

IN THE SUPREME COURT OF MARYLAND

September Term, 2023

No. 34

SCM-REG-0034-2023

BALTIMORE CITY BOARD OF ELECTIONS *and*
MARYLAND CHILD ALLIANCE, *Appellants.*

v.

MAYOR AND CITY COUNCIL OF BALTIMORE, *et al.*, *Appellees.*

**APPEAL FROM THE CIRCUIT COURT FOR
BALTIMORE CITY
THE HONORABLE JOHN S. NUGENT**

RECORD EXTRACT

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Table of Contents

Case Summary/Docket Entries	E. 1
Notice of Appeal	E. 4
City Board's Notice of Appeal.....	E.6
Memorandum and Opinion	E.8
Order granting Motion for Summary Judgment and Denying Motion to Dismiss	E. 25
Complaint.....	E. 26
Maryland Child Alliance Motion to Intervene.....	E. 39
Exhibit 1 to Maryland Child Alliance Motion to Intervene.....	E. 48
Exhibit 2 to Maryland Child Alliance Motion to Intervene	E. 49
Exhibit 3 to Maryland Child Alliance Motion to Intervene.....	E. 57
Order Granting Motion to Intervene	E. 59
Affidavit of Nathan Golden	E. 61
Exhibit to Affidavit	E. 63
Exhibit 1 - City Board's Motion to Dismiss or Motion for Summary Judgment	E. 71
Exhibit 2 - City Board's Motion to Dismiss or Motion for Summary Judgment	E. 75
Exhibit 3 - City Board's Motion to Dismiss or Motion for Summary Judgment	E. 78
Exhibit 4 - City Board's Motion to Dismiss or Motion for Summary Judgment	E. 80
Exhibit 1 to City's Motion for Summary Judgment.....	E. 89
Exhibit 2 to City's Motion for Summary Judgment.....	E. 91
Exhibit 3 to City's Motion for Summary Judgment.....	E. 93
Exhibit 1 to Maryland Child Alliance Opposition to Motion for Summary Judgment	E. 94
Appendix A to Maryland Child Alliance Opposition to Motion for Summary Judgment.....	E. 96
Appendix B to Maryland Child Alliance Opposition to Motion for Summary Judgment.....	E. 98
Exhibit 1 to Plaintiffs' Opp to Maryland Child Alliance Motion to Dismiss	E. 141
Exhibit 1 to Plaintiffs' Opp to Board Motion for Summary Judgment.....	E. 143
Exhibit 2 to Plaintiffs' Opp to Board Motion for Summary Judgment.....	E. 145
Exhibit 3 to Plaintiffs' Opp to Board Motion for Summary Judgment.....	E. 147
Exhibit A to Board Response to Plaintiffs' Motion for Summary Judgment	E. 148
Exhibit B to Board Response to Plaintiffs' Motion for Summary Judgment.....	E. 153



CIRCUIT COURT FOR BALTIMORE CITY

E-FILED; Baltimore City Circuit Court

DoctELM109024211 PM Court Session: 8/15/2024 2:13 PM

Envelope: 17633354

CASE SUMMARY

CASE NO. C-24-CV-24-001320

CASE ASSIGNMENT

Mayor and City Council of Baltimore, et al. vs. Baltimore City Board of Elections, et al.

Case Type: **Declaratory Judgment**Case Status: **Closed**Case Financial Balance: **\$226.00**

Court Address:

Judicial Officer:

Assigned On: **07/11/2024**Filed On: **07/11/2024**

Domestic Phone: 410-333-3709/3738 Non-Domestic: 410-333-3722

Related Cases

SCM-REG-0034-2023

Case Appealed

Cross Reference Numbers

PARTY INFORMATION

		Attorneys		
Plaintiff	Cenname, Robert	VanDeWalle, Derek, Michael	Retained	07/11/2024
	Mayor and City Council of Baltimore	VanDeWalle, Derek, Michael	Retained	07/11/2024
		WEBB, THOMAS, PATRICK GEORGE	Retained	07/11/2024
Defendant	Mocksten, Michael	VanDeWalle, Derek, Michael	Retained	07/11/2024
	Baltimore City Board of Elections	Chapman, Thomas, S.	Retained	07/30/2024
		Chapman, Thomas, S.	Retained	08/02/2024
	Barnes, Scherod, C.	Chapman, Thomas, S.	Retained	07/30/2024
		Chapman, Thomas, S.	Retained	08/02/2024
	DeMarinis, Jared			
	Jones, Armstead, B.C., Sr.	Chapman, Thomas, S.	Retained	07/30/2024
		Chapman, Thomas, S.	Retained	08/02/2024
Intervenor - Defendant	State Board of Elections			
	Summers, Michael, G.			
	Maryland Child Alliance, Inc.	STICHEL, HENRY, MARK	Retained	07/12/2024

HEARINGS

07/18/2024	9:00AM	Conference - Status	Concluded / Held
08/06/2024	9:00AM	Hearing	CancelReason: Cancelled/Vacated
08/07/2024	9:00AM	Hearing	Concluded / Held
09/04/2024	10:00AM	Hearing - Motion	CancelReason: Cancelled/Vacated

EVENTS

07/11/2024	Case Information Report Filed
07/11/2024	Request to Issue
07/11/2024	Complaint / Petition
	Filed by Plaintiff Mayor and City Council of Baltimore; Plaintiff Mocksten, Michael; Plaintiff Cenname, Robert Against Defendant Baltimore City Board of Elections; Defendant Jones, Armstead B.C., Sr.; Defendant Barnes, Scherod C.; Defendant State Board of Elections; Defendant DeMarinis, Jared; Defendant Summers, Michael G.
07/12/2024	Supporting Exhibit
07/12/2024	Supporting Exhibit
07/12/2024	Supporting Exhibit
07/12/2024	Motion - Intervene
07/12/2024	Writ /Summons/Pleading - Electronic Service
07/12/2024	Writ /Summons/Pleading - Electronic Service
07/12/2024	Writ /Summons/Pleading - Electronic Service
07/12/2024	Writ /Summons/Pleading - Electronic Service



CIRCUIT COURT FOR BALTIMORE CITY COUNTY
CASE SUMMARY
CASE No. C-24-CV-24-001320

07/12/2024	Writ /Summons/Pleading - Electronic Service
07/12/2024	Writ /Summons/Pleading - Electronic Service
07/12/2024	Summons Issued (Service Event)
	Requested by Attorney WEBB, THOMAS PATRICK GEORGE; Attorney VanDeWalle, Derek Michael; Attorney VanDeWalle, Derek Michael; Attorney VanDeWalle, Derek Michael; Plaintiff Mayor and City Council of Baltimore; Plaintiff Mocksten, Michael; Plaintiff Cennane, Robert
	Service for Defendant Baltimore City Board of Elections; Defendant Jones, Armstead B.C., Sr.; Defendant Barnes, Scherod C.; Defendant State Board of Elections; Defendant DeMarinis, Jared; Defendant Summers, Michael G.
07/15/2024	Motion to Expedite
07/18/2024	Hearing Summary
07/18/2024	Hearing Sheet
07/23/2024	Affidavit
07/23/2024	Affidavit
07/23/2024	Supporting Exhibit
07/23/2024	Supporting Exhibit
07/23/2024	Supporting Exhibit
07/23/2024	Supporting Exhibit
07/23/2024	Supporting Exhibit
07/23/2024	Supporting Exhibit
07/23/2024	Supporting Exhibit
07/23/2024	Memorandum
07/23/2024	Memorandum
07/23/2024	Memorandum
07/23/2024	Memorandum
07/23/2024	Motion / Request - To Dismiss
	Filed by Defendant Baltimore City Board of Elections; Defendant Jones, Armstead B.C., Sr.
07/23/2024	Motion for Summary Judgment
07/23/2024	Motion for Summary Judgment
	Filed by Attorney WEBB, THOMAS PATRICK GEORGE; Plaintiff Mayor and City Council of Baltimore
07/23/2024	Motion
	Filed by Attorney STICHEL, HENRY MARK; Intervenor - Defendant Maryland Child Alliance, Inc.
07/23/2024	Request for Hearing/Trial
07/23/2024	Request for Hearing/Trial
07/23/2024	Request for Hearing/Trial
07/23/2024	Supporting Document
07/30/2024	Supporting Exhibit
07/30/2024	Supporting Exhibit
07/30/2024	Supporting Exhibit
07/30/2024	Supporting Exhibit
07/30/2024	Supporting Exhibit
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07/30/2024	Supporting Exhibit
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07/30/2024	Supporting Exhibit
07/30/2024	Supporting Exhibit



CIRCUIT COURT FOR BALTIMORE CITY COUNTY
CASE SUMMARY
CASE No. C-24-CV-24-001320

07/30/2024	Opposition Filed by: Intervenor - Defendant Maryland Child Alliance, Inc.
07/30/2024	Opposition Filed by: Defendant Baltimore City Board of Elections; Defendant Jones, Armstead B.C., Sr.; Defendant Barnes, Scherod C.
07/30/2024	Response/Reply
07/30/2024	Response/Reply
07/30/2024	Response/Reply Filed By Plaintiff Mayor and City Council of Baltimore; Plaintiff Mocksten, Michael; Plaintiff Cennane, Robert
07/30/2024	Response/Reply
07/30/2024	Supporting Document
07/30/2024	Supporting Document
08/01/2024	Copies Mailed Notices to Attorney WEBB, THOMAS PATRICK GEORGE; Attorney STICHEL, HENRY MARK; Defendant Baltimore City Board of Elections; Defendant Jones, Armstead B.C., Sr.; Defendant Barnes, Scherod C.; Attorney VanDeWalle, Derek Michael; Attorney VanDeWalle, Derek Michael; Attorney VanDeWalle, Derek Michael; Defendant State Board of Elections; Defendant DeMarinis, Jared; Defendant Summers, Michael G.
08/01/2024	Set for Trial / Hearing
08/01/2024	Writ /Summons/Pleading - Electronic Service
08/01/2024	Order - Motion/Request/Petition Granted Notices To: Plaintiff Mayor and City Council of Baltimore; Defendant Baltimore City Board of Elections; Plaintiff Mocksten, Michael; Plaintiff Cennane, Robert; Defendant Jones, Armstead B.C., Sr.; Defendant Barnes, Scherod C.; Defendant State Board of Elections; Defendant DeMarinis, Jared; Defendant Summers, Michael G.; Intervenor - Defendant Maryland Child Alliance, Inc.
08/02/2024	Reply to Opposition
08/02/2024	Reply to Opposition
08/02/2024	Reply to Opposition
08/02/2024	Reply to Opposition
08/07/2024	Hearing Summary
08/07/2024	Hearing Sheet
08/09/2024	Memorandum Opinion and Order
08/09/2024	Order
08/09/2024	Writ /Summons/Pleading - Electronic Service Sent to: Plaintiff Mayor and City Council of Baltimore; Defendant Baltimore City Board of Elections; Plaintiff Mocksten, Michael; Plaintiff Cennane, Robert; Defendant Jones, Armstead B.C., Sr.; Defendant Barnes, Scherod C.; Defendant State Board of Elections; Defendant DeMarinis, Jared; Defendant Summers, Michael G.; Intervenor - Defendant Maryland Child Alliance, Inc.
08/12/2024	Notice of Appeal to ACM - State Agency Party Attorney Chapman, Thomas S.; Attorney Chapman, Thomas S.; Attorney Chapman, Thomas S.; Attorney Chapman, Thomas S.; Attorney Chapman, Thomas S.
08/12/2024	Civil Information Report - Appeal to ACM
08/12/2024	Civil Information Report - Appeal to ACM
08/12/2024	Notice of Appeal to ACM Filed by Attorney STICHEL, HENRY MARK
08/13/2024	Order Received from Supreme Court of Maryland
08/15/2024	Certificate
08/15/2024	Original Record Sent

IN THE CIRCUIT COURT
FOR BALTIMORE CITY

MAYOR AND CITY COUNCIL
OF BALTIMORE, *et al.*,

Plaintiffs,

v.

BALTIMORE CITY BOARD OF
ELECTIONS, *et al.*,

Defendants.

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Case No. C-24-CV-24-001320

* * * * *

NOTICE OF APPEAL

Defendant Maryland Child Alliance, Inc., by counsel, H. Mark Stichel, hereby gives notice of its appeal to the Supreme Court of Maryland pursuant to Md. Code, Elec. Law, § 6-209(a)(3)(ii) of the judgment entered by the Court in the above referenced case on August 9, 2024.

/s/ H. Mark Stichel

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Attorney for Defendant Maryland
Child Alliance, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of August, 2024, copies of the foregoing Notice of Appeal was served on all counsel of record through the Court's MDEC system.

/s/ H. Mark Stichel
H. Mark Stichel

IN THE CIRCUIT COURT FOR BALTIMORE CITY

MAYOR AND CITY COUNCIL OF
BALTIMORE, et al.,

Plaintiffs,

v.

BALTIMORE CITY BOARD OF
ELECTIONS, et al.,

Defendants.

Case No. C-24-CV-24-001320

* * * * *

NOTICE OF APPEAL TO THE SUPREME COURT OF MARYLAND

Defendants the Baltimore City Board of Elections, Armstead B.C. Jones, Sr., and Scherod C. Barnes (collectively, the “City Board”) note an appeal to the Supreme Court of Maryland from the final judgment of the Circuit Court in the above-captioned action, pursuant to Md. Code Ann., Elec. Law § 6-209(a)(3)(ii) and § 6-210(e)(3)(i)(2). A Civil Appeal Information Report accompanies this notice.

August 12, 2024

Respectfully submitted,

ANTHONY G. BROWN
Attorney General of Maryland

/s/ Thomas S. Chapman
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Attorneys for the City Board

Certificate of Service

I certify that on August 12, 2024, a copy of this Notice of Appeal was served on all counsel of record via the MDEC system.

/s/ Thomas S. Chapman
Thomas S. Chapman

MAYOR AND CITY COUNCIL OF
BALTIMORE, *et al.*,

Plaintiffs,

v.

BALTIMORE CITY BOARD OF
ELECTIONS, *et al.*,

Defendants.

IN THE

CIRCUIT COURT

FOR

BALTIMORE CITY

Case No. C-24-CV-24-001320

MEMORANDUM OPINION AND ORDER

The Maryland Child Alliance gathered the required 10,000 signatures to generate a ballot question to voters seeking to amend the Baltimore City Charter to require a \$1,000 payment to all new parents in Baltimore City. The measure is referred to as the baby bonus amendment and provides for a one-time payment of at least \$1,000 to eligible Baltimore City residents upon the birth or adoption of a child. The Election Director of the Baltimore City Board of Elections Armstead B.C. Jones, Sr. (the “Election Director” or “Director Jones”) certified the question finding that the proposed amendment was constitutional and not otherwise prohibited by law.

Plaintiffs the Mayor and City Council of Baltimore (the “City”), Michael Mocksten, Director of the City’s Department of Finance (“DOF”), and Robert Cennane, Deputy Director of DOF, brought this suit claiming that the proposed amendment violates Article XI-A, § 3 of the Maryland Constitution. Since the baby bonus amendment supplants the legislative authority of the City and does not implicate the form or structure of Baltimore City government, the Court finds that the proposed baby bonus amendment is unconstitutional.

Factual and Procedural Background

The undisputed facts from the record reveal that on February 13, 2023, the Maryland Child Alliance submitted a request to the Baltimore City Board of Elections (the “City Board”) for an advanced determination of a petition for a charter amendment to be included in the November 2024 General Election. (Goldman Aff. ¶ 4.) The proposed charter amendment adds Section 20 to Title I of the Baltimore City Charter to create the “Baltimore Baby Bonus Fund.” (Goldman Aff. ¶ 6, Ex. 2.) The crux of the proposal requires a one-time payment of at least \$1,000 to the birthing parent of a child, upon the birth of the child. The full text of the proposed amendment provides as follows:

Article I – General Provisions

§ 20. Baltimore Baby Bonus Fund.

a. Fund established; provision of payments.

1. There is a continuing, nonlapsing Baltimore Baby Bonus Fund, to be used exclusively for the provision of Baby Bonus Payments to residents of Baltimore City.

2. A Baby Bonus Payment is a one-time payment to the birthing parent of a child, upon the birth of a child, unless the conditions in subparagraph (3) or (4) are satisfied.

3. By Ordinance, or by proper delegation of regulatory authority, the Mayor and City Council may set forth conditions in which the guardian of a child other than the birthing parent may receive the Baby Bonus Payment instead of the birthing parent.

4. By Ordinance, or by proper delegation of regulatory authority, the Mayor and City Council may set forth conditions in which an adopting parent or parent(s) may receive a single Baby Bonus Payment upon the adoption of a child.

5. A Baby Bonus Payment shall be at least \$1,000.

6. A timely Baby Bonus Payment shall be made to all Baltimore City residents who meet the conditions set forth in subparagraphs (2), (3), or (4).

7. The Fund shall be administered in accordance with the following standards:

1. to the maximum extent feasible, payments should be made within a reasonable time frame to ensure that parents can use the funds to assist with the costs of raising a newborn child;

2. to the maximum extent feasible surplus monies should be used to the purposes set forth in paragraph (a) subparagraph (1).

3. By Ordinance, or by proper delegation of regulatory authority, the Mayor and City Council shall determine the annual Baby Bonus Payment amount using all relevant data, including, but not limited to: surplus monies in the fund, historical birth rates, estimated future property values, etc.

b. *Revenue Source.*

The Baltimore Baby Bonus Fund shall comprise:

1. A mandatory annual appropriation in the Ordinance of Estimates of an amount equal to at least \$0.03 on every \$100 of assessed or assessable value of all property in the City of Baltimore (except property exempt by law);
and

2. Grants and donations made to the Fund.

c. *Continuing Nature of the Fund.*

Notwithstanding any other provision of this Charter, unspent portions of the Baltimore Baby Bonus Fund:

1. remain in the Fund, to be used exclusively for its specified purposes;

2. do not revert to the general revenues of the City; and

3. their appropriations do not lapse.

d. *Implementation.*

By Ordinance, the Mayor and City Council shall provide for the oversight, governance, and administration of the Baltimore Baby Bonus Fund, including:

1. methods and criteria for evaluating parental eligibility;
2. methods and criteria for determining the logistical distribution of the Fund; and
3. the establishment of any other legislative or administrative rules, regulations, or standards, consistent with this section, governing the Fund, its operations, and programs and services funded by it.

(Goldman Aff., Ex. 2.)

By letter dated March 1, 2023, Director Jones wrote to Nate Golden of the Maryland Child Alliance to inform him that he had reviewed the materials submitted in support of the proposed amendment and approved the petition materials as to form only. (Goldman Aff. ¶ 5.) He advised Mr. Golden that he made no determination as to the legality of the proposed amendment. *Id.* He indicated that he would review the legality of the petition in consultation with counsel to the City Board once the petition and required signatures were submitted. *Id.*

The Maryland Child Alliance submitted signatures on a rolling basis that were reviewed by the City Board's staff. (Goldman Aff. ¶ 8.) Deputy Election Director Abigail Goldman submitted a report to Director Jones containing a count of the validated and verified signatures in support of the petition on July 1, 2024. (Goldman Aff. ¶ 9.)

After receiving the report of validated and verified signatures, Director Jones sent a second letter to Mr. Golden on July 1, 2024, regarding certification of the petition. (Goldman Aff., Ex. 4.) The letter stated that the petition contained at least 10,000 valid signatures of Baltimore City registered voters and met all other requirements for placement of the question on the November 2024 General Election ballot. *Id.* Director Jones certified the question for placement on the ballot and forwarded it to the City Solicitor for preparation of the ballot language. *Id.*

Plaintiffs filed a complaint against Defendants the City Board, Director Jones, Scherod C. Barnes, President of the City Board, the State Board of Elections, Jared DeMarinis, Administrator of Elections for the State Board, and Michael G. Summers, Chairman of the State Board in this Court on July 11, 2024. The complaint contains four counts. Count I seeks judicial review of Director Jones's decision pursuant to Election Law §§ 6-209 and 6-210. Count II requests a writ of mandamus pursuant to Md. Rule 15-701 compelling Defendants to perform their statutory duties under the Election Law Article. Count III is a declaratory judgment pursuant to Md. Code Ann., Cts. & Jud. Proc. §§ 3-401 to 3-415 and Md. Code Ann., Election Law § 6-209(b) asking the Court to declare the baby bonus amendment unconstitutional. Count IV seeks injunctive relief to keep the baby bonus amendment off the ballot. By Order dated July 18, 2024, the Court granted the Maryland Child Alliance's motion to intervene as a Defendant.

Defendants City Board, Director Jones, and Scherod C. Barnes moved to dismiss Plaintiffs' complaint or alternatively for summary judgment. Plaintiffs filed

a motion for summary judgment. The Maryland Child Alliance moved to dismiss Plaintiffs' complaint asserting that Plaintiffs were not "aggrieved" parties under the Election Law Article and filed a conditional cross-motion for summary judgment. Aside from the standing issue, the parties agree that the sole issue before the Court is a question of law – whether the baby bonus amendment violates Article XI-A § 3 of the Maryland Constitution. Since the Court concludes that Plaintiffs have standing and there are no genuine disputes of material fact, the matter will be resolved on summary judgment.

Standard of Review

Summary judgment is appropriate when there is no genuine dispute as to any material fact and the moving party is entitled to judgment as a matter of law. Md. Rule 2-501. The Court must review "the record in the light most favorable to the non-moving party and construe any reasonable inferences that may be drawn from the facts against the moving party." *CX Reinsurance Company Limited v. Johnson*, 481 Md. 472, 484 (2022) (quoting *Rossello v. Zurich Am. Ins. Co.*, 468 Md. 92, 103 (2020)).

Discussion

Standing

Preliminarily, the Maryland Child Alliance challenges Plaintiffs' standing to bring this action. The Maryland Child Alliance argues that the City is not a person "aggrieved" by a determination made under the relevant provisions of the Election Law Article. (Md. Child Alliance Mem. in Support of MTD at 7.) It further argues that the City lacks the power to challenge the certification decision of the State. *Id.*

Election Law § 6-209 governs judicial review of an Election Director’s decision.

It provides in relevant part:

A person aggrieved by a determination made under § 6-202, § 6-206, or § 6-208(a)(2) of this subtitle may seek judicial review[.]

Election Law § 6-209(a)(1). The same meaning of the term “aggrieved” used in judicial review of administrative agency decisions applies to the Election Law Article. *Doe v. Montgomery County Bd. of Elections*, 406 Md. 697, 716 (2008). In order to be “aggrieved”, a party “ordinarily must have an interest ‘such that he is personally and specifically affected in a way different from ... the public generally.’ ” *Sugarloaf Citizens' Association v. Department of Environment*, 344 Md. 271, 288 (1996) (quoting *Med. Waste Assocs., Inc. v. Md. Waste Coal., Inc.*, 327 Md. 596, 611 (1992)).

In its complaint, the City alleges that the Election Director’s decision will require it “to draft unconstitutional ballot language for the Baby Bonus Fund Amendment.” (Pls’ Compl. ¶ 37.) It further alleges that it will be required to expend public funds to place the proposed baby bonus amendment on the ballot resulting in “increased taxes or other pecuniary loss” including the wrongful expenses required for publication and printing of the ballots. (Pls’ Compl. ¶ 39.) Since the Election Director’s decision places the City in the position of having to draft ballot language and expend funds supporting a proposed amendment that the City alleges is unconstitutional, the City has sufficiently established that it is “aggrieved” within the meaning of Election Law § 6-209.

The conclusion that the City has standing to challenge the constitutionality of a proposed charter amendment finds support in Maryland case law. *See Atkinson v.*

Anne Arundel County, 428 Md. 723, 727 (2012) (declaratory judgment action by Anne Arundel County alleging proposed charter amendment unconstitutional); *Board of Supervisors of Elections of Anne Arundel County v. Smallwood*, 327 Md. 220, 224-26, (1992) (suits brought by Anne Arundel County and Baltimore County challenging the constitutionality of proposed charter amendments). While *Atkinson* was a counterclaim filed by Anne Arundel County and individual plaintiffs joined in the two suits at issue in *Smallwood*, it does not change the fact that the counties had specifically affected interests in challenging the constitutionality of the proposed amendments to their own charters. For these reasons, the Court concludes that the City is a person “aggrieved” within the meaning of Election Law § 6-209 and has standing to challenge the certification of an amendment to its own Charter.¹

The Maryland Child Alliance next relies on *State’s Atty. v. City of Baltimore*, 274 Md. 597 (1975) for the proposition that the City “as a creature of the State, possesses no power which it may invoke against the State, even on constitutional grounds.” *State’s Atty.*, 274 Md. at 602 (quoting *City of Baltimore v. Concord*, 257 Md. 132, 139 (1970)). In *State’s Atty.*, however, the Supreme Court of Maryland concluded that the Commissioner of Housing and Community Development as an intervening plaintiff had standing to challenge the constitutionality of the statute. *State’s Atty.*,

¹ The Maryland Child Alliance further argues that the City is not a “person” under Election Law § 6-209. The General Assembly’s intention to include political subdivisions such as the City in the definition of “person” in Election Law § 6-209 is manifest. See *State Comm’n on Human Relations v. Mayor & City Council of Balt.*, 280 Md. 35, 38–39 (1977) (City of Baltimore may be included in statutory definition of “person” when intention is manifest). Any contrary interpretation would prohibit a political subdivision from seeking judicial review of the constitutionality of an amendment to its own charter.

274 Md. at 602. Since the Commissioner had standing, the Court never reached the issue of whether the City had standing to challenge the statute.

Even if the City does not have standing here, Plaintiffs Mocksten and Cenname have standing to bring a declaratory judgment as public officials under the dilemma doctrine. *See State's Atty.*, 274 Md. 602 (“a public official, faced with a dilemma ‘either in refusing to act under a statute he believes to be unconstitutional, or in carrying it out and subsequently finding it to be unconstitutional,’ has standing to bring a declaratory judgment action to challenge the validity of the statute”). Plaintiffs Mockseten and Cenname allege that they are the public officials who will be charged with administering the fund under the language of the proposed baby bonus amendment. (Pls.’ Compl. ¶ 41.) Specifically, they allege that they will be faced with the dilemma of refusing to act under the unconstitutional baby bonus amendment or acting and subsequently finding that the baby bonus amendment is unconstitutional. *Id.* Given that Plaintiffs Mocksten and Cenname have standing, the Court did not even have to reach the issue of standing as to the City. *See State's Atty.*, 274 Md. at 602 (where one plaintiff has standing, the court need not consider standing of other plaintiffs). Having concluded that Plaintiffs have standing to bring this action, the Court turns to the merits.

The Baby Bonus Amendment and Article XI-A

The right of the qualified voters of Baltimore City to petition to amend the Baltimore City Charter through a ballot question is established in the Maryland Constitution. Md. Const., Art XI-A, § 5. Upon obtaining the signatures sufficient to

complete a petition, the proposed amendment to the charter “shall be submitted to the voters of the City . . . at the next general or congressional election occurring after . . . the filing of the petition.” *Id.* If adopted by a majority vote, the proposed amendment becomes part of the City Charter. *Id.*

The Election Law Article details the content of a petition to amend the charter and the process for counting and validating the necessary signatures required for filing the petition. Md. Code Ann., Election Law §§ 6-201, 6-203. The chief election official must review the petition promptly upon its filing. Election Law § 6-206(a). Among other determinations, the chief election official based on the advice of the legal authority must determine whether “the petition seeks: 1. the enactment of a law that would be unconstitutional . . . or 2. a result that is otherwise prohibited by law[.]” Election Law § 6-206(c)(5). Upon a determination that a petition “has satisfied all requirements established by law relating to that petition” the chief election official shall certify that the question has qualified to be on the ballot. Election Law § 6-208(c). As set forth above, any party aggrieved by the chief election official’s decision may seek judicial review. Election Law § 6-209.

