



Jared DeMarinis
State Administrator

Katherine Berry
Deputy Administrator

Michael Summers, Chairman
Jim Shalleck, Vice Chairman
Yaakov "Jake" Weissmann
Diane Butler
Victoria Jackson-Stanley

Friday, December 20, 2024

The Honorable Jolene Ivey
Chair
Prince George's County Council
Wayne K. Curry Administration Building
Largo, MD 20774

Re: Notification of a Modification to the Scheduling of the Special Elections in Prince George's County

Madame Chair:

I write to first thank you, Vice-Chair Burroughs, the members of the Prince George's County Council, and the Administration of the County Council for all your collaborative efforts in scheduling the upcoming special elections in Prince George's County. On behalf of the State Board of Elections, I want to express my appreciation for the time and effort that the Prince George's County Council invested in making sure this special election will be conducted as fairly and securely as possible. Thank you.

By Resolutions CR-001-2025 and CR-002-2025, adopted on December 10, 2024, the County Council authorized the State Administrator of Elections to "reschedule the special election in accordance with State law," upon a determination that any dates set for the special election ran contrary to State law. Thereafter the State Administrator is instructed to notify the County Council in writing of any such rescheduling. I write this letter to provide that written notice of a rescheduling.

The resolutions provide that the special election for the current vacancy on the County Council and the special election for the current vacancy in the Office of the County Executive should run concurrently. The resolutions therefore set Tuesday March 4, 2025, as the date for a special primary election for both offices; and, Tuesday May 27, 2025, as the date for a special general election for both offices. And both elections "shall be conducted by mail" in accordance with the provisions of Title 9 of the Maryland Code, Election Law Article.

Any election, and especially an election conducted entirely by mail-in ballots, necessarily relies upon an accurate and up-to-date voter registration list. An accurate and current voter registration list must be available no later than 60 days before a vote by mail election to ensure that the correct ballot is sent to the correct address. The 60 day mark is specifically referenced as the cut off date for permanent mail-in ballot voters to receive their ballot no later than 43 days before an election. *See* Md. Code Ann., Elec. Law § 9-306(c). The policy decision to extend the period of time that a voter has with a mail-in ballot increases voter participation. Moreover, mailing ballots 45 days prior to the election mitigates against any delays in the

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delivery of the ballots and allows ample time for the issuance of a replacement vote-by-mail ballot in case the original was lost, destroyed, spoiled, or not received.

Maryland law requires that the voter registration list “close[],” permitting no changes to be made to it, for a period of three weeks before an election day and ten days after an election day. *See* Md. Code Ann., Elec. Law § 3-302. Of course, motor vehicle and public health exchange activities continue during this “closed” period. This continuation of automatic voter registration activities results in the build-up of tens-of-thousands of voter registration list updates during the “closed” period surrounding an election day. A local board of elections must therefore spend significant time, based on the population size of the county, inputting those updates into the voter registration list during the period following an election.

It has been the mission of the local Boards of Elections to efficiently and accurately update the voter registration list during prior post-election periods. Prince George’s Board of Elections is no different and will complete the updates. However, not permitting the requisite time for those updates to happen will jeopardize the local board’s ability to have final ballots mailed to qualifying uniformed servicemembers and overseas voters 45 days and voters on the permanent mail-in ballot list before the general election date set by the Council’s resolutions. *See* Elec. Law §§ 8-401(b)(2)(ii) and 9-501(f). The local board will be forced to violate State law in order to fulfill its voter registration duties; or, jeopardize the accuracy of the voter registration list in an effort to comply with electoral deadlines, which again is the entire basis of an election.

It is my duty under State law, working with the local boards of elections, to “ensure the currency and accuracy of each individual voter’s registration record.” Elec. Law § 3-301(c)(2). It is also the duty of the State Board to “ensure compliance with the requirements of [the Election Law Article] and any applicable federal law by all persons involved in the elections process.” Elec. Law § 2-102(a). The date set by the resolutions for the special general elections places the local board of elections in jeopardy of violating its duties to maintain accurate voter registration records and transmit timely ballots to qualified voters. I have therefore determined that the May 27, 2025, date is “contrary to [a] provision of State law.”

Accordingly, I hereby reschedule the special general election for the Fifth District County Council seat to June 3, 2025. I likewise reschedule the special general election for the Office of County Executive to June 3, 2025. The conduct of both special elections will otherwise proceed in accordance with the terms established by the Council’s resolutions.

Thank you again to you and all of your colleagues in Prince George’s County. I look forward to serving the voters in Prince George’s County through this exciting election season.

Sincerely,

A handwritten signature in cursive script that reads "Jared DeMarinis".

Jared DeMarinis
State Administrator of Elections






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Final Audit Report

2024-12-20

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