

**CITY OF TANEYTOWN  
ORDINANCE 08-2017  
PETITIONS**

WHEREAS, Section C-401(A) of the Charter of the City of Taneytown empowers the City Council to pass such ordinances as deemed necessary for the good government of the City; and

WHEREAS, City Charter provisions and other statutory provisions authorize the use of citizens petitions in certain circumstances; and

WHEREAS, the provisions of the State Law governing the format and details of citizens petitions do not apply to municipal governments; and

WHEREAS, the City of Taneytown has recent experience with a citizen petition; and

WHEREAS, the Mayor and City Council believe it is in the best interest of the Citizens of Taneytown to adopt regulations regarding Petitions to provide for an adopted standard and uniform protocol related to citizen petitions.

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF TANEYTOWN THAT:

SECTION ONE: That the following Section 103-20 be added to Chapter 103 Elections of the City Code of Taneytown:

**103-20            Petitions**

**103-20.1.        Applicability**

- A.    The provisions of this Section shall apply to all petitions filed pursuant to the Charter and Code of the City of Taneytown and matters subject to petition contained in applicable provisions of Title 4 of the Local Government Article of the Maryland Annotated Code.
  
- B.    Nothing in this Chapter shall create, enlarge, alter or add any petition rights of the Citizens of Taneytown which are not otherwise authorized by the Charter and Code of the City of Taneytown or applicable provisions of State law.

**103-20.2        Contents of Petitions**

**A.    A petition shall contain:**

- 1.    An information page; and
  
- 2.    Signature pages containing not less than the total number of signatures required by law to be filed.

**B. Information Page. The information page shall contain:**

1. A description of the subject and purpose of the petition;
2. Identification of the sponsor and, if the sponsor is an organization the individual designated to receive notices under this Chapter, and the address of the individual and organization.
3. The number of signature pages comprising the petition and the total number of signatures contained in the petition.

**C. Signature Page. Each signature page shall contain:**

1. A description of the subject and purpose of the petition, conforming to the requirements of applicable law.
2. If the petition seeks to challenge a charter amendment adopted by the Mayor and City Council, the resolution number which adopted the charter amendment and:
  - a. A fair and accurate summary of the substantive provisions of the charter amendment; or
  - b. The full text of the charter amendment.
3. If the petition seeks to adopt a charter amendment, the description must comply with the applicable provisions of the Local Government Article of the Maryland Annotated Code.
4. If the petition is filed pursuant to the provisions of Local Government Article of the Maryland Annotated Code, it shall also comply with the applicable requirements stated therein.
5. A statement, to which each signer (Petitioner) subscribes, that:
  - a. The signer supports the purpose of the petition process; and
  - b. Based on the signer's information and belief, the signer is a registered voter of the City.
6. A space for the signature of the Petitioner.
7. A space for the Petitioner to print their name and address.
8. A space for the Petitioner to write the date of signing.
9. A space for the required affidavit made and executed by the Circulator.

- D. A signature page shall satisfy the requirements of subsection C above before any signature is affixed to it and at all relevant times thereafter.
- E. All signature pages comprising the petition shall be assembled and filed as one instrument.

**103-20.3. Form Petition.**

A Petition substantially similar to the one referenced as Sample Petition 1, shall be used to comply with the terms of this Section.

**103-20.4. Information provided by signers.**

- A. To sign a petition, an individual shall:
  - 1. Sign the individual's name as it appears on the City's voter registration records. A minor variation in the signature of a Petitioner between the signature on the Petition and that on the City's voter registration records shall not invalidate the signature.
  - 2. Include the following information, printed or typed, in the spaces provided:
    - a. the signer's name as it was signed;
    - b. the signer's address; and
    - c. the date of signing.
- B. **Validation and counting. The signature of an individual shall be validated and counted if:**
  - 1. The requirements of subsection A of this Section have been satisfied;
  - 2. The individual is a registered voter of the City when the individual signed the Petition.
  - 3. The individual has not previously signed the same petition;
  - 4. The signature is attested to by an affidavit appearing on the page on which the signature appears,
  - 5. The date accompanying the signature is not later than the date of the affidavit on the page; and
  - 6. The signature was affixed within the requisite period of time, as specified by law.

**C. Removal of Signature and Additional Signatures**

1. A signature may be removed:
  - a. By the signer upon written application to the Mayor and City Council, if the application is received prior to the filing of that signature; or
  - b. Prior to the filing of that signature, by the Circulator who attested to that signature or by the sponsor of the petition, if it is concluded that the signature does not satisfy the requirements of this Section.
2. A signature removed pursuant to this Section may not be included in the total number of signatures stated on the information page included in the petition.
3. Subsequent to the filing of a petition under this Section, but prior to the deadline for filing the petition, additional signatures may be added to the petition by filing an amended information page and additional signature pages conforming to the requirements of this Section.

