

HOUSE BILL 615

L3

8lr0592

By: **Delegate Lisanti**

Introduced and read first time: January 29, 2018

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 27, 2018

CHAPTER _____

1 AN ACT concerning

2 **Municipalities – Charter Amendments – Procedures**

3 FOR the purpose of requiring the legislative body of a municipality to hold a certain public
4 hearing and give certain notice before adopting a resolution initiated by the
5 legislative body that proposes an amendment to the municipal charter; ~~prohibiting~~
6 ~~a proposed charter amendment that changes a municipality's form of government~~
7 ~~from taking effect unless the amendment is submitted to referendum and approved~~
8 ~~by certain voters at the next regular municipal general election;~~ requiring the
9 legislative body of a municipality to hold a certain public hearing and give certain
10 notice before voting on a proposed charter amendment initiated by a certain petition;
11 and generally relating to procedures for amending municipal charters.

12 BY repealing and reenacting, with amendments,
13 Article – Local Government
14 Section ~~4-304 and 4-305~~ 4-304(a) and 4-305(c)
15 Annotated Code of Maryland
16 (2013 Volume and 2017 Supplement)

17 BY repealing and reenacting, without amendments,
18 Article – Local Government
19 Section 4-305(a) and (b)
20 Annotated Code of Maryland
21 (2013 Volume and 2017 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Local Government**

4 4–304.

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

9 (2) BEFORE ADOPTING A RESOLUTION INITIATED BY THE
10 LEGISLATIVE BODY OF A MUNICIPALITY THAT PROPOSES AN AMENDMENT TO THE
11 MUNICIPAL CHARTER, THE LEGISLATIVE BODY SHALL:

12 (I) HOLD A PUBLIC HEARING ON THE PROPOSED AMENDMENT;

13 AND

14 (II) GIVE AT LEAST 21 DAYS' ADVANCE NOTICE OF THE PUBLIC
15 HEARING.

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

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

20 ~~(2) publishing a fair summary of the proposed amendment in a newspaper~~
21 ~~of general circulation in the municipality:~~

22 ~~(i) at least four times;~~

23 ~~(ii) at weekly intervals; and~~

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

25 ~~(c) [Unless] EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION,~~
26 ~~UNLESS a petition meeting the requirements of subsection (d) of this section is presented~~
27 ~~to the legislative body of a municipality on or before the 40th day after the legislative body~~
28 ~~adopts a charter amendment resolution, the amendment shall take effect as a part of the~~
29 ~~municipal charter on the 50th day after the resolution is adopted.~~

30 ~~(d) (1) A petition for a referendum on a proposed charter amendment shall:~~

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

3 (ii) ~~request that the proposed amendment be submitted to~~
4 ~~referendum of the qualified voters of the municipality.~~

5 (2) ~~Each individual signing the petition shall indicate on the petition the~~
6 ~~individual's name and residence address.~~

7 (3) ~~The petition shall be delivered to the legislative body of the~~
8 ~~municipality by:~~

9 (i) ~~presentment; or~~

10 (ii) ~~certified mail, return receipt requested.~~

11 (4) (i) ~~On receiving the petition, the legislative body shall verify that~~
12 ~~each individual who signed the petition is a qualified voter for the municipal general~~
13 ~~election.~~

14 (ii) ~~The petition has no effect if it is signed by less than 20% of the~~
15 ~~qualified voters for the municipal general election.~~

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

18 (i) ~~the day and hours for the referendum; and~~

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

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

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

25 **~~(E) A PROPOSED CHARTER AMENDMENT THAT CHANGES A MUNICIPALITY'S~~**
26 **~~FORM OF GOVERNMENT MAY NOT TAKE EFFECT UNLESS THE AMENDMENT IS~~**
27 **~~SUBMITTED TO REFERENDUM AND APPROVED BY THE QUALIFIED VOTERS OF THE~~**
28 **~~MUNICIPALITY AT THE NEXT REGULAR MUNICIPAL GENERAL ELECTION.~~**

29 4-305.

30 (a) (1) By a petition presented to the legislative body of a municipality, at least
31 20% of the qualified voters for the municipal general election may initiate a proposed
32 amendment to the municipal charter.

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

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

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

7 (c) (1) **BEFORE VOTING ON THE PROPOSED AMENDMENT INITIATED BY**
8 **THE PETITION PRESENTED UNDER SUBSECTION (A) OF THIS SECTION, THE**
9 **LEGISLATIVE BODY SHALL:**

10 (I) **HOLD A PUBLIC HEARING ON THE PROPOSED AMENDMENT;**
11 **AND**

12 (II) **GIVE AT LEAST 21 DAYS' ADVANCE NOTICE OF THE PUBLIC**
13 **HEARING.**

14 (2) If the legislative body approves of the amendment in the petition
15 presented under subsection (a) of this section, the legislative body may adopt the proposed
16 amendment by resolution and proceed in the same manner as if the amendment had been
17 initiated by the legislative body and in compliance with §§ 4-303(a) and 4-304 of this
18 subtitle.

19 ~~(d) Except as provided in subsection (c) of this section, if the petition complies~~
20 ~~with this section, the legislative body, no later than 60 days after the petition is presented~~
21 ~~to the legislative body, shall specify by resolution adopted in accordance with its normal~~
22 ~~legislative procedure:~~

23 ~~(1) the day and hours for the referendum; and~~

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

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

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

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

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

4 ~~(ii) on the day of the referendum, posting a similar copy at the place~~
5 ~~for voting; and~~

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

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
10 1, 2018.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.