Supreme Court of Maryland Precedent

The City seeks judicial review in this case arguing that the proposed baby bonus amendment contravenes Article XI-A, § 3 of the Maryland Constitution, which provides that “every charter so formed shall provide for an elective legislative body in which shall be vested the law-making power of said City or County.” The Supreme Court of Maryland has provided guidance on the principles to be used in determining

whether a proposed charter amendment like the one at issue here violates Article XI-A, § 3. *Cheeks v. Cedlair Corp.*, 287 Md. 595 (1980). In *Cheeks*, the Supreme Court of Maryland reviewed a proposed amendment to the City Charter initiated by citizens to create a Tenant-Landlord Commission with detailed powers and duties over a rental control system for the City’s residential housing market. *Cheeks*, 287 Md. at 602. A lawsuit was brought by opponents of the proposed amendment seeking an injunction to keep it off the ballot and a declaration that the proposal violated Article XI-A, § 3. *Cheeks*, 287 Md. at 602-03.

In concluding that the proposed amendment in *Cheeks* violated Article XI-A § 3, the Court reasoned that the proposed amendment usurped the police powers of the City. *Cheeks*, 287 Md. at 608. The Court explained that the proposed amendment was “essentially legislative in character” and not addressed to the “form or structure of government in any fundamental sense[.]” *Cheeks*, 287 Md. at 608. Since the proposed amendment created a Tenant-Landlord Commission made up of non-elected members with extensive legislative authority over rental rates, it concluded that the proposed amendment was “a direct exercise by the voters of the City’s police power by charter initiative[.]” *Cheeks*, 287 Md. at 609.

The Supreme Court of Maryland in *Cheeks* endorsed the term “charter material” to refer to whether a proposed amendment falls within the charter initiative power granted by Art. I-A, § 5 of the Maryland Constitution. The guidance gleaned from *Cheeks* is that the proposed amendment must be directed to the form

and structure of government and not infringe upon the City’s police or general welfare powers. *Cheeks*, 287 Md. at 610.

In *Save Our Streets v. Mitchell*, 357 Md. 237 (2000), the Supreme Court of Maryland established the control test to determine whether a charter amendment unconstitutionally infringes on the legislative power of an elective legislative body. *Save Our Streets* concerned proposed amendments to county charters in Montgomery and Harford counties. The Montgomery County Charter amendment prohibited the county from using county funds for the installation and maintenance of speed bumps and required removal of previously installed speed bumps within one year. *Save Our Streets*, 357 Md. at 241. The Harford County Charter amendment established adequacy standards for the use or development of public and/or private property and placed a one-year moratorium on the County’s approval of any development proposal. *Save Our Streets*, 357 Md. at 243. In finding the proposed amendments ran afoul of Article XI-A, § 3, the Court stated that the relevant test is “the degree to which the county council retains discretion and control regarding an area under its authority pursuant to Article XI–A of the Maryland Constitution[.]” *Save Our Streets*, 357 Md. at 253.

Most recently, the Supreme Court of Maryland reviewed *Cheeks* and its subsequent line of authority in concluding that a proposed amendment to the Anne Arundel County Charter requiring county council to engage in mandatory arbitration with law enforcement employees and uniformed firefighters was constitutional. *Atkinson v. Anne Arundel County*, 428 Md. 723 (2012). In *Atkinson*, Anne Arundel

County voters approved an amendment to the County Charter in 2002, concerning binding arbitration of certain collective bargaining disputes. *Atkinson*, 428 Md. at 726. County council adopted an ordinance implementing the measure, which was later amended to state that county council was not required “to appropriate funds or enact legislation” supporting a final arbitration award. *Atkinson*, 428 Md. at 727. A group of employees sued the County and the County counterclaimed seeking a declaratory judgment that the 2002 Charter amendment was unconstitutional. *Id.*

The Supreme Court of Maryland decided that the 2002 Charter amendment did not violate the Maryland Constitution. *Atkinson*, 428 Md. at 750. It stated that binding arbitration with county employees was a policy decision made by county voters. *Atkinson*, 428 Md. at 749-50. Since the discretion on implementing the binding arbitration was left to the county council, the Court concluded that 2002 Charter amendment did not unconstitutionally infringe on the county council’s legislative discretion. *Atkinson*, 428 Md. at 750.

Application of Supreme Court Precedent to the Baby Bonus Amendment

Applying Supreme Court of Maryland precedent here, the Court concludes that the proposed baby bonus amendment violates Article XI-A, § 3. The proposal removes all meaningful discretion from the City. It is important to underscore that the Supreme Court of Maryland stated that the relevant consideration is whether the proposed charter amendment removes the “*meaningful* exercise of discretion” from the elective legislative body. *Save Our Streets*, 357 Md. at 253 (emphasis added). In other words, it is not enough for the proposed charter amendment to preserve some

inconsequential discretion to the elective legislative body. That is exactly the situation here. The proposed baby bonus amendment takes away any meaningful discretion from the City to such a degree as to remove control over an area within its legislative purview. As the City points out, while the proposal provides discretion to the City in the implementation provisions, this discretion is rendered meaningless as the proposal defines who is eligible to receive the bonus, the exact minimum amount of the bonus, and how it will be financed. (Goldman Aff., Ex. 2 at Art. I, § 20 a.2., a.5., and b.1.) While some minimal discretion is left for the City regarding eligibility, it is difficult to imagine what additional significant parental eligibility restrictions the City would adopt under the language of the proposed baby bonus amendment.

Similar to the proposed charter amendment in *Cheeks*, the baby bonus amendment also is not addressed to the form or structure of government. In fact, the baby bonus amendment is less directed to the form and structure of government than the proposal found violative of Article XI-A § 3 in *Cheeks*. This is because the proposal in *Cheeks* sought to create a Tenant-Landlord Commission. *Cheeks*, 287 Md. at 602. The proposed baby bonus amendment is devoid of any provisions directed to the configuration of Baltimore City government. While the baby bonus amendment creates the baby bonus fund and gives the City discretion to implement it by ordinance, it does not differ in any material respect from “a simple legislative enactment” prohibited by Art XI-A, § 3. *See Cheeks*, 287 Md. at 607 (explaining the difference in the fundamental character of a charter amendment).

Finally, the proposed baby bonus amendment is far different from the policy decision made by voters to add binding arbitration to the county “constitution” in *Atkinson*. The voters here are not being asked to make a decision regarding “the method or system for making governmental decisions.” *Atkinson*, 428 Md. at 749 (quoting *Annapolis v. Anne Arundel County*, 347 Md. 1, 15 (1997)). While the Supreme Court of Maryland has recognized that mandatory appropriations may be appropriate charter material, what was critical to the Court’s decision in *Atkinson* was the fact that county council’s role in the budgetary process was being transferred to a neutral arbitrator, which affected the form and structure of government. *Atkinson*, 428 Md. at 748. The proposed baby bonus amendment here goes well beyond a mandatory appropriation crossing the line into legislative material prohibited by Art. XI-A, § 3.

The City Board argues that the proposed baby bonus amendment is closer to the proposal found constitutional in *Atkinson*. (City Board Mem. at 9.) As explained by the Supreme Court of Maryland, however, the proposed charter amendment concerning binding arbitration in *Atkinson* left “all of the detail of implementation” to the county council. *Atkinson*, 428 Md. at 750. This included “possible mediation, each step in the selection of the neutral arbitrator, timing, the powers of the arbitrator, receipt of final offers of each party, ten factors to be considered by the arbitrator after receiving evidence, the final, binding award, possible revision thereof by agreement, post-hearing motion or court action, and implementation of the award as part of the budget process.” *Id.* The proposed baby bonus amendment stands in

stark contrast to the discretion given to the county council in *Atkinson* as it removes all meaningful discretion from the City by mandating all the most critical elements: a payment to a specific group of individuals, the minimum amount of the payment, and how the payments will be financed.

The proposed baby bonus amendment also differs significantly from Article I, § 13 of the Baltimore City Charter, which establishes the Children and Youth Fund. Art. I, § 13 sets forth broad parameters “for purposes of establishing new and augmenting existing programs for and services to the children and youth of this City.” It leaves discretion to the City to administer the programs and services in accordance with defined standards. It does not establish a specific payment to residents, the amount of the payment, and define who is eligible to receive such a payment. Since it leaves meaningful discretion to the City, it is far closer to an example of the type of mandatory appropriation endorsed by the Supreme Court of Maryland as charter material.

Conclusion

The Supreme Court of Maryland and the Maryland Constitution make clear that certain powers are left to the discretion of the elective legislative body. This is especially true with respect to the City’s police and general welfare powers. *Cheeks*, 287 Md. at 608. While reducing childhood poverty is an undoubtedly worthy initiative, the proposed baby amendment unlawfully infringes upon the legislative authority of the City. For these reasons, the Court finds the proposed baby bonus

amendment violative of Art. XI-A, § 3 and enjoins Defendants from placing it on the November 2024 General Election ballot.

A separate order follows.

08/09/2024 11:48:40 AM

DATE



JOHN S. NUGENT, JUDGE
Circuit Court for Baltimore City

MAYOR AND CITY COUNCIL OF
BALTIMORE, *et al.*,

Plaintiffs,

v.

BALTIMORE CITY BOARD OF
ELECTIONS, *et al.*,

Defendants.

IN THE

CIRCUIT COURT

FOR

BALTIMORE CITY

Case No. C-24-CV-24-001320

ORDER

For the reasons set forth in the foregoing Memorandum Opinion, it is this 9th day of August, 2024, hereby

ORDERED that Plaintiffs' Motion for Summary Judgment is **GRANTED**; and it is further

ORDERED that Defendant City Board's Motion to Dismiss or Alternatively for Summary Judgement is **DENIED**; and it is further

ORDERED that Defendant Maryland Child Alliance's Motion to Dismiss and Conditional Cross-Motion for Summary Judgment are **DENIED**; and it is further

ORDERED that the Court finds and declares that the proposed baby bonus amendment violates Art. XI-A, § 3 of the Maryland Constitution; and it is further

ORDERED that Defendants are enjoined from placing the proposed baby bonus amendment on the November 2024 General Election ballot.

08/09/2024 11:49:04 AM



JOHN S. NUGENT, JUDGE
Circuit Court for Baltimore City

JARED DeMARINIS
151 West Street, Suite 200
Annapolis, MD 21401

*

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and

*

MICHAEL G. SUMMERS
151 West Street, Suite 200
Annapolis, MD 21401

*

*

Defendants.

*

* * * * *

COMPLAINT

The Mayor and City Council of Baltimore, Michael Mocksten, and Robert Cennane, through undersigned counsel, bring the following action for Judicial Review, Mandamus, Declaratory Judgment, and Injunctive Relief against the Baltimore City Board of Elections; Armstead B.C. Jones, Sr., in his official capacity as Election Director of the Baltimore City Board of Elections; Scherod C. Barnes, in his official capacity as President of the Baltimore City Board of Elections; the State Board of Elections; Jared DeMarinis, in his official capacity as State Administrator of Elections of the State Board of Elections; and Michael G. Summers, in his official capacity as Chairman of the State Board of Elections, and allege as follows:

PARTIES

1. The Mayor and City Council of Baltimore (the “City”) is a municipal corporation created by the Baltimore City Charter and is an entity that may sue or be sued under the laws of Maryland.

2. Pursuant to the Maryland Uniform Declaratory Judgments Act, the City is a necessary party and entitled to be heard in this matter because it concerns the validity and legality of a proposed amendment to the Baltimore City Charter.

3. Michael Mocksten is a resident of, a registered voter in, and a taxpayer in Baltimore City. Mr. Mocksten serves as the Director of the Baltimore City Department of Finance (“DOF”). As head of DOF, Mr. Mocksten supervises and directs the Department, and his duties include recommending an operating budget for the City, including estimates for appropriations; establishing an expenditure schedule for all City agencies; making reports and recommendations on the capital budget and capital improvement program; making the proposed Ordinance of Estimates; implementing the Ordinance of Estimates; having general supervision and charge over all payments and disbursements made by the City; signing all checks of the City made by the City; and serving as the registrar of the public debt and responsible for all moneys and securities belonging to the City.

4. Robert Cennname is a resident of, registered voter in, and a taxpayer in Baltimore City. Mr. Cennname serves as the Deputy Director of DOF, and his duties include supervising and overseeing the daily functions of DOF and coordinating with the Director; signing all checks of the City made by the City; and performing the duties of the Director when the Director is incapacitated or otherwise unavailable for duty for any cause, and serves as Acting Director of DOF if the Director position becomes vacant.

5. The Baltimore City Board of Elections (the “City Board”) is an agency and instrumentality of the State of Maryland, authorized and created by Md. Code Ann., Election Law Article (“Elec.”), § 2-201, *et seq.* The City Board is empowered to make rules consistent with State laws to ensure the proper and efficient registration of voters and conduct of elections, oversee the conduct of all elections in Baltimore City, and to make determinations and hear and decide challenges and appeals as provided by law. The City Board maintains a principal office at 417 E. Fayette St., Room #129, Baltimore, Maryland 21202.

6. Armstead B.C. Jones, Sr. serves as the Election Director and Chief Election Official of the City Board and in that role is subject to the direction and authority of the State Board of Elections and is accountable to the State Board for its actions in all matters regarding the implementation of the requirements of the Election Law Article.

7. Scherod B. Jones serves as the President of the City Board and in that role is subject to the direction and authority of the State Board of Elections and is accountable to the State Board for its actions in all matters regarding the implementation of the requirements of the Election Law Article.

8. The State Board of Elections (the “State Board”) is a State agency created by Elec. § 2-101, *et seq.*, and manages and supervises elections in the State and ensure compliance with the requirements of the Election Law Article, including the printing and preparing of ballots for the general elections. The State Board maintains a principal office at 151 West Street, Suite 200, Annapolis, MD 21401.

9. Jared DeMarinis serves as State Administrator of Elections of the State Board and in that role is subject to the direction and authority of the State Board and is accountable to the State Board for its actions in all matters regarding the implementation of the requirements of the Election Law Article.

10. Michael G. Summers serves as the Chairman of the State Board and in that role is subject to the direction and authority of the State Board and is accountable to the State Board for its actions in all matters regarding the implementation of the requirements of the Election Law Article.

JURISDICTION AND VENUE

11. This Court has jurisdiction over Defendants pursuant to Md. Code Ann., Courts and Judicial Proceedings Article (“Cts.”), § 6-102(a), as they maintain their principal places of business and otherwise carry on business in Baltimore City, Maryland.

12. The Circuit Court has subject matter jurisdiction over this matter pursuant to Cts. § 1-501, and Elec. § 6-209.

13. Venue is proper pursuant to Cts § 6-201(a)-(b), as Defendants all regularly engage in business in and have their principal offices in Baltimore City, and pursuant to Elec. § 6-209(a).

FACTS COMMON TO ALL COUNTS

14. The Maryland Child Alliance submitted a petition to place a proposed charter amendment on the ballot for the November 5, 2024 General Election, which would add a Section 20 under Article I of the Baltimore City Charter to create the Baltimore Baby Bonus Fund (hereinafter referred to as the “Baby Bonus Fund Amendment”).

15. The Baby Bonus Fund Amendment would establish a continuing, non-lapsing fund for the exclusive use of sending “Baby Bonus Payment” of at least \$1,000 to each Baltimore City resident who is the birthing parent of a child upon the birth of the child.

16. The Baby Bonus Fund Amendment would be funded by a mandatory annual appropriation in the Ordinance of Estimates of an amount equal to at least \$0.03 on every \$100 of assessed or assessable value of all property in the City of Baltimore. Any unused funds would remain with the Baby Bonus Fund, would not revert to the general funds for Baltimore City, and would not lapse.

17. It has been estimated that the Baby Bonus Fund Amendment would result in an expenditure of at least \$7 million per year by the City. That estimate does not include the cost of administering the Fund.

18. The Baby Bonus Fund Amendment violates the Maryland Constitution and cannot be enacted into law.

19. The Maryland Constitution, Article XI–A, § 2 provides that the General Assembly shall grant express powers to the governments of charter counties and Baltimore City, and that such powers shall not be enlarged by a charter adopted under Article XI–A, § 3. A charter amendment “cannot transcend its limited office and be made to serve or function as a vehicle through which to adopt local legislation.” *Cheeks v. Cedlair Corp.*, 287 Md. 595, 607 (1980), declined to follow by *Board of Sup’rs of Elections of Anne Arundel County v. Smallwood*, 327 Md. 220 (1990).

20. Article XI-A of the Maryland Constitution vests the City’s law-making power with an elected City Council. Pursuant to Article XI-A § 3, “the City-Council, and not the City electorate, is specifically given ‘full power’ to enact local laws.” *Cheeks*, 287 Md. at 608 (1980); accord *Bd. of Supervisors of Elections of Anne Arundel Cnty. v. Smallwood*, 327 Md. 220, 234-35 (1992); *Bd. of Election Laws v. Talbot County*, 316 Md. 332, 348–350 (1989).

21. Thus, a charter amendment “cannot transcend its limited office and be made to serve or function as a vehicle through which to adopt local legislation.” *Cheeks v. Cedlair Corp.*, 287 Md. 595, 607 (1980), *declined to follow on other grounds by Board of Sup’rs of Elections of Anne Arundel County v. Smallwood*, 327 Md. 220 (1990).

22. Pursuant to the Baltimore City Charter, the City Council is the City’s legislative body and has the “power to pass all ordinances, not inconsistent with the Charter, necessary to give

effect and operation to all powers vested in the City.” BALTIMORE CITY CHARTER, art. III, §§ 1(a), 11.

23. The Baltimore City Charter is “intended to provide a broad organizational framework establishing the form and structure of government in pursuance of which the political subdivision is to be governed and local laws enacted.” *Cheeks*, 287 Md. at 607 (quoting 2 E. McQuillan, *Municipal Corporations* s 9.03 (3rd ed. 1979)).

24. A charter amendment is “necessarily limited in substance to amending the form or structure of government initially established by adoption of the charter.” *Id.*; Md. Const., Art. XI-A, §§ 3, 5.

25. Simply put, citizens cannot “legislate by charter amendment,” *id.*, and any attempt do so is “manifestly repugnant to § 3 of Article XI–A.” *Md. State Admin. Bd. of Election Laws v. Talbot Cty.*, 316 Md. 332, 348 (1988).

26. The Baby Bonus Fund Amendment is legislative in character. The Amendment does not address to the form or structure of government in any fundamental sense and is not, therefore, charter material. Indeed, the Baby Bonus Fund Amendment would require the City to exercise its legislative authority in a certain way, as to a certain group, rather than changing the form or structure of the government.

27. Further, because the Baby Bonus Fund Amendment would establish a continuing, non-lapsing fund, to be funded by a mandatory appropriation, it constitutes an exercise of the City Council’s power with respect to the annual budgeting process which is a legislative in nature. The City Council reviews the budget, engages in hearings to determine the fiscal needs of the City. It makes changes to proposed appropriations to reflect the City’s needs—all a part of the legislative process.

28. By earmarking funds in the City Charter, the voters are usurping those powers by creating a specific appropriation for a specific purpose and removing the City Council's power to adjust that appropriation to meet the needs of the City in any given year, thus denying it the ability to exercise its powers. Establishing the annual budget requires knowledge that is "specific" and "technical" in nature, making it a matter reserved to the legislature and not the voters. *Accord Mayor and City Council of Ocean City v. Bunting*, 168 Md. App. 134, 148 (2006).

29. Further, because the Baby Bonus Fund Amendment would establish a continuing, non-lapsing fund, to be funded by a mandatory appropriation, it constitutes an exercise of the police power in all respects similar to the enactment of a local law. Thus, it is an impermissible attempt by the voters to exercise the City's police and general welfare powers by legislating through a charter amendment.

30. Moreover, because the Baby Bonus Fund Amendment requires the City Council to pass a law or laws to implement the mandatory fund, it divests the City Council, the DOF, and the Director and Deputy Director of DOF of their discretion on how to appropriate, budget, and spend City funds.

31. The City Board of Estimates is required to formulate and execute the fiscal policy, BALTIMORE CITY CHARTER, art. VI, § 2, and so the Baby Bonus Fund Amendment also usurps the responsibilities and duties of the Board of Estimates as mandated by the City Charter.

32. Elec. § 6-205 requires that any party seeking a charter amendment must submit a petition to the appropriate election authority.

33. Thereafter, the Chief Election Official has the authority and obligation to review the petition to determine if it is "authorized by law." Elec. § 6-206(c).

34. More specifically, Elec. § 6-206(c) requires that the Chief Election Official “*shall* declare that the [Baby Bonus Fund Amendment] petition is deficient” if the petition “seeks 1) the enactment of a law that would be unconstitutional . . . or 2) a result that is otherwise prohibited by law.” (emphasis added).

35. Here, the Chief Election Official failed to make the required finding that the Baby Bonus Fund petition was unconstitutional and otherwise prohibited by law.

36. Instead, the City Board of Elections certified the Baby Bonus Fund Amendment on July 1, 2024.

37. As a result of this failure, and absent court intervention, the City, through its Law Department, will be required to draft unconstitutional ballot language for the Baby Bonus Fund Amendment. *See* Elec. § 7-103 (requiring the City Law Department to prepare and certify a description and purpose of the ballot question to the State Board).

38. Absent court intervention, the Baby Bonus Fund Amendment will thereafter appear on the ballot on November 5, 2024 General Election.

39. The expenditure of public funds to place the unconstitutional Baby Bonus Fund Amendment on the ballot will result in increased taxes or other pecuniary loss to the Plaintiffs, including incurring the wrongful expense for publication of the Amendment and printing it on the ballots of the November 5, 2024 General Election.

40. If the Baby Bonus Fund Amendment is permitted to appear on the November 5, 2024 General Election ballot, then the Mayor of Baltimore will be required to publish the Amendment once a week for five successive weeks prior to the election in at least one newspaper published in Baltimore City. *See* Md. Constitution, Art. 11-A, § 5. Thus, the City and its taxpayers will incur additional costs in having to publish an unconstitutional charter amendment.

41. Further, if the Baby Bonus Fund Amendment is placed on the ballot and enacted, Mr. Mocksten and Mr. Cenname, as Director and Deputy Director of DOF, respectively, will be charged with administering and making payments under the Amendment and faced with a dilemma in either in refusing to act under the unconstitutional Baby Bonus Fund Amendment, or in acting and subsequently finding Baby Bonus Fund Amendment to be unconstitutional.

42. In sum, the “[City] Council alone, and not the voters . . . , has the power to initiate local legislation[,] . . . and such legislative power cannot be exercised by means of an amendment to the charter.” *Save Our Streets v. Mitchell*, 357 Md. 237 (1998) (citing to *Cheeks*, 287 Md. at 607, 612-14).

43. Therefore, Plaintiffs will suffer immediate, substantial, and irreparable harm if an unconstitutional charter amendment appears on the election ballot.

COUNT ONE
(Petition for Judicial Review Pursuant to Election Law §§ 6-209 and 6-210)

44. Paragraphs 1-43 above are incorporated as if recited herein.

45. Elec. § 6-209 gives any “person aggrieved” the right to seek judicial review of the chief election official’s determination of sufficiency or deficiency under Elec. § 6-206.

46. This Court is empowered to “grant relief as it considers appropriate to ensure the integrity of the electoral process.” Elec. § 6-209(a)(2).

47. Further, a proceeding brought under Elec. § 6-209 “shall be heard and decided without a jury and as expeditiously as the circumstances require[.]” Elec. § 6-209(a)(3)(i).

48. Because the Baby Bonus Fund Amendment seeks the enactment of a law that would be unconstitutional or otherwise prohibited by law, Defendants failed to meet their obligation under Elec. § 6-206 to declare the petition deficient.

49. As a result, Defendants are not permitted to include the Baby Bonus Fund Amendment on the ballot for the November 5, 2024 General Election.

COUNT TWO
(Writ of Mandamus Pursuant to Md. Rule 15-701)

50. Paragraphs 1-49 above are incorporated as if recited herein.

51. The Plaintiffs, pursuant to Md. Rule 15-701, request a writ of mandamus to compel Defendants to perform their statutory duties.

52. Under Elec. § 6-206(c), Defendants have a clear duty to review and consider the legality of proposed amendments to the Baltimore City Charter, including the Baby Bonus Fund Amendment. Defendants failed at this duty.

53. Plaintiffs have a clear right to have the Baby Bonus Fund Amendment excluded from the November 5, 2025 General Election ballot because it is unconstitutional.

54. The Plaintiffs have no adequate remedy by which they can obtain their right to exclude the Baby Bonus Fund Amendment from the November 5, 2025 General Election ballot.

COUNT THREE
(Declaratory Judgment Pursuant to Cts. §§ 3-401 to 3-415, and Elec. § 6-209(b))

55. Paragraphs 1-54 above are incorporated as if recited herein.

56. An actual controversy exists between the Plaintiffs and the Defendants within the meaning of the Cts. § 3-409(a)(1) because the City Board certified the Baby Bonus Fund Amendment on July 1, 2024.

57. Elec. § 6-209(b) states that “the circuit court of the county in which a petition has been or will be filed may grant declaratory relief as to any petition with respect to the provisions of this title or other provisions of law.”

58. The Plaintiffs maintain that the Baby Bonus Fund Amendment is unconstitutional. Thus, an actual controversy of a practicable issue exists between the Plaintiffs and Defendants within the jurisdiction of this Court involving the rights and liabilities of the parties under the Maryland Constitution, the Public General Laws, the Public Local Laws, and the Baltimore City Charter.

59. The refusal of the Defendants to exclude the Baby Bonus Fund Amendment from the November 5, 2024 General Election ballot is arbitrary, capricious and an abuse of discretion.

COUNT FOUR (Injunctive Relief)

60. Paragraphs 1-59 above are incorporated as if recited herein.

61. Plaintiffs will suffer immediate, substantial, and irreparable harm if an unconstitutional charter amendment appears on the election ballot by incurring costs associated with preparing the ballots, expending taxpayer money on an unconstitutional ballot provision, usurping the power of the City Council, the Mayor of Baltimore, and the Department of Finance, and compelling Plaintiffs to comply or refuse to act under an unconstitutional charter amendment.

62. The benefits to the Plaintiffs in obtaining injunctive relief are equal to or outweigh the potential harm which Defendants would incur if this Court grants the requested injunctive relief because Plaintiffs are requesting the Court to maintain the status quo until the Court either addresses or resolves the merits of the controversy.

63. The public interest would be served by the entry of an injunction in this action which involves fundamental issues of constitutional law. Further, the public will be faced with confusion if the unconstitutional Baby Bonus Fund Amendment is permitted to appear on November 5, 2024 General Election ballot.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiffs demand that judgment be entered in their favor against Defendants and that the Court issue the following relief:

- A. A declaration that: (1) the Baby Bonus Fund Amendment is unconstitutional; and (2) the refusal of the Defendants to exclude the Baby Bonus Fund Amendment from the November 5, 2024 General Election ballot is arbitrary, capricious and an abuse of discretion.
- B. An injunction and writ of mandamus ordering Defendants to issue a declaration of deficiency as to the Baby Bonus Fund petition under Elec. 6-206(c).
- C. An injunction and writ of mandamus ordering Defendants to exclude the Baby Bonus Fund Amendment from the November 5, 2024 General Election ballot.
- D. Any and all such further relief as the Court may deem just and proper, including, but not limited to attorneys' fees and costs.

