

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

Bill No. CB-095-2024

Chapter No. \_\_\_\_\_

Proposed and Presented by Council Members Dernoga, Hawkins and Burroughs

Introduced by \_\_\_\_\_

Co-Sponsors \_\_\_\_\_

Date of Introduction \_\_\_\_\_

**EMERGENCY BILL**

1 AN EMERGENCY ACT concerning  
2 County Executive Special Election  
3 For the purpose of providing for a special election to fill a vacancy in the Office of the County  
4 Executive; eliminating special primary elections; providing for the adoption of a certain  
5 Resolution regarding a certain vacancy; providing for a ballot by petition; providing for certain  
6 dates for the filing of the certification of candidacy and declaration of intent by petition and  
7 certain withdrawal dates; providing for the date of the special election; providing for polling  
8 place hours; prohibiting a special election from being held at a certain time; providing for a  
9 certain conflict; providing for certain funding and requirements to cover the costs for the special  
10 election; providing for the conduct of a special election pursuant to State law; providing that  
11 State law, the County Charter, and County law shall be applicable to a special election, unless  
12 otherwise unreasonable; providing the conduct of a special election pursuant to State law;  
13 providing for the filing of a certificate of candidacy and declaration of intent; providing for  
14 certain signatures and signature verification for candidates nominated by petition; providing for  
15 certain publication requirements; providing for procedures for nomination by petition and  
16 appropriate nomination petition forms; providing for the filing of a certificate of candidacy by a  
17 certain date; providing for a certain party designation; providing for the mailing of a certain  
18 specimen ballot; providing for a certain party designation; repealing a certain candidate  
19 statement; making this Act an emergency bill; providing for the effective date of this Act;  
20 providing for the adoption of this Act; and generally regarding a special election in Prince  
21 George's County.

1 BY repealing and reenacting with amendments:

2 SUBTITLE 2. ADMINISTRATION.

3 Section 2-111.00.01,

4 The Prince George's County Code

5 (2023 Edition).

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

9 SUBTITLE 2. ADMINISTRATION.

10 DIVISION 2. COUNTY EXECUTIVE.

11 **Sec. 2-111.00.01. - Special election to fill vacancy in office of County Executive.**

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

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

19 (1)A[ special primary election and a] special election by the registered voters of the  
20 County to fill the remainder of the term of office of County Executive;

21 (2) The date by which a certificate of candidacy and nomination petitions must be filed  
22 with the Local Board of Elections;

23 (3) The date by which a declaration of intent to seek nomination by petition must be  
24 filed with the Local Board of Elections;

25 (4)[(3)] The withdrawal date for candidates which shall be two (2) calendar days after  
26 the final filing date. [; and] The withdrawal date for candidates by petition which shall be two  
27 (2) calendar days after certificates of nomination are issued; and

28 (5) [(4)]The date[s] for the[ special primary and] special election[s];

29 (A) [The date of the special primary election shall be any Tuesday which is at  
30 least thirty-five (35) calendar days but not more than ninety (90) calendar days following the  
31 date of adoption of the resolution.

32 (B)]The date of the special election shall be on any Tuesday which is at least

1 [forty (40)] ninety (90) calendar days but not more than [sixty (60)] one-hundred (100) calendar  
 2 days following the occurrence of the vacancy [from the date of the primary election]. Polling  
 3 places shall be open between the hours of 7 A.M. and 8 P.M.

4 (B)No [special primary or] special election shall be held within [forty-nine (49)]  
 5 sixty (60) calendar days prior to [or thirty (30) calendar days after] any regularly scheduled  
 6 election. If this timing would result in a conflict with the operation of a State or Federal election,  
 7 the special election shall be held at the earliest possible date that would not result in a conflict.

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

10 (d)The County shall provide funding to cover the costs for the [special primary and] special  
 11 election. The Local Board of Elections shall identify the costs incurred and submit a request for a  
 12 supplemental budget appropriation to the Director of the Office of Management and Budget  
 13 within sixty (60) days after the special election.

