

HOUSE BILL 489

L3

4lr1138

By: **Delegates Schulz, Barve, Clagett, Cluster, George, Hogan, Hough, Jacobs, McComas, McDermott, Otto, and Stocksdale**

Introduced and read first time: January 27, 2014

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Municipalities – Incorporation Referendums – Special Elections**

3 FOR the purpose of authorizing a special election to be held to conduct a referendum
4 on the incorporation of a municipality; requiring that a referendum conducted
5 by special election be conducted according to the procedures and practices for
6 regular countywide elections or by mail following the procedures in certain
7 provisions of the Election Law Article; and generally relating to referendums on
8 the incorporation of municipalities.

9 BY repealing and reenacting, with amendments,
10 Article – Local Government
11 Section 4–209
12 Annotated Code of Maryland
13 (2013 Volume)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – Local Government**

17 4–209.

18 (a) **(1)** Except as expressly or necessarily modified by this subtitle, a
19 referendum shall be conducted generally according to the procedures and practices for
20 regular countywide elections.

21 **(2) (I) A SPECIAL ELECTION MAY BE HELD TO CONDUCT A**
22 **REFERENDUM.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(II) IF A SPECIAL ELECTION IS HELD UNDER**
2 **SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE REFERENDUM SHALL BE**
3 **CONDUCTED:**

4 **1. ACCORDING TO THE PROCEDURES AND**
5 **PRACTICES FOR REGULAR COUNTYWIDE ELECTIONS; OR**

6 **2. BY MAIL FOLLOWING THE PROCEDURES IN TITLE**
7 **9, SUBTITLE 5 OF THE ELECTION LAW ARTICLE.**

8 (b) (1) On the day and during the hours specified for the referendum, the
9 question of incorporation under the proposed municipal charter shall be submitted to
10 the registered voters of the area proposed to be incorporated.

11 (2) The county board of elections shall arrange for and conduct the
12 referendum.

13 (3) The wording specified by the county commissioners or county
14 council in the resolution authorizing a referendum on the question of the proposed
15 incorporation shall be placed on the ballots used at the referendum.

16 (c) Promptly after the canvass is complete, the county board of elections
17 shall certify the results to the county commissioners or county council.

18 (d) Within 10 days after receiving a certification of the vote on the
19 referendum from the county board of elections:

20 (1) if a majority of those who voted on the question voted in favor of
21 incorporation under the proposed municipal charter:

22 (i) the county commissioners or county council publicly shall so
23 proclaim; and

24 (ii) on the 30th day after the public proclamation, the area
25 proposed to be incorporated shall become a municipality operating under the
26 municipal charter; or

27 (2) if less than a majority of those who voted on the question voted in
28 favor of incorporation under the proposed municipal charter:

29 (i) the county commissioners or county council publicly shall so
30 proclaim; and

31 (ii) the proclamation shall state that the proposed incorporation
32 is not approved.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2014.