties have no term limits for their executive and Montgomery County limits its executive to three consecutive terms. In the 14 counties without a County Executive, 12 counties have no term limits for its highest elected official, 1 county has a two-term limit and 1 county has a three-term limit.

The Commission's Recommendation for an Alternative Charter Amendment

After rejecting the two-term limit proposed by CBG's petition, the Charter Review Commission considered whether the existing Charter provision containing the three-term limit could be improved or clarified.

As amended in 2016, Montgomery County's Charter limits the number of consecutive terms that the Executive can serve. For example, an Executive who serves two consecutive terms can leave office, wait for four years, and then seek not just a third term, but also a fourth and even a fifth term.

Some other jurisdictions, however, adopt "lifetime" term limits specifying the total number of terms an individual can serve. In those jurisdictions, if there is a three-term limit, after the official has served three terms, whether they were served consecutively or non-consecutively, the official is ineligible to hold the same office again.

The existing three-term limit was approved by a 69% majority in 2016, after being rejected by voters in 2004. A ballot initiative in 2000 seeking to impose a two-term limit failed. Some Commission members question whether the voters who approved the three-term limit in 2016 believed that "three meant three" in total and they wonder whether voters contemplated that an official might serve four terms or five terms provided that only three of them were served consecutively. A majority of the Commission believes that an alternative proposal should be put on the ballot to allow voters to decide this question directly.

Accordingly, the Commission voted 6 to 2 in favor of recommending that a question be placed on the ballot in 2024, asking voters to approve a Charter amendment allowing an

Executive to serve three consecutive terms but allowing an individual to serve only three terms in total, whether or not they are served consecutively (either would be permissible).²

The Commission considered whether the same option should be proposed at this time for Council members. While that could promote consistency, some Commission members were concerned that it might conflate two different issues and create confusion among some voters given that CBG's petition only applies to the Executive. For purposes of clarity in the upcoming election, the Commission deemed it preferable to allow voters to choose between these two different approaches within an identical context – the Executive's position. Subsequently, whichever approach receives voters' approval could be considered at a future election in the context of the legislative branch.

² Voting in favor: Chair Michaels, and Commissioners Brett-Major, Lynch, Nachtsheim, Naftal, and Persh. Voting in opposition: Commissioners Denis and Samuels, both of whom cited their opposition to term limits. Commissioner Grant and Commissioner Presman were absent for the vote but both of them stated in advance that if they were present they would vote with the majority to approve a Charter amendment allowing an Executive to serve three consecutive terms but allowing an individual to serve only three terms in total, whether or not they are served consecutively.