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**By: Prince George's County and Montgomery County Delegations**

Introduced and read first time: February 1, 1996

Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Zoning Matters - Citizens' Referendum**  
3 **PG/MC 11-96**

4 FOR the purpose of permitting the citizens of Prince George's County who reside in  
5 election districts affected by certain actions of the District Council to petition the  
6 action to referendum; providing that certain ordinances or resolutions may not take  
7 effect within a specified period; specifying certain procedures and requirements of a  
8 petition and the effect of a petition; requiring the Board of Supervisors of Elections  
9 of Prince George's County to verify a petition; providing that an ordinance or  
10 resolution successfully petitioned to referendum shall appear on the ballot in Prince  
11 George's County at the next regular election for members of the House of  
12 Representatives; providing that the ordinance or resolution petitioned to  
13 referendum may not take effect until a specified period following approval by a  
14 majority of voters voting on the question; making provisions of this Act severable;  
15 and generally relating to the right of the citizens of Prince George's County to  
16 petition certain land use decisions of the District Council to referendum.

17 BY adding to  
18 Article 28 - Maryland-National Capital Park and Planning Commission  
19 Section 8-128  
20 Annotated Code of Maryland  
21 (1993 Replacement Volume and 1995 Supplement)

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

24 **Article 28 - Maryland-National Capital Park and Planning Commission**

25 8-128.

26 (A) (1) THE CITIZENS OF PRINCE GEORGE'S COUNTY HAVE THE RIGHT TO  
27 PETITION TO REFERENDUM IN ACCORDANCE WITH THIS SECTION ANY  
28 COMPREHENSIVE ZONING, GENERAL OR MASTER PLAN, SUBDIVISION OR ZONING  
29 ORDINANCE AMENDMENT, OR OTHER ORDINANCE OF A GENERAL LEGISLATIVE  
30 EFFECT WITHIN THAT PORTION OF THE MARYLAND-WASHINGTON REGIONAL  
31 DISTRICT IN PRINCE GEORGE'S COUNTY WHICH IS ADOPTED BY THE PRINCE

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1 GEORGE'S COUNTY COUNCIL SITTING AS THE DISTRICT COUNCIL BY ORDINANCE  
2 OR RESOLUTION.

3 (2) THE ORDINANCE OR RESOLUTION MAY NOT TAKE EFFECT DURING  
4 THE PERIOD IN WHICH A PETITION MAY BE SUBMITTED.

5 (3) IF AN ORDINANCE OR RESOLUTION IS SUCCESSFULLY PETITIONED  
6 TO REFERENDUM, THE ORDINANCE OR RESOLUTION IS SUSPENDED AND MAY NOT  
7 BE GIVEN EFFECT UNTIL 30 DAYS AFTER APPROVAL BY THE MAJORITY OF THE  
8 QUALIFIED VOTERS VOTING ON THE QUESTION.

9 (B) (1) AN ORDINANCE OR RESOLUTION IS SUBJECT TO REFERENDUM  
10 UNDER THIS SECTION IF A PETITION SIGNED BY THE REQUIRED NUMBER OF  
11 QUALIFIED VOTERS OF PRINCE GEORGE'S COUNTY IS SUBMITTED TO THE BOARD  
12 OF SUPERVISORS OF ELECTIONS OF PRINCE GEORGE'S COUNTY WITHIN 45 DAYS  
13 AFTER FINAL ADOPTION OF THE ORDINANCE OR RESOLUTION BY THE DISTRICT  
14 COUNCIL OR WITHIN THE TIME PRESCRIBED IN PARAGRAPH (4) OF THIS  
15 SUBSECTION.

