

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 3

7 to cover the costs for the special election; providing for the conduct of a special election

8 pursuant to State law; providing that State law, the County Charter, and County law shall be

9 applicable to a special election, unless otherwise unreasonable; providing the conduct of a

10 special election pursuant to State law; providing for the filing of a certificate of candidacy and

11 declaration of intent; providing for certain signatures and signature verification for candidates

12 nominated by petition; providing for certain publication requirements; providing for procedures

13 for nomination by petition and appropriate nomination petition forms; providing for the filing of

14 a certificate of candidacy by a certain date; providing for a certain party designation; providing

15 for the mailing of a certain specimen ballot; providing for a certain party designation; repealing a

16 certain candidate statement; making this Act an emergency bill; providing for the effective date

17 of this Act; providing for the adoption of this Act; and generally regarding a special election in

18 Prince George's County.

19 BY repealing and reenacting with amendments:

20 SUBTITLE 2. ADMINISTRATION.

21 Section 2-111.00.01,

The Prince George's County Code
(2023 Edition).

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Prince George's County, Maryland, that Section 2-111.00.01 of the Prince George's County Code be and the same is hereby repealed and reenacted with the following amendments:

SUBTITLE 2. ADMINISTRATION.
DIVISION 2. COUNTY EXECUTIVE.

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

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

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

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

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

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

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

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

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

(B)]The date of the special election shall be on any Tuesday which is at least [forty (40)] ninety (90) calendar days but not more than [sixty (60)] one-hundred (100) calendar days following the occurrence of the vacancy [from the date of the primary election]. Polling places shall be open between the hours of 7 A.M. and 8 P.M.

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

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

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

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

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

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

22 (A)A declaration of his intent to seek nomination by petition. Such declaration
 23 shall be filed not later than twenty-one (21) 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 not less than three (3) percent of the registered voters
 26 who are eligible to vote for the office for which the nomination by petition is sought. The
 27 number of registered voters shall be determined as of the date of the adoption of the Council
 28 resolution providing for the special primary election and the special election.]

29 [(3)The Board of Supervisors of Elections shall verify a sufficient number of signatures
 30 of persons who are registered voters and who have signed the petition to equal the three (3)
 31 percent necessary to validate the petition. Immediately upon completion of the verification

1 process, said Board shall notify the candidate of the results.]

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

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

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

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

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

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

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

30 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
31 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,

1 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
2 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
3 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
4 Act, since the same would have been enacted without the incorporation in this Act of any such
5 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
6 or section.

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

18 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect on the date it
19 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