

Chapter 285

(House Bill 615)

AN ACT concerning

Municipalities – Charter Amendments – Procedures

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

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

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

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

Article – Local Government

4-304.

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

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

- (I) HOLD A PUBLIC HEARING ON THE PROPOSED AMENDMENT;
- AND
- (II) GIVE AT LEAST 21 DAYS' ADVANCE NOTICE OF THE PUBLIC HEARING.

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

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

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

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

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

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

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

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

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

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

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

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

~~(i) presentment; or~~

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

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

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

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

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

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

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

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

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

4-305.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor, April 24, 2018.