

# HOUSE BILL 615

L3

8lr0592

---

By: **Delegate Lisanti**

Introduced and read first time: January 29, 2018

Assigned to: Environment and Transportation

---

## A BILL ENTITLED

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  
15 Annotated Code of Maryland  
16 (2013 Volume and 2017 Supplement)

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

19 **Article – Local Government**

20 4–304.

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

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

4                   **(I) HOLD A PUBLIC HEARING ON THE PROPOSED AMENDMENT;**  
5 **AND**

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

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

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

12                   (2) publishing a fair summary of the proposed amendment in a newspaper  
13 of general circulation in the municipality:

14                           (i) at least four times;

15                           (ii) at weekly intervals; and

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

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

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

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

25                           (ii) request that the proposed amendment be submitted to  
26 referendum of the qualified voters of the municipality.

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

29                   (3) The petition shall be delivered to the legislative body of the  
30 municipality by:

31                           (i) presentment; or

1 (ii) certified mail, return receipt requested.

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

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

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

9 (i) the day and hours for the referendum; and

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

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

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

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

20 4-305.

21 (a) (1) By a petition presented to the legislative body of a municipality, at least  
22 20% of the qualified voters for the municipal general election may initiate a proposed  
23 amendment to the municipal charter.

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

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

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

30 **(c) (1) BEFORE VOTING ON THE PROPOSED AMENDMENT INITIATED BY**  
31 **THE PETITION PRESENTED UNDER SUBSECTION (A) OF THIS SECTION, THE**

1 LEGISLATIVE BODY SHALL:

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

3 AND

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

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

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

15 (1) the day and hours for the referendum; and

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

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

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

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

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

27 (ii) on the day of the referendum, posting a similar copy at the place  
28 for voting; and

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

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
33 1, 2018.