

**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 the date of the special election; providing  
6 for polling place hours; prohibiting a special election from being held at a certain time; providing  
7 for certain funding and requirements to cover the costs for the special election; providing for the  
8 conduct of a special election pursuant to State law; providing that State law, the County Charter,  
9 and County law shall be applicable to a special election, unless otherwise unreasonable;  
10 providing for certain publication requirements; providing for the filing of a certificate of  
11 candidacy by a certain date; providing for a certain party designation; providing for the mailing  
12 of a certain specimen ballot; making this Act an emergency bill; providing for the effective date  
13 of this Act; providing for the adoption of this Act; and generally regarding a special election in  
14 Prince George's County.

15 BY repealing and reenacting with amendments:

16 SUBTITLE 2. ADMINISTRATION.

17 Section 2-111.00.01,

18 The Prince George's County Code

19 (2023 Edition).

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 3 hereby repealed and reenacted with the following amendments:

4 **SUBTITLE 2. ADMINISTRATION.**

5 **DIVISION 2. COUNTY EXECUTIVE.**

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

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

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

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

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

18 [(2)](3) The withdrawal date for candidates which shall be two (2) calendar days after  
 19 the final filing date; and

20 [(3)] (4)The date[s] for the[ special primary and] special election[s];

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

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

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

1 (c)The Council shall consult with the County Board of Elections before adopting the  
2 Resolution described in Subsection (b).

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

7 (e)Except as otherwise specifically provided in this Section and except where such  
8 construction would be unreasonable, the provisions of the Election Law Article [Article 33],  
9 Annotated Code of Maryland, the County Charter, and the County Code [(including Division  
10 17A of Subtitle 2 and Division 2 of Subtitle 8)] shall be applicable to the [special primary and]  
11 special election[s].

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

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

17 (A)A declaration of his intent to seek nomination by petition. Such declaration  
18 shall be filed not later than twenty-one (21) days before the special primary election.

19 (B)A certificate of candidacy not later than the closing of the polls at the special  
20 primary election; and petitions signed by not less than three (3) percent of the registered voters  
21 who are eligible to vote for the office for which the nomination by petition is sought. The  
22 number of registered voters shall be determined as of the date of the adoption of the Council  
23 resolution providing for the special primary election and the special election.]

24 [(3)The Board of Supervisors of Elections shall verify a sufficient number of signatures  
25 of persons who are registered voters and who have signed the petition to equal the three (3)  
26 percent necessary to validate the petition. Immediately upon completion of the verification  
27 process, said Board shall notify the candidate of the results.]

28 (f) Within seven (7) calendar days after the adoption of the Resolution directing a special  
29 election, the Board of Elections shall publish once in at least one newspaper of general  
30 circulation a notice that a vacancy has occurred, and that a special election will be held on the  
31 date specified to fill the vacancy.

1        (g) In order to have the name of a proposed candidate placed on the ballot, the candidate  
2 shall file with the Board of Elections a certificate of candidacy not later than sixty (60) calendar  
3 days prior to the special election. The special election ballot shall indicate the party designation  
4 of each candidate.

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

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

17        SECTION 3. BE IT FURTHER ENACTED that in accordance with the provisions of  
18 Section 317 of the Charter, the County Council hereby declares that a public emergency exists  
19 affecting the public health, safety, and welfare; said emergency being the significant adverse  
20 impact that the current special election process has on the County's fiscal health and to the  
21 operations of the County Board of Elections and the potential for a special election for a County  
22 Executive vacancy.

23        SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect on the date it  
24 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