Respectfully submitted,

EBONY M. THOMPSON, Baltimore City Solicitor



Tom P. Webb (AIS No. 1306190321)

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Counsel for Plaintiffs

**MAYOR AND CITY COUNCIL
OF BALTIMORE, et al.**

Plaintiffs

v.

**BALTIMORE CITY BOARD OF
ELECTIONS, et al.**

Defendants

*

IN THE CIRCUIT COURT

*

OF MARYLAND

*

FOR BALTIMORE CITY

*

Case No. C-24-CV-24-001320

*

**MOTION TO INTERVENE AS DEFENDANT
AND FOR TIME TO FILE FULL THIRD-PARTY ANSWER**

Pursuant to Rule 2-214(a)(2) of the Maryland Rules of Civil Procedure, the Maryland Child Alliance, Inc. (“the Maryland Child Alliance”) moves to intervene as of right as a defendant in the above-titled action. Alternatively, the Maryland Child Alliance moves for permissive intervention pursuant to Rule 2-214(b).

BACKGROUND

Proposed Intervenor the Maryland Child Alliance is a 501(c)(4) organization fighting to reduce and eventually eliminate child poverty in the state of Maryland and beyond. On February 22, 2023, the Maryland Child Alliance submitted a draft petition for a proposed charter amendment to the Baltimore City Board of Elections (“Baltimore City BOE”). After revisions, the Baltimore City BOE, by and through Election Director Armstead Jones, approved the petition on March 1, 2023. *See* Exhibit 1.

The proposed charter amendment, known as the Baltimore Baby Bonus, would establish the Baltimore Baby Bonus Fund (“the Fund”). Monies in the Fund would be used exclusively to

provide Baby Bonus Payments of at least \$1,000 to a new parent at the birth or adoption of a child. To adjust for rising costs and inflation, the revenue source of the Fund would be tied to annual property tax collections, specifically three cents of every \$100 of assessed value.

Pursuant to Article XI-A, Section 5 of the Maryland Constitution, charter amendments must collect valid signatures equaling the lesser of 10,000 or 20 percent of registered voters in the county. Over 15 months, volunteers and organizers working in support of the Baltimore Baby Bonus and on behalf of the Maryland Child Alliance collected almost 14,000 signatures from residents of Baltimore City. The Baltimore City BOE ultimately validated more than 10,000 of those signatures, and on July 1, 2024, the Baltimore City BOE, again by and through Election Director Armstead Jones, certified that the Baltimore Baby Bonus had “satisfied all requirements established by law” and had “qualified for placement on the ballot at the 2024 Presidential General Election.” *See* Exhibit 2.

On July 11, 2024, the Mayor and City Council of Baltimore, along with Michael Mocksten and Robert Cennane, (collectively “Plaintiffs”) filed suit in the Circuit Court of Baltimore City against the Baltimore City BOE, Armstead Jones (“Director Jones”), the State Board of Elections (“State BOE”), and State BOE officials (collectively “Defendants”) seeking to remove the proposed Baltimore Baby Bonus charter amendment from the 2024 ballot, along with other relief.

The Maryland Child Alliance filed this timely Motion to Intervene as Defendant on July 12, 2024. At the time of the filing of this motion, there have been no proceedings held or scheduled in this matter and no Defendant has filed an Answer or other pleadings.

LEGAL STANDARD

Maryland Rule of Civil Procedure 2-214(a)(2) provides that: “Upon timely motion, a person shall be permitted to intervene in an action . . . when the person claims an interest relating to the property or transaction that is the subject of the action, and the person is so situated that the disposition of the action may as a practical matter impair or impede the ability to protect that interest unless it is adequately represented by existing parties.” Md. Rule 2-214(a)(2). Rule 2-214(b)(1) provides that “[u]pon timely motion a person may be permitted to intervene in an action when the person's claim or defense has a question of law or fact in common with the action.” *Id.* 2-214(b)(1).

Under Rule 2–214, a party seeking to intervene must satisfy four conditions in order to intervene as of right: “1) the application was timely; 2) the person claims an interest relating to the property or transaction that is the subject of the action; 3) the person is so situated that the disposition of the action, as a practical matter, may impair or impede that person’s ability to protect that interest; and 4) the person’s interest is not adequately represented by existing parties to the suit.” *Maryland-Nat’l. Cap. Park & Plan Comm’n v. Town of Washington Grove*, 408 Md. 37, 69–70 (Md. 2009).

ARGUMENT

I. The Maryland Child Alliance meets the requirements for intervention as of right under Md. Rule 2-214(a)(2).

A. The Maryland Child Alliance’s motion is timely.

Whether a motion is timely depends on “the purpose for which intervention is sought, the probability of prejudice to the parties already in the case, the extent to which the proceedings have progressed when the movant [mov]es to intervene, and the reason or reasons for the delay

in seeking intervention.” *Washington Grove*, 408 Md. at 70 (Md. 2009) (citing *Pharmaceia Eni Diagnostics, Inc. v. Wash. Suburban Sanitary Comm’n*, 85 Md. App. 555, 568 (Md. Ct. Spec. App. 1991)).

Here, all factors point towards timeliness. The Maryland Child Alliance seeks to intervene to protect its interest in seeing that the proposed charter amendment that it sponsored and spent countless hours working to put on the ballot remains on the ballot. There is little reason to believe that any of the parties already in the case will suffer prejudice if the Maryland Child Alliance is permitted to intervene. The Maryland Child Alliance intends to file its full Third-Party Answer within 30 days of the original filing or whatever timeline the court determines is proper. Proceedings have not yet begun, nor have they even been scheduled in this case, and no Answer, Motion to Dismiss, or other responsive pleadings have yet been filed. *See Doe v. Alt. Med. Md.*, 455 Md. 377, 420 (Md. 2017) (finding intervention timely when the motion was filed within two months of the original complaint filing, the court had not yet ruled on any pleadings or held hearings, and the defendants had not yet filed an answer). Finally, there was little to no delay in the filing of this motion, which occurred only one working day after the filing of the Complaint.

B. The Maryland Child Alliance has a clear interest relating to the transaction of this case and that interest would be impaired by the disposition of this action.

Maryland courts have liberally construed the interest required for intervention, stating that a party has intervention as of right if “the disposition of the action would at least potentially impair the [person’s] ability to protect [the person’s] interest.” *Washington Grove*, 408 Md. at 99. Here, the Maryland Child Alliance has a clear and undeniable interest in keeping the

proposed charter amendment for which it petitioned more than 10,000 valid signatures and had legally certified for the ballot this November. If not permitted to intervene in this case, the Maryland Child Alliance would have no timely recourse to protect its interest.

C. The interests of the Maryland Child Alliance are or may not be adequately represented by the existing parties.

Maryland courts have made clear that “[t]he burden of showing that existing representation may be inadequate is a minimal one.” *Washington Grove*, 408 Md. at 102. Moreover, “[t]he person seeking to intervene need not show that existing representation is, in fact, inadequate, or that the person's interests are adverse to existing representation; ‘[i]t is sufficient that the representation may be inadequate.’” *Doe*, 455 Md. at 417 (quoting *Washington Grove*, 408 Md. at 102).

In *Doe*, the Court of Appeals held that the interests of medical cannabis growers were not adequately represented by the Medical Cannabis Commission, stating that “[a]t the risk of stating the obvious, the Office of the Attorney General represents the Commission's interest, not any business's or individual's interest.” *Id.* at 424. The interest that the intervenors had in “achieving the outcome in which they are the recipients of medical cannabis grower licenses” was not shared by the Commission, whose interest was to “regulat[e] Maryland’s medical cannabis industry while fully comporting with applicable law.” *Id.* The Commission also “candidly” informed the cannabis growers that it does not adequately represent their interests. *Id.* at 423.

Likewise, here all named Defendants are neutral state agencies and their representatives, with no vested stake in the proposed charter amendment. These officials have followed their procedures and made determinations based on their understanding of the law, but they have not and cannot take an affirmative position on the Baltimore Baby Bonus. Their interest in this

litigation is the protection of those procedures from political interference—far different than the Maryland Child Alliance’s interest in ensuring the proposed charter amendment is actually on the ballot, as formally supported by more than 10,000 voters of Baltimore City. The Office of the Attorney General has made it clear to the Maryland Child Alliance that it “cannot . . . represent the interests of the Maryland Child Alliance” in this litigation. *See* Exhibit 3.

Further, even if the court were to find that the Maryland Child Alliance’s interest is similar to the of existing Defendants, which we hold strongly is not the case, a party seeking to intervene satisfies the requirement of inadequate representation where the party’s interest is similar to that of an existing party but where it is unclear that the existing party will adequately represent the interest of the party seeking to intervene. *Doe* 455 Md. At 423-24. Again, the named Defendants are neutral state actors, and the Maryland Child Alliance is an activist organization whose volunteers have dedicated countless hours to this cause.

Finally, courts have regularly permitted organizations that have sponsored proposed charter amendments to intervene in cases affecting those charter amendments. *See e.g. Citizens Against Slots at the Mall v. PPE Casino Resorts Md.*, 429 Md. 176 (Md. 2012) (allowing Citizens Against Slots to intervene in a case brought against a charter amendment the group advocated for); *and see City of Takoma Park v. Citizens for Decent Gov.*, 301 Md. 439 (Md. 1984) (allowing for the Suburban Maryland Lesbian/Gay Alliance to intervene in a case determining the validity of a charter amendment related to sexual orientation despite not being the sponsors of the petition).

II. Alternatively, the Court should grant the Maryland Child Alliance permissive intervention under Maryland Rule of Civil Procedure 2-214(b).

Maryland also allows for permissive joinder of parties when “a person’s claim or defense has a question of law or fact in common with the action.” Md. Rule 2-214(b)(1). “Generally, permissive intervention is warranted where the person seeking to intervene files a timely motion and has a claim or defense with a question of law or fact in common with the case, and where intervention would not unduly delay or prejudice the adjudication of the parties’ rights.” *Doe*, 455 Md. at 425 n.26. Practical considerations, such as the possibility of a party having to litigate the issue in the future, “often play a role” in ruling on permissive intervenors. *Id.* at 418-19 (citing to Maryland Rules Commentary (4th ed. 2014), at 199).

As outlined above, the Maryland Child Alliance’s motion is timely, and as will be more fully briefed in a Third-Party Answer should the court grant this motion, the Maryland Child Alliance has defenses that have questions of law and fact in common with the case. Judicial efficiency favors granting the Maryland Child Alliance’s motion, as it will consolidate the potential litigation, which would inevitably involve the same questions of law and fact regarding the constitutionality of the Baltimore Baby Bonus. As stated above, the Maryland Child Alliance has spent countless hours crafting the charter amendment language, hosting Baby Bonus fundraisers, and collecting signatures from nearly 14,000 Baltimoreans. It has a clear, vested interest in the outcome of this litigation.

Intervention also would not cause any undue delay or prejudice for the established parties. This motion was filed less than 24 hours following the filing of the complaint. The Defendants have not submitted any pleadings in the case, and the court has not held any hearings

related to the case. All factors in determining if the court should allow for the Maryland Child Alliance to intervene clearly weigh in its favor.

III. The Court should grant the Maryland Child Alliance an opportunity to file a full Answer to the Complaint.

Plaintiffs filed their Complaint with this court on July 11, 2024. In that Complaint, Plaintiffs noted that litigation of these matters “shall be heard and decided without a jury and as expeditiously as the circumstances require[.]” Elec. § 6-209(a)(3)(i). The Maryland Child Alliance filed this motion the following day, July 12, 2024, in order to ensure no proceedings, further pleadings, or other steps towards resolution were taken before it filed the motion to intervene and become a party to the litigation. By filing this motion, the Maryland Child Alliance does not waive its right, if admitted as a party, to file a full Answer at a later date. At the time of this writing and to the knowledge of the Maryland Child Alliance, Plaintiffs have not filed any requests for emergency relief in this matter, nor have they filed any motion to shorten the time requirements as provided by the Maryland Rules of Civil Procedure. However, Plaintiffs expect that the parties will seek and/or agree an expedited schedule in this case. Should Plaintiffs file for emergency relief or a motion to shorten the time requirements, the Maryland Child Alliance will provide further briefing to this court in response.

WHEREFORE the Maryland Child Alliance respectfully moves this Honorable Court to:

- A. Grant the Maryland Child Alliance’s request to intervene as a defendant in the above-captioned case,
- B. Grant the Maryland Child Alliance sufficient time from the filing of the Complaint to provide a full Third-Party Answer, as is provided for other Defendants.

C. Grant any further relief as this court deems just.

/s/ H. Mark Stichel

H. Mark Stichel (# 8312010443)

RKW Law Group

10075 Red Run Blvd, Ste 401

Owings Mills, Maryland 21117

(443) 379-8987

(443) 379-4023 Facsimile

hmstichel@rkwlawgroup.com

Counsel for Intervenor

The Maryland Child Alliance

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of July, 2024, a copy of the foregoing Motion to Intervene was sent via the courts MDEC electronic filing system to all counsel of record.

/s/ H. Mark Stichel

H. Mark Stichel (# 8312010443)

Armstead B. Crawley Jones, Sr.
Election Director

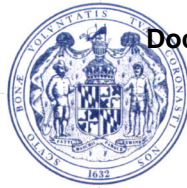
Abigail Goldman
Election Deputy Director

Bruce M. Luchansky
President (R)

Joyce J. Smith
Vice President (D)

EXHIBIT

1



**BALTIMORE CITY
BOARD OF ELECTIONS**

E-FILED; Baltimore City Circuit Court
Docket: 7/12/2024 2:42 PM; Submission: 7/12/2024 2:42 PM
Envelope: 17193650

Tamara M. Purnell
Member (R)

Evette Matthews
Member (R)

March 1, 2023

Via Electronic Mail Only

Nate Golden
nate@marylandchildalliance.org

Dear Mr. Golden:

As Election Director of the Baltimore City Board of Elections, I have received your request under § 6-202 of the Election Law Article, Annotated Code of Maryland, for an advance determination as to the format of a petition proposing an amendment to the Baltimore City Charter. With your request, you submitted a charter amendment petition form for the proposed amendment, including a summary of the proposed charter amendment on the front of the signature page and the full text of the proposed amendment on the reverse of the signature page. I have attached a copy of those materials to this letter as Exhibit A.

Upon review of your submission, I have determined that you used the correct State Board of Elections form for a charter amendment petition and that the summary of the proposed amendment is sufficient. More specifically, I have determined that the summary is a fair and accurate summary of the substantive provisions of the proposed amendment. I have therefore determined that the petition materials attached as Exhibit A are sufficient as to format, within the meaning of § 6-202 of the Election Law Article.

I have made no determination as to the legality of the proposed amendment. As set forth in § 6-206 of the Election Law Article, Annotated Code of Maryland, I will address that question, in consultation with counsel to the Baltimore City Board of Elections, at such time as the petition and requisite signatures are filed.

Please let me know if I can be of further assistance. I can be reached either by email addressed to armstead.jones@baltimorecity.gov or by phone at 410-396-5550.

Sincerely,

A handwritten signature in dark ink, appearing to read "Armstead B. Crawley Jones, Sr.", is written over a light blue circular stamp that partially overlaps the signature.

Armstead B. Crawley Jones, Sr., CERA
Election Director

cc: State Board of Elections
Baltimore City Board of Elections
Counsel to the City Board

Armstead B. Crawley Jones, Sr.
Election Director

Abigail Goldman
Election Deputy Director

Scherod C. Barnes
President (D)

Terrence D. Threweatt Jr.
Vice President (R)

EXHIBIT
2



BALTIMORE CITY
BOARD OF ELECTIONS

Hope M. Williams
Member (D)

Maria M. Vismale
Member (R)

July 1, 2024

Via First-Class Mail and Electronic Mail

Nathan Golden
Maryland Child Alliance
14 N. Bradford St.
Baltimore, MD 21224
nate@marylandchildalliance.org

Re: Certification of Petition – Baltimore Baby Bonus Fund

Dear Mr. Golden:

This letter is in reference to the petition submitted by Maryland Child Alliance to place a charter amendment question on the ballot at the 2024 Presidential General Election (the "Petition"). If approved by the voters, the amendment proposed by the Petition would add Section 20 to Article I of the Baltimore City Charter, establishing the Baltimore Baby Bonus Fund for specified purposes. A copy of the petition form is attached as **Exhibit A**. A copy of the charter amendment text is attached as **Exhibit B**.

The Petition was submitted to the Baltimore City Law Department, acting on behalf of the Mayor, pursuant to Article XI-A, § 5 of the Constitution of Maryland, and forwarded to the Baltimore City Board of Elections for verification and validation of signatures pursuant to § 6-205 of the Election Law Article, Maryland Annotated Code.

As Election Director for the Board of Elections, I have determined that the Petition has satisfied all requirements established by law for the placement of a charter amendment question on the ballot. In particular, I have determined that the petition contains at least 10,000 valid signatures of registered Baltimore City voters, as required by the Constitution, Article XI-A, § 5. See **Exhibit C** (report of signatures). The Board of Elections will continue to review and verify the remaining signatures on the Petition, and will provide a final count of accepted and rejected signatures once we have completed our review, but based on the number of signatures already validated and verified, I have confirmed that the Petition has met the legal requirements for certification.

Accordingly, I hereby certify, pursuant to § 6-208(c) of the Election Law Article, that the Petition has "satisfied all requirements established by law" and has qualified for placement on the ballot at the 2024 Presidential General Election. A copy of this letter and attachments will be forwarded to the City Solicitor for preparation of the ballot language in accordance with § 7-103 of the Election Law Article.

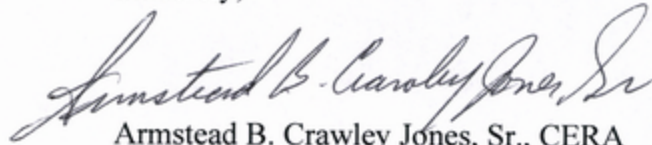
Certification of Petition – Baltimore Baby Bonus Fund

July 1, 2024

Page 2

Please let me know if you have any further questions. Questions may be directed to me at armstead.jones@baltimorecity.gov, with copy to Deputy Director Abigail Goldman at abigail.goldman@baltimorecity.gov and Thomas S. Chapman, Counsel to the Board, at tchapman@oag.state.md.us.

Sincerely,

A handwritten signature in cursive script, reading "Armstead B. Crawley Jones, Sr.", written in dark ink.

Armstead B. Crawley Jones, Sr., CERA
Election Director

Enclosures

cc: State Board of Elections
Office of the Attorney General
Baltimore City Board of Elections
Baltimore City Law Department

EXHIBIT A

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 is as follows:*

To add a Section 20 under Article I of the Baltimore City Charter creating the Baltimore Baby Bonus Fund. The Baltimore Baby Bonus Fund shall comprise: a mandatory annual appropriation in the Ordinance of Estimates of an amount equal to at least \$0.03 on every \$100 of assessed or assessable value of all property in the City of Baltimore (except property exempt by law); and grants and donations made to the Fund. The Baltimore Baby Bonus Fund will send a one-time Baby Bonus Payment of at least \$1,000 to each city resident who is the birthing parent of a child, upon the birth of the child. Conditions may be established by ordinance or regulation under which the guardian, or the adopting parent(s), of a child may receive a Baby Bonus Payment instead of the birthing parent. The proposed amendment would go into effect if at the election the majority of the votes cast for and against the amendment shall be in favor thereof, in which case the amendment shall be adopted and become a part of the Charter of Baltimore City from and after the thirtieth day after the 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:			Birth Date:		
	First Name	Middle Name	Last Name	Month	Date	Year
	Signature:			Date of Signature:		
	Street Number	Street Name	Apt. No.	City or Town	Zip	
Maryland Residence Address:						
2	Print Name:			Birth Date:		
	First Name	Middle Name	Last Name	Month	Date	Year
	Signature:			Date of Signature:		
	Street Number	Street Name	Apt. No.	City or Town	Zip	
Maryland Residence Address:						
3	Print Name:			Birth Date:		
	First Name	Middle Name	Last Name	Month	Date	Year
	Signature:			Date of Signature:		
	Street Number	Street Name	Apt. No.	City or Town	Zip	
Maryland Residence Address:						
4	Print Name:			Birth Date:		
	First Name	Middle Name	Last Name	Month	Date	Year
	Signature:			Date of Signature:		
	Street Number	Street Name	Apt. No.	City or Town	Zip	
Maryland Residence Address:						

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)

EXHIBIT B

Article I – General Provisions

§ 20. Baltimore Baby Bonus Fund.

a. *Fund established; provision of payments.*

1. There is a continuing, nonlapsing Baltimore Baby Bonus Fund, to be used exclusively for the provision of Baby Bonus Payments to residents of Baltimore City.
2. A Baby Bonus Payment is a one-time payment to the birthing parent of a child, upon the birth of a child, unless the conditions in subparagraph (3) or (4) are satisfied.
3. By Ordinance, or by proper delegation of regulatory authority, the Mayor and City Council may set forth conditions in which the guardian of a child other than the birthing parent may receive the Baby Bonus Payment instead of the birthing parent.
4. By Ordinance, or by proper delegation of regulatory authority, the Mayor and City Council may set forth conditions in which an adopting parent or parent(s) may receive a single Baby Bonus Payment upon the adoption of a child.
5. A Baby Bonus Payment shall be at least \$1,000.
6. A timely Baby Bonus Payment shall be made to all Baltimore City residents who meet the conditions set forth in subparagraphs (2), (3), or (4).
7. The Fund shall be administered in accordance with the following standards:
 1. to the maximum extent feasible, payments should be made within a reasonable time frame to ensure that parents can use the funds to assist with the costs of raising a newborn child;
 2. to the maximum extent feasible surplus monies should be used to the purposes set forth in paragraph (a) subparagraph (1).
 3. By Ordinance, or by proper delegation of regulatory authority, the Mayor and City Council shall determine the annual Baby Bonus Payment amount using all relevant data, including, but not limited to: surplus monies in the fund, historical birth rates, estimated future property values, etc.

b. *Revenue Source.*

The Baltimore Baby Bonus Fund shall comprise:

1. A mandatory annual appropriation in the Ordinance of Estimates of an amount equal to at least \$0.03 on every \$100 of assessed or assessable value of all property in the City of Baltimore (except property exempt by law); and
2. Grants and donations made to the Fund.

c. *Continuing Nature of the Fund.*

Notwithstanding any other provision of this Charter, unspent portions of the Baltimore Baby Bonus Fund:

1. remain in the Fund, to be used exclusively for its specified purposes;
2. do not revert to the general revenues of the City; and
3. their appropriations do not lapse.

d. *Implementation.*

By Ordinance, the Mayor and City Council shall provide for the oversight, governance, and administration of the Baltimore Baby Bonus Fund, including:

1. methods and criteria for evaluating parental eligibility;
2. methods and criteria for determining the logistical distribution of the Fund; and
3. the establishment of any other legislative or administrative rules, regulations, or standards, consistent with this section, governing the Fund, its operations, and programs and services funded by it

EXHIBIT C

Petition Processing Statistics Report

Date : 07/01/2024 8:22 AM
Report No. : PM-003

Petition Type : Charter Amendment
Petition Title : BALTIMORE BABY BONUS FUND

Petition Summary

Total number of lines	:	13765
Total Page Numbers	:	3711
Total no of Signatures Processed	:	13629
Total no of Signatures Unprocessed	:	136
Total Accepted Signatures	:	10184
Total Rejected Signatures	:	3445
No of Required Signatures	:	10000
Percentage of Required Signatures Accepted	:	100

Accepted Signatures by Reasons

Inactive Voter OK	:	9
Inactive Voter Valid New Address	:	14
Valid New Address	:	725
Valid Name	:	9436
Total Accepted Signatures	:	10184

Rejected Signatures by Reasons

Duplicate Name	:	814
Signature Issue	:	175
Not Registered	:	1459
Date Issue	:	153
Invalid New Address	:	233
Invalid District	:	101
PAGE - Circulator Issue	:	56
PAGE - Petition Format	:	8
Name Standard	:	446
Total Rejected Signatures	:	3445

Abigail Goldman
Deputy Director
7/1/2024

From: Adam Golden <ajgoldenunc@gmail.com>
Subject: Fwd: Court challenge to petition certification
Date: July 11, 2024 at 10:25 PM
To: Ellen Goodrich <erosie@comcast.net>

----- Forwarded message -----

From: Nate Golden <nate@marylandchildalliance.org>
Date: Thu, Jul 11, 2024 at 10:23 PM
Subject: Fwd: Court challenge to petition certification
To: Adam Golden <ajgoldenunc@gmail.com>, Emily Yu <emily@marylandchildalliance.org>, Julia Ellis <julia@marylandchildalliance.org>, Nick Lal <nicholas.ravi.lal@gmail.com>, <sawyer.hicks92@gmail.com>

----- Forwarded message -----

From: Chapman, Thomas <tchapman@oag.state.md.us>
Date: Fri, Jul 12, 2024 at 10:19 AM
Subject: Court challenge to petition certification
To: Nate Golden <nate@marylandchildalliance.org>

Good evening,

As attorney for the City Board of Elections, I'm writing as a courtesy to let you know that earlier tonight the City of Baltimore filed a complaint in the Circuit Court against the Board of Elections, seeking to reverse the Board's certification of the Baby Bonus Petition. Copies of the City's filings are attached.

The Office of the Attorney General (OAG) will represent the Board of Elections defendants in this action, but you should know that **OAG does not, and cannot, act as attorney for, or represent the interests of, the Maryland Child Alliance or any other party aside from the Board of Elections defendants** (which are all State agencies and officials). If you, the Maryland Child Alliance, or any other parties want legal advice on whether, and if so how, you can participate in this judicial matter, I would encourage you to consult an attorney as soon as possible.

Please also know that because all questions about the content of the General Election ballot need to be finally resolved by September 3, the State Board's deadline to certify the final content of the ballot, this matter will likely proceed in court on a highly expedited schedule.

Best regards,

Thomas Chapman



The information contained in this communication (including any attachments) may be confidential and legally privileged. This email may not serve as a contractual agreement unless explicit written agreement for this purpose has been made. If you are not the intended recipient you are hereby notified that any dissemination, distribution, or copying of this communication or any of its contents is

recipient, you are hereby notified that any dissemination, distribution, or copying of this communication or any of its contents is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender indicating that it was received in error and delete the original message and any copy of it from your computer system.



Request for
Summ...uit.pdf



Complaint .pdf



Civil Info Report
(Final).pdf

MAYOR AND CITY COUNCIL OF
BALTIMORE, *et al.*,

Plaintiffs,

v.

BALTIMORE CITY BOARD OF
ELECTIONS, *et al.*,

Defendants.

IN THE

CIRCUIT COURT

FOR

BALTIMORE CITY

Case No. C-24-CV-24-001320

ORDER

Pending before the Court is an unopposed Motion to Intervene filed by the Maryland Child Alliance, Inc. and an Emergency Consent Motion for Expedited Scheduling Order filed by the parties. The Court conducted a status conference with all counsel on July 18, 2024. As a result of the status conference and upon consideration of the pending motions, it is this 18th day of July 2024, hereby

ORDERED that the Motion to Intervene filed by the Maryland Child Alliance, Inc. is **GRANTED**; and it is further

ORDERED that the Maryland Child Alliance, Inc. will be included as a Defendant in this matter; and it is further

ORDERED that the Emergency Consent Motion for Expedited Scheduling Order is **GRANTED**; and it is further

ORDERED the following schedule will govern activity in this case:

Dispositive Motions **July 23, 2024**


Opposition to Dispositive Motions **July 30, 2024**

Any replies to dispositive motions **August 2, 2024; and it is further**

ORDERED that the Court shall conduct a hearing on dispositive motions on **August 6, 2024, at 10:00 a.m.** The hearing will be held remotely. A separate notice will be forwarded to counsel electronically with instructions on how to participate in the hearing remotely via Zoom for Government; and it is further

ORDERED that all future papers addressed by this Order must be filed with the Clerk pursuant to Title 20 of the Maryland Rules with a courtesy copy provided to chambers via email at tiffany.brown@mdcourts.gov.