16 (2) A PETITION SUBMITTED UNDER THIS SECTION SHALL BE SIGNED BY  
17 AT LEAST:

18 (I) FIVE PERCENT OF THE NUMBER OF QUALIFIED VOTERS WHO  
19 RESIDE IN THE PRECINCTS WITHIN THE ELECTION DISTRICT IN WHICH THE  
20 ORDINANCE OR RESOLUTION APPLIES, BUT IN NO CASE MORE THAN 10,000 VOTERS;

21 (II) IN THE CASE OF AN ORDINANCE OR RESOLUTION AFFECTING  
22 MORE THAN ONE ELECTION DISTRICT, 5 PERCENT OF THE AGGREGATE NUMBER OF  
23 QUALIFIED VOTERS WHO RESIDE IN THE PRECINCTS WITHIN THE ELECTION  
24 DISTRICTS IN WHICH THE ORDINANCE OR RESOLUTION APPLIES, BUT IN NO CASE  
25 MORE THAN 10,000 VOTERS; OR

26 (III) IN THE CASE OF AN ORDINANCE OR RESOLUTION OF GENERAL  
27 APPLICATION WITHIN THAT PORTION OF THE MARYLAND-WASHINGTON REGIONAL  
28 DISTRICT IN PRINCE GEORGE'S COUNTY, 10,000 QUALIFIED VOTERS WHO RESIDE  
29 WITHIN THAT PORTION OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT IN  
30 PRINCE GEORGE'S COUNTY.

31 (3) A PETITION MAY CONSIST OF SEVERAL PAPERS, BUT EACH PAPER  
32 SHALL CONTAIN THE TEXT OF OR A FAIR SUMMARY OF THE ORDINANCE OR  
33 RESOLUTION BEING PETITIONED TO REFERENDUM. INDIVIDUALS SIGNING THE  
34 PETITION SHALL PRINT NEXT TO THEIR SIGNATURE THEIR ADDRESS AND THE DATE  
35 THAT THE PETITION WAS SIGNED. AN AFFIDAVIT SHALL BE ATTACHED TO EACH  
36 PAPER BY THE INDIVIDUAL PROCURING THE SIGNATURES STATING THAT, TO THE  
37 INDIVIDUAL'S INFORMATION AND BELIEF, EACH SIGNATURE ON THE PAPER IS  
38 GENUINE AND THAT, WHERE REQUIRED BY THIS SUBSECTION, EACH INDIVIDUAL  
39 WHOSE SIGNATURE APPEARS ON THE PAPER IS A QUALIFIED VOTER WHO RESIDES  
40 IN AN ELECTION PRECINCT IN PRINCE GEORGE'S COUNTY AFFECTED BY THE  
41 ORDINANCE OR RESOLUTION.

42 (4) IF MORE THAN ONE-THIRD BUT LESS THAN THE TOTAL NUMBER OF  
43 QUALIFIED SIGNATURES REQUIRED TO COMPLETE THE PETITION ARE FILED WITH

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1 THE BOARD OF SUPERVISORS OF ELECTIONS WITHIN 45 DAYS AFTER FINAL  
2 ADOPTION OF THE ORDINANCE OR RESOLUTION, THE TIME FOR COMPLETING THE  
3 PETITION IS CONTINUED FOR AN ADDITIONAL 45 DAYS.

4 (C) (1) THE BOARD OF SUPERVISORS OF ELECTIONS SHALL VERIFY THE  
5 REGISTRATION OF THE INDIVIDUALS SIGNING THE PETITION AND, IF THE  
6 REQUIRED NUMBER OF QUALIFIED VOTERS IS VERIFIED, SHALL PLACE THE  
7 ORDINANCE OR RESOLUTION ON THE BALLOT IN PRINCE GEORGE'S COUNTY AT  
8 THE NEXT REGULAR ELECTION FOR MEMBERS OF THE UNITED STATES HOUSE OF  
9 REPRESENTATIVES FOR APPROVAL OR REJECTION.

10 (2) A MINOR VARIATION BETWEEN THE SIGNATURE OF A QUALIFIED  
11 VOTER ON THE PETITION AND ON THE VOTER REGISTRATION RECORDS DOES NOT  
12 INVALIDATE THE SIGNATURE. THE INVALIDATION OF A SIGNATURE ON A PETITION  
13 DOES NOT INVALIDATE ANY OTHER SIGNATURE ON THE PETITION.

14 SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this Act  
15 or the application thereof to any person or circumstance is held invalid for any reason in  
16 a court of competent jurisdiction, the invalidity does not affect otherprovisions or any  
17 other application of this Act which can be given effect without the invalid provision or  
18 application, and for this purpose the provisions of this Act are declared severable.

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 1996.