14 (e)Except as otherwise specifically provided in this Section and except where such  
 15 construction would be unreasonable, the provisions of the Election Law Article [Article 33],  
 16 Annotated Code of Maryland, the County Charter, and the County Code ~~{(including Division~~  
 17 ~~17A of Subtitle 2 and Division 2 of Subtitle 8)}~~ shall be applicable to the [special primary and]  
 18 special election[s]. The County Council may elect to conduct a special election in accordance  
 19 with Title 9, Subtitle 5 of the Elections Law Article, Annotated Code of Maryland, as amended.

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

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

25 (A)A declaration of his intent to seek nomination by petition. Such declaration  
 26 shall be filed not later than twenty-one (21) days before the special primary election.

27 (B)A certificate of candidacy not later than the closing of the polls at the special  
 28 primary election; and petitions signed by not less than three (3) percent of the registered voters  
 29 who are eligible to vote for the office for which the nomination by petition is sought. The  
 30 number of registered voters shall be determined as of the date of the adoption of the Council  
 31 resolution providing for the special primary election and the special election.]

1            [(3)The Board of Supervisors of Elections shall verify a sufficient number of signatures  
 2 of persons who are registered voters and who have signed the petition to equal the three (3)  
 3 percent necessary to validate the petition. Immediately upon completion of the verification  
 4 process, said Board shall notify the candidate of the results.]

5            (f) In order to have the name of a proposed candidate placed on the ballot by petition, the  
 6 candidate shall file with the Local Board of Elections:

7            (1) A declaration of intent to seek nomination by petition not later than seven (7)  
 8 calendar days before the deadline for submitting the certificate of candidacy.

9            (2) A certificate of candidacy filed not later than fifty-five (55) days prior to the  
 10 special election accompanied by petitions signed by not less than four hundred (400) registered  
 11 voters who are eligible to vote for the office of County Executive.

12            (3) The Local Board of Elections shall verify a sufficient number of signatures of  
 13 persons who are registered voters and who have signed the petition to equal the registered voters  
 14 specified pursuant to Sec. 2-104(f)(2) necessary to validate the petition. Immediately upon  
 15 completion of the verification process, said Local Board of Elections shall notify the candidate of  
 16 the results.

17            (g)[(f)] Within seven (7) calendar days after the adoption of the Resolution directing a  
 18 special election, the Local Board of Elections shall publish once in at least one newspaper of  
 19 general circulation a notice that a vacancy has occurred, and that a special election will be held  
 20 on the date specified to fill the vacancy, and the procedures to be followed by persons desiring to  
 21 be nominated to fill the vacancy. The Local Board of Elections shall provide appropriate  
 22 nomination petition forms for use by all candidates at the time of publication of notice that a  
 23 vacancy has occurred.

24            (h)[(g)] In order to have the name of a proposed candidate placed on the ballot, the  
 25 candidate shall file with the Local Board of Elections a certificate of candidacy not later than  
 26 sixty (60) calendar days prior to the special election. The special election ballot shall indicate the  
 27 party designation of each candidate.

28            (i)(h) At least 10 days prior to the special election, the Local Board of Elections shall  
 29 mail a specimen ballot to the household of each registered voter County-wide. The specimen  
 30 ballot shall contain the names of the candidates in the order and form in which they are to be  
 31 printed on the ballot [, together with a statement, not to exceed 500 words, provided by each

1 candidate].

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

10 SECTION 3. BE IT FURTHER ENACTED that in accordance with the provisions of  
11 Section 317 of the Charter, the County Council hereby declares that a public emergency exists  
12 affecting the public health, safety, and welfare; said emergency being the significant adverse  
13 impact that the current special election process has on the County's fiscal health and to the  
14 operations of the [County] Local Board of Elections, and the probable multiple special elections  
15 beginning this calendar year which are anticipated to cost the County a significant amount of  
16 funds in an challenging budget year and anticipated upcoming challenging budget year; the prior  
17 costs for the 2022 special election in District 8 costing the County approximately \$660,000 and  
18 the 2024 special election for the at-large seat costing the County approximately \$2.1 million, not  
19 including the costs for the November 2024 general election, and the potential for a special  
20 election for a County Executive vacancy.

21 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect on the date it  
22 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