07/18/2024 12:47:11 PM



JOHN S. NUGENT, JUDGE
Circuit Court for Baltimore City

IN THE CIRCUIT COURT
FOR BALTIMORE CITY

MAYOR AND CITY COUNCIL
OF BALTIMORE, *et al.*,

Plaintiffs,

v.

BALTIMORE CITY BOARD OF
ELECTIONS, *et al.*,

Defendants.

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Case No. C-24-CV-24-001320

* * * * *

AFFIDAVIT OF NATHAN GOLDEN

I, Nathan Golden, state:

1. I am over 18 years of age and competent to testify as to the matters recited herein.
2. I am President of Maryland Child Alliance, Inc.
3. Maryland Child Alliance submitted to the Baltimore City Board of Elections a petition ("Petition") with over 10,000 signatures in support of an amendment to the Baltimore City Charter.
4. Attached hereto is a true and accurate copy of letter dated July 1, 2024, from Armstead B. Crowley Jones, Sr., Election Director, Baltimore City Board of Elections, to me stating that the Petition contained at least 10,000 valid signatures and that he had certified pursuant to §6-208(c) of the Election Law Article that the Petition satisfied all requirements established by law and qualified for placement on the November 2024 General Election ballot.
5. Exhibit B to Mr. Jones's letter, includes the language of Maryland Child Alliance's proposed charter amendment.

**I SOLEMNLY AFFIRM UNDER THE PENALTIES OF PERJURY AND UPON
PERSONAL KNOWLEDGE THAT THE CONTENTS OF THIS DOCUMENT ARE
TRUE.**

/S/ NATHAN GOLDEN

NATHAN GOLDEN

Dated: July 23, 2024

Armstead B. Crawley Jones, Sr.
Election Director

Abigail Goldman
Election Deputy Director

Scherod C. Barnes
President (D)

Terrence D. Threweatt Jr.
Vice President (R)



BALTIMORE CITY
BOARD OF ELECTIONS

July 1, 2024

E-FILED; Baltimore City Circuit Court

Docket: 7/23/2024 10:56 AM; Submission: 7/23/2024 10:56 AM

Envelope: 17315719

Hope M. Williams
Member (D)

Maria M. Vismale
Member (R)

Via First-Class Mail and Electronic Mail

Nathan Golden
Maryland Child Alliance
14 N. Bradford St.
Baltimore, MD 21224
nate@marylandchildalliance.org

Re: Certification of Petition – Baltimore Baby Bonus Fund

Dear Mr. Golden:

This letter is in reference to the petition submitted by Maryland Child Alliance to place a charter amendment question on the ballot at the 2024 Presidential General Election (the "Petition"). If approved by the voters, the amendment proposed by the Petition would add Section 20 to Article I of the Baltimore City Charter, establishing the Baltimore Baby Bonus Fund for specified purposes. A copy of the petition form is attached as **Exhibit A**. A copy of the charter amendment text is attached as **Exhibit B**.

The Petition was submitted to the Baltimore City Law Department, acting on behalf of the Mayor, pursuant to Article XI-A, § 5 of the Constitution of Maryland, and forwarded to the Baltimore City Board of Elections for verification and validation of signatures pursuant to § 6-205 of the Election Law Article, Maryland Annotated Code.

As Election Director for the Board of Elections, I have determined that the Petition has satisfied all requirements established by law for the placement of a charter amendment question on the ballot. In particular, I have determined that the petition contains at least 10,000 valid signatures of registered Baltimore City voters, as required by the Constitution, Article XI-A, § 5. See **Exhibit C** (report of signatures). The Board of Elections will continue to review and verify the remaining signatures on the Petition, and will provide a final count of accepted and rejected signatures once we have completed our review, but based on the number of signatures already validated and verified, I have confirmed that the Petition has met the legal requirements for certification.

Accordingly, I hereby certify, pursuant to § 6-208(c) of the Election Law Article, that the Petition has "satisfied all requirements established by law" and has qualified for placement on the ballot at the 2024 Presidential General Election. A copy of this letter and attachments will be forwarded to the City Solicitor for preparation of the ballot language in accordance with § 7-103 of the Election Law Article.

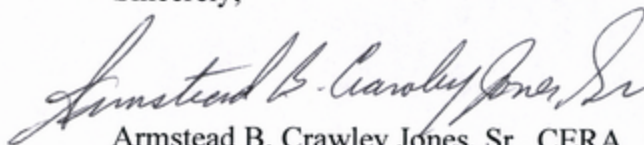
Certification of Petition – Baltimore Baby Bonus Fund

July 1, 2024

Page 2

Please let me know if you have any further questions. Questions may be directed to me at armstead.jones@baltimorecity.gov, with copy to Deputy Director Abigail Goldman at abigail.goldman@baltimorecity.gov and Thomas S. Chapman, Counsel to the Board, at tchapman@oag.state.md.us.

Sincerely,

A handwritten signature in cursive script, reading "Armstead B. Crawley Jones, Sr.", written in dark ink.

Armstead B. Crawley Jones, Sr., CERA
Election Director

Enclosures

cc: State Board of Elections
Office of the Attorney General
Baltimore City Board of Elections
Baltimore City Law Department

EXHIBIT A

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 is as follows:*

To add a Section 20 under Article I of the Baltimore City Charter creating the Baltimore Baby Bonus Fund. The Baltimore Baby Bonus Fund shall comprise: a mandatory annual appropriation in the Ordinance of Estimates of an amount equal to at least \$0.03 on every \$100 of assessed or assessable value of all property in the City of Baltimore (except property exempt by law); and grants and donations made to the Fund. The Baltimore Baby Bonus Fund will send a one-time Baby Bonus Payment of at least \$1,000 to each city resident who is the birthing parent of a child, upon the birth of the child. Conditions may be established by ordinance or regulation under which the guardian, or the adopting parent(s), of a child may receive a Baby Bonus Payment instead of the birthing parent. The proposed amendment would go into effect if at the election the majority of the votes cast for and against the amendment shall be in favor thereof, in which case the amendment shall be adopted and become a part of the Charter of Baltimore City from and after the thirtieth day after the election.

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

EXHIBIT B

Article I – General Provisions

§ 20. Baltimore Baby Bonus Fund.

a. *Fund established; provision of payments.*

1. There is a continuing, nonlapsing Baltimore Baby Bonus Fund, to be used exclusively for the provision of Baby Bonus Payments to residents of Baltimore City.
2. A Baby Bonus Payment is a one-time payment to the birthing parent of a child, upon the birth of a child, unless the conditions in subparagraph (3) or (4) are satisfied.
3. By Ordinance, or by proper delegation of regulatory authority, the Mayor and City Council may set forth conditions in which the guardian of a child other than the birthing parent may receive the Baby Bonus Payment instead of the birthing parent.
4. By Ordinance, or by proper delegation of regulatory authority, the Mayor and City Council may set forth conditions in which an adopting parent or parent(s) may receive a single Baby Bonus Payment upon the adoption of a child.
5. A Baby Bonus Payment shall be at least \$1,000.
6. A timely Baby Bonus Payment shall be made to all Baltimore City residents who meet the conditions set forth in subparagraphs (2), (3), or (4).
7. The Fund shall be administered in accordance with the following standards:
 1. to the maximum extent feasible, payments should be made within a reasonable time frame to ensure that parents can use the funds to assist with the costs of raising a newborn child;
 2. to the maximum extent feasible surplus monies should be used to the purposes set forth in paragraph (a) subparagraph (1).
 3. By Ordinance, or by proper delegation of regulatory authority, the Mayor and City Council shall determine the annual Baby Bonus Payment amount using all relevant data, including, but not limited to: surplus monies in the fund, historical birth rates, estimated future property values, etc.

b. *Revenue Source.*

The Baltimore Baby Bonus Fund shall comprise:

1. A mandatory annual appropriation in the Ordinance of Estimates of an amount equal to at least \$0.03 on every \$100 of assessed or assessable value of all property in the City of Baltimore (except property exempt by law); and
2. Grants and donations made to the Fund.

c. *Continuing Nature of the Fund.*

Notwithstanding any other provision of this Charter, unspent portions of the Baltimore Baby Bonus Fund:

1. remain in the Fund, to be used exclusively for its specified purposes;
2. do not revert to the general revenues of the City; and
3. their appropriations do not lapse.

d. *Implementation.*

By Ordinance, the Mayor and City Council shall provide for the oversight, governance, and administration of the Baltimore Baby Bonus Fund, including:

1. methods and criteria for evaluating parental eligibility;
2. methods and criteria for determining the logistical distribution of the Fund; and
3. the establishment of any other legislative or administrative rules, regulations, or standards, consistent with this section, governing the Fund, its operations, and programs and services funded by it

EXHIBIT C

Petition Processing Statistics Report

Date : 07/01/2024 8:22 AM
Report No. : PM-003

Petition Type : Charter Amendment
Petition Title : BALTIMORE BABY BONUS FUND

Petition Summary

Total number of lines	:	13765
Total Page Numbers	:	3711
Total no of Signatures Processed	:	13629
Total no of Signatures Unprocessed	:	136
Total Accepted Signatures	:	10184
Total Rejected Signatures	:	3445
No of Required Signatures	:	10000
Percentage of Required Signatures Accepted	:	100

Accepted Signatures by Reasons

Inactive Voter OK	:	9
Inactive Voter Valid New Address	:	14
Valid New Address	:	725
Valid Name	:	9436
Total Accepted Signatures	:	10184

Rejected Signatures by Reasons

Duplicate Name	:	814
Signature Issue	:	175
Not Registered	:	1459
Date Issue	:	153
Invalid New Address	:	233
Invalid District	:	101
PAGE - Circulator Issue	:	56
PAGE - Petition Format	:	8
Name Standard	:	446
Total Rejected Signatures	:	3445

Abigail Goldman
Deputy Director
7/1/2024

Case No. C-24-CV-24-001320

City Board's Exhibit 1

(Affidavit of Abigail Goldman)

IN THE CIRCUIT COURT FOR BALTIMORE CITY

MAYOR AND CITY COUNCIL OF
BALTIMORE, et al.,

Plaintiffs,

v.

BALTIMORE CITY BOARD OF
ELECTIONS, et al.,

Defendants.

Case No. C-24-CV-24-001320

* * * * *

AFFIDAVIT OF ABIGAIL GOLDMAN

I, **Abigail Goldman**, am over eighteen years of age, am competent to testify, and have personal knowledge of the matters to which I testify below.

1. I am Deputy Election Director of the Baltimore City Board of Elections (the “City Board”). I have been employed by the City Board since 1983 and have served as Deputy Director since 2011. I have also served as Acting Election Director on multiple occasions. I have been certified by the National Election Center as a Certified Elections/Registration Administrator.

2. As Deputy Election Director, I have overseen the process of signature verification and validation for local petitions, under the supervision of the Election Director, Mr. Armstead B.C. Jones, Sr., and the State Board of Elections (“State Board”).

3. To be approved for ballot access, a petition proposing a City charter amendment must, among other requirements, contain 10,000 validated and verified

signatures of Baltimore City registered voters, and must not seek a result that is unconstitutional or otherwise prohibited by law.

4. On February 13, 2023, the Maryland Child Alliance requested an advance determination on the format of a petition to place a charter amendment on the ballot at the 2024 General Election. I will refer to the Maryland Child Alliance's proposed charter amendment as the "Baby Bonus Amendment."

5. On March 1, 2023, the Election Director approved the Maryland Child Alliance's petition form as to format only. The Election Director made no determination as to the legality of the charter amendment at that time.

6. A true and correct copy of the Maryland Child Alliance's approved petition form, which includes the text of the proposed charter amendment, is attached to my affidavit as **Exhibit 2**.

7. A true and correct copy of the Election Director's letter approving the petition as to format is attached to my affidavit as **Exhibit 3**.

8. The Maryland Child Alliance submitted petition signatures on a rolling basis, and my staff reviewed them as they were submitted, following the regulations and guidelines for reviewing petition signatures set forth by the State Board.

9. On July 1, 2024, I submitted a report of the count of validated and verified signatures to the Election Director. The report stated that the petition to place the Baby Bonus Amendment on the ballot as a charter amendment contained more than 10,000 valid and verified signatures of Baltimore City registered voters.

10. The Election Director thus determined that the petition had met the


signature requirement established by law. He also determined that the petition had met all other requirements of law, including that the Baby Bonus Amendment was not unconstitutional or otherwise prohibited by law.

11. Accordingly, the Election Director certified on July 1, 2024, that the adoption of the Baby Bonus Amendment had qualified as a ballot question at the 2024 General Election.

12. A true and correct copy of the Election Director's certification letter is attached to my affidavit as **Exhibit 4**.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of this document are true.

July 25, 2024


Abigail Goldman

Case No. C-24-CV-24-001320

City Board's Exhibit 2

(Approved Petition Form)

State of Maryland - Charter Amendment Petition

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	Signature:					Date of Signature:			
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Circulator's Signature

Date (mm/dd/yy)

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Case No. C-24-CV-24-001320

City Board's Exhibit 3

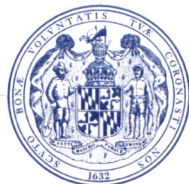
(Advance Determination Letter)

Armstead B. Crawley Jones, Sr.
Election Director

Abigail Goldman
Election Deputy Director

Bruce M. Luchansky
President (R)

Joyce J. Smith
Vice President (D)



BALTIMORE CITY
BOARD OF ELECTIONS

Arlene B. Fisher
Secretary (D)

Tamara M. Purnell
Member (R)

Evette Matthews
Member (R)

March 1, 2023

Via Electronic Mail Only

Nate Golden
nate@marylandchildalliance.org

Dear Mr. Golden:

As Election Director of the Baltimore City Board of Elections, I have received your request under § 6-202 of the Election Law Article, Annotated Code of Maryland, for an advance determination as to the format of a petition proposing an amendment to the Baltimore City Charter. With your request, you submitted a charter amendment petition form for the proposed amendment, including a summary of the proposed charter amendment on the front of the signature page and the full text of the proposed amendment on the reverse of the signature page. I have attached a copy of those materials to this letter as Exhibit A.

Upon review of your submission, I have determined that you used the correct State Board of Elections form for a charter amendment petition and that the summary of the proposed amendment is sufficient. More specifically, I have determined that the summary is a fair and accurate summary of the substantive provisions of the proposed amendment. I have therefore determined that the petition materials attached as Exhibit A are sufficient as to format, within the meaning of § 6-202 of the Election Law Article.

I have made no determination as to the legality of the proposed amendment. As set forth in § 6-206 of the Election Law Article, Annotated Code of Maryland, I will address that question, in consultation with counsel to the Baltimore City Board of Elections, at such time as the petition and requisite signatures are filed.

Please let me know if I can be of further assistance. I can be reached either by email addressed to armstead.jones@baltimorecity.gov or by phone at 410-396-5550.

Sincerely,

A handwritten signature in dark ink, reading "Armstead B. Crawley Jones, Sr.", is written over a faint, larger version of the same signature.

Armstead B. Crawley Jones, Sr., CERA
Election Director

cc: State Board of Elections
Baltimore City Board of Elections
Counsel to the City Board

Case No. C-24-CV-24-001320

City Board's Exhibit 4

(Petition Approval Letter with Exhibits)

Armstead B. Crawley Jones, Sr.
Election Director

Abigail Goldman
Election Deputy Director

Scherod C. Barnes
President (D)

Terrence D. Threweatt Jr.
Vice President (R)



BALTIMORE CITY
BOARD OF ELECTIONS

Samuel B. Novey
Secretary (D)

Hope M. Williams
Member (D)

Maria M. Vismale
Member (R)

July 1, 2024

Via First-Class Mail and Electronic Mail

Nathan Golden
Maryland Child Alliance
14 N. Bradford St.
Baltimore, MD 21224
nate@marylandchildalliance.org

Re: Certification of Petition – Baltimore Baby Bonus Fund

Dear Mr. Golden:

This letter is in reference to the petition submitted by Maryland Child Alliance to place a charter amendment question on the ballot at the 2024 Presidential General Election (the "Petition"). If approved by the voters, the amendment proposed by the Petition would add Section 20 to Article I of the Baltimore City Charter, establishing the Baltimore Baby Bonus Fund for specified purposes. A copy of the petition form is attached as **Exhibit A**. A copy of the charter amendment text is attached as **Exhibit B**.

The Petition was submitted to the Baltimore City Law Department, acting on behalf of the Mayor, pursuant to Article XI-A, § 5 of the Constitution of Maryland, and forwarded to the Baltimore City Board of Elections for verification and validation of signatures pursuant to § 6-205 of the Election Law Article, Maryland Annotated Code.

As Election Director for the Board of Elections, I have determined that the Petition has satisfied all requirements established by law for the placement of a charter amendment question on the ballot. In particular, I have determined that the petition contains at least 10,000 valid signatures of registered Baltimore City voters, as required by the Constitution, Article XI-A, § 5. See **Exhibit C** (report of signatures). The Board of Elections will continue to review and verify the remaining signatures on the Petition, and will provide a final count of accepted and rejected signatures once we have completed our review, but based on the number of signatures already validated and verified, I have confirmed that the Petition has met the legal requirements for certification.

Accordingly, I hereby certify, pursuant to § 6-208(c) of the Election Law Article, that the Petition has "satisfied all requirements established by law" and has qualified for placement on the ballot at the 2024 Presidential General Election. A copy of this letter and attachments will be forwarded to the City Solicitor for preparation of the ballot language in accordance with § 7-103 of the Election Law Article.

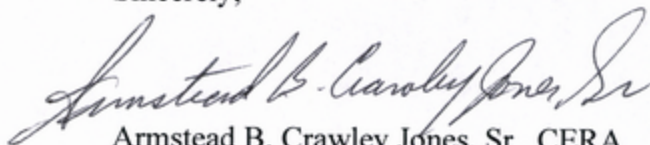
Certification of Petition – Baltimore Baby Bonus Fund

July 1, 2024

Page 2

Please let me know if you have any further questions. Questions may be directed to me at armstead.jones@baltimorecity.gov, with copy to Deputy Director Abigail Goldman at abigail.goldman@baltimorecity.gov and Thomas S. Chapman, Counsel to the Board, at tchapman@oag.state.md.us.

Sincerely,

A handwritten signature in cursive script, reading "Armstead B. Crawley Jones, Sr.", written in dark ink.

Armstead B. Crawley Jones, Sr., CERA
Election Director

Enclosures

cc: State Board of Elections
Office of the Attorney General
Baltimore City Board of Elections
Baltimore City Law Department

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EXHIBIT C

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Date : 07/01/2024 8:22 AM
Report No. : PM-003

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Petition Title : BALTIMORE BABY BONUS FUND

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Inactive Voter Valid New Address	:	14
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Valid Name	:	9436
Total Accepted Signatures	:	10184

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Signature Issue	:	175
Not Registered	:	1459
Date Issue	:	153
Invalid New Address	:	233
Invalid District	:	101
PAGE - Circulator Issue	:	56
PAGE - Petition Format	:	8
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Deputy Director
7/1/2024

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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 is as follows:*

To add a Section 20 under Article I of the Baltimore City Charter creating the Baltimore Baby Bonus Fund. The Baltimore Baby Bonus Fund shall comprise: a mandatory annual appropriation in the Ordinance of Estimates of an amount equal to at least \$0.03 on every \$100 of assessed or assessable value of all property in the City of Baltimore (except property exempt by law); and grants and donations made to the Fund. The Baltimore Baby Bonus Fund will send a one-time Baby Bonus Payment of at least \$1,000 to each city resident who is the birthing parent of a child, upon the birth of the child. Conditions may be established by ordinance or regulation under which the guardian, or the adopting parent(s), of a child may receive a Baby Bonus Payment instead of the birthing parent. The proposed amendment would go into effect if at the election the majority of the votes cast for and against the amendment shall be in favor thereof, in which case the amendment shall be adopted and become a part of the Charter of Baltimore City from and after the thirtieth day after the 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 I – General Provisions

§ 20. Baltimore Baby Bonus Fund.

a. *Fund established; provision of payments.*

1. There is a continuing, nonlapsing Baltimore Baby Bonus Fund, to be used exclusively for the provision of Baby Bonus Payments to residents of Baltimore City.
2. A Baby Bonus Payment is a one-time payment to the birthing parent of a child, upon the birth of a child, unless the conditions in subparagraph (3) or (4) are satisfied.
3. By Ordinance, or by proper delegation of regulatory authority, the Mayor and City Council may set forth conditions in which the guardian of a child other than the birthing parent may receive the Baby Bonus Payment instead of the birthing parent.
4. By Ordinance, or by proper delegation of regulatory authority, the Mayor and City Council may set forth conditions in which an adopting parent or parent(s) may receive a single Baby Bonus Payment upon the adoption of a child.
5. A Baby Bonus Payment shall be at least \$1,000.
6. A timely Baby Bonus Payment shall be made to all Baltimore City residents who meet the conditions set forth in subparagraphs (2), (3), or (4).
7. The Fund shall be administered in accordance with the following standards:
 1. to the maximum extent feasible, payments should be made within a reasonable time frame to ensure that parents can use the funds to assist with the costs of raising a newborn child;
 2. to the maximum extent feasible surplus monies should be used to the purposes set forth in paragraph (a) subparagraph (1).
 3. By Ordinance, or by proper delegation of regulatory authority, the Mayor and City Council shall determine the annual Baby Bonus Payment amount using all relevant data, including, but not limited to: surplus monies in the fund, historical birth rates, estimated future property values, etc.

b. *Revenue Source.*

The Baltimore Baby Bonus Fund shall comprise:

1. A mandatory annual appropriation in the Ordinance of Estimates of an amount equal to at least \$0.03 on every \$100 of assessed or assessable value of all property in the City of Baltimore (except property exempt by law); and
2. Grants and donations made to the Fund.

c. *Continuing Nature of the Fund.*

Notwithstanding any other provision of this Charter, unspent portions of the Baltimore Baby Bonus Fund:

1. remain in the Fund, to be used exclusively for its specified purposes;
2. do not revert to the general revenues of the City; and
3. their appropriations do not lapse.

d. *Implementation.*

By Ordinance, the Mayor and City Council shall provide for the oversight, governance, and administration of the Baltimore Baby Bonus Fund, including:

1. methods and criteria for evaluating parental eligibility;
2. methods and criteria for determining the logistical distribution of the Fund; and
3. the establishment of any other legislative or administrative rules, regulations, or standards, consistent with this section, governing the Fund, its operations, and programs and services funded by it

EXHIBIT 2

MAYOR AND CITY COUNCIL
OF BALTIMORE, *et al.*

Plaintiffs,

v.

BALTIMORE CITY
BOARD OF ELECTIONS, *et al.*

Defendants.

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY

*

* Case No. C-24-CV-24-001320

* * * * *

AFFIDAVIT OF MICHAEL MOCKSTEN

1. My name is Michael Mocksten. I'm at least 18 years of age and competent to testify.

2. I am a resident of, registered voter in, and a taxpayer in Baltimore City.

3. I currently serve as Director of the Baltimore City Department of Finance ("DOF").

4. My duties as Director include supervising and directing the Department, recommending an operating budget for the City, including estimates for appropriations; establishing an expenditure schedule for all City agencies; making reports and recommendations on the capital budget and capital improvement program; making the proposed Ordinance of Estimates; implementing the Ordinance of Estimates; having general supervision and charge over all payments and disbursements made by the City; signing all checks of the City made by the City; and serving as the registrar of the public debt and responsible for all moneys and securities belonging to the City.

5. As Director of DOF, I will be responsible for implementing the Baby Bonus Fund, including providing for Baby Bonus payments in the proposed annual budget and overseeing the payments.

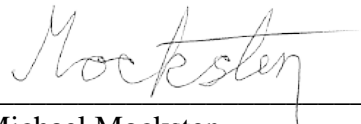
6. I will also be responsible for preparing and signing the bonus checks to recipients.

7. Because the Mayor of Baltimore is required to publish the Baby Bonus Fund Amendment once a week for five successive weeks prior to the election in at least one newspaper published in Baltimore City if the Amendment is permitted on the ballot, the City will incur costs in having to publish the Amendment.

* * *

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Date: July 23, 2024



Michael Mocksten

EXHIBIT 3

MAYOR AND CITY COUNCIL
OF BALTIMORE, *et al.*

Plaintiffs,

v.

BALTIMORE CITY
BOARD OF ELECTIONS, *et al.*

Defendants.

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY

*

* Case No. C-24-CV-24-001320

* * * * *

AFFIDAVIT OF ROBERT CENNAME

1. My name is Robert Cenname. I'm at least 18 years of age and competent to testify.
2. I am a resident of, registered voter in, and a taxpayer in Baltimore City.
3. I currently serve as Deputy Director of the Baltimore City Department of Finance ("DOF").
4. My duties as Deputy Director include supervising and overseeing the daily functions of DOF and coordinating with the Director; signing all checks of the City made by the City; and performing the duties of the Director when the Director is incapacitated or otherwise unavailable for duty for any cause, and serving as Acting Director of DOF if the Director position becomes vacant.
5. As Deputy Director of DOF, I will be responsible for implementing the Baby Bonus Fund, including providing for Baby Bonus payments in the annual budget and overseeing the payments.
6. I will also be responsible for preparing and signing the bonus checks to recipients.

* * *

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Date: July 23, 2024

Robert Cenname

Robert Cenname

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor
101 City Hall
Baltimore, Maryland 21202

The Honorable President and
Members of the Baltimore
City Council
c/o Karen Randle, Executive Secretary
409 City Hall
Baltimore, MD 21202

Re: City Council Bill 15-0567 - Charter Amendment – Children and Youth Fund

Dear President and Members

You have requested the advice of the Law Department regarding City Council Bill 15-0567. City Council Bill 567 proposes to amend Article I of the Baltimore City Charter to authorize the Mayor and City Council by ordinance to provide for a fund for the purpose of establishing new and augmenting existing programs for and services to the children and youth of the City ("the Fund") and provides guidelines for the types of programs that can be funded. The revenue sources for the Fund would be money appropriated to the Fund by a mandatory appropriation in the annual Ordinance of Estimates in the amount of at least \$0.03 of every \$100 of assess or assessable vale of all property on the City of Baltimore (except property exempt by law, and grants and donations. The bill also calls for the Mayor and City Council to by ordinance provide for the oversight and administration of the Fund.

The Law Department is concerned about the revenue source for the Fund that requires that a mandatory appropriation of \$0.03 for every \$100 of assessed property in the City be dedicated in the Ordinance of Estimates. Sec. 13(C). This Charter amendment would be inconsistent with the power of the Board of Estimates to prepare the Ordinance of Estimates which provides for the financial needs of City agencies and programs for the fiscal year and would hinder the ability of the Board of Estimates to adapt to the changing needs of the City in any given fiscal year by permanently encumbering a specific amount for a specific purpose. The funding provision would also tie the hands of future City Councils to fund other initiatives that are important to the City Council by diverting a specific amount in perpetuity to one purpose regardless of what that amount may grow to be especially if property values increase and more properties are added to the tax base.

Sec. 13(C)(1) states that the mandatory appropriation shall be \$0.03 for every \$100 of assessed or assessable value of all property in Baltimore City "(except property exempt by law)." The quoted language is vague in that it does not specify what the property in question is exempt from. Does it mean exempt from taxation or assessment or something else? The bill should be



amended to clarify this phrase. In addition, if the quoted language is intended to remove properties that are not paying taxes from the equation, what about properties that receive substantial tax credits or are subject to PILOT agreements? Should such properties also be considered in the calculation of the appropriation?

