
By: **Delegates Bozman, Conway, Taylor, McClenahan, Edwards, W. Baker, K. Kelly, Eckardt, Walkup, and Guns**

Introduced and read first time: February 10, 1999

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Code Counties - Referendum - Special Election**

3 FOR the purpose of providing that a referendum on a local law enacted by the county
4 commissioners of a code county may be submitted to the voters at a special
5 election; requiring that the calling of the special election be pursuant to a
6 resolution enacted by the county commissioners; and generally relating to
7 submitting a referendum at a special election in code counties.

8 BY repealing and reenacting, with amendments,
9 Article 25B - Home Rule for Code Counties
10 Section 10(h)
11 Annotated Code of Maryland
12 (1998 Replacement Volume and 1998 Supplement)

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

15 **Article 25B - Home Rule for Code Counties**

16 10.

17 (h) Any public local law enacted by the board of county commissioners of a
18 code county shall take effect forty-five days after it is enacted, unless by a provision
19 of the public local law it is to take effect at a later date. If a public local law is passed
20 as an emergency bill or if a bill is declared by at least a four-fifths vote of the total
21 membership of the board of county commissioners or two thirds where total board
22 membership is three members to be an emergency bill affecting the public health,
23 safety, or welfare of the county, the law shall take effect from the date of its passage.
24 The term "emergency bill" shall not include one abolishing or creating any office,
25 changing any salary, term, or duty of any officer, granting any franchise or special
26 privilege or creating any vested right or interest.

1 (1) The citizens of a code county, by petition, may submit to the
2 registered voters of the county any public local law or portion thereof enacted under
3 this subtitle. The submission shall be:

4 (I) [at] AT the next regular congressional election [and] OR, IN
5 ACCORDANCE WITH A RESOLUTION ADOPTED BY THE COUNTY COMMISSIONERS, AT
6 A SPECIAL ELECTION;

7 (II) [in] IN accordance with requirements as to time, notice, and
8 form in Article 33 of this Code[, and shall be for]; AND

9 (III) FOR adoption or rejection by a majority of those voting on the
10 question.

11 (2) The referendum petition shall be filed with the board of supervisors
12 of elections within forty days after a bill is enacted and shall contain the signatures of
13 at least ten per centum of the registered voters of the county. If more than one half
14 but less than the full number of signatures required to complete any referendum
15 petition against a public local law are filed within forty days from the date it is
16 enacted, the time for the public local law to take effect and the time for filing the
17 remainder of signatures to complete the petition shall be extended for an additional
18 forty days, with like effect.

19 (3) A petition may consist of several papers, but each paper shall contain
20 the full text of the public local law or part of the public local law petitioned to
21 referendum, and there shall be attached to each paper an affidavit of the person
22 procuring the signatures thereon that, to his personal knowledge, each signature
23 thereon is genuine and bona fide, and that to the best of his knowledge, information,
24 and belief the signers are registered voters of the State of Maryland and of the code
25 county, as set opposite their names. The board of supervisors of elections shall verify
26 the registration of the petitioners.

27 (4) If the petition is filed with the board of supervisors of elections in
28 compliance with all provisions of law, the public local law shall not take effect until
29 thirty days after its approval by a majority of the registered voters voting on the
30 question. An emergency bill shall remain in force from its effective date
31 notwithstanding the filing of the petition, but it shall be repealed thirty days after
32 having been rejected by a majority of the registered voters voting thereon.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 1999.