
By: Montgomery County and Prince George's County Delegations

Introduced and read first time: January 31, 1997

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Zoning Matters - Citizens' Referendum**
3 **MC/PG 14-97**

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 after a specified period of time following
14 approval by a majority of voters voting on the question; making provisions of this
15 Act severable; and generally relating to the right of the citizens of Prince George's
16 County to 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 1996 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

2

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

3

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 other provisions 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, 1997.