The bill also prohibits the fund from being used to fund any program that appears in the Fiscal 2017 ordinance of estimates. See Sec 13(B). This section is overly broad in that it does not limit the prohibition to services and programs for "children and youth." In addition, if a service or program in the ordinance of estimates for 2017 is not funded in the future, the City Council will be barred from saving it via use of the Fund. This section should be amended to clarify that it refers only to programs "for children and youth" that are funded in the Fiscal 2017 ordinance of estimates.

Finally, the bill does not consider its impact on the balanced budget requirement. If, after all the City's mandatory expenditures under state and federal law are provided for, the City is unable to balance its budget, the mandatory nature of the funding source in this bill would result in a deficit situation for the City. Similarly, what if a significant event in the City resulted in a large expenditure that severely impacts the City's financial resources, the required appropriation to the Fund would not be available to address emergencies of this nature. The Law Department, therefore, recommends that the City Council consider amending Section 13(C) (1) to read "money appropriated to the fund in the annual Ordinances of Estimates; and".

If the bill is amended to clarify Sec. 13(B) and (C)(1) as discussed above, the Law Department could approve the City Council Bill 15-0567 for form and legal sufficiency.

Sincerely yours,



Elena R. DiPietro
Chief Solicitor

cc: George A. Nilson, City Solicitor
Angela Gibson
Hilary B. Ruley, Chief Solicitor
Victor Tervala, Chief Solicitor
Jennifer Landis, Assistant Solicitor

APPENDIX A

Implementation Questions for the Baby Bonus

The Baby Bonus will require detailed implementation legislation from the City Council. The list below is not exhaustive but demonstrates some of the important questions that the City Council would need to address through ordinance.

- 1) How will the City Council adjust the City's budget to accommodate the appropriation for the Baltimore Baby Bonus Fund?
- 2) How will the City Council determine the annual Baby Bonus Payment amount?
- 3) What criteria and procedures will the City Council establish to determine eligibility for non-birthing parents, guardians, or caregivers to receive the Baltimore Baby Bonus? How will these criteria address various family structures, adoption scenarios, foster care situations, and cases where the birthing parent is unable or unwilling to receive the payment?
- 4) How will the City Council determine eligibility and payment procedures for adoptive parents under the Baltimore Baby Bonus program? What factors will be considered, such as the age of the adopted child, the timing of the adoption process, and potential interactions with other adoption-related benefits or support systems?
- 5) Who is considered an eligible Baltimore City resident?
- 6) Is there a minimum time requirement for residency that a person must satisfy to be eligible?
- 7) How will City residency be verified?
- 8) How many days after giving birth does the parent have to claim the Payment?
- 9) What payment methods will the City Council authorize for distributing the Payment, and how will they ensure these methods are accessible and equitable for all eligible recipients?
- 10) Which City agency, department, or newly created entity will the City Council designate to oversee and administer the Baby Bonus Fund?
- 11) When are the payments made?
- 12) In a case of infant mortality, does the parent still receive the Payment?

- 13) How will the program handle cases where one parent is a City resident and the other is not?
- 14) Are active duty military members who vote in the City eligible if they give birth while abroad?
- 15) How will the program handle cases where the parent is currently incarcerated?
- 16) Are there any conditions under which the payment must be returned?
- 17) Who receives the Payment if the birthing parent is a minor?
- 18) Will there be an appeals process for denied applications, and if so, how will it be structured?
- 19) How will the program interact with existing social services and benefits?
- 20) How will the City Council address potential fraud or misuse of the Baltimore Baby Bonus program, and what safeguards will be put in place to protect the integrity of the fund?

This list of questions illustrates the significant discretion left to the City Council in implementing the Baltimore Baby Bonus program. Each question represents a policy decision that will shape the program's impact on Baltimore families. While the charter amendment establishes the broad policy, it is the City Council that will determine through legislation how this initiative will function in practice.

APPENDIX B

Funds and Appropriations in State Constitutions

ALASKA

Alaska Permanent Fund (Article IX, Sec 15)

Mandates that at least 25% of all mineral-related revenues be placed in a permanent fund, with its principal used only for specified income-producing investments and its income deposited in the general fund unless otherwise legislated.

At least twenty-five per cent of all mineral lease rentals, royalties, royalty sale proceeds, federal mineral revenue sharing payments and bonuses received by the State shall be placed in a permanent fund, the principal of which shall be used only for those income-producing investments specifically designated by law as eligible for permanent fund investments. All income from the permanent fund shall be deposited in the general fund unless otherwise provided by law.

Budget Reserve Fund (Article IX, Sec. 17)

Establishes a budget reserve fund, primarily funded by mineral-related revenue settlements and litigation proceeds, with specific rules for investment, income retention, and limited appropriation conditions.

There is established as a separate fund in the State treasury the budget reserve fund. Except for money deposited into the permanent fund under section 15 of this article, all money received by the State after July 1, 1990, as a result of the termination, through settlement or otherwise, of an administrative proceeding or of litigation in a State or federal court involving mineral lease bonuses, rentals, royalties, royalty sale proceeds, federal mineral revenue sharing payments or bonuses, or involving taxes imposed on mineral income, production, or property, shall be deposited in the budget reserve fund. Money in the budget reserve fund shall be invested so as to yield competitive market rates to the fund. Income of the fund shall be retained in the fund. section 7 of this article does not apply to deposits made to the fund under this subsection. Money may be appropriated from the fund only as authorized under (b) or (c) of this section....

ARIZONA

Article IX Section 14: Use and distribution of vehicle, user, and gasoline and diesel tax receipts

Mandates that vehicle and fuel-related taxes and fees must be used exclusively for highway and street purposes, including specific allowable expenditures, with a minimum funding guarantee based on 1970 levels.

No moneys derived from fees, excises, or license taxes relating to registration, operation, or use of vehicles on the public highways or streets or to fuels or any other energy source used for the propulsion of vehicles on the public highways or streets, shall be expended for other than highway and street purposes including the cost of administering the state highway system and the laws creating such fees, excises, or license taxes, statutory refunds and adjustments provided by law, payment of principal and interest on highway and street bonds and obligations, expenses of state enforcement of traffic laws and state administration of traffic safety programs, payment of costs of publication and distribution of Arizona highways magazine, state costs of construction, reconstruction, maintenance or repair of public highways, streets or bridges, costs of rights of way acquisitions and expenses related thereto, roadside development, and for distribution to counties, incorporated cities and towns to be used by them solely for highway and street purposes including costs of rights of way acquisitions and expenses related thereto, construction, reconstruction, maintenance, repair, roadside development, of county, city and town roads, streets, and bridges and payment of principal and interest on highway and street bonds. As long as the total highway user revenues derived equals or exceeds the total derived in the fiscal year ending June 30, 1970, the state and any county shall not receive from such revenues for the use of each and for distribution to cities and towns, fewer dollars than were received and distributed in such fiscal year. This section shall not apply to moneys derived from the automobile license tax imposed under section 11 of article IX of the Constitution of Arizona. All moneys collected in accordance with this section shall be distributed as provided by law."

CALIFORNIA

Article XIX - Motor Vehicle Revenues^[1]Section 2

Mandates that revenues from state-imposed motor vehicle fuel taxes be allocated to a trust fund and used exclusively for public street and highway-related purposes, as well as certain public mass transit guideway projects and their associated costs.

Revenues from taxes imposed by the State on motor vehicle fuels for use in motor vehicles upon public streets and highways, over and above the costs of collection and any refunds authorized by law, shall be deposited into the Highway Users Tax Account (Section 2100 of the Streets and Highways Code) or its successor, which is hereby declared to be a trust fund, and shall be allocated monthly in accordance with Section 4, and shall be used solely for the following purposes:

- A. The research, planning, construction, improvement, maintenance, and operation of public streets and highways (and their related public facilities for nonmotorized traffic), including the mitigation of their environmental effects, the payment for property taken or

damaged for such purposes, and the administrative costs necessarily incurred in the foregoing purposes.

- B. The research, planning, construction, and improvement of exclusive public mass transit guideways (and their related fixed facilities), including the mitigation of their environmental effects, the payment for property taken or damaged for such purposes, the administrative costs necessarily incurred in the foregoing purposes, and the maintenance of the structures and the immediate right-of-way for the public mass transit guideways, but excluding the maintenance and operating costs for mass transit power systems and mass transit passenger facilities, vehicles, equipment, and services.

COLORADO

Article IX Section 17 - Education - Funding

Establishes a State Education Fund financed by one third of one percent tax on federal taxable income, mandating annual growth in per-pupil funding and categorical programs at least equal to inflation, and specifying the fund's management and usage guidelines.

1. Purpose: In state fiscal year 2001-2002 through state fiscal year 2010-2011, the statewide base per pupil funding, as defined by the Public School Finance Act of 1994, article 54 of title 22, Colorado Revised Statutes on the effective date of this section, for public education from preschool through the twelfth grade and total state funding for all categorical programs shall grow annually at least by the rate of inflation plus an additional one percentage point. In state fiscal year 2011-2012, and each fiscal year thereafter, the statewide base per pupil funding for public education from preschool through the twelfth grade and total state funding for all categorical programs shall grow annually at a rate set by the general assembly that is at least equal to the rate of inflation....

4. State Education Fund Created.

- a. There is hereby created in the department of the treasury the state education fund. Beginning on the effective date of this measure, all state revenues collected from a tax of one third of one percent on federal taxable income, as modified by law, of every individual, estate, trust and corporation, as defined in law, shall be deposited in the state education fund. Revenues generated from a tax of one third of one percent on federal taxable income, as modified by law, of every individual, estate, trust and corporation, as defined in law, shall not be subject to the limitation on fiscal year spending set forth in article X, section 20 of the Colorado constitution. All interest earned on monies in the state education fund shall be deposited in the state education fund and shall be used before any principal is depleted. Monies remaining in the state education fund at the end of any fiscal year shall remain in the fund and not revert to the general fund

Article X Section 18 - License fees and excise taxes - use of.

Mandates that all revenues from motor vehicle fees and gasoline taxes, except for aviation fuel, be used exclusively for public highway purposes, while aviation fuel taxes must be used solely for aviation purposes.

On and after July 1, 1935, the proceeds from the imposition of any license, registration fee, or other charge with respect to the operation of any motor vehicle upon any public highway in this state and the proceeds from the imposition of any excise tax on gasoline or other liquid motor fuel except aviation fuel used for aviation purposes shall, except costs of administration, be used exclusively for the construction, maintenance, and supervision of the public highways of this state. Any taxes imposed upon aviation fuel shall be used exclusively for aviation purposes.

DELAWARE

Article VIII The Transportation Trust Fund; use and restrictions.

Establishes a Transportation Trust Fund financed by various vehicle-related fees and taxes, specifying its permissible uses for transportation purposes, and requiring a supermajority legislative approval for any changes to the fund's appropriations or purposes.

- A. The State irrevocably pledges and assigns and continuously appropriates the proceeds derived from a motor vehicle registration fee, a motor vehicle document fee, a motor fuel tax, a motor carrier road use tax and registration fee, and the operation of the Delaware Turnpike to a special fund known as the Transportation Trust Fund.
- B. The moneys in the Transportation Trust Fund may be appropriated and used for the following purposes:
 - 1. Capital expenditures on the public transportation system, including the road system, grants and allocations for investments in transportation, the transit system, and the support systems for public transportation.
 - 2. Payment of the interest and principal on all indebtedness incurred before or after the effective date of this Act, including the payment of all other obligations incurred pursuant to any trust agreement related to such indebtedness, and secured by moneys in the Transportation Trust Fund.
 - 3. Other transportation-related purposes, including operating expenses, to which moneys in the Transportation Trust Fund are authorized on the effective date of this Act.
- C. No moneys in the Transportation Trust Fund may be appropriated for a purpose not listed in subsection (b) of this section except by an act of the General Assembly adopted with the concurrence of three-fourths of all members of each House and separate from an annual budget act, bond and capital improvement act, or grants-in-aid act.
- D. If moneys in the Transportation Trust Fund cease to be appropriated for a purpose under paragraph (b)(3) of this section, the moneys may not again be appropriated for a purpose under paragraph (b)(3) of this section except by an act of the General Assembly adopted

with the concurrence of three-fourths of all members of each House and separate from an annual budget act, bond and capital improvement act, or grants-in-aid act.

Article X § 2. Annual appropriations; apportionment; use of funds; separation of schools; other expenses.

Mandates an annual state payment of at least \$100,000 for public schools, to be equitably distributed among districts without racial discrimination, and used exclusively for teachers' salaries and free textbooks, while other school expenses are to be funded as provided by law.

In addition to the income of the investments of the Public School Fund, the General Assembly shall make provision for the annual payment of not less than one hundred thousand dollars for the benefit of the free public schools which, with the income of the investments of the Public School Fund, shall be equitably apportioned among the school districts of the State as the General Assembly shall provide; and the money so apportioned shall be used exclusively for the payment of teachers' salaries and for furnishing free text books; provided, however, that in such apportionment, no distinction shall be made on account of race or color. All other expenses connected with the maintenance of free public schools, and all expenses connected with the erection or repair of free public school buildings shall be defrayed in such manner as shall be provided by law.

FLORIDA

Article IX Section 6 - State school fund.

The income derived from the state school fund shall, and the principal of the fund may, be appropriated, but only to the support and maintenance of free public schools.

GEORGIA

Article IX Paragraph VI. Appropriations to be for specific sums

Establishes a dedicated annual appropriation of motor fuel tax revenues for public road and bridge maintenance and construction, including county grants, that is automatically renewed without requiring specific legislative action and is protected from budgetary reductions except in cases of invasion or major catastrophe.

- A. Except as hereinafter provided, the appropriation for each department, officer, bureau, board, commission, agency, or institution for which appropriation is made shall be for a specific sum of money; and no appropriation shall allocate to any object the proceeds of any particular tax or fund or a part or percentage thereof.
- B. An amount equal to all money derived from motor fuel taxes received by the state in each of the immediately preceding fiscal years, less the amount of refunds, rebates, and collection costs authorized by law, is hereby appropriated for the fiscal year beginning July 1, of each year following, for all activities incident to providing and maintaining an

adequate system of public roads and bridges in this state, as authorized by laws enacted by the General Assembly of Georgia, and for grants to counties by law authorizing road construction and maintenance, as provided by law authorizing such grants. Said sum is hereby appropriated for, and shall be available for, the aforesaid purposes regardless of whether the General Assembly enacts a general appropriations Act; and said sum need not be specifically stated in any general appropriations Act passed by the General Assembly in order to be available for such purposes. However, this shall not preclude the General Assembly from appropriating for such purposes an amount greater than the sum specified above for such purposes. The expenditure of such funds shall be subject to all the rules, regulations, and restrictions imposed on the expenditure of appropriations by provisions of the Constitution and laws of this state, unless such provisions are in conflict with the provisions of this paragraph. And provided, however, that the proceeds of the tax hereby appropriated shall not be subject to budgetary reduction. In the event of invasion of this state by land, sea, or air or in case of a major catastrophe so proclaimed by the Governor, said funds may be utilized for defense or relief purposes on the executive order of the Governor.

HAWAII

Article XII Section 1 - HAWAIIAN HOMES COMMISSION ACT

Adopts the Hawaiian Homes Commission Act as state law, mandating legislative funding for specific Hawaiian homestead purposes, and allocating 30% of certain state land and water lease revenues to the Native Hawaiian Rehabilitation Fund without a ceiling on the total amount transferred.

Anything in this constitution to the contrary notwithstanding, the Hawaiian Homes Commission Act, 1920, enacted by the Congress, as the same has been or may be amended prior to the admission of the State, is hereby adopted as a law of the State, subject to amendment or repeal by the legislature; provided that if and to the extent that the United States shall so require, such law shall be subject to amendment or repeal only with the consent of the United States and in no other manner; provided further that if the United States shall have been provided or shall provide that particular provisions or types of provisions of such Act may be amended in the manner required for ordinary state legislation, such provisions or types of provisions may be so amended. The proceeds and income from Hawaiian home lands shall be used only in accordance with the terms and spirit of such Act. The legislature shall make sufficient sums available for the following purposes:

1. development of home, agriculture, farm and ranch lots;
2. home, agriculture, aquaculture, farm and ranch loans;

3. rehabilitation projects to include, but not limited to, educational, economic, political, social and cultural processes by which the general welfare and conditions of native Hawaiians are thereby improved;
4. the administration and operating budget of the department of Hawaiian home lands; in furtherance of (1), (2), (3) and (4) herein, by appropriating the same in the manner provided by law.

Thirty percent of the state receipts derived from the leasing of cultivated sugarcane lands under any provision of law or from water licenses shall be transferred to the native Hawaiian rehabilitation fund, section 213 of the Hawaiian Homes Commission Act, 1920, for the purposes enumerated in that section. Thirty percent of the state receipts derived from the leasing of lands cultivated as sugarcane lands on the effective date of this section shall continue to be so transferred to the native Hawaiian rehabilitation fund whenever such lands are sold, developed, leased, utilized, transferred, set aside or otherwise disposed of for purposes other than the cultivation of sugarcane. There shall be no ceiling established for the aggregate amount transferred into the native Hawaiian rehabilitation fund.

IDAHO

Article XI - SECTION 17. GASOLINE TAXES AND MOTOR VEHICLE REGISTRATION FEES TO BE EXPENDED ON HIGHWAYS

Mandates that all revenues from gasoline taxes and motor vehicle registration fees, after collection costs and authorized refunds, be used exclusively for highway-related purposes, including construction, maintenance, and debt service, with no diversion to other uses allowed.

On and after July 1, 1941 the proceeds from the imposition of any tax on gasoline and like motor vehicle fuels sold or used to propel motor vehicles upon the highways of this state and from any tax or fee for the registration of motor vehicles, in excess of the necessary costs of collection and administration and any refund or credits authorized by law, shall be used exclusively for the construction, repair, maintenance and traffic supervision of the public highways of this state and the payment of the interest and principal of obligations incurred for said purposes: and no part of such revenues shall, by transfer of funds or otherwise, be diverted to any other purposes whatsoever.

Article XI - SECTION 18. IDAHO MILLENNIUM PERMANENT ENDOWMENT FUND - IDAHO MILLENNIUM

Establishes the Idaho Millennium Permanent Endowment Fund, primarily funded by tobacco settlement money, with a protected principal and an annual 5% distribution to the Idaho Millennium Income Fund for appropriation.

There is hereby created in the state treasury an Idaho Millennium Permanent Endowment Fund. The fund shall consist of eighty percent of the moneys received each year by the state of Idaho

on and after January 1, 2007, pursuant to the master settlement agreement entered into between tobacco product manufacturers and the state of Idaho, and any other moneys that may be appropriated or otherwise directed to the fund by the legislature, including other moneys or assets that the fund receives by bequest or private donation. The moneys received annually for deposit to the fund, including earnings, shall forever remain inviolate and intact. No portion of the permanent endowment fund shall ever be transferred to any other fund, or used, or appropriated, except as follows: each year, the state treasurer shall distribute five percent of the permanent endowment fund's average monthly fair market value for the first twelve months of the preceding twenty-four months, to the Idaho Millennium Income Fund, and provided, that such distribution shall not exceed the permanent endowment fund's fair market value on the first business day of July.

The Idaho Millennium Income Fund, which is hereby created in the state treasury, is subject to appropriation as provided by law, and shall consist of the distribution from the Idaho Millennium Permanent Endowment Fund and other moneys that may be appropriated or otherwise directed to the fund as provided by law.

ILLINOIS

Transportation Funds (Article IX Section 11) TRANSPORTATION FUNDS

Restricts the use of transportation-related taxes, fees, and revenue to specific transportation purposes as outlined in subsequent subsections.

- A. No moneys, including bond proceeds, derived from taxes, fees, excises, or license taxes relating to registration, title, or operation or use of vehicles, or related to the use of highways, roads, streets, bridges, mass transit, intercity passenger rail, ports, airports, or to fuels used for propelling vehicles, or derived from taxes, fees, excises, or license taxes relating to any other transportation infrastructure or transportation operation, shall be expended for purposes other than as provided in subsections (b) and (c).

IOWA

Article VII Section 9 - Fish and wildlife protection funds.

Mandates that all hunting, fishing, and trapping license fees, along with related state, federal, and private funds, must be used exclusively for wildlife and fisheries management and related activities.

All revenue derived from state license fees for hunting, fishing, and trapping, and all state funds appropriated for, and federal or private funds received by the state for, the regulation or advancement of hunting, fishing, or trapping, or the protection, propagation, restoration,

management, or harvest of fish or wildlife, shall be used exclusively for the performance and administration of activities related to those purposes.

Article VII Section 10 - Natural resources.

Establishes a natural resources and outdoor recreation trust fund, funded by a specific portion of sales tax revenue, to be used exclusively for environmental conservation and recreation purposes.

A natural resources and outdoor recreation trust fund is created within the treasury for the purposes of protecting and enhancing water quality and natural areas in this state including parks, trails, and fish and wildlife habitat, and conserving agricultural soils in this state. Moneys in the fund shall be exclusively appropriated by law for these purposes.

The general assembly shall provide by law for the implementation of this section, including by providing for the administration of the fund and at least annual audits of the fund.

Except as otherwise provided in this section, the fund shall be annually credited with an amount equal to the amount generated by a sales tax rate of three-eighths of one percent as may be imposed upon the retail sales price of tangible personal property and the furnishing of enumerated services sold in this state.

No revenue shall be credited to the fund until the tax rate for the sales tax imposed upon the retail sales price of tangible personal property and the furnishing of enumerated services sold in this state in effect on the effective date of this section is increased. After such an increased tax rate becomes effective, an amount equal to the amount generated by the increase in the tax rate shall be annually credited to the fund, not to exceed an amount equal to the amount generated by a tax rate of three-eighths of one percent imposed upon the retail sales price of tangible personal property and the furnishing of enumerated services sold in this state.

Article IX Part 2 Section 2 - Permanent fund.

Designates university lands and their proceeds as a permanent fund exclusively for the state university, with annual interest appropriations for the university's support and benefit.

The university lands, and the proceeds thereof, and all monies belonging to said fund shall be a permanent fund for the sole use of the state university. The interest arising from the same shall be annually appropriated for the support and benefit of said university.

Article IX Section 2 Part 3 - Perpetual support fund.

Mandates the promotion of education and improvement, establishing a perpetual fund from land grants, estates of deceased persons without heirs, and other sources, with interest and rents to be used for educational purposes.

The general assembly shall encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvement. The proceeds of all lands that have been, or hereafter may be, granted by the United States to this state, for the support of schools, which may have been, or shall hereafter be sold, or disposed of, and the five hundred thousand acres of land

granted to the new states, under an Act of Congress, distributing the proceeds of the public lands among the several states of the union, approved in the year of our Lord one thousand eight hundred and forty-one,* and all estates of deceased persons who may have died without leaving a will or heir, and also such per cent. as has been or may hereafter be granted by Congress, on the sale of lands in this state, shall be, and remain a perpetual fund, the interest of which, together with all rents of the unsold lands, and such other means as the general assembly may provide, shall be inviolably.

KANSAS

Article I Section 6 - Proceeds to schools.

Allocates 5% of proceeds from public land sales in Kansas after statehood to create a fund supporting common schools through its income.

That five percentum of the proceeds of the public lands in Kansas, disposed of after the admission of the state into the union, shall be paid to the state for a fund, the income of which shall be used for the support of common schools.

KENTUCKY

Education Section 184 - Common school fund - What constitutes - Use

Establishes an inviolate education fund from state bonds and bank stock, with interest and dividends dedicated to common schools, and requires voter approval for any taxation supporting education outside of common schools.

Vote on tax for education other than in common schools. The bond of the Commonwealth issued in favor of the Board of Education for the sum of one million three hundred and twenty-seven thousand dollars shall constitute one bond of the Commonwealth in favor of the Board of Education, and this bond and the seventy-three thousand five hundred dollars of the stock in the Bank of Kentucky, held by the Board of Education, and its proceeds, shall be held inviolate for the purpose of sustaining the system of common schools. The interest and dividends of said fund, together with any sum which may be produced by taxation or otherwise for purposes of common school education, shall be appropriated to the common schools, and to no other purpose. No sum shall be raised or collected for education other than in common schools until the question of taxation is submitted to the legal voters, and the majority of the votes cast at said election shall be in favor of such taxation.

LOUISIANA

Article VII Section 10 creates 17 special funds all with mandatory appropriations and strict limitations on usage.

MAINE

Article IX Section 19 - Limitation on expenditure of motor vehicle and motor vehicle fuel revenues

Mandates that all vehicle and fuel-related taxes and fees must be used exclusively for highway-related expenses, including administration, construction, maintenance, and traffic law enforcement, with an exception for motor vehicle excise taxes replacing personal property

All revenues derived from fees, excises and license taxes relating to registration, operation and use of vehicles on public highways, and to fuels used for propulsion of such vehicles shall be expended solely for cost of administration, statutory refunds and adjustments, payment of debts and liabilities incurred in construction and reconstruction of highways and bridges, the cost of construction, reconstruction, maintenance and repair of public highways and bridges under the direction and supervision of a state department having jurisdiction over such highways and bridges and expense for state enforcement of traffic laws and shall not be diverted for any purpose, provided that these limitations shall not apply to revenue from an excise tax on motor vehicles imposed in lieu of personal property tax.

Article IX Section 22 - Revenues generated by fisheries and wildlife management.

Requires that the Department of Inland Fisheries and Wildlife's annual appropriation must at least equal its total revenue from various sources, excluding federal funds, which may be allocated separately.

The amount of funds appropriated in any fiscal year to the Department of Inland Fisheries and Wildlife, or any successor agency responsible for fisheries and wildlife management, other than commercial marine fisheries management, may not be less than the total revenues collected, received or recovered by the Department of Inland Fisheries and Wildlife, or successor agency, from license and permit fees, fines, the sale, lease or rental of property, penalties and all other revenue sources pursuant to the laws of the State administered by the department or successor agency, except that revenues received from the Federal Government may be allocated as provided by federal or state law and the Legislature may establish special funds and deposit revenues collected, received or recovered by the department or successor agency into those special funds, provided that the revenues are allocated and expended only for the purposes of those special funds as provided by law.

MARYLAND

**ARTICLE XIX, VIDEO LOTTERY TERMINALS, added by Chapter 5, Acts of 2007
Special Session, ratified Nov. 4, 2008 SEC. 1.**

Establishes guidelines for video lottery operations and gaming in Maryland, specifying license limits, location restrictions, and mandating that a significant portion of the revenue be used to supplement public education funding according to a specific schedule.

A. This article does not apply to:

1. Lotteries conducted under Title 9, Subtitle 1 of the State Government Article of the Annotated Code of Maryland;
2. Wagering on horse racing conducted under Title 11 of the Business Regulation Article of the Annotated Code of Maryland; or
3. Gaming conducted under Title 12 or Title 13 of the Criminal Law Article of the Annotated Code of Maryland.

B. In this article, "video lottery operation license" means a license issued to a person that allows players to operate video lottery terminals.

C.

1. Except as provided in subsection (e) of this section, the State may issue up to five video lottery operation licenses throughout the State for the primary purpose of raising revenue for:
 - i. Education for the children of the State in public schools, prekindergarten through grade 12; and
 - ii. Public school construction and public school capital improvements (amended by Chapter 357, Acts of 2018, ratified Nov. 6, 2018).
2. Except as provided in subsection (e) of this section, the State may not authorize the operation of more than 15,000 video lottery terminals in the State.
3. Except as provided in subsection (e) of this section, a video lottery operation license only may be awarded for a video lottery facility in the following locations:
 - i. Anne Arundel County, within 2 miles of MD Route 295;
 - ii. Cecil County, within 2 miles of Interstate 95;
 - iii. Worcester County, within 1 mile of the intersection of Route 50 and Route 589;
 - iv. On State property located within Rocky Gap State Park in Allegany County; or
 - v. Baltimore City, if the video lottery facility is:
 1. Located:
 - a. In a nonresidential area;
 - b. Within one-half mile of Interstate 95;
 - c. Within one-half mile of MD Route 295; and
 - d. On property that is owned by Baltimore City on the date on which the application for a video lottery operation license is submitted; and

2. Not adjacent to or within one-quarter mile of property that is:
 - a. Zoned for residential use; and
 - b. Used for a residential dwelling on the date the application for a video lottery operation license is submitted.
4. Except as provided in subsection (e) of this section, the State may not award more than one video lottery operation license in a single county or Baltimore City.
5. A video lottery facility shall comply with all applicable planning and zoning laws of the local jurisdiction.
- D. Except as provided in subsection (e) of this section, on or after November 15, 2008, the General Assembly may not authorize any additional forms or expansion of commercial gaming.
- E. The General Assembly may only authorize additional forms or expansion of commercial gaming if approval is granted through a referendum, authorized by an act of the General Assembly, in a general election by a majority of the qualified voters in the State.
- F.
 1. Subject to the requirements of paragraphs (2) and (3) of this subsection, from the revenues raised under subsection (c)(1) of this section and any other commercial gaming revenues dedicated to public education, the Governor's budget submission shall include not less than the following amounts as supplemental funding for public education:
 - i. For Fiscal Year 2020, \$125,000,000;
 - ii. For Fiscal Year 2021, \$250,000,000;
 - iii. For Fiscal Year 2022, \$375,000,000; and
 - iv. For Fiscal Year 2023 and for each Fiscal Year thereafter, 100% of revenues raised for public education under subsection (c)(1) of this section and any other commercial gaming revenues dedicated to public education.
 2. The supplemental funding shall be used to:
 - i. Ensure access to public education that allows children in the State to compete in the global economy of the future;
 - ii. Provide funding for high-quality early childhood education programs;
 - iii. Provide opportunities for public school students to participate in career and technical education programs that lead to an identified job skill or certificate;
 - iv. Allow students to obtain college credit and degrees while in high school at no cost to the students;
 - v. Support the advancement and professionalization of educators in public schools; and
 - vi. Maintain, renovate, or construct public schools.
 - 3.

- i. The supplemental funding required under paragraph (1) of this subsection shall be in addition to the State funding provided through the funding formulas established in the Bridge to Excellence in Public Schools Act of 2002 for prekindergarten through grade 12 in public schools.
 - ii. Beginning in Fiscal Year 2020 and for each Fiscal Year thereafter, the Governor shall identify in the annual budget as introduced how the revenue required under this section is being used to supplement and not supplant spending on public education for prekindergarten through grade 12 (added by Chapter 357, Acts of 2018, ratified Nov. 6, 2018).
- G. The General Assembly may, from time to time, enact such laws not inconsistent with this section, as may be necessary and proper to carry out its provisions.

MICHIGAN

Article IX § 11 State school aid fund; source; distribution; guarantee to local school district. Sec. 11.

Establishes a state school aid fund, dedicating specific tax revenues to education, and guarantees a minimum per-pupil funding level for school districts based on 1994-95 levels, with certain conditions.

There shall be established a state school aid fund which shall be used exclusively for aid to school districts, higher education, and school employees' retirement systems, as provided by law. Sixty percent of all taxes imposed at a rate of 4% on retailers on taxable sales at retail of tangible personal property, 100% of the proceeds of the sales and use taxes imposed at the additional rate of 2% provided for in section 8 of this article, and other tax revenues provided by law, shall be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law. Beginning in the 1995-96 state fiscal year and each state fiscal year after 1995-96, the state shall guarantee that the total state and local per pupil revenue for school operating purposes for each local school district shall not be less than the 1994-95 total state and local per pupil revenue for school operating purposes for that local school district, as adjusted for consolidations, annexations, or other boundary changes. However, this guarantee does not apply in a year in which the local school district levies a millage rate for school district operating purposes less than it levied in 1994.

Article IX § 35a Michigan state parks endowment fund. Sec. 35a.

Establishes the Michigan state parks endowment fund with a capped principal of \$800 million, dedicating its resources to state park improvements, operations, land acquisition, and fund administration, with specific spending requirements and limitations.

There is hereby established the Michigan state parks endowment fund. The endowment fund shall consist of revenues as provided in section 35 of this article, and as provided by law. The

endowment fund may also receive private contributions of money or other things of value. The assets of the endowment fund shall be invested as provided by law.

1. The accumulated principal of the endowment fund shall not exceed \$800,000,000.00, which amount shall be annually adjusted pursuant to the rate of inflation beginning when the endowment fund reaches \$800,000,000.00. This annually adjusted figure is the accumulated principal limit of the endowment fund.
2. Money available for expenditure from the endowment fund as provided in this section shall be expended for all of the following:
 - * Capital improvements at Michigan State Parks.
 - * Operations and maintenance at Michigan State Parks.
 - * Acquisition of land or rights in land for Michigan State Parks.
 - * Administration of the endowment fund.
1. Not less than 20 percent of the money made available for expenditure from the endowment fund from any state fiscal year shall be expended under subsection (3)(a) for capital improvements at Michigan State Parks.
2. Money in the endowment fund shall be expended as follows:
 - * Until the endowment fund reaches an accumulated principal of \$800,000,000.00, each state fiscal year the legislature may appropriate not more than 50 percent of the money received under section 35 of this article plus interest and earnings and any private contributions or other revenue to the endowment fund.
 - * Once the accumulated principal in the endowment fund reaches \$800,000,000.00, only the interest and earnings of the endowment fund in excess of the amount necessary to maintain the endowment fund's accumulated principal limit may be made available for expenditure.
1. Unexpended appropriations of the endowment fund from any state fiscal year as authorized by this section may be carried forward or may be appropriated as determined by the legislature for purposes of this section.
2. The legislature shall provide by law for implementation of this section.

Article IX § 36 Tax on tobacco products; dedication of proceeds. Sec. 36.

Six percent of the proceeds of the tax on tobacco products shall be dedicated to improving the quality of health care of the residents of this state.

Article IX § 41 Michigan game and fish protection trust fund. Sec. 41.

Establishes the Michigan game and fish protection trust fund, funded by revenues from state-owned lands and other sources, with investment earnings and limited principal available for game and fish protection purposes.

The Michigan game and fish protection trust fund is established. The Michigan game and fish protection trust fund shall consist of revenue derived from bonuses, rentals, delayed rentals,

royalties, and other revenues collected or reserved by the state under leases or direct sale contracts accruing from state owned lands acquired with money from state or federal game and fish protection funds or revenues accruing from lands purchased with such revenues.

The Michigan game and fish protection trust fund may also receive gifts, grants, bequests, or assets from any source and may receive other revenues as authorized by law.

The assets of the Michigan game and fish protection trust fund shall be invested as provided by law. The interest and earnings from these investments shall be credited to the Michigan game and fish protection trust fund. The accumulated interest and earnings of the Michigan game and fish protection trust fund and not more than \$6,000,000.00 of the principal of the Michigan game and fish protection trust fund may be expended in any year for the purposes of the game and fish protection account of the Michigan conservation and recreation legacy fund established in section 40. The legislature shall provide by law for the implementation of this section.

MINNESOTA

Article XI Sec. 8. Permanent school fund; source; investment; board of investment.

Establishes the permanent school fund, consisting of proceeds from various land grants and investments, mandating public sale of lands, perpetual preservation of the principal, and distribution of earnings to school districts, with a board of investment overseeing state fund investments.

The permanent school fund of the state consists of

- a. the proceeds of lands granted by the United States for the use of schools within each township,
- b. the proceeds derived from swamp lands granted to the state,
- c. all cash and investments credited to the permanent school fund and to the swamp land fund, and
- d. all cash and investments credited to the internal improvement land fund and the lands therein.

No portion of these lands shall be sold otherwise than at public sale, and in the manner provided by law. All funds arising from the sale or other disposition of the lands, or income accruing in any way before the sale or disposition thereof, shall be credited to the permanent school fund. Within limitations prescribed by law, the fund shall be invested to secure the maximum return consistent with the maintenance of the perpetuity of the fund. The principal of the permanent school fund shall be perpetual and inviolate forever. This does not prevent the sale of investments at less than the cost to the fund; however, all losses not offset by gains shall be repaid to the fund from the interest and dividends earned thereafter. The net interest and dividends arising from the fund shall be distributed to the different school districts of the state in a manner prescribed by law.

A board of investment consisting of the governor, the state auditor, the secretary of state, and the attorney general is constituted for the purpose of administering and directing the investment of all state funds. The board shall not permit state funds to be used for the underwriting or direct purchase of municipal securities from the issuer or the issuer's agent.

Article XI Sec. 15. Outdoor heritage, clean water, parks and trails, and arts and cultural heritage; sales tax dedicated funds.

Mandates a temporary sales tax increase, dedicating the revenue to specific funds for outdoor heritage, clean water, parks and trails, and arts and cultural heritage, with strict guidelines on fund allocation and usage.

Beginning July 1, 2009, until June 30, 2034, the sales and use tax rate shall be increased by three-eighths of one percent on sales and uses taxable under the general state sales and use tax law. Receipts from the increase, plus penalties and interest and reduced by any refunds, are dedicated, for the benefit of Minnesotans, to the following funds:

- 33 percent of the receipts shall be deposited in the outdoor heritage fund and may be spent only to restore, protect, and enhance wetlands, prairies, forests, and habitat for fish, game, and wildlife;
- 33 percent of the receipts shall be deposited in the clean water fund and may be spent only to protect, enhance, and restore water quality in lakes, rivers, and streams and to protect groundwater from degradation, and at least five percent of the clean water fund must be spent only to protect drinking water sources;
- 14.25 percent of the receipts shall be deposited in the parks and trails fund and may be spent only to support parks and trails of regional or statewide significance; and
- 19.75 percent shall be deposited in the arts and cultural heritage fund and may be spent only for arts, arts education, and arts access and to preserve Minnesota's history and cultural heritage.

An outdoor heritage fund; a parks and trails fund; a clean water fund and a sustainable drinking water account; and an arts and cultural heritage fund are created in the state treasury. The money dedicated under this section shall be appropriated by law. The dedicated money under this section must supplement traditional sources of funding for these purposes and may not be used as a substitute. Land acquired by fee with money deposited in the outdoor heritage fund under this section must be open to the public taking of fish and game during the open season unless otherwise provided by law. If the base of the sales and use tax is changed, the sales and use tax rate in this section may be proportionally adjusted by law to within one-thousandth of one percent in order to provide as close to the same amount of revenue as practicable for each fund as existed before the change to the sales and use tax.

MISSISSIPPI

Article 8 SECTION 206A. Establishment of education improvement trust fund.

Establishes a trust fund for education improvement in Mississippi, funded primarily by oil and gas revenues from state-owned lands, with specific exceptions, as well as other designated sources, mandating that the principal remain inviolate and interest be used for K-12 and vocational education.

There is hereby created and established in the State Treasury a trust fund which may be used, as hereinafter provided, for the improvement of education within the State of Mississippi. There shall be deposited in such trust fund:

- * The state's share of all oil severance taxes and gas severance taxes derived from oil and gas resources under state-owned lands or from severed state-owned minerals;
- * Any and all monies received by the state from the development, production and utilization of oil and gas resources under state-owned lands or from severed state-owned minerals, except for the following portions of such monies:
 - i. All mineral leasing revenues specifically reserved by general law in effect at the time of the ratification of this amendment for the following purposes:
 - A. management of a state leasing program;
 - B. clean-up, remedial or abatement actions involving pollution as a result of oil or gas exploration or production;
 - C. management or protection of state waters, land and wildlife; or
 - D. acquisition of additional waters and land; and
 - ii. Monies derived from sixteenth section lands and lands held in lieu thereof or from minerals severed from sixteenth section lands and lands held in lieu thereof; and
 - iii. Monies derived from lands or minerals administered in trust for any state institution of higher learning or administered therefor by the head of any such institution;
- * Any gift, donation, bequest, trust, grant, endowment or transfer of money or securities designated for said trust fund; and
- * All such monies from any other source whatsoever as the Legislature shall, in its discretion, so appropriate or shall, by general law, so direct.

The principal of the trust fund shall remain inviolate and shall be invested as provided by general law. Interest and income derived from investment of the principal of the trust fund may be appropriated by the Legislature by a majority vote of the elected membership of each house of the Legislature and expended exclusively for the education of the elementary and secondary school students and/or vocational and technical training in this state.

Article 9 SECTION 221. Appropriations for Mississippi National Guard.

Requires the Legislature to annually appropriate funds for the Mississippi National Guard, with a minimum size based on the state's congressional representation, and limits payment to periods of actual service.

The Legislature is hereby required to make an annual appropriation for the efficient support and maintenance of the Mississippi National Guard, which shall consist of not less than one hundred men for each Senator and Representative to which this state may be entitled in the Congress of the United States; but no part of such funds shall be used in the payment of said guard except when in actual service.

MISSOURI

Article III Section 47. State parks— appropriations for, required.

Mandates a twelve-year minimum annual appropriation for a state park fund, based on a tax rate of one cent on each one hundred dollars assessed valuation of the real and tangible personal property taxable by the state, to be used exclusively for state park and historic site purposes, with provisions for potential reductions after the initial period.

For twelve years beginning with the year 1961, the general assembly shall appropriate for each year out of the general revenue fund, an amount not less than that produced annually at a tax rate of one cent on each one hundred dollars assessed valuation of the real and tangible personal property taxable by the state, for the exclusive purpose of providing a state park fund to be expended and used by the agency authorized by law to control and supervise state parks, and historic sites of the state, for the purposes of the acquisition, supervision, operation, maintenance, development, control, regulation and restoration of state parks and state park property, as may be determined by such agency; and thereafter the general assembly shall appropriate such amounts as may be reasonably necessary for such purposes.

The amount required to be appropriated by this section may be reduced to meet budgetary demands provided said appropriation is not less than that appropriated for the prior similar appropriation period.

Article IV Section 30

Mandates how revenue from fuel taxes and highway user fees must be spent in detail. Funds from these collections do not go to general fund.

MONTANA

ARTICLE IX. ENVIRONMENT AND NATURAL RESOURCES, Part IX.

ENVIRONMENT AND NATURAL RESOURCES, Severance Tax On Coal -- Trust Fund, Section 5. Severance tax on coal -- trust fund.

Requires that at least 25% of coal severance tax revenue be dedicated to a trust fund, increasing to 50% after 1979, with strict limitations on using the principal and guidelines for appropriating the fund's interest and income.

The legislature shall dedicate not less than one-fourth (1/4) of the coal severance tax to a trust fund, the interest and income from which may be appropriated. The principal of the trust shall forever remain inviolate unless appropriated by vote of three-fourths (3/4) of the members of each house of the legislature. After December 31, 1979, at least fifty percent (50%) of the severance tax shall be dedicated to the trust fund.

NEBRASKA

VII-7. Perpetual funds enumerated.

Establishes a perpetual fund for common school purposes, including early childhood education, funded by various sources such as land sales, leases, grants, escheats, and unclaimed property, with only the annual interest or income available for appropriation.

The following are hereby declared to be perpetual funds for common school purposes, including early childhood educational purposes operated by or distributed through the common schools, of which the annual interest or income only can be appropriated, to wit:

- First. Such percent as has been, or may hereafter be, granted by Congress on the sale of lands in this state.
- Second. All money arising from the sale or leasing of sections number sixteen and thirty-six in each township in this state, and the lands selected, or that may be selected, in lieu thereof.
- Third. The proceeds of all lands that have been, or may hereafter be, granted to this state, where by the terms and conditions of such grant the same are not to be otherwise appropriated
- Fourth. The net proceeds of lands and other property and effects that may come to this state, by escheat or forfeiture, or from unclaimed dividends, or distributive shares of the estates of deceased persons.
- Fifth. All other property of any kind now belonging to the perpetual fund.

NEW JERSEY

Article VIII Section 7b - b.

Mandates the annual allocation of revenue equivalent to a 0.5% sales tax to a dedicated Property Tax Reform Account, with funds to be appropriated exclusively for property tax reform purposes.

There shall be annually credited from the General Fund and placed in a special account in the perpetual Property Tax Relief Fund established pursuant to this paragraph, which account shall be designated the Property Tax Reform Account, an amount equal to the annual revenue derived from a tax rate of 0.5% imposed under the ""Sales and Use Tax Act,"" P.L.1966, c.30

(C.54:32B-1 et seq.), as amended and supplemented, or any other subsequent law of similar effect, which amount shall be appropriated annually by the Legislature exclusively for the purpose of property tax reform.

Article VIII Section 4.

Establishes a dedicated fund that receives a specific portion of motor fuel tax revenue, increasing from \$0.105 per gallon to the entire motor fuel tax revenue over time, for allocation to a special account in the General Fund.

There shall be credited to a special account in the General Fund:

(a) for each State fiscal year commencing on and after July 1, 2007 through the State fiscal year commencing on July 1, 2015 an amount equivalent to the revenue derived from \$0.105 per gallon from the tax imposed on the sale of motor fuels pursuant to chapter 39 of Title 54 of the Revised Statutes, and for each State fiscal year thereafter, an amount equivalent to all revenue derived from the collection of the tax imposed on the sale of motor fuels pursuant to chapter 39 of Title 54 of the Revised Statutes or any other subsequent law of similar effect;....

Article VIII Section 6b -

Mandates that revenue from leases and conveyances of state-acquired recreation and conservation lands be credited to a special account and appropriated solely for land preservation, conservation, agricultural use, historic preservation, and related administrative costs, including flood and storm damage mitigation efforts.

(b) There shall be credited annually to a special account in the General Fund an amount equivalent to the revenue annually derived from leases and conveyances of lands acquired or developed by the State for recreation and conservation purposes.

The amount annually credited pursuant to this subparagraph shall be dedicated, and shall be appropriated from time to time by the Legislature, only for providing funding, including loans or grants, for the preservation, including acquisition, development, and stewardship, of lands for recreation and conservation purposes, including lands that protect water supplies and lands that have incurred flood or storm damage or are likely to do so, or that may buffer or protect other properties from flood or storm damage; providing funding, including loans or grants, for the preservation and stewardship of land for agricultural or horticultural use and production; providing funding, including loans or grants for historic preservation; and paying administrative costs associated with each of those efforts. All moneys derived from repayments of any loan issued from the amount dedicated pursuant to this subparagraph shall be dedicated, and shall be appropriated from time to time by the Legislature, only for the purposes authorized pursuant to this subparagraph.

Article VII Section 7b -

Allocates a portion of sales tax revenue (up to \$98 million annually) from 2009 to 2029 to a special account for funding bonds related to land acquisition, conservation, farmland

preservation, and historic preservation, subject to prior appropriations and existing bond obligations.

Commencing July 1, 2009 and ending June 30, 2029, there shall be credited in each State fiscal year to a special account in the General Fund from the State revenue annually collected from the State tax imposed under the ""Sales and Use Tax Act,"" P.L.1966, c.30 (C.54:32B-1 et seq.), as amended and supplemented, or from any other State law of similar effect, the lesser of \$98,000,000 or the amount necessary in each State fiscal year to satisfy any payments relating to bonds, notes, or other obligations, including refunding bonds, issued by an authority or similar entity established by law to provide funding, including loans and grants, for the acquisition and development of lands for recreation and conservation purposes, for the preservation of farmland for agricultural or horticultural use and production, and for historic preservation. The dedication and use of those moneys credited pursuant to this subparagraph shall be subject and subordinate to (1) all appropriations of revenues from taxes made by laws enacted prior to the effective date of this paragraph in accordance with Article VIII, Section II, paragraph 3 of the State Constitution in order to provide the ways and means to pay the principal and interest on bonds of the State presently outstanding or authorized to be issued under those laws, or (2) any other use of those revenues enacted into law prior to the effective date of this paragraph. The amount credited each State fiscal year pursuant to this subparagraph shall be dedicated and shall be appropriated from time to time by the Legislature only to satisfy any payments relating to bonds, notes, or other obligations, including refunding bonds, issued by an authority or similar entity established by law to provide funding, including loans and grants, for the acquisition and development of lands for recreation and conservation purposes, for the preservation of farmland for agricultural or horticultural use and production, and for historic preservation.

Article VIII Section 9 - 9.

Mandates that revenue from environmental contamination settlements be credited to a special account and used primarily for repairing, restoring, or protecting natural resources, with priority given to the immediate area of damage, then the same water region, and finally without geographic constraints, allowing up to 10% for administrative costs.

There shall be credited annually to a special account in the General Fund an amount equivalent to the revenue annually derived from all settlements and judicial and administrative awards relating to natural resource damages collected by the State in connection with claims based on environmental contamination.

The amount annually credited pursuant to this paragraph shall be dedicated, and shall be appropriated from time to time by the Legislature, for paying for costs incurred by the State to repair, restore, or replace damaged or lost natural resources of the State, or permanently protect the natural resources of the State, or for paying the legal or other costs incurred by the State to pursue settlements and judicial and administrative awards relating to natural resource damages. The first priority for the use of any moneys by the State to repair, restore, or replace damaged or lost natural resources of the State, or permanently protect the natural resources of the State,

pursuant to this paragraph shall be in the immediate area in which the damage to the natural resources occurred in connection with the claim for which the moneys were recovered. If no reasonable project is available to satisfy the first priority for the use of the moneys, or there are moneys available after satisfying the first priority for their use, the second priority for the use of any moneys by the State to repair, restore, or replace damaged or lost natural resources of the State, or permanently protect the natural resources of the State, pursuant to this paragraph shall be in the same water region in which the damage to the natural resources occurred in connection with the claim for which the moneys were recovered. If no reasonable project is available to satisfy the first or second priority for the use of the moneys, or there are moneys available after satisfying the first or second priority for their use, the moneys may be used by the State to repair, restore, or replace damaged or lost natural resources of the State, or permanently protect the natural resources of the State, pursuant to this paragraph without geographic constraints. Up to 10 percent of the moneys appropriated pursuant to this paragraph may be expended for administrative costs of the State or its departments, agencies, or authorities for the purposes authorized in this paragraph.

NEW MEXICO

Article VIII Sec. 2. [Permanent school fund.]

Defines the permanent school fund as comprising proceeds from specific land sales, federal land grants, investment earnings, and other unspecified grants or gifts to the state, to be used for educational purposes.

The permanent school fund of the state shall consist of the proceeds of sales of Sections Two, Sixteen, Thirty-Two and Thirty-Six in each township of the state, or the lands selected in lieu thereof; the proceeds of sales of all lands that have been or may hereafter be granted to the state not otherwise appropriated by the terms and conditions of the grant; such portion of the proceeds of sales of land of the United States within the state as has been or may be granted by congress; all earnings, including interest, dividends and capital gains from investment of the permanent school fund; also all other grants, gifts and devises made to the state, the purpose of which is not otherwise specified. (As amended November 5, 1996.)

Article VIII Sec. 8. [Teachers to learn English and Spanish.]

Mandates that the legislature provide for bilingual teacher training in English and Spanish to effectively teach Spanish-speaking students in public schools and institutions, while also ensuring methods to teach English and other subjects to these students.

The legislature shall provide for the training of teachers in the normal schools or otherwise so that they may become proficient in both the English and Spanish languages, to qualify them to teach Spanish-speaking pupils and students in the public schools and educational institutions of

the state, and shall provide proper means and methods to facilitate the teaching of the English language and other branches of learning to such pupils and students."

NEW YORK

Article XVII §2. [State board of social welfare; powers and duties]

Provides a constitutional mandate for a state board as well as responsibilities the board must tend to implying a funding mandate

The state board of social welfare shall be continued. It shall visit and inspect, or cause to be visited and inspected by members of its staff, all public and private institutions, whether state, county, municipal, incorporated or not incorporated, which are in receipt of public funds and which are of a charitable, eleemosynary, correctional or reformatory character, including all reformatories for juveniles and institutions or agencies exercising The Constitution of the State of New York custody of dependent, neglected or delinquent children, but excepting state institutions for the education and support of the blind, the deaf and the dumb, and excepting also such institutions as are hereinafter made subject to the visitation and inspection of the department of mental hygiene or the state commission of correction. As to institutions, whether incorporated or not incorporated, having inmates, but not in receipt of public funds, which are of a charitable, eleemosynary, correctional or reformatory character, and agencies, whether incorporated or not incorporated, not in receipt of public funds, which exercise custody of dependent, neglected or delinquent children, the state board of social welfare shall make inspections, or cause inspections to be made by members of its staff, but solely as to matters directly affecting the health, safety, treatment and training of their inmates, or of the children under their custody. Subject to the control of the legislature and pursuant to the procedure prescribed by general law, the state board of social welfare may make rules and regulations, not inconsistent with this constitution, with respect to all of the functions, powers and duties with which the department and the state board of social welfare are herein or shall be charged. (New. Derived in part from former §11 of Art. 8. Adopted by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938.)

NORTH CAROLINA

Article IX. Sec. 6. State school fund.

The proceeds of all lands that have been or hereafter may be granted by the United States to this State, and not otherwise appropriated by this State or the United States; all moneys, stocks, bonds, and other property belonging to the State for purposes of public education; the net proceeds of all sales of the swamp lands belonging to the State; and all other grants, gifts, and

devises that have been or hereafter may be made to the State, and not otherwise appropriated by the State or by the terms of the grant, gift, or devise, shall be paid into the State Treasury and, together with so much of the revenue of the State as may be set apart for that purpose, shall be faithfully appropriated and used exclusively for establishing and maintaining a uniform system of free public schools.

Sec. 7. County school fund; State fund for certain moneys.

- a. Except as provided in subsection (b) of this section, all moneys, stocks, bonds, and other property belonging to a county school fund, and the clear proceeds of all penalties and forfeitures and of all fines collected in the several counties for any breach of the penal laws of the State, shall belong to and remain in the several counties, and shall be faithfully appropriated and used exclusively for maintaining free public schools.
- b. The General Assembly may place in a State fund the clear proceeds of all civil penalties, forfeitures, and fines which are collected by State agencies and which belong to the public schools pursuant to subsection (a) of this section. Moneys in such State fund shall be faithfully appropriated by the General Assembly, on a per pupil basis, to the counties, to be used exclusively for maintaining free public schools. (2003-423, s.1.)

Sec. 10. Escheats.

1. Escheats prior to July 1, 1971. All property that prior to July 1, 1971, accrued to the State from escheats, unclaimed dividends, or distributive shares of the estates of deceased persons shall be appropriated to the use of The University of North Carolina.
2. Escheats after June 30, 1971. All property that, after June 30, 1971, shall accrue to the State from escheats, unclaimed dividends, or distributive shares of the estates of deceased persons shall be used to aid worthy and needy students who are residents of this State and are enrolled in public institutions of higher education in this State. The method, amount, and type of distribution shall be prescribed by law.

