



# THE PRINCE GEORGE'S COUNTY GOVERNMENT

## Office of Audits and Investigations

May 27, 2022

### FISCAL AND POLICY NOTE

TO: Robert J. Williams, Jr.  
Council Administrator

William M. Hunt  
Deputy Council Administrator

THRU: Josh Hamlin   
Director of Budget and Policy Analysis

FROM: Arian Albear   
Legislative Budget and Policy Analyst

RE: Policy Analysis and Fiscal Impact Statement  
CB-047-2022

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CB-047-2022 (*Proposed and presented by:* Council Member Turner)

Assigned to the Committee of the Whole (COW)

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AN ACT CONCERNING AMENDMENT OF SECTION 309, CHARTER OF PRINCE GEORGE'S COUNTY for the purpose of proposing an amendment to Section 309 of the Charter of Prince George's County to amend the time to conduct a special election to fill a vacancy of a Council Member.

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### **Fiscal Summary**

#### **Direct Impact**

*Expenditures:* No additional expenditures likely.

*Revenue:* Small positive fiscal impact possible.

#### **Indirect Impact**

None likely.

## **Legislative Summary**

CB-047-2022<sup>1</sup>, proposed by Council Member Turner, will be presented and referred to the Committee of the Whole (COW) on May 31, 2022. CB-047-2022 would change when special elections are held from the first three years of a term following a vacancy to the first year of a term. Therefore, a majority of the County Council would be able to appoint a successor if a vacancy occurs in the second half of a member's term of four years.

The bill would also remove a description of instances when a vacancy occurs in the Council (death, resignation, forfeiture, or removal from office).

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## **Background/Current Law**

### *Charter Amendment*

Amendments to the County Charter are made pursuant to Charter Section 1105.<sup>2</sup> A Council-initiated Charter amendment must be in the form of an act of the Council approved by not less than two-thirds of the members of the full Council, which is exempt from executive veto. Once enacted by the Council, the proposed amendment is summarized in the form of a question which is then submitted to County voters at the next general election. If a majority of votes cast on the question are in favor of the proposed amendment, the amendment stands adopted from and after the thirtieth day following the election.

Proposed Charter amendments must be published by the County Executive in the County newspapers of record and in media for public notice as defined in Charter Section 1008 for five successive weeks prior to the election at which the question is on the ballot.

### *Special Elections*

The current County Charter requires that a special election be held if a vacancy occurs within the first three years of a term. If a vacancy occurs within the last year of a term, then a majority of Council Members appoint a successor to complete the term until the next General Elections.

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## **Resource Personnel**

Kathy Canning, Legislative Officer.  
Tomeka Bumbry, Chief of Staff.

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<sup>1</sup> [CB-047-2022](#).

<sup>2</sup> [ARTICLE XI - EFFECT AND AMENDMENT OF CHARTER. | Code of Ordinances | Prince George's County, MD | Municode Library](#)

## Discussion/Policy Analysis

There are two components to the amendment proposed in CB-047-2022. First, it would remove the language stating what constitutes a “vacancy,” *i.e.*, “the death or resignation of a Council member, or upon forfeiture of, or removal from office.” Second, it would reduce the part of a term for which vacancies would be filled by special election from the first three years to the first two years. Put another way, the Council would appoint a member to fill a vacancy that occurs in the second half of a four-year term.

Enactment of CB-047-2022 may result in a moderate cost savings to the County by having fewer special elections to fill vacancies; however, this would come at the expense of not having voters directly choose their representative in the County Council for up to half of a four-year term.

Special elections are generally rare in the State of Maryland. According to the Maryland State Board of Elections, Prince George’s County has had three (3) special elections: in 2008 (District 5), 2011 (District 6), and 2022 (District 8). For reference of cost, the Board of Elections noted the cost of the recent District 8 Primary and General Election at \$663,264.

Maryland jurisdictions handle special elections differently, below is a summary of the law of select jurisdictions. Montgomery County’s special election law is the most similar to Prince George’s County’s current special election law.

COUNTY	SPECIAL ELECTION LAW
Anne Arundel County	No special election law. Vacancies filled by the County Council. <sup>3</sup>
Baltimore County	No special election law. Vacancies filled by the County Executive. <sup>4</sup>
Baltimore City	No special election law. Vacancies filled by the City Council. <sup>5</sup>
Frederick County	No special election law. Vacancies filled by the County Council. <sup>6</sup>
Howard County	Special election is held if notification of vacancy is received 30+ days before filing deadline for candidates. <sup>7</sup>
Montgomery County	Special election held if vacancy occurs before December 1 of year before the year of a quadrennial election. <sup>8</sup>

<sup>3</sup> [Anne Arundel County Code, Section 1-106](#). Filling of a vacancy in the office of a member of the County Council or in the office of the County Executive.

<sup>4</sup> [Baltimore County Charter, Article II](#). – The County Council.

<sup>5</sup> [Baltimore City, Council Rules](#), 5-11. Vacancy.

<sup>6</sup> [Frederick County Code, Article 2, Section 209](#). – Vacancies.

<sup>7</sup> [Howard County Code, Section 10.101](#). – County Council vacancies.

<sup>8</sup> [Montgomery County Charter, Sec. 106](#). Vacancies; and [Montgomery County Code, Section 16-17](#). Council vacancy, Executive vacancy – election required.

## **Fiscal Impact**

### *Direct Impact*

Enactment of CB-047-2022 may result in a small, favorable fiscal impact to the County as special elections would likely be held less often. For reference, as noted above, the recent District 8 Primary and General Election cost approximately \$663,264. However, because special elections are historically uncommon, it is impossible to calculate estimated yearly savings.

### *Indirect Impact*

None likely.

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## **Effective Date of Proposed Legislation**

The proposed Act, if enacted, shall be presented as a question for voters during the County General Election occurring on November 8, 2022, and if the majority of votes cast on the question shall be in favor of the proposed amendment, such amendment shall stand adopted from and after the thirtieth day following said election.

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If you require additional information, or have questions about this fiscal impact statement, please email me.