

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

Resolution No. CR-060-2024

Proposed by Council Member Ivey

Introduced by Council Members Ivey, Hawkins, Fisher, Harrison, and Watson

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

Date of Introduction June 25, 2024

**RESOLUTION**

1 A RESOLUTION concerning

2 Special Election to Fill a Council Vacancy

3 For the purpose of directing that a special election be held to fill a vacancy on the County  
4 Council and to establish the dates for conducting the special primary election, the special  
5 election, and the deadline for the certification of candidacy.

6 WHEREAS, Section 2-104 of the County Code provides that when there is a vacancy in the  
7 office of a Council Member during the first three years of a term, the Council shall, within seven  
8 (7) days after such vacancy occurs, adopt a Resolution directing that a special primary election  
9 and special election by the registered voters of the Council District concerned be held to fill the  
10 vacancy; and

11 WHEREAS, the Honorable Mel Franklin, Council Member At-Large, resigned effective  
12 June 14, 2024, thereby creating a vacancy in the office; and

13 WHEREAS, the Resolution directing that a special primary election and special election by  
14 the registered voters of the County be held to fill the vacancy shall specify:

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

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

18 (3) The date for the special election; and

19 WHEREAS, the date of the special primary election shall be any Tuesday which is at least  
20 forty-five (45) calendar days, but not more than sixty (60) calendar days, following the  
21 occurrence of the vacancy; and

1           WHEREAS, the date of the special election shall be any Tuesday which is at least sixty  
2 (60) calendar days, but not more than ninety (90) calendar days, following the occurrence of the  
3 vacancy, provided however, that no special election shall be held within thirty (30) calendar days  
4 prior to a regularly scheduled election; and

5           WHEREAS, the Council has consulted with the Board of Elections before adopting the  
6 Resolution directing that a special primary election and special election be held to fill the  
7 vacancy; and

8           WHEREAS, the County shall provide funding to cover the costs for the special election  
9 incurred by the Board of Elections; and

10          WHEREAS, the Annotated Code of Maryland, Election Law Article, Section 9-501  
11 provides that a local special election shall be conducted by mail if the resolution of the Council  
12 establishing the date of the special election directs that the election be conducted by mail; and

13          WHEREAS, the Annotated Code of Maryland, Election Law Article, Section 9-503  
14 provides that each local board shall establish at least one voting center for the use of any eligible  
15 voter who chooses to cast a ballot in person in a special election and the voting center shall be  
16 open for voting each day beginning 6 days before the day of a special election through the day of  
17 a special election during the hours between 10 A.M. and 8 P.M. Monday through Saturday; and  
18 12 noon to 6 P.M. on Sunday; and

19          WHEREAS, the Council has determined, after consulting with the State of Maryland Board  
20 of Elections before adopting this Resolution directing that a special primary election and special  
21 election be held to fill the vacancy, that one or more conflicts exist between Section 2-104 of the  
22 County Code and the Election Law Article of the Annotated Code of Maryland which prevent  
23 the special election from being held not more than ninety (90) days following the occurrence of  
24 the vacancy and within thirty (30) calendar days prior to the regularly scheduled election on  
25 November 5, 2024; and

26          WHEREAS, there is insufficient time to amend the County's local election provisions to  
27 affect the manner of election to fill the present vacancy on the County Council due to the strictly  
28 prescribed time for establishing the dates for a special primary and special election in the County  
29 Code; and

1           WHEREAS, the Council will consider amending the County’s local election provisions to  
2 affect the manner of future elections to fill vacancies.

3           NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's  
4 County, Maryland, that:

5           (1) The date for the special primary election shall be Tuesday, August 6, 2024;

6           (2) The date for the special election shall be Tuesday, November 5, 2024;

7           (3) The date by which a certificate of candidacy must be filed with the Board of  
8 Elections shall be Friday, July 5, 2024; and

9           (4) The special election shall be conducted by mail with the availability of drop boxes  
10 and the ballot shall be postmarked no later than August 6, 2024, for the special primary election  
11 and November 5, 2024, for the special election.

12           BE IT FURTHER RESOLVED that the Board of Elections shall identify the costs incurred  
13 to conduct the special election and shall submit a request for a supplemental budget  
14 appropriation to the Director of Management and Budget within sixty (60) days after the special  
15 election.

16           BE IT FURTHER RESOLVED that within seven (7) calendar days after the adoption of  
17 this Resolution, the Board of Elections shall publish once in at least one newspaper of general  
18 circulation a notice that a vacancy has occurred and that a special primary election and special  
19 election will be held on the dates specified herein to fill the vacancy.

20           BE IT FURTHER RESOLVED that the Prince George’s County Board of Elections and  
21 State Board of Elections shall conduct the special primary election and special general election in  
22 accordance with all applicable provisions of the Maryland Constitution, Election Law Article,  
23 Code of Maryland Regulations, and any other law applicable to the electoral process. Should the  
24 dates for the special election set forth in this Resolution be determined contrary to any such  
25 provision of State law, the State Administrator of Elections shall reschedule the special election  
26 in accordance with State law. The State Administrator of Elections shall notify this Council and  
27 the Public of any such rescheduling promptly in writing, and the Board of Elections shall re-  
28 publish the required notices in the manner prescribed herein.

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Adopted this 25<sup>th</sup> day of June, 2024.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Jolene Ivey  
Chair

ATTEST:

\_\_\_\_\_  
Donna J. Brown  
Clerk of the Council