

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

Bill No. CB-092-2024

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 Council 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 on the County Council; providing for the adoption of a certain Resolution regarding a
5 certain vacancy; providing for certain dates for a special primary election and a special general
6 election; [providing for the removal of a prohibition on a special primary election and special
7 general election from being held at a certain time;] providing for a certain conduct of elections
8 pursuant to State law; providing for a ballot by petition; providing for the nomination of
9 candidates of non-principal political parties; repealing a certain candidate statement; providing
10 for references to the voting for an At-Large seat; providing for references to the Local Board of
11 Elections; providing for references to special primary elections and special general elections;
12 making this Act an emergency bill; providing for the effective date of this Act; providing for the
13 adoption of this Act; and generally regarding special primary elections and special general
14 elections in Prince George's County.

15 BY repealing and reenacting with amendments:

16 SUBTITLE 2. ADMINISTRATION.

17 Section 2-104,

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 2-104 of the Prince George's County Code be and the same is hereby
3 repealed and reenacted with the following amendments:

4 **SUBTITLE 2. ADMINISTRATION.**

5 **DIVISION 1. COUNTY COUNCIL.**

6 **Sec. 2-104. - Special primary elections and special general elections [election] to fill vacancy**
7 **on County Council.**

8 (a) The provisions of this Section shall apply only to a vacancy on the County Council that
9 occurs during the first three (3) years of a term.

10 (b) When there is a vacancy in the office of a Council Member that occurs during the first
11 three (3) years of a term, the Council shall, within seven (7) days after such vacancy occurs,
12 adopt a Resolution directing that a special primary election and special general election by the
13 registered voters of the County, in the case of an At-Large seat, or of the Council District
14 concerned, in the case of a District seat, be held to fill the vacancy. The Resolution shall specify:

15 (1) The date by which a certificate of candidacy must be filed with the Local Board
16 of [Supervisors of] Elections;

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

18 (3) The date for the special general election.

19 (c) The date of the special primary election shall be any Tuesday that is at least [forty-five
20 (45)] one-hundred (100) calendar days [from the date of, but not more than sixty (60) calendar
21 days], following the occurrence of the vacancy. The date of the special general election shall be
22 any Tuesday which is at least [sixty (60) calendar days, but not more than ninety (90) calendar
23 days, following the occurrence of the vacancy] one-hundred (100) calendar days following the
24 date of the special primary election. Polling places shall be open between the hours of 7 A.M.
25 and 8 P.M. ~~No special primary election or special general election shall be held within thirty~~
26 ~~(30) calendar days prior to any regularly scheduled election.~~

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

29 (e) The County shall provide funding to cover the costs for the special primary election
30 and special general election. The Local Board of [Supervisors of] Elections shall identify the
31 costs incurred and submit a request for a supplemental budget appropriation to the Director of

1 the Office of Management and Budget within sixty days after the special primary election and
 2 special general election.

3 (f) Except as otherwise specifically provided in this Section, and except where such
 4 construction would be unreasonable, the provisions of [Article 33] the Election Law Article,
 5 Annotated Code of Maryland, the County Charter, and the County Code shall be applicable to
 6 special primary elections or special general elections.

7 (g) The County Council may elect to conduct the special primary election and special
 8 general election in accordance with Title 9, Subtitle 5 of the Election Law Article of the
 9 Annotated Code of Maryland, as amended.

10 (h)[(g)] Within seven calendar days after the adoption of the Resolution directing a special
 11 primary election and special general election, the Local Board of [Supervisors of] Elections shall
 12 publish once in at least one newspaper of general circulation a notice that a vacancy has
 13 occurred, that a special primary election and special general election will be held on the dates
 14 specified to fill the vacancy.

15 (i)[(h)] In order to have the name of a proposed candidate placed on the ballot, the
 16 candidate shall file with the Local Board of [Supervisors of] Elections a certificate of candidacy
 17 not later than [twenty-eight (28)] sixty (60) days prior to the special primary election. The special
 18 primary election and special general election ballot shall indicate the party designation of each
 19 candidate.

20 (j) (1) In order to have the name of a proposed candidate placed on the ballot by petition,
 21 the candidate shall file with the Local Board of Elections:

22 (A) A declaration of their intent to seek nomination by petition. Such declaration
 23 shall be filed not later than sixty (60) days before the special primary election.

24 (B) A certificate of candidacy not later than the closing of the polls at the special
 25 primary election and petitions signed by the lesser of 10,000 registered voters or one percent
 26 (1%) of the total number of registered voters who are eligible to vote for the office for which the
 27 nomination by petition is sought, except that the petitions shall be signed by at least 250
 28 registered voters who are eligible to vote for the office. The number of registered voters shall be
 29 determined as of the date of the adoption of the Council Resolution providing for the special
 30 primary election and the special general election.

31 (2) The Local Board of Elections shall verify a sufficient number of signatures of

1 persons who are registered voters and who have signed the petition to equal the registered voters
 2 specified pursuant to Sec. 2-104(j)(1)(B) necessary to validate the petition. Immediately upon
 3 completion of the verification process, said Local Board of Elections shall notify the candidate of
 4 the results.

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

8 (1) A candidate who seeks political party nomination under this section, shall file a
 9 declaration of intent to seek political party nomination. The declaration of intent shall be filed
 10 with the Local Board of Elections at which the candidate files a certificate of candidacy.

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

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

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

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

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

24 (l)[(j)][(i)] At least 10 days prior to the special primary election and special general
 25 election, the Local Board of [Supervisors of] Elections shall mail a specimen ballot to the
 26 household of each registered voter in the County, in the case of an At-Large seat, or in the
 27 councilmanic district in which the vacancy occurs. The specimen ballot shall contain the names
 28 of the candidates in the order and form in which they are to be printed on the ballot, together
 29 with a statement, not to exceed 500 words, provided by each candidate].

30 (m)[(k)][(j)] When there is a vacancy in the office of a Council Member that occurs during
 31 the last year of a term, a majority of the remaining members of the Council shall appoint a

1 qualified person to fill the vacancy within thirty (30) calendar days.

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 having the County special
13 primary elections law and special general elections law comport with State election legal
14 requirements; potential for uncertainty to result due to conflict with State law and anticipated
15 multiple special elections in the near future; the probable multiple special elections beginning
16 this calendar year which are anticipated to cost the County a significant amount of funds in an
17 challenging budget year and anticipated upcoming challenging budget year; the prior costs for
18 the 2022 special election in District 8 costing the County approximately \$660,000 and the 2024
19 special election for the at-large seat costing the County approximately \$2.1 million, not including
20 the costs for the November 2024 general election; and the potential for a special primary election
21 and special general election for a County Council seat vacancy.

22 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect on the date it
23 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