

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
1998 Legislative Session

Bill No. CB-42-1998

Chapter No. _____

Proposed and Presented by Council Member Hendershot

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

BILL

1 AN ACT concerning

2 Special Elections to Fill a County Council Vacancy

3 For the purpose of amending the provisions for conducting a special election to fill a vacancy on
 4 the County Council.

5 BY repealing and reenacting with amendments:

6 SUBTITLE 2. ADMINISTRATION.

7 Section 2-104,

8 The Prince George's County Code

9 (1995 Edition, 1996 Supplement, as amended by CB-12-1997).

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 12 repealed and reenacted with the following amendments:

13 SUBTITLE 2. ADMINISTRATION.

14 DIVISION 1. COUNTY COUNCIL.

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

16 (a) The provisions of this Section shall apply only to a vacancy on the County Council
 17 which occurs more than ninety days prior to the primary or general election referred to in Section
 18 303 of the County Charter. If a vacancy occurs within ninety days of the primary or general
 19 election referred to in Section 303, the vacancy shall remain until the election of the member
 20 pursuant to Section 303 and Section 306. If a vacancy occurs within ninety days, but not less
 21 than thirty days of any other regularly scheduled election, the vacancy shall be filled at such

1 election.

2 (b) When there is a vacancy in the office of a Council Member which occurs during the
3 period for which a special election is required, the Council shall, within [ten (10)] seven (7) days
4 after such vacancy occurs, adopt a Resolution directing that a special primary and special
5 election by the registered voters of the Council District concerned be held to fill the vacancy.

6 The Resolution shall specify:

7 (1) [The date for the special election;

8 (2)] The date by which a [declaration of intent to seek nomination by petition]
9 certificate of candidacy must be filed with the Board of Supervisors of Elections; [and]

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

11 (3) The date [by which nomination petitions must be filed with the Board of
12 Supervisors of Elections] for the special election.

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

20 (d) The Council shall consult with the Board of Supervisors of Elections before adopting
21 the Resolution described in Subsection (b).

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

26 (f) Except as otherwise specifically provided in this Section, and except where such
27 construction would be unreasonable, the provisions of Article 33, Annotated Code of Maryland,
28 the County Charter, and the County Code shall be applicable to special primary elections or
29 special elections.

30 (g) Within seven calendar days after the adoption of the Resolution directing a special
31 election, the Board of Supervisors of Elections shall publish once in at least one newspaper of

1 general circulation a notice that a vacancy has occurred, that a special primary election and
 2 special election will be held on the dates specified to fill the vacancy[, and the procedures to be
 3 followed by persons desiring to be nominated to fill the vacancy. The Board of Supervisors of
 4 Elections shall provide appropriate nomination petition forms for use by all candidates.]

5 (h) In order to have the name of a proposed candidate placed on the ballot [by petition], the
 6 candidate shall file [the following] with the Board of Supervisors of Elections[:

7 (1) A declaration of intent to seek nomination by petition. Such declaration shall be
 8 filed not later than twenty-eight (28) days before the special election.

9 (2) A] a certificate of candidacy not later than [twenty-one (21)] twenty-eight (28)
 10 days prior to the special primary election. [and petitions signed by not less than two hundred
 11 (200) registered voters who are eligible to vote for the office for which the nomination by
 12 petition is sought. Within five calendar days after the date on which nomination petitions must
 13 be filed, the Board of Supervisors of Elections shall verify a sufficient number of signatures of
 14 persons who are registered voters and who have signed the petition. Immediately upon
 15 completion of the verification process, said Board shall notify the candidate of the results and
 16 issue a certificate of nomination.]

17 (i) [The withdrawal date for candidates shall be two (2) calendar days after certificates of
 18 nomination are issued.

19 (j) At the special election, the ballot shall contain the names of the nominees in
 20 alphabetical order without any indication of the source of their nomination or their affiliation.]
 21 At least 10 days prior to the special primary election and special election, the Board of
 22 Supervisors of Elections shall mail a specimen ballot to the household of each registered voter in
 23 the councilmanic district in which the vacancy occurs. The specimen ballot shall contain the
 24 names of the candidates in the order and form in which they are to be printed on the ballot,
 25 together with a statement, not to exceed 500 words, provided by each candidate.

26 SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
 27 calendar days after it becomes law.

Adopted this ____ day of _____, 1998.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Ronald V. Russell
Chairman

ATTEST:

Joyce T. Sweeney
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Wayne K. Curry
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.