NORTH DAKOTA

Article IX

Provides very specific protections and instructions for using the proceeds of public lands to fund education

Section 1: All proceeds of the public lands that have been, or may be granted by the United States for the support of the common schools in this state; all such per centum as may be granted by the United States on the sale of public lands; the proceeds of property that fall to the state by escheat; all gifts, donations, or the proceeds thereof that come to the state for support of the

common schools, or not otherwise appropriated by the terms of the gift, and all other property otherwise acquired for common schools, must be and remain a perpetual trust fund for the maintenance of the common schools of the state. All property, real or personal, received by the state from whatever source, for any specific educational or charitable institution, unless otherwise designated by the donor, must be and remain a perpetual trust fund for the creation and maintenance of such institution, and may be commingled only with similar funds for the same institution. If a gift is made to an institution for a specific purpose, without designating a trustee, the gift may be placed in the institution's fund; provided that such a donation may be expended as the terms of the gift provide. Revenues earned by a perpetual trust fund must be deposited in the fund. The costs of administering a perpetual trust fund may be paid out of the fund. The perpetual trust funds must be managed to preserve their purchasing power and to maintain stable distributions to fund beneficiaries.

ARTICLE X

Establishes several key provisions for revenue allocation and fund management in North Dakota:

- 1. Gasoline and motor vehicle taxes are dedicated solely to highway construction and maintenance.*
- 2. 15% of coal severance taxes go into a permanent trust fund, with provisions for using interest and limited appropriations for lignite research and clean coal projects.*
- 3. 10% of oil extraction taxes are allocated to the common schools trust fund.*
- 4. Another 10% of oil extraction taxes go to the foundation aid stabilization fund, with specific rules for its use in education funding.*
- 5. 30% of oil and gas production/extraction taxes are transferred to the legacy fund, with strict rules on expenditure and investment of this fund.*

Section 11.

Revenue from gasoline and other motor fuel excise and license taxation, motor vehicle registration and license taxes, except revenue from aviation gasoline and unclaimed aviation motor fuel refunds and other aviation motor fuel excise and license taxation used by aircraft, after deduction of cost of administration and collection authorized by legislative appropriation only, and statutory refunds, shall be appropriated and used solely for construction, reconstruction, repair and maintenance of public highways, and the payment of obligations incurred in the construction, reconstruction, repair and maintenance of public highways.

Section 21.

Not less than fifteen percent of the tax imposed for severing coal shall be placed into a permanent trust fund in the state treasury to be held in trust and administered by the board of university and school lands, which shall have full authority to invest said trust funds as provided by law, and may loan moneys from the fund to political subdivisions as provided by law. The

interest earned on the moneys in said trust fund shall be used first to replace uncollectable loans made from the fund, and the balance shall be credited to the general fund of the state. Up to fifty percent of the taxes collected and deposited in the permanent trust fund during a biennium may be appropriated by the legislative assembly for lignite research, development, and marketing as provided by law. An additional twenty percent of the taxes collected and deposited in the permanent trust fund during a biennium may be appropriated by the legislative assembly for clean coal demonstration projects approved by the industrial commission.

Section 24.

Ten percent of the revenue from oil extraction taxes from taxable oil produced in this state must be deposited in the common schools trust fund.

Ten percent of the revenue from oil extraction taxes from taxable oil produced in this state must be deposited in the foundation aid stabilization fund in the state treasury, the interest of which must be transferred to the state general fund on July first of each year.

Except as otherwise provided, the principal of the foundation aid stabilization fund may be expended upon order of the governor, who may direct such a transfer only to offset reductions in state aid to school districts, which were made by executive action pursuant to law, due to a revenue shortage.

Whenever the principal balance of the foundation aid stabilization fund exceeds fifteen percent of the general fund appropriation for state aid to school districts, for the most recently completed biennium, as determined by the office of management and budget, the legislative assembly may appropriate or transfer any excess principal balance. Such amount may be used for education-related purposes, as provided by law.

Section 26.

Thirty percent of total revenue derived from taxes on oil and gas production or extraction must be transferred by the state treasurer to a special fund in the state treasury known as the legacy fund. The legislative assembly may transfer funds from any source into the legacy fund and such transfers become part of the principal of the legacy fund.

The principal and earnings of the legacy fund may not be expended until after June 30, 2017, and an expenditure of principal after that date requires a vote of at least two-thirds of the members elected to each house of the legislative assembly. Not more than fifteen percent of the principal of the legacy fund may be expended during a biennium.

Statutory programs, in existence as a result of legislation enacted through 2009, providing for impact grants, direct revenue allocations to political subdivisions, and deposits in the oil and gas research fund must remain in effect but the legislative assembly may adjust statutory allocations for those purposes. The state investment board shall invest the principal of the North Dakota legacy fund. The state treasurer shall transfer earnings of the North Dakota legacy fund accruing after June 30, 2017, to the state general fund at the end of each biennium.

OHIO

Article VIII. Section 2B. Adjusted compensation for service in World War II; World War II veterans' bonuses. §2b

Authorizes the board of commissioners to issue and sell state bonds up to \$300 million to fund compensation and expenses related to a specific section, with the following key provisions:

- 1. The full faith and credit of Ohio is pledged for bond payment.*
- 2. Bonds must mature in 30 semiannual installments.*
- 3. Payment amounts for principal and interest should be approximately equal on each installment date.*
- 4. No bonds can be issued or dated later than April 1, 1951.*
- 5. Interest rates are set by the commissioners and payable semiannually.*

The board of commissioners created by section 8 of Art. VIII of the Constitution of the state of Ohio, designated therein "The Commissioners of the Sinking Fund," shall, forthwith upon the adoption of this amendment, proceed to issue and sell, from time to time, bonds of the state of Ohio in such amounts of face value as it may deem necessary to provide the funds, or such part thereof, as may be required to pay the compensation and the expenses of administering this section as herein provided for, provided, however, that the aggregate total amount of face value of bonds so issued shall not exceed three hundred million dollars. The full faith and credit of the state of Ohio is hereby pledged for the payment of such bonds. All bonds so issued shall mature in thirty semiannual installments after the respective dates thereof, and the maturities thereof shall be so fixed that the total amounts of payments on account of principal and interest to be paid on each of such semiannual installment payment dates shall be approximately equal, but no such bonds shall be issued or bear dates later than the first day of April, 1951. All bonds so issued shall bear interest at such rates as the commissioners of the sinking fund may fix, which interest shall be payable semiannually.

OKLAHOMA

SECTION X-12a. Common school taxes on property of public service corporations.

Mandates that taxes collected from specific types of companies (railroads, pipelines, telegraphs, and multi-county public service corporations) for common school maintenance must be paid into the Common School Fund and distributed like other state school funds.

All taxes collected for the maintenance of the common schools of this State, and which are levied upon the property of any railroad company, pipe line company, telegraph company, or upon the property of any public service corporation which operates in more than one county in this State, shall be paid into the Common School Fund and distributed as are other Common School Funds of this State.

Added by State Question No. 57, Referendum Petition No. 20, Adopted August 5, 1913.

SECTION X-41. Oklahoma Education Lottery Trust Fund.

Establishes the Oklahoma Education Lottery Trust Fund, funded by lottery proceeds, to be used exclusively for specific educational purposes including K-12 education, early childhood development, higher education scholarships, educational facility construction, and technology for public education at all levels.

A. There is hereby created a trust fund to be known as the ""Oklahoma Education Lottery Trust Fund"". The trust fund shall consist of the funds transferred to it from the Oklahoma Education Lottery. Monies in the Oklahoma Education Lottery Trust Fund shall only be expended for the following educational purposes and programs: Kindergarten through twelfth grade public education, including but not limited to compensation and benefits for public teachers and support Early childhood development programs; Tuition grants, loans and scholarships to citizens of this state to enable such citizens to attend colleges and universities located within this state which are accredited by the Oklahoma for Higher Education or to attend institutions operated under the authority of the Oklahoma Department of Career and Technology Construction of educational facilities for elementary school districts, independent school districts, the Oklahoma State System of Higher Education, and career and technology education; outlay projects for elementary school districts, independent school districts, the Oklahoma State System of Higher Education, and career and technology education; Technology for public elementary school state higher education, and career and technology education facilities;

OREGON

Article VIII Section 2. Common School Fund

Establishes and defines the Common School Fund in Oregon, outlining its funding sources and usage. Key points include:

- 1. Various land grants, escheat proceeds, gifts, and specific percentages of public land sales are designated as fund sources.*
- 2. Oil and natural gas tax proceeds are included, with a 6% tax rate limit.*
- 3. The State Land Board can use fund money for its operations related to managing the fund.*
- 4. Unexpended monies are to be invested as legislated, without certain constitutional limitations.*
- 5. The majority of investment income is to be used to support primary and secondary education as prescribed by law.*
1. The sources of the Common School Fund are:

- a. The proceeds of all lands granted to this state for educational purposes, except the lands granted to aid in the establishment of institutions of higher education under the Acts of February 14, 1859 (11 Stat. 383) and July 2, 1862 (12 Stat. 503).
 - b. All the moneys and clear proceeds of all property which may accrue to the state by escheat.
 - c. The proceeds of all gifts, devises and bequests, made by any person to the state for common school purposes.
 - d. The proceeds of all property granted to the state, when the purposes of such grant shall not be stated.
 - e. The proceeds of the five hundred thousand acres of land to which this state is entitled under the Act of September 4, 1841 (5 Stat. 455).
 - f. The five percent of the net proceeds of the sales of public lands to which this state became entitled on her admission into the union.
 - g. After providing for the cost of administration and any refunds or credits authorized by law, the proceeds from any tax or excise levied on, with respect to or measured by the extraction, production, storage, use, sale, distribution or receipt of oil or natural gas and the proceeds from any tax or excise levied on the ownership of oil or natural gas. However, the rate of such taxes shall not be greater than six percent of the market value of all oil and natural gas produced or salvaged from the earth or waters of this state as and when owned or produced. This paragraph does not include proceeds from any tax or excise as described in section 3, Article IX of this Constitution.
2. All revenues derived from the sources mentioned in subsection (1) of this section shall become a part of the Common School Fund. The State Land Board may expend moneys in the Common School Fund to carry out its powers and duties under subsection (2) of section 5 of this Article. Unexpended moneys in the Common School Fund shall be invested as the Legislative Assembly shall provide by law and shall not be subject to the limitations of section 6, Article XI of this Constitution. The State Land Board may apply, as it considers appropriate, income derived from the investment of the Common School Fund to the operating expenses of the State Land Board in exercising its powers and duties under subsection (2) of section 5 of this Article. The remainder of the income derived from the investment of the Common School Fund shall be applied to the support of primary and secondary education as prescribed by law. [Constitution of 1859; Amendment proposed by H.J.R. 7, 1967, and adopted by the people May 28, 1968; Amendment proposed by H.J.R. 6, 1979, and adopted by the people Nov. 4, 1980; Amendment to subsection (2) proposed by S.J.R. 1, 1987, and adopted by the people Nov. 8, 1988; Amendment to paragraph (b) of subsection (1) proposed by H.J.R. 3, 1989, and adopted by the people June 27, 1989]

Section 4. Regulation of lotteries; state lottery; use of net proceeds from state lottery.

Outlines Oregon's lottery regulations, including:

1. *Generally prohibiting lotteries and lottery ticket sales.*
2. *Allowing the legislature to regulate raffles, bingo, and lotto for charitable, fraternal, or religious organizations.*
3. *Establishing a State Lottery Commission to operate a state lottery, with proceeds (excluding administration costs and prizes) dedicated to job creation, economic development, public education, and environmental conservation.*
4. Except as provided in subsections (2), (3), (4), (8) and (9) of this section, lotteries and the sale of lottery tickets, for any purpose whatever, are prohibited, and the Legislative Assembly shall prevent the same by penal laws.
5. The Legislative Assembly may provide for the establishment, operation, and regulation of raffles and the lottery commonly known as bingo or lotto by charitable, fraternal, or religious organizations. As used in this section, charitable, fraternal or religious organization means such organizations or foundations as defined by law because of their charitable, fraternal, or religious purposes. The regulations shall define eligible organizations or foundations, and may prescribe the frequency of raffles, bingo or lotto, set a maximum monetary limit for prizes and require a statement of the odds on winning a prize. The Legislative Assembly shall vest the regulatory authority in any appropriate state agency.
6. There is hereby created the State Lottery Commission which shall establish and operate a State Lottery. All proceeds from the State Lottery, including interest, but excluding costs of administration and payment of prizes, shall be used for any of the following purposes: creating jobs, furthering economic development, financing public education in Oregon or restoring and protecting Oregon's parks, beaches, watersheds and native fish and wildlife.

SOUTH CAROLINA

Article XVII § 7. Lotteries; bingo; raffles.

The constitution mandates that only the state can conduct lotteries, with revenues first covering operating expenses and prizes, and the remainder deposited into an "Education Lottery Account" to be used exclusively for educational purposes as legislated.

Only the State may conduct lotteries, and these lotteries must be conducted in the manner that the General Assembly provides by law. The revenue derived from the lotteries must be used first to pay all operating expenses and prizes for the lotteries. The remaining lottery revenues must be credited to a separate fund in the state treasury styled the ""Education Lottery Account"", and the

earnings on this account must be credited to it. Education Lottery Account proceeds may be used only for educational purposes as the General Assembly provides by law.

SOUTH DAKOTA

Article VIII

Establishes and governs South Dakota's public school trust fund:

- 1. It creates a perpetual fund from various sources including land sales, escheat proceeds, and gifts.*
- 2. The principal is inviolate and can only be increased, not diverted.*
- 3. Interest and income must be used annually for public schools, apportioned based on the number of school-age children.*
- 4. The principal must be increased annually by the rate of inflation before interest is distributed.*
- 5. Fines from state law violations are distributed to schools within the county where imposed.*
- 6. Mineral leasing revenues are apportioned between public schools and state institutions based on land grant ratios, with at least 50% going to permanent funds.*

§ 2. Perpetual trust fund for maintenance of public schools--Principal inviolate. All proceeds of the sale of public lands that have heretofore been or may hereafter be given by the United States for the use of public schools in the state; all such per centum as may be granted by the United States on the sales of public lands; the proceeds of all property that shall fall to the state by escheat; the proceeds of all gifts or donations to the state for public schools or not otherwise appropriated by the terms of the gift; and all property otherwise acquired for public schools, shall be and remain a perpetual fund for the maintenance of public schools in the state. It shall be deemed a trust fund held by the state. The principal shall never be diverted by legislative enactment for any other purpose, and may be increased; but, if any loss occurs through any unconstitutional act, the state shall make the loss good through a special appropriation.

§ 3. Fund income apportioned among schools--Apportionment of fines. The interest and income of this fund together with all other sums which may be added thereto by law, shall be faithfully used and applied each year for the benefit of the public schools of the state, and shall be for this purpose apportioned among and between all the several public school corporations of the state in proportion to the number of children in each, of school age, as may be fixed by law; and no part of the fund, either principal or interest, shall ever be diverted, by legislative enactment, even temporarily, from this purpose or used for any other purpose whatever than the maintenance of public schools for the equal benefit of all the people of the state. However, before the interest and income is apportioned to the public schools, the principal shall be

increased each year by an amount equal to the rate of inflation from the interest and income earned from this fund. The principal may be prudently invested as provided by law.

The proceeds of all fines collected from violations of state laws shall be paid to the county treasurer of the county in which the fine was imposed, and distributed by the county treasurer among and between all of the several public schools incorporated in such county in proportion to the number of children in each, of school age, as may be fixed by law.

§ 18. Apportionment of mineral leasing moneys--Amounts covered into permanent funds. Notwithstanding the provisions of §§ 2, 3 and 7 of article VIII of this Constitution, moneys received from the leasing of all common school, indemnity, and endowment lands for oil and gas and other mineral leasing of said lands shall be apportioned among the public schools and the various state institutions in such manner that the public schools and each of such institutions shall receive an amount which bears the same ratio to the total amount apportioned as the number of acres (including any that may have been disposed of) granted for such public schools or for such institutions bears to the total number of acres (including any that may have been disposed of) granted in trust to the state by the Enabling Act approved February 22, 1889, as amended, and allocations authorized pursuant to the provisions of § 17 of such Enabling Act; and further that not less than fifty percent of each such amount so allocated shall be covered into the permanent fund of the public schools and each of such institutions.

TENNESSEE

Article XI - Miscellaneous Provisions. Section 5

The constitution generally prohibits lotteries in Tennessee, but allows for a state lottery with specific conditions:

- 1. Net proceeds must primarily fund post-secondary education financial assistance for state citizens attending in-state institutions.*
- 2. Excess funds can be used for K-12 capital projects and early learning/after-school programs.*
- 3. Lottery funds must supplement, not replace, existing education funding.*
- 4. Other forms of lottery require a two-thirds legislative vote and must benefit specific non-profit organizations.*
- 5. The lottery is defined as similar to those in Georgia, Kentucky, and Virginia in 2000, explicitly excluding casino-style games.*
- 6. The lottery must be implemented and administered uniformly statewide as legislated.*

The Legislature shall have no power to authorize lotteries for any purpose, and shall pass laws to prohibit the sale of lottery tickets in this state, except that the legislature may authorize a state lottery if the net proceeds of the lottery's revenues are allocated to provide financial assistance to citizens of this state to enable such citizens to attend post-secondary educational institutions located within this state. The excess after such allocations from such net proceeds from the lottery would be appropriated to:

Capital outlay projects for K-12 educational facilities; and
Early learning programs and after school programs.

Such appropriation of funds to support improvements and enhancements for educational programs and purposes and such net proceeds shall be used to supplement, not supplant, non-lottery educational resources for education programs and purposes.

All other forms of lottery not authorized herein are expressly prohibited unless authorized by a two-thirds vote of all members elected to each house of the general assembly for an annual event operated for the benefit of a 501(c)(3) or a 501(c)(19) organization, as defined by the 2000 United States Tax Code, located in this state.

A state lottery means a lottery of the type such as in operation in Georgia, Kentucky and Virginia in 2000, and the amendment to Article XI, Section 5 of the Constitution of the State of Tennessee provided for herein does not authorize games of chance associated with casinos, including, but not limited to, slot machines, roulette wheels, and the like.

The state lottery authorized in this section shall be implemented and administered uniformly throughout the state in such manner as the legislature, by general law, deems appropriate

TEXAS

Article III Section 49-g - ECONOMIC STABILIZATION FUND; ALLOCATION OF CERTAIN OIL AND GAS PRODUCTION TAX REVENUE.

Mandates a portion of oil and gas production revenue be placed into the economic stabilization fund.

Article VII - Sec. 2. PERMANENT SCHOOL FUND.

Establishes a permanent school fund consisting of previously allocated public school resources, alternate land sections from corporate grants, half of the state's public domain, and proceeds from related land sales.

All funds, lands and other property heretofore set apart and appropriated for the support of public schools; all the alternate sections of land reserved by the State out of grants heretofore made or that may hereafter be made to railroads or other corporations of any nature whatsoever; one half of the public domain of the State; and all sums of money that may come to the State from the sale of any portion of the same, shall constitute a permanent school fund. (Feb. 15, 1876. Amended Nov. 8, 2011.)

Article VII Section 3 - Sec. 3. TAXES FOR BENEFIT OF SCHOOLS; PROVISION OF FREE TEXT BOOKS; SCHOOL DISTRICTS.

Mandates that 25% of state occupation tax revenue be allocated annually for public schools, and requiring the State Board of Education to set aside funds for providing free textbooks to public school students.

(a) One-fourth of the revenue derived from the State occupation taxes shall be set apart annually for the benefit of the public free schools.

* It shall be the duty of the State Board of Education to set aside a sufficient amount of available funds to provide free text books for the use of children attending the public free schools of this State.

Article VIII Sec. 7-c. DEDICATION OF REVENUE FROM STATE SALES AND USE TAX AND TAXES IMPOSED ON SALE, USE, OR RENTAL OF MOTOR VEHICLE TO STATE HIGHWAY FUND.

Requires the comptroller to deposit \$2.5 billion of state sales and use tax revenue exceeding \$28 billion annually into the state highway fund, subject to specified conditions.

(a) Subject to Subsections (d) and (e) of this section, in each state fiscal year, the comptroller of public accounts shall deposit to the credit of the state highway fund \$2.5 billion of the net revenue derived from the imposition of the state sales and use tax on the sale, storage, use, or other consumption in this state of taxable items under Chapter 151, Tax Code, or its successor, that exceeds the first \$28 billion of that revenue coming into the treasury in that state fiscal year.

UTAH

Article X, Section 5 [State School Fund and Uniform School Fund - Establishment and use - Debt guaranty.]

Establishes a permanent State School Fund and a Uniform School Fund, detailing their funding sources, investment requirements, distribution limits, and usage for public education support, while also allowing state guarantees of school district debt under specific conditions.

1. There is established a permanent State School Fund which consists of:
 - * proceeds from the sales of all lands granted by the United States to this state for the support of the public elementary and secondary schools;
 - * 5% of the net proceeds from the sales of United States public lands lying within this state;
 - * all revenues derived from nonrenewable resources on state lands, other than sovereign lands and lands granted for other specific purposes;
 - * all revenues derived from the use of school trust lands;
 - * revenues appropriated by the Legislature; and
 - * other revenues and assets received by the permanent State School Fund under any other provision of law or by bequest or donation.
2.
 - * The permanent State School Fund shall be prudently invested by the state and shall be held by the state in perpetuity.

- * Only earnings received from investment of the permanent State School Fund may be distributed from the fund, and any distribution from the fund shall be for the support of the public education system as defined in Article X, Section 2 of this constitution.
 - * Annual distributions from the permanent State School Fund under Subsection (2)(b) may not exceed 4% of the fund, calculated as provided by statute.
 - * The Legislature may make appropriations from school trust land revenues to provide funding necessary for the proper administration and management of those lands consistent with the state's fiduciary responsibilities towards the beneficiaries of the school land trust.^[1] Unexpended balances remaining from the appropriation at the end of each fiscal year shall be deposited in the permanent State School Fund.
 - * The permanent State School Fund shall be guaranteed by the state against loss or diversion.
3. There is established a Uniform School Fund which consists of:
 - * money from the permanent State School Fund;
 - * revenues appropriated by the Legislature; and
 - * other revenues received by the Uniform School Fund under any other provision of law or by donation.
 4. The Uniform School Fund shall be maintained and used for the support of the state's public education system as defined in Article X, Section 2 of this constitution and apportioned as the Legislature shall provide.
 5.
 - * Notwithstanding Article VI, Section 29, the State may guarantee the debt of school districts created in accordance with Article XIV, Section 3, and may guarantee debt incurred to refund the school district debt. Any debt guaranty, the school district debt guaranteed thereby, or any borrowing of the state undertaken to facilitate the payment of the state's obligation under any debt guaranty shall not be included as a debt of the state for purposes of the 1.5% limitation of Article XIV, Section 1.
 - * The Legislature may provide that reimbursement to the state shall be obtained from monies which otherwise would be used for the support of the educational programs of the school district which incurred the debt with respect to which a payment under the state's guaranty was made.

VIRGINIA

Article VIII. Education. Section 8. The Literary Fund

Establishes a permanent school fund comprising various sources of revenue, including the Literary Fund, proceeds from public lands, escheated property, fines, and other appropriations, with flexibility for the General Assembly to allocate additional funds for public school purposes once the principal reaches \$80 million.

The General Assembly shall set apart as a permanent and perpetual school fund the present Literary Fund; the proceeds of all public lands donated by Congress for free public school purposes, of all escheated property, of all waste and unappropriated lands, of all property accruing to the Commonwealth by forfeiture except as hereinafter provided, of all fines collected for offenses committed against the Commonwealth, and of the annual interest on the Literary Fund; and such other sums as the General Assembly may appropriate. But so long as the principal of the Fund totals as much as eighty million dollars, the General Assembly may set aside all or any part of additional moneys received into its principal for public school purposes, including the teachers retirement fund.

Article X. Taxation and Finance. Section 7-A. Lottery Proceeds Fund; distribution of lottery revenues

Establishes the Lottery Proceeds Fund, consisting of lottery revenues and to be appropriated for public education.

The General Assembly shall establish the Lottery Proceeds Fund. The Fund shall consist of the net revenues of any lottery conducted by the Commonwealth. Lottery proceeds shall be appropriated from the Fund to the Commonwealth's counties, cities and towns, and the school divisions thereof, to be expended for the purposes of public education.

Article X. Taxation and Finance Section 8. Limit of tax or revenue; Revenue Stabilization Fund

Establishes a Revenue Stabilization Fund capped at 15% of average annual income and retail sales tax revenues, with mandated deposits based on revenue growth, and specifying conditions for withdrawals to address budget shortfalls, while limiting tax levies to necessary government expenses and debt payments.

No other or greater amount of tax or revenues shall, at any time, be levied than may be required for the necessary expenses of the government, or to pay the indebtedness of the Commonwealth. The General Assembly shall establish the Revenue Stabilization Fund. The Fund shall consist of an amount not to exceed fifteen percent of the Commonwealth's average annual tax revenues derived from taxes on income and retail sales as certified by the Auditor of Public Accounts for the three fiscal years immediately preceding. The Auditor of Public Accounts shall compute the fifteen percent limitation of such fund annually and report to the General Assembly not later than the first day of December. "Certified tax revenues" means the Commonwealth's annual tax revenues derived from taxes on income and retail sales as certified by the Auditor of Public Accounts.

The General Assembly shall make deposits to the Fund to equal at least fifty percent of the product of the certified tax revenues collected in the most recently ended fiscal year times the

difference between the annual percentage increase in the certified tax revenues collected for the most recently ended fiscal year and the average annual percentage increase in the certified tax revenues collected in the six fiscal years immediately preceding the most recently ended fiscal year. However, growth in certified tax revenues, which is the result of either increases in tax rates on income or retail sales or the repeal of exemptions therefrom, may be excluded, in whole or in part, from the computation immediately preceding for a period of time not to exceed six calendar years from the calendar year in which such tax rate increase or exemption repeal was effective. Additional appropriations may be made at any time so long as the fifteen percent limitation established herein is not exceeded. All interest earned on the Fund shall be part thereof; however, if the Fund's balance exceeds the limitation, the amount in excess of the limitation shall be paid into the general fund after appropriation by the General Assembly. The General Assembly may appropriate an amount for transfer from the Fund to compensate for no more than one-half of the difference between the total general fund revenues appropriated and a revised general fund revenue forecast presented to the General Assembly prior to or during a subsequent regular or special legislative session. However, no transfer shall be made unless the general fund revenues appropriated exceed such revised general fund revenue forecast by more than two percent of certified tax revenues collected in the most recently ended fiscal year. Furthermore, no appropriation or transfer from such fund in any fiscal year shall exceed more than one-half of the balance of the Revenue Stabilization Fund. The General Assembly may enact such laws as may be necessary and appropriate to implement the Fund.

WASHINGTON

SECTION 40 HIGHWAY FUNDS.

Mandates that all motor vehicle license fees, fuel taxes, and other state revenues intended for highway purposes be placed in a special fund to be used exclusively for specified highway-related purposes, including administration, construction, maintenance, and certain transportation operations, while excluding general taxes and certain vehicle-related fees not primarily intended for highways.

1. All fees collected by the State of Washington as license fees for motor vehicles and all excise taxes collected by the State of Washington on the sale, distribution or use of motor vehicle fuel and all other state revenue intended to be used for highway purposes, shall be paid into the state treasury and placed in a special fund to be used exclusively for highway purposes. Such highway purposes shall be construed to include the following:
 - a. The necessary operating, engineering and legal expenses connected with the administration of public highways, county roads and city streets;
 - b. The construction, reconstruction, maintenance, repair, and betterment of public highways, county roads, bridges and city streets; including the cost and expense of (1) acquisition of rights-of-way, and expense (2) installing, maintaining and

operating traffic signs and signal lights, (3) policing by the state of public highways, (4) operation of movable span bridges, (5) operation of ferries which are a part of any public highway, county road, or city street;

- c. The payment or refunding of any obligation of the State of Washington, or any political subdivision thereof, for which any of the revenues described in section 1 may have been legally pledged prior to the effective date of this act;
- d. Refunds authorized by law for taxes paid on motor vehicle fuels;
- e. The cost of collection of any revenues described in this section:

Provided, That this section shall not be construed to include revenue from general or special taxes or excises not levied primarily for highway purposes, or apply to vehicle operator's license or apply to fees or any excise tax imposed on motor vehicles or the use thereof in lieu of a property tax thereon, or fees for certificates of ownership of motor vehicles. (AMENDMENT 18, 1943 House Joint Resolution No. 4, P 938. Approved November, 1944.)

