

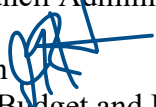



October 4, 2024

FISCAL AND POLICY NOTE

TO: Jennifer A. Jenkins
Council Administrator

Colette R. Gresham, Esq.
Deputy Council Administrator

THRU: Josh Hamlin 
Director of Budget and Policy Analysis

FROM: Andrew Stover 
Legislative Budget and Policy Analyst

RE: Policy Analysis and Fiscal Impact Statement
CB-095-2024 County Executive Special Election

CB-094-2024 (*Proposed and presented by:* Council Members Dernoga, Hawkins, Burroughs, and Blegay)

Assigned to the Committee of the Whole

AN EMERGENCY ACT CONCERNING COUNTY EXECUTIVE SPECIAL ELECTION for the purpose of providing for a special election to fill a vacancy in the Office of the County Executive; eliminating special primary elections; providing for the adoption of a certain Resolution regarding a certain vacancy; providing for the date of the special election; providing for polling place hours; prohibiting a special election from being held at a certain time; providing for certain funding and requirements to cover the costs for the special election; providing for the conduct of a special election pursuant to State law; providing that State law, the County Charter, and County law shall be applicable to a special election, unless otherwise unreasonable; providing for certain publication requirements; providing for the filing of a certificate of candidacy by a certain date; providing for a certain party designation; providing for the mailing of a certain specimen ballot;

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making this Act an emergency bill; providing for the effective date of this Act; providing for the adoption of this Act; and generally regarding a special election in Prince George's County.

Fiscal Summary

Direct Impact:

Expenditures:

- Expenditures for special elections expected to decrease by as much as half.

Revenues:

- No direct impact on revenues.

Indirect Impact:

- No indirect fiscal impact likely.
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Legislative Summary:

CB-095-2024, proposed and sponsored by Council Members Dernoga, Hawkins, and Burroughs, was presented on September 24th, 2024, and was referred to the Committee of the Whole. The bill makes changes to special election procedures in the instance of a vacancy in the office of County Executive that occurs with two or more years of the elected term remaining, including eliminating the primary process, adjusting filing deadlines, setting specific timelines to avoid conflicts with other elections, and conforming to current practices used for vacancies in the County Council. It also includes technical amendments to improve legal clarity.

Current Law/Background:

Section 317¹ of the County Charter says that the County may enact emergency bills to address a public emergency affecting the public health, safety, or welfare of the County and its residents. Emergency bills may take effect immediately after being passed into law and must be passed with a two-thirds majority vote of the Council.

In June of 2024, the Office of the Maryland Attorney General sent a letter² to the State Administrator of Elections advising that the current laws regarding special elections in the County are inconsistent with state law, and that State law must be followed over County law under the principles of preemption. While the letter addresses specific inconsistencies with the special

¹ [Prince George's County Charter Section 317](#)

² [Letter from the Maryland Office of Attorney General](#)

election process for County Council vacancies, many of the same conflicts with State law also exist in County law governing special elections for the Office of County Executive. Specifically, the Attorney General's Office directs that the time between a vacancy and a special election must be no less than 59 days.

Under current County law, Section 2-111.00.01³ of the Prince George's County Code, the County Council must adopt a Resolution within 10 calendar days of the County Executive vacancy directing that a special election be held. Both a special primary election and a special general election will be conducted with the specific dates for these elections to be established by the Resolution. The special primary election must take place 35 to 90 days after the adoption of the Resolution, and the special general election must take place 40 to 60 days after the date of the special primary. No special election can be held within 30 days of any other regularly scheduled election, and candidates must file to run for the vacancy no later than 21 days prior to the special primary election. Candidates must also secure petitions signed by at least 3% of registered voters to secure their place on the ballot. Parts of this law are not enforceable due to conflicts with State law.

Discussion/Policy Analysis:

CB-095-2025 amends Section 2-111.00.01 of the Prince George's County Code regarding special elections for a vacancy in the County Executive by (1) the primary process from special elections and allowing for only one special general election, (2) specifying that the Council must include in the Resolution authorizing the special election the date by which a potential candidate must file to run for the special election with the Board of Elections, (3) requiring that the special election take place between 90 to 100 calendar days following the vacancy in the Office of County Executive, (4) prohibiting special elections from being held within 60 calendar days of any regularly scheduled election and providing that if the timing of an election would conflict with a State or Federal election, the special election will be held at the earliest possible date that would not result in conflict, (5) requiring that the Board of Elections submit a supplementary budget request to the Office of Management and Budget within 60 days after the special election, (6) amending requirements for getting on the ballot to be a simple act of filing to run no later than 60 calendar days prior to the special election and adding that the special election ballot shall indicate the party designation of each candidate, (7) requiring that the Board of Elections publish notice of a vacancy in the position of County Executive in at least one newspaper of general circulation within 7 days of the adoption of a Resolution authorizing a special election, (8) requiring that the Board of Elections mail a specimen ballot including a candidate statement to the household of each registered County voter at least 10 days prior to the special election, and (9) making other technical amendments to ensure clarity of the law.

Many of the elements being proposed in this bill are similar to those proposed in CB-094-2024⁴, which amends the special election process for County Council vacancies. These similar elements

³ [Prince George's County Code Section 2-111.00.01](#)

⁴ [CB-094-2024](#)

include removal of the primary process, requiring the special election to take place 90 to 100 days after a vacancy, establishing a deadline by which candidates must file, and prohibiting special elections from being held within 60 calendar days of any regularly scheduled election. Please refer to the fiscal note for CB-094-2024 for a more detailed discussion of these amendments.

Aside from technical amendments, all other changes in the law made by CB-095-2024 are changes made to put the law in conformity with current practices for special County Council elections established in Section 2-104⁵ of the County Code.

Fiscal Impact:

- *Direct Impact:*

Enactment of CB-095-2024 is likely to have a significant fiscal impact on the County by reducing costs for future special elections, both over the short-term and long-term.

In the short-term there is a possibility that there will be a need for a special election to fill a vacancy in the Office of County Executive, which this bill would help reduce the costs of by necessitating only one election instead of the two that would be required with a primary and general election process. The provisions of this bill could save the County approximately \$2.1 million⁶- the amount required to run the County-wide special primary election for the at large Council seat in August 2024.

It is difficult to say what the exact fiscal impact may be over the long-term, as unexpected vacancies of County elected positions cannot be predicted. However, it can be concluded that this bill would have a less costly fiscal impact for the County in the event of any future special elections when compared with existing law.

- *Indirect Impact:*

Enactment of CB-095-2024 is not expected to have any indirect fiscal impact on the County.

- *Appropriated in the Current Fiscal Year Budget:*

No.

Effective Date of Proposed Legislation:

The proposed Act shall become effective on the date it becomes law.

⁵ [Prince George's County Code Section 2-104](#)

⁶ Provided by the Office of Management and Budget

If you require additional information, or have questions about this fiscal impact statement, please email me.