

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

Bill No. CB-093-2024

Chapter No. _____

Proposed and Presented by Council Members Fisher and Watson

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

EMERGENCY BILL

1 AN EMERGENCY ACT concerning

2 County Executive Special Primary Elections and Special General Elections

3 For the purpose of providing for a special primary election and special general election to fill a
4 vacancy in the Office of the County Executive; providing for the adoption of a certain Resolution
5 regarding a certain vacancy; providing for certain dates for a special primary election and a
6 special general election; providing for the removal of a prohibition on a special primary election
7 and special general election from being held at a certain time; requiring certain provisions for
8 ballot by petition and nomination of candidates of non-principal political parties; providing for
9 certain publication requirements; providing for the mailing of a certain specimen ballot;
10 providing for references to special primary elections and special general elections; providing for
11 references to the Local Board of Elections; repealing a certain candidate statement; making this
12 Act an emergency bill; providing for the effective date of this Act; providing for the adoption of
13 this Act; and generally regarding special primary elections and special general elections in Prince
14 George's County.

15 BY repealing and reenacting with amendments:

16 SUBTITLE 2. ADMINISTRATION.

17 Section 2-111.00.01,

18 The Prince George's County Code

19 (2023 Edition).

1 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
2 Maryland, that Section 2-111.00.01 of the Prince George's County Code be and the same is
3 hereby repealed and reenacted with the following amendments:

4 **SUBTITLE 2. ADMINISTRATION.**

5 **DIVISION 2. COUNTY EXECUTIVE.**

6 **Sec. 2-111.00.01. - Special primary elections and special general elections [election] to fill**
7 **vacancy in office of County Executive.**

8 (a) The provisions of this Section shall apply only to a vacancy in the office of County
9 Executive which occurs during the first two (2) years of a term. Section 407 of the County
10 Charter contains procedures for filling a vacancy in that office occurring during the last two (2)
11 years of a term.

12 (b) When there is a vacancy in the office of County Executive which occurs during the
13 first two (2) years of a term, the Council shall, within ten (10) days after such vacancy occurs,
14 adopt a Resolution providing for:

15 (1) A special primary election and a special general election by the registered voters
16 of the County to fill the remainder of the term of office of County Executive;

17 (2) The withdrawal date for candidates which shall be two (2) calendar days after the
18 final filing date; and

19 (3) The dates for the special primary election and special general election;

20 (A) The date of the special primary election shall be any Tuesday which is at
21 least [thirty-five (35)] one-hundred (100) calendar days [but not more than ninety (90) calendar
22 days] following the date of adoption of the resolution.

23 (B) The date of the special general election shall be on any Tuesday which is at
24 least [forty (40) calendar days but not more than sixty (60)] one-hundred (100) calendar days
25 from the date of the special primary election.

26 ~~[(C) No special primary or special election shall be held within forty-nine (49)~~
27 ~~calendar days prior to or thirty (30) calendar days after any regularly scheduled election.]~~

28 (c) The Council shall consult with the [County] Local Board of [Supervisors of] Elections
29 before adopting the Resolution described in Subsection (b).

30 (d) The County shall provide funding to cover the costs for the special primary election
31 and special general election.

1 (e) Except as otherwise specifically provided in this Section and except where such
 2 construction would be unreasonable, the provisions of the Election Law Article [Article 33],
 3 Annotated Code of Maryland, the County Charter, and the County Code ~~{(including Division~~
 4 ~~17A of Subtitle 2 and Division 2 of Subtitle 8)}~~ shall be applicable to the special primary
 5 elections and special general elections.

6 (1) Certificates of candidacy must be filed at the Local Board [of Supervisors] of
 7 Elections during regular business hours, not later than [twenty-one (21) calendar] sixty (60) days
 8 before the special primary election.

9 (2) In order to have the name of a proposed candidate placed on the ballot by petition,
 10 the candidate shall file with the Local Board of [Supervisors of] Elections:

11 (A) A declaration of their intent to seek nomination by petition. Such
 12 declaration shall be filed not later than [twenty-one (21)] sixty (60) days before the special
 13 primary election.

