PRINCE GEORGE'S COUNTY COUNCIL
AGENDA ITEM SUMMARY

Meeting Date: 11/9/99   **Reference No.:** CB-6-1999

Proposer: Hendershot   **Draft No.:** 1

Sponsors: Hendershot

Item Title: An Act amending the provisions for conducting a special
election to fill a vacancy on the County Council

Drafter: Ralph E. Grutzmacher   **Resource Personnel:** Carol B. White
         Legislative Officer   Legislative Aide

LEGISLATIVE HISTORY:

Date Presented:	2/9/99		**Executive Action:**	123/99 US
Committee Referral:	2/9/99	C.O.W.	**Effective Date:**	1/18/2000
Committee Action:(1)	6/22/99	HELD		
Committee Action:(2)	7/13/99	HELD		
Committee Action:(3)	10/12/99	FAV		
Date Introduced:	10/19/99			
Pub. Hearing Date:	11/9/99	10:30 A.M.		

Council Action: 11/9/99   ENACTED
Council Votes: JE:A, DB:N, IG:A, TH:A, WM:N, RVR:A, PS:N, AS:A, MW:A
Pass/Fail: P

Remarks: _____

COMMITTEE OF THE WHOLE   DATE: 10/12/99

Committee Vote: Favorable 6-2-1, (In favor: Council Members Estepp, Gourdine, Hendershot, Russell, Shapiro, Wilson. Opposed: Council Members Maloney, Scott. Abstained: Council Member Bailey.

The Bill's proposer reminded Committee Members that CB-6 had been on the agenda for consideration on two previous occasions and that representatives from the Board of Elections and both the local Democratic and Republican parties had testified before the Committee. He also indicated that subsequent to the July 13 Committee worksession he had met with a non-partisan

advocacy group at the suggestion of a fellow Council Member and had discussed the possibility of employing a non-partisan run-off process instead of a partisan primary and general election process as proposed in CB-6. Ultimately, the proposer decided not to alter CB-6.

Individual Council Members raised three issues regarding the Bill. First, there was concern whether the County's Board of Election could conduct both a primary and general election within the time frames specified in the Bill. The proposer stated that the Board of Elections had indicated in a previous meeting that, although they would prefer to have more time, they could conduct both a primary and a general election in the time frames specified in the Bill.

A second issue involved whether CB-6 would discourage participation in the electoral process. The Committee Members discussed the limited number of special elections in recent County history (three such elections have been held within the last thirty years – two were non-partisan, the third was partisan) and the level of voter participation in those elections.

The third issue was raised regarding the current language in the County Charter. Specifically, Charter Section 309 states that "When a vacancy has occurred more than ninety days prior to the primary or general election…, a majority of the remaining members of the Council shall schedule a special election within ninety days, but not less than thirty days, to fill the vacancy." A Council Member argued that the phrase "a special election" meant one election, not a primary and a general election. As a result, CB-6 would be inconsistent with the County Charter. This position was supported by the Council's Legislative Officer. In response, a representative from the Office of Law opined that, although not free from doubt, the phrase "a special election" could be interpreted to mean "a special election process," that would encompass both a primary and a general election, rather than "a special election event," that would refer to just one election. It was therefore the Office of Law's opinion that CB-6 did not conflict with the County Charter.

BACKGROUND INFORMATION/FISCAL IMPACT
(Includes reason for proposal, as well as any unique statutory requirements)

The existing law provides for a single non-partisan special election to fill a vacancy on the County Council. The proposed amendments would provide for a partisan special primary election and general election to fill a vacancy. The proposed legislation amends the existing law to provide for two elections within the 90 day period provided by Section 309 of the County Charter.

CODE INDEX TOPICS: