CHARTER AMENDMENTS - MARYLAND

Baltimore City Board of Elections v. Mayor and City Council of Baltimore

Supreme Court of Maryland - February 3, 2025 - A.3d - 2025 WL 366529

Mayor, city council, and director and deputy director of city's department of finance sued city's board of elections, its president, and its election director, seeking judicial review of board's certification, for general election ballot, of citizen-initiated "Baby Bonus Amendment" to city charter, to mitigate childhood poverty by requiring payments of at least $1,000 to all new parents residing in city, and also sought writ of mandamus to compel board to perform its statutory duties, and declaratory and injunctive relief.

Amendment's sponsor intervened as defendant. The Circuit Court granted summary judgment to mayor, city council, and city officials, denied board's and sponsor's motions to dismiss or for summary judgment, declared that proposed amendment was not proper charter material under state Constitution's Home Rule Amendment, and enjoined placement of proposed amendment on ballot. Board and sponsor noted a direct appeal to the Supreme Court. The Supreme Court issued an order affirming the Circuit Court.

In an opinion in support of its order, the Supreme Court held that:

- Proposed amendment did more than address the form or structure of government and was therefore not proper charter material under Home Rule Amendment, and
- Provision of proposed amendment, mandating payments of at least $1,000, was not severable.

Proposed citizen-initiated "Baby Bonus Amendment" to Baltimore City's charter, to mitigate childhood poverty by requiring payments of at least $1,000 to all new parents residing in city, did more than address the form or structure of government and was therefore not proper charter material under state Constitution's Home Rule Amendment; proposal was akin to a legislative enactment because it mandated the making of mandatory minimum payments to certain residents of city and encroached on city's discretion to address matters of public health and welfare, which were areas that Home Rule Amendment recognized as having been specifically reserved to the particular city under General Assembly's delegation of powers.

Portion of proposed citizen-initiated "Baby Bonus Amendment" to Baltimore City's charter that was not proper charter material under state Constitution's Home Rule Amendment because it was akin to a legislative enactment, i.e., mandatory payments of at least $1,000 to all new parents residing in city, was not severable, where proposal's dominant purposes was mitigating childhood poverty in city; proposal would have no practical effect without $1,000 mandatory minimum payments.

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