14 (B) A certificate of candidacy not later than the closing of the polls at the special
 15 primary election; and petitions signed by the lesser of 10,000 registered voters or one percent
 16 (1%) of the total number of registered voters who are eligible to vote for the office for which the
 17 nomination by petition is sought, except that the petitions shall be signed by at least 250
 18 registered voters who are eligible to vote for the office. [not less than three (3) percent of the
 19 registered voters who are eligible to vote for the office for which the nomination by petition is
 20 sought]. The number of registered voters shall be determined as of the date of the adoption of the
 21 Council Resolution providing for the special primary election and the special general election.

22 (3) The Local Board [of Supervisors] of Elections shall verify a sufficient number of
 23 signatures of persons who are registered voters and who have signed the petition to equal the
 24 registered voters specified pursuant to Sec. 2-111.00.01(e) [three (3) percent] necessary to
 25 validate the petition. Immediately upon completion of the verification process, said Local Board
 26 of Elections shall notify the candidate of the results.

27 (f) A candidate for a public office, except a candidate nominated by a new political party
 28 under Md. Election Law Code Ann., § 4-102(f), may be nominated by a political party if the
 29 political party is not required to nominate its candidates by party primary.

30 (1) A candidate who seeks political party nomination under this section, shall file a
 31 declaration of intent to seek political party nomination. The declaration of intent shall be filed

1 with the Local Board of Elections at which the candidate files a certificate of candidacy.

2 (2) The declaration of intent shall be filed for a special primary election to fill a
3 vacancy by the date and time specified in the Resolution.

4 (3) A candidate who seeks nomination by political party may not be charged a fee for
5 filing the declaration of intent.

6 (4) A candidate for public office who seeks nomination by political party shall file a
7 certificate of candidacy not later than sixty (60) days before the special primary election.

8 (5) Except for the time of filing, the certificate of candidacy for a candidate who
9 seeks nomination by political party shall comply with the requirements for a certificate of
10 candidacy under Subtitle 3 of the Election Law Article, Annotated Code of Maryland.

11 (6) A candidate for nomination by political party may not have the candidate's name
12 placed on the special primary election ballot unless the candidate files with the Local Board of
13 Elections, on a form the State Board prescribes, a certificate of nomination signed by the officers
14 of the political party.

15 (g)[(f)] Within seven (7) calendar days after the adoption of the Resolution directing a
16 special primary election and special general election, the Local Board of Elections shall publish
17 once in at least one newspaper of general circulation a notice that a vacancy has occurred, and
18 that a special primary election and special general election will be held on the dates specified to
19 fill the vacancy.

20 (h)[(g)] At least ten (10) days prior to the special primary election and special general
21 election, the Local Board of Elections shall mail a specimen ballot to the household of each
22 registered voter County-wide. The specimen ballot shall contain the names of the candidates in
23 the order and form in which they are to be printed on the ballot[, together with a statement, not to
24 exceed 500 words, provided by each candidate].

25 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
26 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
27 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
28 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
29 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
30 Act, since the same would have been enacted without the incorporation in this Act of any such
31 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,

1 or section.

2 SECTION 3. BE IT FURTHER ENACTED that in accordance with the provisions of
3 Section 317 of the Charter, the County Council hereby declares that a public emergency exists
4 affecting the public health, safety, and welfare; said emergency being having the County special
5 primary elections law and special general elections law comport with State election legal
6 requirements; potential for uncertainty to result due to conflict with State law and anticipated
7 multiple special elections in the near future; the probable multiple special elections beginning
8 this calendar year which are anticipated to cost the County a significant amount of funds in an
9 challenging budget year and anticipated upcoming challenging budget year; the prior costs for
10 the 2022 special election in District 8 costing the County approximately \$660,000 and the 2024
11 special election for the at-large seat costing the County approximately \$2.1 million, not including
12 the costs for the November 2024 general election; and the potential for a special election for a
13 County Executive vacancy.

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

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