

HOUSE BILL 682

L3

5lr0728

By: **Delegates Pena–Melnyk, B. Barnes, Carr, Frush, Gaines, Tarlau, and
A. Washington**

Introduced and read first time: February 12, 2015

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Municipalities – Charter Amendments – Referendum and Signatures Required**
3 **for Petitions**

4 FOR the purpose of authorizing the legislative body of a municipality to adopt a charter
5 amendment that authorizes the legislative body of the municipality to submit a
6 proposed charter amendment to a certain referendum on or after the percentage of
7 signatures of registered voters in a municipality necessary to petition a proposed
8 charter amendment to a referendum or to initiate a proposed charter amendment;
9 and generally relating to municipal charter amendments.

10 BY repealing and reenacting, with amendments,
11 Article – Local Government
12 Section 4–304 and 4–305
13 Annotated Code of Maryland
14 (2013 Volume and 2014 Supplement)

15 BY adding to
16 Article – Local Government
17 Section 4–306.1
18 Annotated Code of Maryland
19 (2013 Volume and 2014 Supplement)

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

22 **Article – Local Government**

23 4–304.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) The legislative body of a municipality may initiate a proposed amendment to
2 the municipal charter by a resolution that, except as otherwise provided in this subtitle, is
3 adopted in the same manner as other resolutions in the municipality by a majority of all
4 the individuals elected to the legislative body.

5 (b) The chief executive officer of the municipality shall give notice of the
6 resolution that proposes an amendment to the municipal charter by:

7 (1) posting an exact copy of the resolution at the main municipal building
8 or other public place for the 40 days after the resolution is adopted; and

9 (2) publishing a fair summary of the proposed amendment in a newspaper
10 of general circulation in the municipality:

11 (i) at least four times;

12 (ii) at weekly intervals; and

13 (iii) within the 40 days after the resolution is adopted.

14 (c) **[Unless] EXCEPT AS PROVIDED IN § 4-306.1 OF THIS SUBTITLE, UNLESS**
15 a petition meeting the requirements of subsection (d) of this section is presented to the
16 legislative body of a municipality on or before the 40th day after the legislative body adopts
17 a charter amendment resolution, the amendment shall take effect as a part of the municipal
18 charter on the 50th day after the resolution is adopted.

19 (d) (1) **[A] EXCEPT AS PROVIDED IN § 4-306.1 OF THIS SUBTITLE, A**
20 petition for a referendum on a proposed charter amendment shall:

21 (i) be signed by at least 20% of the qualified voters for the municipal
22 general election; and

23 (ii) request that the proposed amendment be submitted to
24 referendum of the qualified voters of the municipality.

25 (2) Each individual signing the petition shall indicate on the petition the
26 individual's name and residence address.

27 (3) The petition shall be delivered to the legislative body of the
28 municipality by:

29 (i) presentment; or

30 (ii) certified mail, return receipt requested.

1 (4) (i) On receiving the petition, the legislative body shall verify that
2 each individual who signed the petition is a qualified voter for the municipal general
3 election.

4 (ii) **[The] EXCEPT AS PROVIDED IN § 4-306.1 OF THIS SUBTITLE,**
5 **THE** petition has no effect if it is signed by less than 20% of the qualified voters for the
6 municipal general election.

7 (5) If the petition complies with this section, the legislative body shall
8 specify by resolution adopted in accordance with its normal legislative procedure:

9 (i) the day and hours for the referendum; and

10 (ii) the exact text that is to be placed on the ballot.

11 (6) (i) The legislative body may schedule the referendum for the next
12 regular municipal general election or at a special election.

13 (ii) If the legislative body schedules a special election, it shall be held
14 not less than 40 days or more than 60 days after the resolution scheduling the referendum
15 is adopted.

16 4-305.

17 (a) (1) **[By] EXCEPT AS PROVIDED IN § 4-306.1 OF THIS SUBTITLE, BY** a
18 petition presented to the legislative body of a municipality, at least 20% of the qualified
19 voters for the municipal general election may initiate a proposed amendment to the
20 municipal charter.

21 (2) Each individual signing the petition shall indicate on the petition the
22 individual's name and residence address.

23 (b) (1) On receiving the petition, the legislative body shall verify that each
24 individual who signed the petition is a qualified voter for the municipal general election.

25 (2) The petition has no effect if it is signed by less than 20% of the qualified
26 voters for the municipal general election.

27 (c) If the legislative body approves of the amendment in the petition presented
28 under subsection (a) of this section, the legislative body may adopt the proposed
29 amendment by resolution and proceed in the same manner as if the amendment had been
30 initiated by the legislative body and in compliance with §§ 4-303(a) and 4-304 of this
31 subtitle.

32 (d) Except as provided in subsection (c) of this section, if the petition complies
33 with this section, the legislative body, no later than 60 days after the petition is presented

1 to the legislative body, shall specify by resolution adopted in accordance with its normal
2 legislative procedure:

3 (1) the day and hours for the referendum; and

4 (2) the exact text that is to be placed on the ballot.

5 (e) (1) The legislative body may schedule the referendum for the next regular
6 municipal general election or at a special election.

7 (2) If the legislative body schedules a special election, it shall be held not
8 less than 40 days or more than 60 days after the resolution scheduling the referendum is
9 adopted.

10 (f) The chief executive officer of the municipality shall give notice of a submission
11 of a proposed charter amendment by:

12 (1) (i) posting an exact copy of the proposed amendment at the main
13 municipal building or other public place for at least 4 weeks immediately preceding the
14 referendum at which the question is to be submitted; and

15 (ii) on the day of the referendum, posting a similar copy at the place
16 for voting; and

17 (2) publishing notice of the referendum and a fair summary of the proposed
18 amendment in a newspaper of general circulation in the municipality at least once in each
19 of the 4 weeks immediately preceding the referendum.

20 **4-306.1.**

21 **THE LEGISLATIVE BODY OF A MUNICIPALITY MAY ADOPT A CHARTER**
22 **AMENDMENT THAT DOES ANY OR ALL OF THE FOLLOWING:**

23 **(1) AUTHORIZES THE LEGISLATIVE BODY OF THE MUNICIPALITY TO**
24 **SUBMIT TO THE QUALIFIED VOTERS OF THE MUNICIPALITY AT A REGULAR OR**
25 **SPECIAL MUNICIPAL ELECTION A PROPOSED CHARTER AMENDMENT; AND**

26 **(2) LOWERS FROM 20% TO A PERCENTAGE NO LOWER THAN 5% THE**
27 **REQUIRED PERCENTAGE OF QUALIFIED VOTERS OF THE MUNICIPALITY NECESSARY**
28 **TO:**

29 **(I) PETITION A CHARTER AMENDMENT TO REFERENDUM IN**
30 **ACCORDANCE WITH § 4-304 OF THIS SUBTITLE; OR**

1 **(II) INITIATE A PROPOSED CHARTER AMENDMENT IN**
2 **ACCORDANCE WITH § 4-305 OF THIS SUBTITLE.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2015.