**Sec. 6.25-5. Circulators; Affidavit of Circulator**

- A. Each signature page shall contain an executed affidavit by the individual in whose presence all of the signatures on that page were affixed and who observed each of those signatures being affixed, herein cited as the Circulator. The Circulator shall be a registered voter of the City of Taneytown.
- B. **The affidavit shall contain the statement that:**
  1. All identifying information given by the Circulator is true and correct;
  2. Signatures were placed on the petition in the Circulators presence;
  3. Based on the circulator's best knowledge and belief, each signature on the page is genuine and each signer is a registered voter of the City.
- C. Any signature page which does not fulfill the requirements of this section shall be disallowed and all signatures thereon shall not be counted.
- D. A Circulator must be at least 18 years old at the time any of the signatures covered by the affidavit are affixed.

**Sec. 6.25-6. Filing of Petitions.**

A petition shall be addressed to the Mayor and City Council of the City of Taneytown and shall be filed with the City Clerk.

**Sec. 6.25-7. Determinations at Time of Filing.**

- A. Upon the filing of a petition, the City Clerk shall review the petition to make a determination that the petition, as to matters other than the validity of signatures, is sufficient. This determination may be deferred to obtain a legal review of the Petition by the City.
- B. Declaration of Deficiency. The City Clerk shall declare that the petition is deficient if it is determined that:
  - 1. The petition was not timely filed;
  - 2. The petition does not satisfy any requirements of law for the number of signatures.
  - 3. The requirements relating to the form of the petition have not been satisfied.
  - 4. The use of a petition for the subject matter of the petition is not authorized by law.
  - 5. The petition has failed to satisfy some other requirement established by law.
- C. Unless a Declaration of Deficiency is made, the City Clerk shall make a determination that the petition, as to matters other than the validity of signatures, is sufficient, in which case the process of verification of signatures shall begin pursuant to the provisions of this Section.
- D. Notice of the determination made under this section shall be given to the Mayor and City Council of the City of Taneytown and to the individual designated to receive notice on the information page of the petition.

**Sec. 6.25-8. Verification of Signatures**

- A. Upon the filing of a petition, unless it has been declared deficient under the terms of this Section, the City Clerk shall proceed to verify the signatures and count the validated signatures contained in the petition. The purpose of signature verification is to ensure that the name of the individual who signed the petition is listed as a registered voter of the City at the time the petition was signed.
- B. If it is determined that the Petitioner is not a registered voter of the City at the time of the signing, that signature will be disallowed and not counted in the total of valid signatures contained in the petition.

- C. If the name of the Petitioner is not legible or if information required under this Section is not provided, that signature will be disallowed and not counted in the total of valid signatures contained in the petition.

**Sec. 6.25-9. Certification**

- A. At the conclusion of the verification and counting process the City Clerk shall:
  - 1. Determine whether the validated signatures contained in the petition are sufficient to satisfy all requirements established by law relating to the number of signatures; and
  - 2. Determine whether the petition has satisfied all other requirements established by law for that petition.
- B. If the City Clerk determines that a petition has satisfied all requirements established by law relating to that petition, the City Clerk shall certify that the petition process has been completed and shall:
  - 1. Notify the Mayor and City Council of the City of Taneytown and submit the petition and certification to the Mayor and City Council for appropriate action required by law;
  - 2. Send notice of such certification to those designated to receive notice on the information page of the petition.
  - 3. Post a Public Notice in the customary place indicating that a Petition has been filed and has been certified to be valid.
- C. If the City Clerk determines that a petition has not satisfied all requirements established by law relating to that petition, the City Clerk shall certify the petition as invalid and shall:
  - 1. Notify the Mayor and City Council of the City of Taneytown of such invalidity;
  - 2. Send notice of such invalidity to those designated to receive notice on the information page of the petition.
  - 3. Post a Public Notice in the customary place indicating that a Petition has been filed and has been declared invalid.

**SECTION TWO.** The provisions of this Ordinance are severable, and if any provision, clause, sentence, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words, or parts

of the Ordinance or their application to the other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been adopted as if such illegal, invalid, unconstitutional provision, clause, sentence, section, word or part had not been included therein, and as if the person or circumstances to which the ordinance is part thereof is inapplicable had been specifically exempted therefrom.

**SECTION THREE.** This Ordinance shall become effective immediately upon the adoption.

INTRODUCED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017

\_\_\_\_\_  
CLARA KALMAN, CITY CLERK

PURSUANT TO SECTION C-209(B) OF THE CHARTER OF THE CITY OF TANEYTOWN, THE MAYOR AND CITY COUNCIL HEREBY DELECFARE THE PASSAGE OF THIS ORDINANCE AS AN EMERGENCY BY A VOTE OF \_\_\_\_ IN FAVOR AND \_\_\_\_\_ OPPOSED.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2017 BY A VOTE OF \_\_\_\_\_  
COUNCILMEMBERS IN FAVOR AND \_\_\_\_\_  
COUNCILMEMBERS OPPOSED.

\_\_\_\_\_  
CLARA KALMAN, CITY CLERK  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2017.

\_\_\_\_\_  
JAMES L. MCCARRON, MAYOR

APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

BY: \_\_\_\_\_  
JACK A. GULLO, JR., CITY ATTORNEY