

Department of Legislative Services  
Maryland General Assembly  
2015 Session

FISCAL AND POLICY NOTE

House Bill 682 (Delegate Pena-Melnyk, *et al.*)  
Environment and Transportation

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Municipalities - Charter Amendments - Referendum and Signatures Required  
for Petitions

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This bill authorizes a municipality to adopt a charter amendment that (1) authorizes the legislative body of a municipality to submit to the qualified voters of the municipality at a regular or special municipal election a proposed charter amendment and (2) lowers, from 20% to a percentage no lower than 5%, the required percentage of qualified voters of the municipality necessary to petition a proposed charter amendment to a referendum or to initiate a proposed charter amendment.

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Fiscal Summary

**State Effect:** None.

**Local Effect:** Municipal expenditures will not be significantly affected to the extent that any additional referenda resulting from the bill are held during additional regular elections. Municipal expenditures may increase to the extent the bill results in additional special elections.

**Small Business Effect:** None.

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Analysis

**Current Law:** Article XI-E of the Maryland Constitution grants municipalities the authority to amend municipal charters. The General Assembly has established specific procedures by which municipalities must follow. A charter amendment may be initiated either by resolution of the legislative body of a municipality or by a petition signed by at least 20% of the qualified voters of the municipality. A proposed charter amendment must contain only a single subject. The law prescribes detailed procedural requirements

pertaining to proposed charter amendments, including notice and publication requirements. An amendment proposed by the legislative body may be petitioned to referendum by 20% of the qualified voters. Otherwise, it may be adopted as proposed by majority vote of the legislative body. A charter amendment proposed by petition may be either adopted by resolution of the legislative body or submitted to referendum.

If a charter amendment is petitioned or submitted to referendum, the referendum may be held at the next regular municipal election or at a special election held within a statutorily prescribed timeframe. Within 10 days following certification of the results of the referendum, the mayor or chief executive officer of the municipality is required to proclaim the results. The law prescribes the time that a proposed charter amendment normally takes effect, subject to certain procedural requirements under the Local Government Article.

**Background:** Article XI-E of the Maryland Constitution grants a municipality authority to amend or repeal its charter or local laws relating to the incorporation, organization, government, or affairs of the municipality and authority to adopt a new charter. Procedures governing charter amendments are found in Title 4, Subtitle 3 of the Local Government Article. The General Assembly has codified many of the powers of a municipal government in Title 5, Subtitle 2 of the Local Government Article. Of particular significance, Section 5-202 provides a broad grant of authority for the legislative body of a municipality to adopt ordinances to (1) assure the good government of the municipality; (2) protect and preserve the municipality's rights, property, and privileges; (3) preserve peace and good order; (4) secure persons and property from danger and destruction; and (5) protect the health, comfort, and convenience of the residents of the municipality.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** cities of Greenbelt, Hagerstown, and Laurel; towns of La Plata and Sykesville; Maryland State Board of Elections; Maryland Municipal League; Department of Legislative Services

**Fiscal Note History:** First Reader - February 27, 2015  
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