

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

1 A RESOLUTION concerning

2 Special Election to Fill a County 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 remainder vacancy; and

11 WHEREAS, the Honorable Jolene Ivey, representing the Fifth Council District, resigned
 12 effective December 5, 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 Fifth Council District 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 date of
 21 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 t 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 10th day of December, 2024.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Edward P. Burroughs, III
Vice Chair

ATTEST:

Donna J. Brown
Clerk of the Council