

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2024 Legislative Session

Bill No. CB-092-2024

Chapter No. _____

Proposed and Presented by Council Member Watson

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

EMERGENCY BILL

1 AN EMERGENCY ACT concerning

2 County Council Special Primary Elections and Special General Elections

3 For the purpose of providing for a special primary election and special general election to fill a
4 vacancy on the County Council; providing for the adoption of a certain Resolution regarding a
5 certain vacancy; providing for certain dates for a special primary election and a special general
6 election; providing for the removal of a prohibition on a special primary election and special
7 general election from being held at a certain time; providing for references to the voting for an
8 At-Large seat; providing for references to the Board of Elections; providing for references to
9 special primary elections and special general elections; making this Act an emergency bill;
10 providing for the effective date of this Act; providing for the adoption of this Act; and generally
11 regarding special primary elections and special general elections in Prince George's County.

12 BY repealing and reenacting with amendments:

13 SUBTITLE 2. ADMINISTRATION.

14 Section 2-104,

15 The Prince George's County Code

16 (2023 Edition).

17 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
18 Maryland, that Section 2-104 of the Prince George's County Code be and the same is hereby
19 repealed and reenacted with the following amendments:

20 **SUBTITLE 2. ADMINISTRATION.**

21 **DIVISION 1. COUNTY COUNCIL.**

1 **Sec. 2-104. - Special primary elections and special general elections [election] to fill vacancy**
 2 **on County Council.**

3 (a) The provisions of this Section shall apply only to a vacancy on the County Council that
 4 occurs during the first three (3) years of a term.

5 (b) When there is a vacancy in the office of a Council Member that occurs during the first
 6 three (3) years of a term, the Council shall, within seven (7) days after such vacancy occurs,
 7 adopt a Resolution directing that a special primary election and special general election by the
 8 registered voters of the County, in the case of an At-Large seat, or of the Council District
 9 concerned, in the case of a District seat, be held to fill the vacancy. The Resolution shall specify:

10 (1) The date by which a certificate of candidacy must be filed with the Board of
 11 [Supervisors of] Elections;

12 (2) The date for the special primary election; and

13 (3) The date for the special general election.

14 (c) The date of the special primary election shall be any Tuesday that is at least [forty-five
 15 (45)] one-hundred (100) calendar days [from the date of, but not more than sixty (60) calendar
 16 days], following the occurrence of the vacancy. The date of the special general election shall be
 17 any Tuesday which is at least [sixty (60) calendar days, but not more than ninety (90) calendar
 18 days, following the occurrence of the vacancy] one-hundred (100) calendar days following the
 19 date of the special primary election. Polling places shall be open between the hours of 7 A.M.
 20 and 8 P.M. [No special primary election or special general election shall be held within thirty
 21 (30) calendar days prior to any regularly scheduled election.]

22 (d) The Council shall consult with the Board of [Supervisors of] Elections before adopting
 23 the Resolution described in Subsection (b).

24 (e) The County shall provide funding to cover the costs for the special primary election
 25 and special general election. The Board of [Supervisors of] Elections shall identify the costs
 26 incurred and submit a request for a supplemental budget appropriation to the Director of the
 27 Office of Management and Budget within sixty days after the special primary election and
 28 special general election.

29 (f) Except as otherwise specifically provided in this Section, and except where such
 30 construction would be unreasonable, the provisions of [Article 33] the Election Law Article,
 31 Annotated Code of Maryland, the County Charter, and the County Code shall be applicable to

1 special primary elections or special general elections.

2 (g) Within seven calendar days after the adoption of the Resolution directing a special
3 primary election and special general election, the Board of [Supervisors of] Elections shall
4 publish once in at least one newspaper of general circulation a notice that a vacancy has
5 occurred, that a special primary election and special general election will be held on the dates
6 specified to fill the vacancy.

7 (h) In order to have the name of a proposed candidate placed on the ballot, the candidate
8 shall file with the Board of [Supervisors of] Elections a certificate of candidacy not later than
9 twenty-eight (28) days prior to the special primary election. The special primary election and
10 special general election ballot shall indicate the party designation of each candidate.

11 (i) At least 10 days prior to the special primary election and special general election, the
12 Board of [Supervisors of] Elections shall mail a specimen ballot to the household of each
13 registered voter in the County, in the case of an At-Large seat, or in the councilmanic district in
14 which the vacancy occurs. The specimen ballot shall contain the names of the candidates in the
15 order and form in which they are to be printed on the ballot, together with a statement, not to
16 exceed 500 words, provided by each candidate.

17 (j) When there is a vacancy in the office of a Council Member that occurs during the last
18 year of a term, a majority of the remaining members of the Council shall appoint a qualified
19 person to fill the vacancy within thirty (30) calendar days.

20 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
21 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
22 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
23 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
24 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
25 Act, since the same would have been enacted without the incorporation in this Act of any such
26 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
27 or section.

28 SECTION 3. BE IT FURTHER ENACTED that in accordance with the provisions of
29 Section 317 of the Charter, the County Council hereby declares that a public emergency exists
30 affecting the public health, safety, and welfare; said emergency being having the County special
31 primary elections law and special general elections law comport with State election legal

1 requirements; and the potential for a special primary election and special general election for a
2 County Council seat vacancy.

3 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect on the date it
4 becomes law.

5 Adopted this ____ day of _____, 2024, by an affirmative vote of two-thirds of the
6 members of the full County Council.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Jolene Ivey
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Angela D. Alsobrooks
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.