

State of Maryland - Charter Amendment Petition

We, the undersigned voters of Baltimore City, hereby petition to have this amendment of the Baltimore City Charter submitted to a vote of the registered voters of Baltimore City, for approval or rejection at the next general election. *The full text of the proposed amendment appears on the back of this signature page and its subject and purpose are as follows:*

To create a right to compel and hold recall elections that allow the removal of certain Baltimore City elected officials from office for failing to meet certain standards for adequate performance. If a majority of valid votes cast in the recall election favor the recall, then the Baltimore City elected official sought to be recalled shall be removed from office, and the successor shall be the candidate receiving the highest number of votes on the recall ballot. If less than a majority of valid votes favor the recall, the official sought to be recalled may remain in office, unless removed or impeached on other grounds, for the remainder of the official's current term, and may be eligible for re-election. The proposed amendment, adding Section (72) to Article II—General Powers of the Baltimore City Charter, sets forth the procedures for recall elections and determining the successor of a recalled elected official. The proposed amendment would first apply to persons elected in the 2024 Baltimore City Election.

NOTICE TO SIGNERS: Sign and print your name (1) as it appears on the voter registration list, OR (2) your surname of registration AND at least one full given name AND the initial of any other names. 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 support the purpose of the petition process of placing this charter amendment on the ballot as a question at the next general election and that, to the best of your information and belief, you are registered to vote in Baltimore City and are eligible to have your signature counted for this petition.

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

1	Print Name:	First Name	Middle Name	Last Name		Birth Date:	Month	Date	Year
	Signature:					Date of Signature:	Month	Date	Year
	Maryland Residence Address:	Street Number	Street Name	Apt. No.	City or Town	Zip			
2	Print Name:	First Name	Middle Name	Last Name		Birth Date:	Month	Date	Year
	Signature:					Date of Signature:	Month	Date	Year
	Maryland Residence Address:	Street Number	Street Name	Apt. No.	City or Town	Zip			
3	Print Name:	First Name	Middle Name	Last Name		Birth Date:	Month	Date	Year
	Signature:					Date of Signature:	Month	Date	Year
	Maryland Residence Address:	Street Number	Street Name	Apt. No.	City or Town	Zip			
4	Print Name:	First Name	Middle Name	Last Name		Birth Date:	Month	Date	Year
	Signature:					Date of Signature:	Month	Date	Year
	Maryland Residence Address:	Street Number	Street Name	Apt. No.	City or Town	Zip			

Individual Circulator's printed or typed name _____

Residence Address _____

City _____ State _____ Zip _____

Telephone (including area code) _____

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 Maryland. *(Sign and Date when signature collection is completed)*

Circulator's Signature

Date (mm/dd/yy)

Article II – General Powers

[Sections (1) through (71) remain unchanged and are thus omitted]

(72) Recall of Baltimore City Elected Officials.

(a) *Generally* - A public official elected under the Charter and Public Local Laws of Baltimore City, including specifically the Mayor, President of the City Council, member of the City Council, and Comptroller, is subject to a recall election to determine whether that official shall continue to serve in office. Such a recall election shall be held and determined by the legal, registered voters of Baltimore City according to the procedures set forth herein.

(b) *Petitions for Recall* - The registered voters of Baltimore City may compel a recall election of a Baltimore City elected official specified in Article II §72(a) by submitting a petition for recall to the Baltimore City Board of Elections that meets the following requirements:

(1) Petition Sponsor: A petition for recall may only be sponsored and submitted by persons eligible to vote for the office targeted by the recall election petition. Persons who are not Baltimore City residents are not eligible to sponsor or submit recall election petitions. Where a member of the Baltimore City Council is challenged by recall, only persons eligible to vote in that particular member's district may submit recall petitions.

(2) Number of Signatures: A valid petition for recall must include the signatures of registered Baltimore City voters in a number that equals or exceeds twenty percent (20%) of the total number of valid ballots cast in the most recent General Election for the elected office challenged by recall. Where a member of the City Council is challenged, the petition for recall must feature only signatures of persons eligible to vote in that particular member's district.

(3) Format of Valid Signatures: Each signature shall be accompanied by the date of signing, the printed full name of the signor and the signor's residential address as it is registered with the Maryland State Board of Elections. Signatures of individuals who are not registered as voters in Baltimore City or are not eligible to vote in Baltimore City will not count toward certification of the petition for recall.

(4) Multiple Signature Pages Allowed: The signatures on a petition for recall may be submitted in multiple signature pages. All signature pages composing a petition for recall shall be assembled and filed as one instrument. Each signature page of a petition for recall shall include the name of the elected official to be recalled and the name and mailing address of the petition's sponsor.

(5) One Elected Official Per Recall Petition: A maximum of one (1) Baltimore City elected official may be recalled per each petition for recall.

(6) Circulator's Affidavit: Each signature page of a petition for recall must include an affidavit to be signed and dated by the circulator attesting that the circulator has complied with all circulator requirements under applicable Maryland regulations. A signature page featuring an unsigned affidavit will not be counted towards certification of a petition for recall.

