

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

Bill No. CB-094-2024

Chapter No. _____

Proposed and Presented by Council Member Dernoga, Hawkins and Burroughs

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

EMERGENCY BILL

1 AN EMERGENCY ACT concerning
2 County Council Special Election
3 For the purpose of providing for a special election to fill a vacancy on the County Council;
4 eliminating special primary elections; providing for the adoption of a certain Resolution
5 regarding a certain vacancy; providing for a ballot by petition; providing for certain dates for the
6 certification of candidacy and declaration of intent by petition and for certain withdrawal dates;
7 providing for certain dates for a special election; prohibiting a special election from being held at
8 a certain time; providing for certain special election date conflicts; providing for the conduct of a
9 special election pursuant to State law; providing for certain funding and requirements to cover
10 the cost/s of a special election; providing that State law, the County Charter, and County law
11 shall be applicable to a special election, unless otherwise unreasonable; removing a special
12 primary election from publication requirements; providing for special election publication;
13 providing for procedures for nomination by petition and appropriate nomination petition forms;
14 providing for a certain party designation; providing for the requirements of placing the name of a
15 proposed candidate on the ballot by petition; providing for a certain declaration of intent;
16 providing for a certificate of candidacy; providing for the number of and verification of
17 signatures for petitions; providing for certain ballot requirements; repealing a certain candidate
18 statement; providing for the voting for an At-Large seat; providing for proposed candidates and
19 the specimen ballot; providing for the reference to the Local Board of Elections; making this Act
20 an emergency bill; providing for the effective date of this Act; providing for the adoption of this
21 Act; and generally regarding a special election in Prince George's County.

1 BY repealing and reenacting with amendments:

2 SUBTITLE 2. ADMINISTRATION.

3 Section 2-104,

4 The Prince George's County Code

5 (2023 Edition).

6 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
7 Maryland, that Section 2-104 of the Prince George's County Code be and the same is hereby
8 repealed and reenacted with the following amendments:

9 SUBTITLE 2. ADMINISTRATION.

10 DIVISION 1. COUNTY COUNCIL.

11 **Sec. 2-104. - Special election to fill vacancy on County Council.**

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

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

19 (1) The date for the special election;

20 [(1)](2) The date by which a declaration of intent to seek nomination by petition
21 must be filed with the Local Board of Elections; [Supervisors of]; and

22 (2) [The date for the special primary election; and]

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

25 (4) [(3)] [The date for the special election.] The withdrawal date for candidates which
26 shall be two (2) calendar days after the final filing date. The withdrawal date for candidates by
27 petition which shall be two (2) calendar days after certificates of nomination are issued.

28 (c) [The date of the special primary election shall be any Tuesday that is at least forty-five
29 (45) calendar days, but not more than sixty (60) calendar days, following the occurrence of the
30 vacancy.]

31 (1) The date of the special election shall be any Tuesday which is at least [sixty (60)]

1 ninety (90) calendar days, but not more than [ninety (90)] one hundred (100) calendar days,
 2 following the occurrence of the vacancy.

3 (2) Polling places shall be open between the hours of 7 A.M. and 8 P.M.

4 (3) No [special primary election or] special election shall be held within [thirty (30)]
 5 sixty (60) calendar days prior to any regularly scheduled election. If the above timing would
 6 result in a conflict with the operation of a State or Federal election, the special election shall be
 7 held at the earliest possible date that would not result in a conflict.

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

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

12 (e) The County shall provide funding to cover the costs for the [special primary election
 13 and] special election. The Local Board of [Supervisors of] Elections shall identify the costs
 14 incurred and submit a request for a supplemental budget appropriation to the Director of the
 15 Office of Management and Budget within sixty calendar days after the special election.

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

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

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

31 (i) In order to have the name of a proposed candidate placed on the ballot by petition, the

1 candidate shall file with the Local Board of Elections:

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

4 (2) A certificate of candidacy filed not later than fifty-five (55) days prior to the
5 special election accompanied by petitions signed by not less than four hundred (400) registered
6 voters who are eligible to vote for the office of At-Large Council Member, or signed by not less
7 than two hundred (200) registered voters who are eligible to vote for the office of Council
8 District Member.

9 (3) The Local Board of Elections shall verify a sufficient number of signatures
10 of persons who are registered voters and who have signed the petition to equal the registered
11 voters specified pursuant to Sec. 2-104(i)(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 (j)(i) At least 10 days prior to the [special primary election and] special election, the
15 Local Board of [Supervisors of] Elections shall mail a specimen ballot to the household of each
16 registered voter in the County, in the case of an At-Large seat, or in the councilmanic district in
17 which the vacancy occurs. The specimen ballot shall contain the names of the candidates in the
18 order and form in which they are to be printed on the ballot[, together with a statement, not to
19 exceed 500 words, provided by each candidate].

20 (k)(j) When there is a vacancy in the office of a Council Member that occurs during the
21 last year of a term, a majority of the remaining members of the Council shall appoint a qualified
22 person to fill the vacancy within thirty (30) calendar days.

23 * * * * *

24 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
25 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
26 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
27 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
28 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
29 Act, since the same would have been enacted without the incorporation in this Act of any such
30 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
31 or section.

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

12 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect on the date it
13 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

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.

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