

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

Bill No. CB-094-2024

Chapter No. _____

Proposed and Presented by Council Member Dernoga, Hawkins and Burroughs

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

EMERGENCY BILL

1 AN EMERGENCY ACT concerning

2 County Council Special Election

3 For the purpose of providing for a special election to fill a vacancy on the County Council;
4 eliminating special primary elections; providing for the adoption of a certain Resolution
5 regarding a certain vacancy; providing for certain dates for a special election; providing for
6 polling place hours; providing for certain funding and requirements to cover the costs of a
7 special election; prohibiting a special election from being held at a certain time; providing for the
8 conduct of a special election pursuant to State law; providing that State law, the County Charter,
9 and County law shall be applicable to a special election, unless otherwise unreasonable;
10 removing a special primary election from publication requirements; providing for special
11 election publication; providing for the filing of a certain certificate of candidacy by a certain
12 date; providing for a certain party designation; providing for the voting for an At-Large seat;
13 providing for proposed candidates and the specimen ballot; providing for the reference to the
14 Board of Elections; making this Act an emergency bill; providing for the effective date of this
15 Act; providing for the adoption of this Act; and generally regarding a special election in Prince
16 George's County.

17 BY repealing and reenacting with amendments:

18 SUBTITLE 2. ADMINISTRATION.

19 Section 2-104,

20 The Prince George's County Code

21 (2023 Edition).

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 3 repealed and reenacted with the following amendments:

4 **SUBTITLE 2. ADMINISTRATION.**

5 **DIVISION 1. COUNTY COUNCIL.**

6 **Sec. 2-104. - Special election to fill vacancy on County Council.**

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

9 (b) When there is a vacancy in the office of a Council Member that occurs during the first
 10 three (3) years of a term, the Council shall, within [seven (7)] ten (10) calendar days after such
 11 vacancy occurs, adopt a Resolution directing that a [special primary and] special election by the
 12 registered voters of the County, in the case of an At-Large seat, or of the Council District
 13 concerned, in the case of a District seat, be held to fill the vacancy. The Resolution shall specify:

14 (1) The date for the special election;

15 [(1)](2) The date by which a certificate of candidacy must be filed with the Board of
 16 [Supervisors of] Elections; and

17 (2) [The date for the special primary election; and]

18 (3) [The date for the special election.] The withdrawal date for candidates which shall
 19 be two (2) calendar days after the final filing date.

20 (c) [The date of the special primary election shall be any Tuesday that is at least forty-five
 21 (45) calendar days, but not more than sixty (60) calendar days, following the occurrence of the
 22 vacancy.]

23 (1) The date of the special election shall be any Tuesday which is at least [sixty (60)]
 24 ninety (90) calendar days, but not more than [ninety (90)] one hundred (100) calendar days,
 25 following the occurrence of the vacancy.

26 (2) Polling places shall be open between the hours of 7 A.M. and 8 P.M.

27 (3) No [special primary election or] special election shall be held within [thirty (30)]
 28 sixty (60) calendar days prior to any regularly scheduled election. If the above timing would
 29 result in a conflict with the operation of a State or Federal election, the special election shall be
 30 held at the earliest possible date that would not result in a conflict.

31 (4) The County Council may elect to conduct the special election in accordance with

1 Subtitle 5 of the Election Law Article, Annotated Code of Maryland, as amended.

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

4 (e) The County shall provide funding to cover the costs for the [special primary election
5 and] special election. The Board of [Supervisors of] Elections shall identify the costs incurred
6 and submit a request for a supplemental budget appropriation to the Director of the Office of
7 Management and Budget within sixty calendar days after the special election.

8 (f) Except as otherwise specifically provided in this Section, and except where such
9 construction would be unreasonable, the provisions of the Election Law Article [Article 33],
10 Annotated Code of Maryland, the County Charter, and the County Code shall be applicable to
11 [special primary elections or] special elections.

12 (g) Within seven (7) calendar days after the adoption of the Resolution directing a special
13 election, the Board of [Supervisors of] Elections shall publish once in at least one newspaper of
14 general circulation a notice that a vacancy has occurred, and that a [special primary election and]
15 special election will be held on the date[s] specified to fill the vacancy.

16 (h) In order to have the name of a proposed candidate placed on the ballot, the candidate
17 shall file with the Board of [Supervisors of] Elections a certificate of candidacy not later than
18 [twenty-eight (28)] sixty (60) calendar days prior to the special [primary] election. The special
19 election ballot shall indicate the party designation of each candidate.

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

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

29 * * * * *

30 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
31 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,

1 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
2 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
3 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
4 Act, since the same would have been enacted without the incorporation in this Act of any such
5 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
6 or section.

7 SECTION 3. BE IT FURTHER ENACTED that in accordance with the provisions of
8 Section 317 of the Charter, the County Council hereby declares that a public emergency exists
9 affecting the public health, safety, and welfare; said emergency being the significant adverse
10 impact that the current special election process has on the County's fiscal health and to the
11 operations of the County Board of Elections and the potential for a special election for a County
12 Council seat vacancy.

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

1 Adopted this ____ day of _____, 2024, by an affirmative vote of two-thirds of the
2 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.

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