



Gregory J. Swain, County Attorney

MEMORANDUM

To: Members, Anne Arundel County Council

From: Lori L. Blair Klasmeier, Deputy County Attorney /s/

Date: August 2, 2022

Subject: Resolution No. 32-22: Confirming That a Petition Initiating a Charter Amendment Satisfies the Requirements Established by Law

Legislative Summary

This summary was prepared by the Anne Arundel County Office of Law for use by members of the Anne Arundel County Council during consideration of Resolution No. 32-22.

Background. Consistent with Article XI-a, § 5 of the Maryland Constitution, Section 1202 of the County Charter provides that one method of proposing an amendment to the County Charter is the submission of a petition to the Chair of the County Council that is signed by the lesser of 20% of the County’s registered voters or 10,000 of the County’s registered voters. State law establishes the form and contents of the petition (§ 6-201 of the Election Law Article of the State Code). Once the petition is received by the Chair of the County Council, State law requires that it be sent to the local board of elections within 24 hours. (§ 6-205 of the Election Law Article of the State Code). The local board of elections verifies and counts the validated signatures. (§ 6-207 of the Election Law Article of the State Code).

For a ballot question that is submitted through a petition process to qualify, the governing body of the County must determine that the petition has satisfied all of the requirements established by law relating to petitions initiating charter amendments. (§ 7-102(c)(3)(ii) of the Election Law Article of the State Code). Charter Section 1014 provides that, if State law requires something to be undertaken by the “local governing body”, the action required is taken by the County Executive and referred to the County Council for confirmation. If the question presented by the petition qualifies, then the County Attorney is required to prepare and certify the question to the State Board of Elections. (§ 7-103(c)(3)(i) of the Election Law Article of the State Code).

Note: This Legislative Summary provides a synopsis of the bill as introduced. It does not address subsequent amendments to the bill.

A petition to amend the County Charter was presented to the Council Chair on July 29, 2022. It was delivered to the local board of elections on that same day. The petition was signed by more than 12,000 persons identified as registered to vote in the County. The County Executive has determined that the petition meets the requirements established by law relating to petitions to amend the County's Charter.

Purpose and Summary. The purpose of this Resolution, as stated in the Resolution, is for the Council to confirm the County Executive's determination that the petition submitted meets the legal requirements for a petition to amend the County's Charter. As also stated in the Resolution, this action is only related to the legal formalities required for such a Resolution and does not constitute a position on the merits of the question presented by the petition.

If there are any questions, please let me know.