

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**1997 Legislative Session**

Bill No. CB-12-1997
 Chapter No. 3
 Proposed and Presented by Council Member Maloney
 Introduced by Council Member Maloney
 Co-Sponsors
 Date of Introduction March 4, 1997

BILL

AN ACT concerning

Special Election to Fill a County Council Vacancy

For the purpose of providing procedures for conducting a special election to fill a vacancy on the County Council.

BY repealing and reenacting with amendments:

SUBTITLE 2. ADMINISTRATION.

Section 2-104,

The Prince George's County Code

(1995 Edition).

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of Prince George's County, Maryland, that Section 2-104 of the Prince George's County Code be and the same is hereby repealed and reenacted with the following amendments:

SUBTITLE 2. ADMINISTRATION.

DIVISION 1. COUNTY COUNCIL.

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

(a) The provisions of this Section shall apply only to a vacancy on the County Council which occurs [during the first two (2) years of the term of office of the County Council. Section 309 of the County Charter contains procedures for filling a Council vacancy occurring during the last two (2) years of the Council term.]more than ninety days prior to the primary or general election referred to in Section 303 of the County Charter. If a vacancy occurs within

ninety days of the primary or general election referred to in Section 303, the vacancy shall remain until the election of the member pursuant to Section 303 and Section 306. If a vacancy occurs within ninety days, but not less than thirty days of any other regularly scheduled election, the vacancy shall be filled at such election.

(b) When there is a vacancy in the office of a Council Member which occurs during the [first two (2) years of the Council term,] period for which a special election is required, the Council shall, within ten (10) days after such vacancy occurs, adopt a Resolution directing that [providing for:

(1) A special primary election and] a special election by the registered voters of the Council District concerned be held to fill the vacancy. [remainder of the term of office;] The Resolution shall specify:

(1) The date for the special election;

(2) [The withdrawal date for candidates which shall be two (2) calendar days after the final filing date] The date by which a declaration of intent to seek nomination by petition must be filed with the Board of Supervisors of Elections; and

(3) The date by which nomination petitions must be filed with the Board of Supervisors of Elections. [The dates for the special primary and special elections;]

(c) [(A)] The date of the special [primary] election shall be any Tuesday which is at least [thirty-five (35)] sixty (60) calendar days, but not more than ninety (90) calendar days, following the [date of adoption of the resolution,] occurrence of the vacancy. Polling places shall be open between the hours of 7 a.m. and 8 p.m.

[(B)] The date of the special election shall be on any Tuesday which is at least forty (40) calendar days, but not more than sixty (60) calendar days, from the date of the primary election.

(C)] No [special primary or] special election shall be held within [forty-nine (49)] thirty (30) calendar days prior to[, or thirty (30) calendar days after,] any regularly scheduled election.

[(c)](d) The Council shall consult with the [County] Board of Supervisors of Elections

before adopting the Resolution described in Subsection (b).

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

~~[(e)](f)~~ Except as otherwise specifically provided in this Section, and except where such construction would be unreasonable, the provisions of Article 33, Annotated Code of Maryland, the County Charter, and the County Code [(including Division 17A of Subtitle 2 and Division 2 of Subtitle 8)] shall be applicable to [the special primary and] special elections.

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

[(1) Certificates of candidacy must be filed at the Board of Supervisors of Elections not later than twenty-one (21) calendar days before the special primary election.

~~(2)](h)~~ In order to have the name of a proposed candidate placed on the ballot by petition, the candidate shall file the following with the Board of Supervisors of Elections:

~~[(A)](1)~~ A declaration of [his] intent to seek nomination by petition. Such declaration shall be filed not later than [twenty-one (21)] twenty-eight (28) days before the special [primary] election.

~~[(B)](2)~~ A certificate of candidacy not later than [the closing of the polls at the special primary election;] twenty-one (21) days prior to the special election and petitions signed by not less than [three (3) percent of the] two hundred (200) registered voters who are eligible to vote for the office for which the nomination by petition is sought. [The number of registered voters shall be determined as of the date of the adoption of the council resolution providing for the special primary election and the special election.]

[(C)] Within five calendar days after the date on which nomination petitions must be filed, [T]the Board of Supervisors of Elections shall verify a sufficient number of signatures of persons who are registered voters and who have signed the petition [to equal the three (3) percent necessary to validate the petition]. Immediately upon completion of the verification process, said Board shall notify the candidate of the results and issue a certificate of nomination.

(i) The withdrawal date for candidates shall be two (2) calendar days after certificates of nomination are issued.

(j) At the special election, the ballot shall contain the names of the nominees in alphabetical order without any indication of the source of their nomination or their affiliation. At least 10 days prior to the special election, the Board of Supervisors of Elections shall mail a specimen ballot to the household of each registered voter in the councilmanic district in which the vacancy occurs. The specimen ballot shall contain the names of the candidates in the order and form in which they are to be printed on the ballot, together with a statement, not to exceed 500 words, provided by each candidate.

SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law.

Adopted this 25th day of March, 1997.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY:
Dorothy F. Bailey
Chair

ATTEST:

Joyce T. Sweeney
Clerk of the Council

APPROVED:

DATE: _____

BY:

Wayne K. Curry
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.