



THE PRINCE GEORGE'S COUNTY GOVERNMENT


Office of Audits and Investigations


May 27, 2022

MEMORANDUM

TO: Robert J. Williams, Jr.
Council Administrator

William M. Hunt
Deputy Council Administrator

THRU: Josh Hamlin 
Director of Budget and Policy Analysis

FROM: Lavinia A. Baxter 
Senior Legislative Budget and Policy Analyst

RE: Policy and Fiscal Impact Statement
CB-048-2022 Charter Amendment Section 307

CB-048-2022 (*Proposed by: Councilmember Glaros*)

Assigned to Committee of the Whole

AN ACT CONCERNING Amendment of Section 307, Charter of Prince George's County for the purpose of proposing that an at-large Council member shall have been a qualified voter of Prince George's County at least one year preceding their general election. Council members representing one of the nine Council districts shall have been qualified voter of Prince George's County for at least one year immediately preceding their general election. Except that a person is deemed a qualified voter to serve as a Council member representing one of the nine Council districts, if the boundaries of the Council districts that person has chosen to represent were redrawn in a decennial redistricting plan less than one year prior to the date of the person's general election, that person shall have resided in the Council district as of the date of file a certificate of candidacy.

Fiscal Summary

Direct Impact:

Expenditures: None likely.

Revenues: None likely.

Indirect Impact:

None likely.

Legislative Summary

CB-048-2022, proposed by Council Member Glaros, will be presented and referred to the Committee of the Whole (COW) on May 31, 2022. CB-048-2022 is a proposed amendment to the County Charter section 307. This amendment would alter the residency requirements for candidates for both at-large and district County Council seats. If enacted, the proposed question to voters on November 8, 2022 will be as follows:

To provide that an at-large Council member shall have been a qualified voter of Prince George's County for at least one year immediately preceding their general election. Council members representing one of the nine Council districts shall have been a qualified voter of their respective Council district for at least one year immediately preceding their general election. Except that a person is deemed a qualified voter to serve as a Council member representing one of the nine Council districts if the boundaries of the Council districts that the person has been chosen to represent were redrawn in a decennial redistricting plan less than one year prior to the date of the person's general election and the person shall have resided in the Council district as of the date of filing a certificate of candidacy.

Current Law/Background

Amendments to the County Charter are made pursuant to Charter Section 1105.¹ 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.

¹ [ARTICLE XI. - EFFECT AND AMENDMENT OF CHARTER.](#) | Code of Ordinances | Prince George's County, MD | Municode Library

Article III, sections 303 and 307 of the County Charter set forth the qualifications and restrictions for candidates for the office of Council member. Section 303 states that “each district member of the Council, at the time of their election, shall reside in a different one of the nine Council districts, and shall be nominated and elected by the qualified voters in the district in which they reside.” Section 303 further provides that two at-large Council members are “nominated and elected by the qualified voters of the entire County.” Section 307 provides that an at-large candidate must be a qualified voter in the County for at least one year prior to their *primary* election, and a district candidate must be a qualified voter in their respective district for at least one year prior to their *primary* election (emphasis supplied).

Discussion/Policy Analysis

The proposed amendment consists of two components:

- First, for both at-large and district candidates, it changes the election for which residency must be established one-year prior from the primary to the general election. This change would have the general effect of shortening the residency requirement by a few months (the time between the primary and general elections) but would still retain a general one-year residency requirement before a person could be elected to a Council seat.
- Second, the proposed amendment would effectively waive the residency requirement in a district whose boundaries are redrawn in a decennial redistricting plan less than one year prior to the general election, provided the candidate resides in the district as of the date of filing a certificate of candidacy.

In light of the issues surrounding the most recent Council redistricting process, it may be useful to clarify the terms by which a person shall be elected to office within a respective district. Current law does not mention what happens if there are changes in boundaries during the decennial redistricting process, so this proposal seeks to clarify elections under those conditions. Presently a candidate only has the requirement to be a qualified voter within their respective district, or the County for at-large candidates, for at least one year prior to the primary election. The key change proposed would provide that in a district where boundaries have been re-drawn, prospective district council candidates must be reside in the district by the time of their filing a certificate of candidacy. As proposed, a candidate in a redrawn district would be able to run for office if they have been a qualified voter in that redrawn area regardless of *how long* they have been a qualified voter in that district.

Our closest surrounding Maryland jurisdictions have varying criteria on residency requirements for elections. Montgomery County requires candidates running for election to the County Council reside in the district they are seeking to represent with no particular duration for residency; however, residency must be established by the date of the primary election and maintained through the member’s term of office.² Baltimore County provides very little details on residency

² [March 30, 1990--council candidate reside in district \(amlegal.com\)](http://amlegal.com)

requirement³ and Baltimore City requires residency in the respective district since the preceding July 1.⁴ Lastly, Anne Arundel County stipulates County residency one year prior to the election.⁵

Issue for Committee Consideration:

- As currently drafted, the requirement for duration of residency is very flexible for district candidates in districts with redrawn boundaries. For instance, a prospective candidate with no previous connection to the district could move into a newly redrawn Council district just prior to filing an application for candidacy. This presents a potential loophole for outside candidates.

Fiscal Impact

Enactment and approval of CB-048-2022 is not likely to have any fiscal impact on the County.

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.

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

³ [Run for Office - Baltimore County \(baltimorecountymd.gov\)](http://baltimorecountymd.gov)

⁴ [P:\CodeY2K\RO\UpdatdRaw\01 - Charter.wpd \(baltimorecity.gov\)](http://baltimorecity.gov)

⁵ [Article II. The County Council \(amlegal.com\)](http://amlegal.com)