(c) *Justification for Recall* - Each signature page of a petition for recall shall state that the purpose of the petition is to recall the specified

Baltimore City elected official and shall specify the justification for recall, which may include one or more of the following reasons:

- (1) Failure to uphold the oath of the elected office;
- (2) Malfeasance;
- (3) Nonfeasance;
- (4) Incompetence;
- (5) Neglect or nonperformance of the prescribed duties of the elected office; or
- (6) Conduct that dishonors or disgraces the elected office.

Each of these justifications is presumed legitimate and a petition for recall that bears one or more of the justifications listed in this subsection may not be challenged based on vague or illegitimate justification.

(d) *Timing of Recall Petition* - A petition for recall of a Baltimore City elected official may be submitted at any time during the elected official's term in office except for (1) the first 90-day period after the commencement of the official's term or (2) within 180 days of the end of an official's current term.

(e) *Verification of Recall Petition* - Upon the submission of a petition for recall, the Baltimore City Board of Elections shall verify and count all validly submitted signatures on a petition for recall within twenty (20) days after submission.

(1) When the Board of Elections has completed its review of the petition for recall, the petition shall be affixed with a signed certificate affirming or denying the recall election based on signature criteria stated herein.

(2) If the certificate shows an inadequate number of valid signatures, the Board of Elections shall, within five (5) days, send a copy of the certificate denying the recall election to the petition's sponsor. A certificate denying the recall election shall be without prejudice to the filing of a subsequent petition provided that the signature pages supporting the denied petition for recall may not be used to support a subsequent renewed petition for recall.

(3) If the certificate shows an adequate number of valid signatures, the Board of Elections shall, within five (5) days, send copies of the petition for recall and a certificate affirming the recall election to the petition's sponsor and to the Baltimore City elected official to be recalled. If the Baltimore City elected official to be recalled does not resign within five (5) days thereafter, a recall election shall be held in accordance with Article II §72(f).

(4) If the Board of Elections fails to verify the petition for recall within fifteen (15) days after submission, the petition for recall is automatically affirmed and the Board must issue a certificate affirming the recall election according to this subsection.

(5) A copy of the certificate denying or affirming the recall election shall be publicized promptly via the website for the Baltimore City Board of Elections and shall continue to be published for at least thirty (30) days thereafter.

(f) *Recall Elections* - Upon the issuance of a certificate affirming a recall election, the Baltimore City Board of Elections shall designate a date to hold a recall election after not less than sixty (60) days and not more than ninety (90) days after the issuance of the certificate. The recall election shall be held according to the following terms:

- (1) The ballot for the recall election shall feature the following:
 - A. The question of whether the incumbent Baltimore City elected official shall be removed from office phrased as follows: "Shall [name of person against whom the petition for recall was filed] be recalled as [title of office] for Baltimore City?"

B. The names of all persons who have been nominated according to Article II §72(g) as successor candidates. The name of the Baltimore City elected official sought to be recalled shall not appear on the ballot as a successor candidate for such office.

(2) If a majority of valid ballots cast in the election are in favor of the recall, then the Baltimore City elected official sought to be recalled shall be removed from office. If less than a majority of valid ballots cast are in favor of the recall, or if the ballot count is otherwise inconclusive, the Baltimore City elected official sought to be recalled may remain in office, unless removed or impeached on other grounds, for the remainder of the official's current term, and may be eligible for re-election as permitted under the Baltimore City Charter.

(3) In the event that the recall election results in removal from office, the successor shall be the candidate receiving the highest number votes on the recall ballot. Successor candidates must be qualified to hold the vacated office in accordance with the Charter and Maryland Constitution. The successor shall hold office during the unexpired term of the predecessor, and may be eligible for re-election as permitted under the Charter.

(g) *Nomination of Successor Candidates* - Successor candidates may be nominated up to forty-five (45) days after the issuance of a certificate affirming a recall election. All validly nominated successor candidates will appear on the ballot for the recall election. Successor candidates may be validly nominated in the following ways:

(1) By Political Party - A maximum of one (1) successor candidate for recall election may be nominated by each established political party. To nominate a successor candidate via established political party, the Baltimore City central committee chair for each party must submit a signed certificate of candidacy bearing the successor candidate's signature and a statement of the party's intent to be represented by the successor candidate to the Baltimore City Board of Elections. The certificate of candidacy must be submitted within thirty (30) days after the recall election is affirmed. Failure to submit a certificate of candidacy within the deadline will waive the political party's right to nominate a successor candidate.

(2) By Separate Nominating Petition - A successor candidate for recall election that is either independent or not affiliated with an established political party may also seek nomination by separate nominating petition that (1) is signed by no less than 10% of the valid ballots cast for the recalled office in the most recent Baltimore City General Election, (2) otherwise meets the criteria specified in Article II §72(b), and (3) is submitted to the Board of Elections within thirty (30) days after a recall election is affirmed. The nominating petition must include a certificate of candidacy bearing the successor candidate's signature and statement of intent to seek the office targeted by the recall election. If a nominating petition meets the requirements above, that candidate's name shall be added to the recall ballot as a successor candidate.

(h) *Removal Via Recall Election* - The term of a Baltimore City elected official who is removed from office by recall election shall be effectively terminated on the day a successor is certified. No person who has been removed from an elected office by recall election, or has resigned while recall election proceedings were pending, shall be appointed or elected to any office under the Baltimore City Charter for four (4) years after their removal or resignation.