

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**2025 Legislative Session**

Resolution No. CR-002-2025  
Proposed by Council Member Fisher  
Introduced by Council Members Fisher, Burroughs and Watson  
Co-Sponsors \_\_\_\_\_  
Date of Introduction December 10, 2024

## RESOLUTION

## A RESOLUTION concerning

## Special Election to Fill a County Council Vacancy

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

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

WHEREAS, the Honorable Jolene Ivey, representing the Fifth Council District, resigned effective December 5, 2024, thereby creating a vacancy in the office; and

WHEREAS, the Resolution directing that a special primary election and special election by the registered voters of the Fifth Council District be held to fill the vacancy shall specify:

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

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

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

(3) The date for the special election; and

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

23       WHEREAS, there is insufficient time to amend the County's local election provisions to  
24 affect the manner of election to fill the present vacancy in the office of Council Member for the  
25 Fifth Council District due to the strictly prescribed time for establishing the dates for a special  
26 primary and special election in the County 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, March 4, 2025;  
6                (2) The date for the special election shall be Tuesday, May 27, 2025;  
7                (3) The date by which a certificate of candidacy must be filed with the Board of  
8 Elections shall be Friday, December 20, 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 March 4, 2025, for the special primary election  
11 and May 27, 2025, 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 the 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.

1       BE IT FURTHER RESOLVED that the provisions of this Resolution are hereby declared  
2 to be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence,  
3 clause, phrase, or word of this Resolution is declared invalid or unconstitutional by a court of  
4 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining  
5 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this  
6 Resolution, since the same would have been enacted without the incorporation in this Resolution  
7 of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph,  
8 subsection, or section.

9  
Adopted this 10<sup>th</sup> day of December, 2024.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_

Edward P. Burroughs, III  
Vice Chair

ATTEST:

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Donna J. Brown  
Clerk of the Council