

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 615

(Delegate Lisanti)

Environment and Transportation

Education, Health, and Environmental Affairs

Municipalities - Charter Amendments - Procedures

This bill requires the legislative body of a municipality to hold a public hearing and give at least 21 days' advance notice of the public hearing before adopting a resolution initiated by the legislative body that proposes an amendment to the municipal charter. The bill also requires the legislative body of a municipality to hold a public hearing and give at least 21 days' advance notice of the public hearing before voting on a proposed amendment to the municipal charter that is initiated by petition of voters in the municipality. **The bill takes effect July 1, 2018.**

Fiscal Summary

State Effect: None.

Local Effect: Potential increase in municipal expenditures for advertising and conducting hearings. Municipal revenues are not affected. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Current Law/Background: The Maryland Municipal League (MML) has published a handbook on charter amendments for Maryland Municipalities. The MML handbook includes the following information regarding the various procedures and practices necessary for approving charter amendments in Maryland municipalities.

A charter amendment may be initiated by formal action of the governing body of a municipality through the passage of a resolution. Alternatively, the qualified voters of a municipality may initiate a charter amendment by gathering the signatures of at least 20% of the qualified voters in the municipality.

Charter Resolution

The elected governing body of a municipality must first pass a resolution to effect a charter change in the same fashion that they would normally approve a formal resolution. The resolution must contain the exact wording of the proposed amendment or amendments. Each amendment must address a single subject and appear in a format set out in law to describe new language to be added to the charter and existing language to be deleted from the charter.

Municipal government officials must post an exact copy of the charter amendment resolution at the city or town hall or some other public place for at least 40 days after passage of the resolution. The law further requires the municipality to publish a “fair summary” of the proposed amendment not less than four times at weekly intervals in a newspaper of general circulation in the community.

Unless an approved charter amendment is petitioned to referendum, an amendment becomes effective 50 days after a municipal governing body passes a charter amendment resolution. The effective date is delayed if a petition for referendum is received by the municipality on or before the fortieth day after initial passage of the charter amendment resolution.

Municipal residents may seek to nullify a charter amendment that has been approved by a municipal governing body by petitioning the amendment to referendum. The signatures of 20% of the qualified voters of the affected municipality are needed to bring the amendment to a referendum election. If a petition is presented to the municipal governing body and it has the requisite signatures and meets the legal requirements for form, the governing body must pass a resolution to provide for a referendum on the question of whether the charter amendment should be approved. The referendum may occur at the next general election of the affected municipality or a special election may be called. In the event of a special election, it must occur between 40 and 60 days after the referendum resolution is approved.

Initiation by Municipal Residents

The residents of an incorporated city or town may initiate an amendment to a municipal charter by gathering the signatures of at least 20% of qualified municipal voters on a petition in the same fashion that a charter amendment approved by a municipal governing body may be petitioned to referendum. The petition must contain the exact wording of the proposed charter amendment. Each amendment must address a single subject and appear in a format set out in law to detail new language to be added to the charter and existing language to be deleted from the charter.

Again, if the petition has the requisite signatures and meets the legal requirements for form, the municipal governing body must within 60 days approve a resolution calling for a referendum election on whether the proposed charter amendment should be approved. Just as in the case of a referendum on a proposed charter amendment approved by the elected municipal governing body, the referendum may occur at the next general election of the affected municipality or at a special election. In the event of a special election, the election must occur between 40 and 60 days after the referendum resolution is approved.

As an alternative to calling for a charter amendment referendum upon receipt of a qualified referendum initiative petition, the affected municipal governing body may pass a resolution adopting the amendment proposed by the petition. The governing body may then proceed to address the amendment in the same fashion as it would if the governing body itself had initiated the proposed amendment.

Referendum

Municipal government officials must post an exact copy of a proposed charter amendment at the city or town hall or some other public place for at least four weeks immediately before a charter amendment referendum is held. The law further requires the affected municipality to publish notice of the referendum with a “fair summary” of the proposed amendment not less than four times at weekly intervals immediately before a charter amendment referendum is held. The published notice must appear in a newspaper of general circulation in the community. Lastly, the law requires that, on the day of the referendum election, officials must post an exact copy of the proposed amendment at all municipal sites where voting on the referendum will occur.

The referendum election on the question of endorsing a proposed charter amendment should generally be conducted in the same fashion in which a normal municipal election is conducted. Election officials must tally the referendum results immediately following the close of voting and certify the election results to the mayor or chief executive officer of the affected municipality.

If the voters approve the proposed charter amendment, the mayor or chief executive officer must publicly proclaim the results within 10 days of receiving certification of the election results. The charter amendment then becomes effective 30 days after the proclamation is issued. If the voters reject the proposed charter amendment, the mayor or chief executive officer in a similar fashion must proclaim that result. The proclamation must also state that the proposed charter amendment is null and void and of no effect.

Local Fiscal Effect: Municipalities that amend their charters will incur increased expenditures to advertise and conduct the required hearings for proposed charter amendments.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): City of College Park; Maryland Municipal League; Maryland State Board of Elections; Department of Legislative Services

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