

**Summary:**

An amendment to change the composition of the County Council to elect all 9 members from separate districts by the 2006 election.

**Proposed Charter change:**

~~Text to be deleted.~~ **Text to be added.**

Sec. 102. Composition and Election.

The Council shall be composed of nine members, each of whom shall be a qualified voter of Montgomery County. ~~Four Councilmembers shall be nominated and elected by the qualified voters of the entire County. Each of the five other members~~ **Each member** of the Council shall, at the time of election, reside in a different Council district, and shall be nominated and elected by the qualified voters of that district. No member of the Council shall hold any other office of profit in state, county or municipal government. No member of the Council shall be eligible for appointment during the member's term of office to any other office or position carrying compensation created by or under this Charter, except to County Executive in the event of a vacancy.

Sec. 103. Council Districts.

Montgomery County shall be divided into ~~five~~ **nine** Council districts for the purpose of nominating and electing ~~five~~ **nine** members of the Council. Each district shall be compact in form and be composed of adjoining territory. Populations of the Council districts shall be substantially equal.

Sec. 104. Redistricting Procedure.

The boundaries of Council districts shall be reviewed in 1972 and every tenth year thereafter **and following a change in the number of districts of the Council.** Whenever district boundaries are to be reviewed, the Council shall appoint, not later than February 1 of the year before the year in which redistricting is to take effect, a commission on redistricting. The Commission shall be composed of four members from each political party chosen from a list of eight individuals submitted by the central committee of each political party which polled at least fifteen percent of the total vote cast for all candidates for the Council in the last preceding regular election. Each list shall include at least one individual who resides in each Council district. The Council shall appoint one additional member of the Commission. The Commission shall include at least one member who resides in each Council district, and the number of members of the Commission who reside in the same Council district shall not exceed the number of political parties which submitted a list to the Council. The Commission shall, at its first meeting, select one of its members to serve as its chair. No person who holds any elected office shall be eligible for appointment to the Commission.

By November 15 of the year before the year in which redistricting is to take effect, the Commission shall present a plan of Council districts, together with a report explaining it, to the Council. Within thirty days after receiving the plan of the Commission, the Council shall hold a public hearing on the plan. If within ninety days after presentation of the Commission's plan no other law reestablishing the boundaries of the Council districts has been enacted, then the plan, as submitted, shall become law.

# State of Maryland – Charter Amendment Petition

To: President of the County Council

We, the undersigned voters of Montgomery County, hereby petition to have this amendment of the County Charter submitted to a vote of the registered voters of the County, for approval or rejection at the next general election.

**Proposal summary: An amendment to change the composition of the County Council to elect all 9 members from separate districts by the 2006 election.** The full text of the proposal appears on the back of this signature page.

**NOTICE TO SIGNERS: Please print or type all information other than your signature. Post Office Box addresses are not generally accepted as valid.** By signing this petition, you agree that the above-mentioned charter amendment proposal should be placed on the ballot as a question at the next general election and that, to the best of your knowledge, you are registered to vote in the County or Baltimore City named above and are eligible to have your signature counted for petition purposes.

**Please Note: The information you provide on this petition may be used to change your voter registration address.**

DATE (mm/dd/yy)	PRINT FULL NAME	VOTER REGISTRATION ADDRESS	CITY	ZIP CODE	DATE OF BIRTH	SIGNATURE, SAME AS PRINTED
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						

### CIRCULATOR'S AFFIDAVIT

Under penalties of perjury, I swear (or affirm) that: (a) I was at least 18 years old when each signature was obtained; (b) the information given to the left identifying me is true and correct; (c) I personally observed each signer as he or she signed this page; and (d) to the best of my knowledge and belief: (i) all signatures on this page are genuine; and (ii) all signers are registered voters of the County or Baltimore City indicated at the top of this page.

Individual circulator's printed or typed name \_\_\_\_\_  
 Residence Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 Telephone Number \_\_\_\_\_

**FOR ELECTION BOARD USE ONLY**

Total Number of Signatures \_\_\_\_\_  
 Number of Invalidated Signatures \_\_\_\_\_  
 Number of Valid Signatures \_\_\_\_\_

Endorsed by: \_\_\_\_\_

# Petition Signature Frequently Asked Questions

## 1. Petition Signature Gathering

1. Must petition circulator be a registered voter of Maryland? , No
2. Must petition circulator be a resident of Maryland?, No
3. Must petition circulator be 18 years of age?, Yes
4. May a petition circulator act as a voter registration volunteer?

Yes - provided that person is authorized and has received proper training.

5. Can a person complete a voter registration application (VRA) and sign the petition at that time?

No - the filling out of a VRA form does not itself register the voter and does not authorize the voter to sign the petition. The person is not yet a registered voter and may not sign the petition until the person receives the voter notification card in the mail.

6. How should a registered voter who has moved within a jurisdiction, but has not yet changed his registration, sign a petition?

Anyone signing a petition should specify his/her current address and notify the local election office of any changes.