WEST VIRGINIA

Article 6-55. Revenues and properties applicable to fish and wildlife conservation.

Mandates that all fees, monies, and funds from hunting and fishing permits, licenses, and related federal grants be used exclusively for fish and wildlife conservation, management, education, recreation, and scientific study, with provisions for fair market compensation if properties are converted to other uses, and maintaining legislative authority to adjust fees and requirements.

Fees, moneys, interest or funds arising from the sales of all permits and licenses to hunt, trap, fish or otherwise hold or capture fish and wildlife resources and money reimbursed and granted by the federal government for fish and wildlife conservation shall be expended solely for the conservation, restoration, management, educational benefit, recreational use and scientific study of the state's fish and wildlife, including the purchases or other acquisition of property for said purposes and for the administration of the laws pertaining thereto and for no other purposes. In the event that any such properties or facilities are converted to uses other than those specified in this section and the conversion jeopardizes the availability of the receipt of federal funds by the state, the agency of the state responsible for the conservation of its fish and wildlife resources shall receive fair market compensation for the converted properties or facilities. Such compensation shall be expended only for the purposes specified in this section. All moneys shall be deposited within the state treasurer in the ""license fund"" and other specific funds created especially for fish and wildlife conservation and the public's use of fish and wildlife. Nothing in this section shall prevent the Legislature from reducing or increasing the amount of any permit or license to hunt, trap, fish or otherwise hold or capture fish or wildlife or to repeal or enact additional fees or requirements for the privilege of hunting, trapping, fishing or to otherwise hold or capture fish or wildlife.

WYOMING

ARTICLE 7

Creating a comprehensive system for funding public education in the state, including:

- 1. Mandating establishment of free public schools and a state university*
- 2. Establishing perpetual school funds from various sources, including land sales and grants*
- 3. Allowing additional revenue from gifts and grants*
- 4. Restricting use of county school funds to support public schools*
- 5. Allocating fines and penalties to county public school funds*
- 6. Designating state school funds as trust funds to be invested*
- 7. Requiring all income from these funds be used exclusively for free public schools*

This system aims to provide stable, dedicated funding for public education at both state and county levels.

Sec. 1. Legislature to provide for public schools. The legislature shall provide for the establishment and maintenance of a complete and uniform system of public instruction, embracing free elementary schools of every needed kind and grade, a university with such technical and professional departments as the public good may require and the means of the state allow, and such other institutions as may be necessary.

Sec. 2. School revenues. The following are declared to be perpetual funds for school purposes, of which the annual income only can be appropriated, to wit: Such per centum as has been or may hereafter be granted by congress on the sale of lands in this state; all moneys arising from the sale or lease of sections number sixteen and thirty-six in each township in the state, and the lands selected or that may be selected in lieu thereof; the proceeds of all lands that have been or may hereafter be granted to this state, where by the terms and conditions of the grant, the same are not to be otherwise appropriated; the net proceeds of lands and other property and effects that may come to the state by escheat or forfeiture, or from unclaimed dividends or distributive shares of the estates of deceased persons; all moneys, stocks, bonds, lands and other property now belonging to the common school funds. Provided, that the rents for the ordinary use of said lands shall be applied to the support of public schools and, when authorized by general law, not to exceed thirty-three and one-third (33 1/3) per centum of oil, gas, coal, or other mineral royalties arising from the lease of any said school lands may be so applied.

Sec. 3. Other sources of school revenues. To the sources of revenue above mentioned shall be added all other grants, gifts and devises that have been or may hereafter be made to this state and not otherwise appropriated by the terms of the grant, gift or devise.

Sec. 4. Restriction in use of revenues. All money, stocks, bonds, lands and other property belonging to a county school fund, except such moneys and property as may be provided by law

for current use in aid of public schools, shall belong to and be invested by the several counties as a county public school fund, in such manner as the legislature shall by law provide, the income of which shall be appropriated exclusively to the use and support of free public schools in the several counties of the state. This section was amended by a resolution adopted by the 1969 legislature, ratified by a vote of the people at the general election held on November 3, 1970, and proclaimed in effect on December 3, 1970.

Sec. 5. Fines and penalties to belong to public school fund. All fines and penalties under general laws of the state shall belong to the public school fund of the respective counties and be paid over to the custodians of such funds for the current support of the public schools therein.

Sec. 6. State to keep school funds; investment. All funds belonging to the state for public school purposes, the interest and income of which only are to be used, shall be deemed trust funds in the care of the state, which shall keep them for the exclusive benefit of the public schools. The legislature shall provide by law for the investment of such trust funds.

This section was amended by a resolution adopted by the 1915 and 1969 legislatures. The latest amendment was ratified by a vote of the people at the general election held on November 3, 1970, and proclaimed in effect on December 3, 1970.

Sec. 7. Application of school funds. The income arising from the funds mentioned in the preceding section, together with all the rents of the unsold school lands and such other means as the legislature may provide, shall be exclusively applied to the support of free schools in every county in the state.

DC

Article IV - Sec. 7. Emergency and contingency reserve funds

Establishes two reserve funds for the State of New Columbia:

1. Emergency Cash Reserve Fund:

- *Maintained at 2% of operating expenditures*
- *Used for emergency needs, natural disasters, or cash flow management*
- *Must be replenished within two fiscal years if used*

2. Contingency Cash Reserve Fund:

- *Maintained at 4% of operating expenditures*
- *Used for unforeseen needs, natural disasters, federal obligations, revenue shortfalls, or cash flow management*
- *Must be replenished within two fiscal years if uses*

Both funds have specific rules for usage, replenishment, and maintenance, ensuring fiscal stability and preparedness for unexpected situations.

a.

1. The Governor shall deposit into an emergency cash reserve fund not later than the first day of each fiscal year such an amount as may be required to maintain a balance in the fund of at least 2 percent of the operating expenditures of the government of the State of New Columbia; provided, if the Governor uses money from the fund during a fiscal year, the State of New Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the emergency reserve fund during the preceding fiscal years so that not less than 50 percent of any amount allocated in the preceding fiscal year or the amount necessary to restore the emergency reserve fund to the 2 percent required balance, whichever is less, is replenished by the end of the first fiscal year following each such allocation and 100 percent of the amount allocated or the amount necessary to restore the emergency reserve fund to the 2 percent required balance, whichever is less, is replenished by the end of the second fiscal year following each such allocation; provided further, if an amount is allocated from the emergency cash reserve fund for cash flow management purposes, the Governor shall fully replenish the fund in the amount allocated not later than the earlier of the expiration of the 9-month period which begins on the date the allocation is made or the last day of the fiscal year.
2. The Governor may use the emergency cash reserve fund to provide for unanticipated and nonrecurring extraordinary needs of an emergency nature, including a natural disaster or calamity or a state of emergency as declared by the Governor, for unexpected obligations of federal law and for cash flow management purposes in an amount of not more than 50 percent of the balance of the fund.

b.

1. The Governor shall deposit into a contingency cash reserve fund not later than the first day of each fiscal year such amount as may be required to maintain a balance in the fund of at least 4 percent of the operating expenditures of the government of the State of New Columbia; provided, the government of the State of New Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the contingency reserve fund during the preceding fiscal years so that not less than 50 percent of any amount allocated in the preceding fiscal year or the amount necessary to restore the contingency reserve fund to the 4 percent required balance, whichever is less, is replenished by the end of the first fiscal year following each such allocation and 100 percent of the amount allocated or the amount necessary to restore the contingency reserve fund to the 4 percent required balance, whichever is less, is replenished by the end of the second fiscal year following each such allocation; provided further, if an amount is allocated from the contingency cash reserve fund for cash flow management purposes, the Governor shall fully replenish the fund in the amount

allocated not later than the earlier of the expiration of the 9-month period which begins on the date the allocation is made or the last day of the fiscal year.

2. The Governor may use the contingency cash reserve fund to provide for nonrecurring or unforeseen needs that arise during the fiscal year, including expenses associated with unforeseen weather or other natural disasters, unexpected obligations created by federal law or new public safety, health, welfare, or education needs or requirements that have been identified after the budget process has occurred, for opportunities to achieve cost savings, to cover revenue shortfalls experienced by the District government for 3 consecutive months (based on a 2 month rolling average) that are 5 percent or more below the budget forecast, and for cash flow management purposes in an amount of not more than 50 percent of the balance of the fund.

EXHIBIT 1

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 is as follows:*

To add a Section 20 under Article I of the Baltimore City Charter creating the Baltimore Baby Bonus Fund. The Baltimore Baby Bonus Fund shall comprise: a mandatory annual appropriation in the Ordinance of Estimates of an amount equal to at least \$0.03 on every \$100 of assessed or assessable value of all property in the City of Baltimore (except property exempt by law); and grants and donations made to the Fund. The Baltimore Baby Bonus Fund will send a one-time Baby Bonus Payment of at least \$1,000 to each city resident who is the birthing parent of a child, upon the birth of the child. Conditions may be established by ordinance or regulation under which the guardian, or the adopting parent(s), of a child may receive a Baby Bonus Payment instead of the birthing parent. The proposed amendment would go into effect if at the election the majority of the votes cast for and against the amendment shall be in favor thereof, in which case the amendment shall be adopted and become a part of the Charter of Baltimore City from and after the thirtieth day after the 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
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	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 I – General Provisions

§ 20. Baltimore Baby Bonus Fund.

a. Fund established; provision of payments.

1. There is a continuing, nonlapsing Baltimore Baby Bonus Fund, to be used exclusively for the provision of Baby Bonus Payments to residents of Baltimore City.
2. A Baby Bonus Payment is a one-time payment to the birthing parent of a child, upon the birth of a child, unless the conditions in subparagraph (3) or (4) are satisfied.
3. By Ordinance, or by proper delegation of regulatory authority, the Mayor and City Council may set forth conditions in which the guardian of a child other than the birthing parent may receive the Baby Bonus Payment instead of the birthing parent.
4. By Ordinance, or by proper delegation of regulatory authority, the Mayor and City Council may set forth conditions in which an adopting parent or parent(s) may receive a single Baby Bonus Payment upon the adoption of a child.
5. A Baby Bonus Payment shall be at least \$1,000.
6. A timely Baby Bonus Payment shall be made to all Baltimore City residents who meet the conditions set forth in subparagraphs (2), (3), or (4).
7. The Fund shall be administered in accordance with the following standards:
 1. to the maximum extent feasible, payments should be made within a reasonable time frame to ensure that parents can use the funds to assist with the costs of raising a newborn child;
 2. to the maximum extent feasible surplus monies should be used to the purposes set forth in paragraph (a) subparagraph (1).
 3. By Ordinance, or by proper delegation of regulatory authority, the Mayor and City Council shall determine the annual Baby Bonus Payment amount using all relevant data, including, but not limited to: surplus monies in the fund, historical birth rates, estimated future property values, etc.

b. Revenue Source.

The Baltimore Baby Bonus Fund shall comprise:

1. A mandatory annual appropriation in the Ordinance of Estimates of an amount equal to at least \$0.03 on every \$100 of assessed or assessable value of all property in the City of Baltimore (except property exempt by law); and
2. Grants and donations made to the Fund.

c. Continuing Nature of the Fund.

Notwithstanding any other provision of this Charter, unspent portions of the Baltimore Baby Bonus Fund:

1. remain in the Fund, to be used exclusively for its specified purposes;
2. do not revert to the general revenues of the City; and
3. their appropriations do not lapse.

d. Implementation.

By Ordinance, the Mayor and City Council shall provide for the oversight, governance, and administration of the Baltimore Baby Bonus Fund, including:

1. methods and criteria for evaluating parental eligibility;
2. methods and criteria for determining the logistical distribution of the Fund; and
3. the establishment of any other legislative or administrative rules, regulations, or standards, consistent with this section, governing the Fund, its operations, and programs and services funded by it

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	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
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Circulator's Signature

Date (mm/dd/yy)

Article I – General Provisions

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 1. to the maximum extent feasible, payments should be made within a reasonable time frame to ensure that parents can use the funds to assist with the costs of raising a newborn child;
 2. to the maximum extent feasible surplus monies should be used to the purposes set forth in paragraph (a) subparagraph (1).
 3. By Ordinance, or by proper delegation of regulatory authority, the Mayor and City Council shall determine the annual Baby Bonus Payment amount using all relevant data, including, but not limited to: surplus monies in the fund, historical birth rates, estimated future property values, etc.

b. *Revenue Source.*

The Baltimore Baby Bonus Fund shall comprise:

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2. Grants and donations made to the Fund.

c. *Continuing Nature of the Fund.*

Notwithstanding any other provision of this Charter, unspent portions of the Baltimore Baby Bonus Fund:

1. remain in the Fund, to be used exclusively for its specified purposes;
2. do not revert to the general revenues of the City; and
3. their appropriations do not lapse.

d. *Implementation.*

By Ordinance, the Mayor and City Council shall provide for the oversight, governance, and administration of the Baltimore Baby Bonus Fund, including:

1. methods and criteria for evaluating parental eligibility;
2. methods and criteria for determining the logistical distribution of the Fund; and
3. the establishment of any other legislative or administrative rules, regulations, or standards, consistent with this section, governing the Fund, its operations, and programs and services funded by it

EXHIBIT 2

Armstead B. Crawley Jones, Sr.
Election Director

Abigail Goldman
Election Deputy Director

Scherod C. Barnes
President (D)

Terrence D. Threweatt Jr.
Vice President (R)



BALTIMORE CITY BOARD OF ELECTIONS

Samuel B. Novey
Secretary (D)

Hope M. Williams
Member (D)

Maria M. Vismale
Member (R)

July 1, 2024

Via First-Class Mail and Electronic Mail

Nathan Golden
Maryland Child Alliance
14 N. Bradford St.
Baltimore, MD 21224
nate@marylandchildalliance.org

Re: Certification of Petition – Baltimore Baby Bonus Fund

Dear Mr. Golden:

This letter is in reference to the petition submitted by Maryland Child Alliance to place a charter amendment question on the ballot at the 2024 Presidential General Election (the "Petition"). If approved by the voters, the amendment proposed by the Petition would add Section 20 to Article I of the Baltimore City Charter, establishing the Baltimore Baby Bonus Fund for specified purposes. A copy of the petition form is attached as **Exhibit A**. A copy of the charter amendment text is attached as **Exhibit B**.

The Petition was submitted to the Baltimore City Law Department, acting on behalf of the Mayor, pursuant to Article XI-A, § 5 of the Constitution of Maryland, and forwarded to the Baltimore City Board of Elections for verification and validation of signatures pursuant to § 6-205 of the Election Law Article, Maryland Annotated Code.

As Election Director for the Board of Elections, I have determined that the Petition has satisfied all requirements established by law for the placement of a charter amendment question on the ballot. In particular, I have determined that the petition contains at least 10,000 valid signatures of registered Baltimore City voters, as required by the Constitution, Article XI-A, § 5. See **Exhibit C** (report of signatures). The Board of Elections will continue to review and verify the remaining signatures on the Petition, and will provide a final count of accepted and rejected signatures once we have completed our review, but based on the number of signatures already validated and verified, I have confirmed that the Petition has met the legal requirements for certification.

Accordingly, I hereby certify, pursuant to § 6-208(c) of the Election Law Article, that the Petition has "satisfied all requirements established by law" and has qualified for placement on the ballot at the 2024 Presidential General Election. A copy of this letter and attachments will be forwarded to the City Solicitor for preparation of the ballot language in accordance with § 7-103 of the Election Law Article.

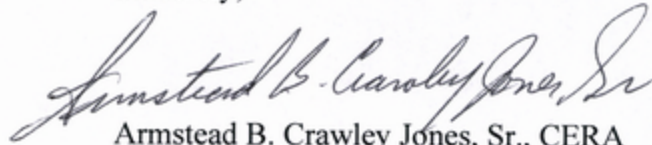
Certification of Petition – Baltimore Baby Bonus Fund

July 1, 2024

Page 2

Please let me know if you have any further questions. Questions may be directed to me at armstead.jones@baltimorecity.gov, with copy to Deputy Director Abigail Goldman at abigail.goldman@baltimorecity.gov and Thomas S. Chapman, Counsel to the Board, at tchapman@oag.state.md.us.

Sincerely,

A handwritten signature in cursive script, reading "Armstead B. Crawley Jones, Sr.", written in dark ink.

Armstead B. Crawley Jones, Sr., CERA
Election Director

Enclosures

cc: State Board of Elections
Office of the Attorney General
Baltimore City Board of Elections
Baltimore City Law Department

EXHIBIT 3



Exhibit A

IN THE
CIRCUIT COURT FOR BALTIMORE CITY

MAYOR AND CITY COUNCIL OF
BALTIMORE, *et al.*,

Plaintiffs,

v.

BALTIMORE CITY BOARD OF
ELECTIONS, *et al.*,

Defendants.

No. C-24-CV-24-001320

* * * * *

AFFIDAVIT OF JENNIFER MCLAUGHLIN

1. I, Jennifer McLaughlin, am over 18 years of age, and am competent to testify to the facts set forth herein.
2. I have personal knowledge of the matters contained herein.
3. I have worked for the Maryland State Board of Elections (“SBE”) since June 2021. I currently serve as the Mail-In Ballot Lead. My work requires, among other things, overseeing the preparation, printing, and delivery of all mail-in ballot materials for use in Maryland elections. This includes the preparation, printing, and delivery of all mail-in ballots, ballot envelopes, and testing materials for mail-in ballots scanners for the 2024 presidential general election.
4. Federal law requires that SBE transmit mail-in ballots to qualified overseas voters by the 45th day before an election. 52 U.S.C. § 20302(a)(8)(A). For the

2024 presidential general election, that deadline falls on Saturday, September 21, 2024.

5. Similarly, State law requires SBE to transmit a mail-in ballot to each voter who has made a timely request to vote by mail by the 43rd day before an election. Md. Code. Ann., Election Law Article, § 9-306(c)(1). For the 2024 presidential election, that deadline falls on Monday, September 23, 2024.

6. Therefore, by the third weekend in September, mail-in ballots, instructions and other inserts, and ballot envelopes (together known as “ballot packets”) for every overseas and domestic voter, who has made a timely request, must be printed and ready for mailing.

7. Mail-in ballots cannot differ from ballots voted in person. Functionally, then, by the third weekend in September, the form and content of Maryland’s ballot can no longer be changed.

8. The timeline estimates provided in this affidavit are specific to mail-in ballots transmitted by the United States Postal Service, and are in addition to those provided by Natasha Walker for the preparation of ballot materials related to in-person voting and web delivery.

9. SBE cannot produce the required quantity of ballot materials and securely mail them on its own. Instead, through the State procurement process, SBE has publicly contracted with a third-party vendor (Taylor Print and Visual Impressions) for the printing and mailing of all ballot materials. The contract,

#D38B1600011, approved by the Board of Public Works on December 1, 2021, remains in effect through the 2024 election cycle.

10. SBE cannot presently provide or procure a different solution for preparing and printing mail-in ballot materials for the 2024 presidential general election.

11. The process for printing, assembling, and mailing mail-in ballot packets begins with SBE securely transmitting to the third-party vendor digital image files of the ballots, ballot envelopes, and other ballot packet inserts.

12. Once the ballot design is completed and made public for at least 3 days, the vendor first prints “test decks,” samples of thousands of ballots. These test decks are printed materials created to run through the State’s voting system equipment. Test decks are used to ensure that the final ballots, as designed by SBE, can be accurately and reliably read by the voting system equipment.

13. Printing of test decks generally requires 2-3 days.

14. Once the test decks are printed, the third-party vendor ships each of the 23 counties and Baltimore City the test decks specific to that jurisdiction. Receipt of the test decks by the jurisdiction can require up to three days.

15. Each county and Baltimore City must then scan each test deck it receives. This requires election officials to manually run documentary material through ballot scanners, comparing the results of the scanning to the known information attendant to the test deck.

16. Scanning of test decks and reporting of results generally requires 2-3 days.

17. Upon confirmation from all counties and Baltimore City that the test decks scan reliably through the statewide voting system, the effort to print ballots and ballot envelopes can begin.

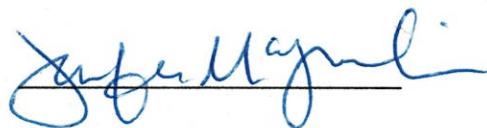
18. Ballot printing and ballot packet assembly requires the third-party vendor at least 6-7 business days for 500,000 ballot packets, and more for larger quantities

19. SBE anticipates directing the printing and assembly of at least 500,000 ballot packets for the 2024 presidential general election. Accordingly, SBE anticipates that the entire process for printing and assembling mail-in ballot packets prior to the deadline imposed by 52 U.S.C. § 20302 will require 13-16 days.

20. I solemnly affirm under the penalties of perjury that foregoing contents of this Affidavit are true to the best of my personal knowledge, information, and belief.

7/29/2024

Date

A handwritten signature in blue ink, appearing to read "Jennifer McLaughlin", written over a horizontal line.

Jennifer McLaughlin

Exhibit B

IN THE
CIRCUIT COURT FOR BALTIMORE CITY

MAYOR AND CITY COUNCIL OF
BALTIMORE, *et al.*,

Plaintiffs,

v.

BALTIMORE CITY BOARD OF
ELECTIONS, *et al.*,

Defendants.

No. C-24-CV-24-001320

* * * * *

AFFIDAVIT OF NATASHA WALKER

1. I, Natasha Walker, am over 18 years of age, and am competent to testify to the facts set forth herein.
2. I have personal knowledge of the matters contained herein.
3. I have been employed by the Maryland State Board of Elections (“SBE”) since 2003. I currently serve as Director of Voting and Election Management Systems and have been performing the functions of that job since October, 2023. My work requires, among other things, coordinating the preparation of ballots in advance of the primary and general elections
4. The deadline for a candidate to decline the nomination of their party so that his or her name would not appear on the general election ballot is Tuesday, August 6, 2024 at 5:00 p.m.

5. Vacancies on the ballot created by a declination of a nomination must be filled by the appropriate authority before August 9, 2024 at 5:00 p.m.
6. The last day for which a candidate's death or disqualification, having become known to SBE or the appropriate local board, would result in the candidate's removal from the general election ballot is August 12, 2024.
7. Vacancies on the ballot created by the death or disqualification of a candidate must be filled by the appropriate authority before August 16, 2024.
8. On August 26, 2024, SBE will begin creating ballot databases, importing the ballot data, and laying out the different ballots that will be in use across the state for the general election.
9. August 29, 2024, local boards of election ("LBEs") will receive ballot proofing packages to review and approve the ballots pertinent to their respective jurisdictions. This process takes approximately one week for larger jurisdictions such as Baltimore City.
10. On September 3, 2024, ballots must be certified pursuant to Md. Code Ann. EL § 9-207(a)(2) and placed on SBE's website for public viewing. In total, 1,990 different ballots will be in use across the State during the 2024 general election. Approximately 295 of these different ballots, which are assigned to 295 election day precincts and 8 early voting centers, include ballot questions about amendments to Baltimore City's charter.

11. Any addition or removal of a ballot question during the period prior to certification will require SBE to correct the relevant databases and redo the process of laying out affected ballots, and will require affected LBEs to re-review and re-approve affected ballots pertinent to their jurisdictions.

12. Pursuant to Maryland Code Annotated, Election Law § 9-207(a)(2), the certification of ballots must take place “at least 64 days before the election,” which, for the 2024 presidential general election, imposes a deadline of September 3, 2024. However, because mail-in ballots must be made available to military and overseas voters no later than 45 days before the election (this year, September 21, 2024) pursuant to 52 U.S.C. § 20302(a)(8)(A), SBE strives to certify ballots as early as possible to allow for the completion of the several steps required to take place before the military/overseas mailing deadline.

13. SBE creates multiple ballot formats for the various needs of the election. Specimen ballots are designed for voter education. Ballots voted in-person (during early voting and on election day) and mail-in ballots do not differ, but the process of their preparation does. Test decks for mail-in ballots are scanned through specific scanners used only during the mail-in canvass; test decks for in-person ballots must be scanned on every scanner in the State used during early voting and election day. In-person test deck scanning requires weeks in a large jurisdiction like Baltimore City. Finally, web-delivery ballots must be designed to print on the

8 ½ x 11-inch paper found in consumer printers, rather than the 17-inch paper used for all either types of ballots.

14. On September 6, 2024, SBE will begin the process of creating PDFs of all 1,990 of the general election ballots for each of the different ballot formats that will be in use (including specimen ballots, election day ballots, test deck ballots, mail-in ballots, and 11-inch ballots for web delivery). Start to finish, this process takes approximately eight days. PDF's for in-person ballots, mail-in ballots, and their respective test decks are completed first. Any change to the ballots during this period would require PDFs of the affected ballots across all formats to be redone.

15. On September 8, 2024, SBE expects to begin the printing of all test decks and all ballots. This process typically takes 3 weeks, and at the conclusion of the printing process approximately 20,000,000 different physical ballot sheets will have been generated. This includes ballots voted in-person, mail-in ballots, and specimen ballots. After the date that printing begins, changes to ballots would be costly and disruptive. The pre-print production process takes approximately 2 days to lay out the ballot styles and create the metal printing plates for each ballot style. When ballot styles change, new ballot style PDF's must be sent to the printer and the pre-print production process must be redone. Any ballots printed for the impacted jurisdiction must be disposed of to ensure that the wrong ballot styles do not get sent to the jurisdiction.

16. On September 7, 2024, SBE expects to import final ballot style data into its MDVOTERS database. Once this is done, local boards of election must verify that styles are aligned with the correct precincts and splits. For larger jurisdictions such as Baltimore City this process takes approximately 2 days, and any change to the ballots during or after this process would require the ballot styles to be reimported and would require affected LBEs to re-verify all ballot styles to precinct associations.

17. On September 9, 2024, SBE expects to finalize the ballot style process in the MDVOTERS database by assigning voters who have requested a mail-in ballot to the current election. Once the mail-in voters have been assigned to the current election, there is no way to unassign them without intervention from the MDVOTERS development team. After speaking with the development team, it is my understanding that it would take approximately 5 days to return to the point where absentee voters can be assigned to the current election again.

18. On September 10, 2024, SBE expects to begin testing of its web delivery system. Under Maryland law, voters may request that mail-in ballots be delivered to them via the web. In order to test SBE's web delivery system, SBE must transmit ballot style and content data to its programmer, who then performs quality assurance testing using real absentee voters. The testing process takes approximately two weeks, and must be completed before the September 21, 2024

deadline for making mail-in ballots available to military and overseas voters. Also, the testing process may not begin until mail-in ballots are assigned to voters.

19. While ballots are being prepared, SBE also conducts testing of its election results site and news feed, to allow for real-time election results reporting to the public. The process draws on finalized ballot information to produce XML and CSV files of all final contest and candidate data for the purpose of producing test results files and HTML test results pages. This process begins at the time of ballot certification and takes approximately two months to complete. This testing process must be complete by November 1, 2024.

20. Early voting for the 2024 presidential general election is scheduled to begin October 24, 2024, and conclude on October 31, 2024..

21. Election day for the 2024 presidential general election is November 5, 2024.

22. I solemnly affirm under the penalties of perjury that foregoing contents of this Affidavit are true to the best of my personal knowledge, information, and belief.

7/29/2024

Date

Natasha Walker

Natasha Walker