7. Can a registered 17 year old voter sign a petition?

Yes - since that person is qualified to vote in the Primary at age 17, it would be reasonable to say that the person may sign a petition before the age of 18.

8. Is a person allowed to sign the same petition more than once?

No - An individual may not sign the same petition more than once.

9. May signatures be in pencil?

The signature would not be invalidated unless the name and address becomes smudged and illegible - it is not a recommended practice.

10. Can the circulator be a petition signer of the petition that he/she is circulating?

Yes - provided he/she is otherwise eligible to sign.

11. Can an organization pay a consultant to administer and oversee the petition process? ,

Yes.

12. Can an organization pay people to collect petition signatures?

Yes - per U.S. District Court decision - Ficker vs. Montgomery County, but no one may receive any money or other thing of value in return for signing the petition.

13. Is a petition circulator limited in the number of different petitions he circulates?

No - provided that person is qualified to circulate each.

14. Must the oath of affiant (circulator) be notarized?

No - provided the oath is signed under penalty of perjury.

15. Is there a time frame in which the signatures must be collected?, Before August 2004

16. Can a spouse sign a petition for his/her spouse?, No

17. May a person who signs a petition vote in the primary election?

Yes, provided they are eligible to do so.

18. Can copies of petitions be filed instead of originals?, No

19. Can ditto marks be used when completing petition information?

Circulators should be instructed not to allow those who sign petitions to use ditto marks. However, if someone does use ditto marks, and there is no reason to suspect that the use of the marks does not reflect correct facts (e.g., if there is every reason to believe that Person #2 does in fact live at the same address as Person #1), the signature should be counted.

20. Can a petition sponsor pre-print signature pages with voters' names and addresses, so that if a voter agrees to sign the petition, the voters need only fill in his or her signature, date of birth, and date of signing?, No

## **2. Petition Verification**

What the County Board of Elections will do if:

1. The circulator's signature is missing:

Invalidate entire petition sheet.

2. The circulator's printed name is missing:

Accept it if all other signature information is complete and identity of circulator can be determined.

3. The circulator's address is missing:

Invalidate entire petition sheet.

4. The date of the circulator's signature is missing:

Invalidate entire petition sheet.

5. The circulator signature block is missing from petition page:

Invalidate entire petition sheet.

6. The circulator's signature is a photocopy not an original:

Invalidate entire petition sheet.

7. The date of the circulator's signature is prior to date of signature:

Invalidate that name only. As circulator, do not sign the page until no more signatures will be added to the page. This is the most common error. Sign your name last.

8. The signer's signature is missing:

Invalidate that name only.

9. The signer's printed name is missing:

Accept it if identity of voter can be determined.

10. The signer's address is missing:

Invalidate that name only.

11. The signer's birth date is missing:

Accept it if identity of voter can be determined.

12. The signer's birth date does not match voter registration records:

Accept it if identity of voter can be determined, birth date should be verified with the voter.

13. The date of the signature is missing:

The election office must use judgment in this area - if it is absolutely clear from the dates next to the other signatures that the signature without the date was affixed within the proper time frame, accept it - but if there is no way to determine the date of signing, the signature must be invalidated.

14. The address does not match that of the registration:

Accept it if identity of voter can be determined - follow change of address procedures.

15. The signer used her married name (Mrs. John Smith instead of Mary Smith):

Accept it if identity of voter can be determined.

16. The signer uses initials or nickname:

Accept it if identity of voter can be determined.

17. The signer registered to vote after signing the petition:

Invalidate that name only - was not registered at time of signing the petition.

18. The signer has since cancelled registration, died, or been convicted of an infamous

crime:

If the voter is removed from rolls after the date of signing the petition, the name should be invalidated.  
County Boards of Elections use only current voter registration lists.

19. The signer's signature is illegible, but the printed name is clear:

Accept it if identity of voter can be determined.

20. The petition form does not contain all required information spaces:

Depends on whether the information is critical - case by case basis.

21. There are signatures on the back of the petition sheet:

Invalidate those on the back. Accept the signatures on the front of the petition if they are deemed valid.

22. If one or more signatures on petition sheet are invalid is the entire page invalid?

No - only the signatures that were deemed invalid.

23. Can a signature be removed from a petition?

Yes - in certain circumstances. [Election Law Article, Section 6-203\(c\)](#)

24. What is the deadline for county boards to certify results of verification?

Within 20 calendar days after filing of the petition.

25. Is it permissible for a representative of the petition organization or the opposition to the petition to be present at the county board during the verification process?

Not legally entitled (not provided for in statute) each county board may establish a procedure.

26. Can a petition organization obtain a copy of signature verification guidelines? , Yes.

27. When can county boards make results of their verification public?

After notification of results to proper governmental authorities and candidate or petition filers.

28. When do the petitions become public records?

At the conclusion of the entire verification process.

29. Whose responsibility is it to notify the petition candidate or petition organization of the verification results?

Charter: County Board