

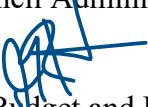



October 4, 2024

FISCAL AND POLICY NOTE

TO: Jennifer A. Jenkins
Council Administrator

Colette R. Gresham, Esq.
Deputy Council Administrator

THRU: Josh Hamlin 
Director of Budget and Policy Analysis

FROM: Andrew Stover 
Legislative Budget and Policy Analyst

RE: Policy Analysis and Fiscal Impact Statement
CB-093-2024 County Executive Special Primary Elections and Special General Elections

CB-093-2024 (*Proposed and presented by:* Council Members Fisher and Watson)

Assigned to the Committee of the Whole

AN EMERGENCY ACT CONCERNING COUNTY EXECUTIVE SPECIAL PRIMARY ELECTIONS AND SPECIAL GENERAL ELECTIONS for the purpose of providing for a special primary election and special general election to fill a vacancy in the Office of the County Executive; providing for the adoption of a certain Resolution regarding a certain vacancy; providing for certain dates for a special primary election and a special general election; providing for the removal of a prohibition on a special primary election and special general election from being held at a certain time; providing for certain publication requirements; providing for the mailing of a certain specimen ballot; providing for references to special primary elections and special general elections; providing for references to the Board of Elections; making this Act an emergency bill; providing for the effective date of this Act; providing for the adoption of this Act;

Website: <https://pgccouncil.us> | Wayne K. Curry Administration Bldg.
Office: (301) 952-3431 | 1301 McCormick Drive, 3rd Floor
FAX: (301) 780-2097 | Largo, Maryland 20774

and generally regarding special primary elections and special general elections in Prince George's County.

Fiscal Summary

Direct Impact:

Expenditures:

- No direct impact on expenditures.

Revenues:

- No direct impact on revenues.

Indirect Impact:

- No indirect fiscal impact likely.
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Legislative Summary

CB-093-2024¹, proposed and sponsored by Council Members Fisher and Watson, was presented on September 24th, 2024, and was referred to the Committee of the Whole. The bill makes changes to special election procedures for a vacancy in the Office of County that occurs within the first two years of an elected term, including extending the timeframe for the Council to run special elections, striking language regarding the occurrence of special elections in relation to regularly scheduled elections, requiring advertisement of the vacancy, and requiring distribution of specimen ballots. It also includes technical amendments to improve legal clarity.

Current Law/Background

Section 317² of the County Charter says that the County may enact emergency bills to address a public emergency affecting the public health, safety, or welfare of the County and its residents. Emergency bills may take effect immediately after being passed into law and must be passed with a two-thirds majority vote of the Council.

In June of 2024, the Office of the Maryland Attorney General sent a letter³ to the State Administrator of Elections advising that the current laws regarding special elections in the County are inconsistent with state law, and that State law must be followed over County law under the

¹ [Prince George's County Council - CB-093-2024](#)

² [Prince George's County Charter Section 317](#)

³ [Letter from the Maryland Office of Attorney General](#)

principles of preemption. While the letter addresses specific inconsistencies with the special election process for County Council vacancies, many of the same conflicts with State law also exist in County law governing special elections for the Office of County Executive. Specifically, the Attorney General's Office directs that the time between a vacancy and a special election must be no less than 59 days.

Under current County law, Section 2-111.00.01⁴ of the Prince George's County Code, a special primary election must take place 35 to 90 calendar days after the adoption of the Resolution authorizing a special election, and a special general election must take place 40 to 60 days after the date of the special primary. No special election can be held within 30 days of any other regularly scheduled election. Parts of this law are not enforceable due to conflicts with State law.

Discussion/Policy Analysis

CB-092-2024 amends County laws on County Council special elections by (1) increasing the minimum number of calendar days between an occurrence of a vacancy on the Council and a primary special election to 100 days and removing the maximum number of days, (2) increasing the minimum number of calendar days between a primary special election and a special general election to 100 and removing the maximum number of days, (3) striking language prohibiting special primary or general elections from being held within 30 calendar days prior to any regularly scheduled election, (4) requiring the Board of Elections to advertise that a vacancy in the County Executive has occurred in at least one newspaper of general circulation, (5) requiring the Board of Elections to mail a specimen ballot to the household of each registered voter County-wide at least 10 days prior to the special primary election and special general election, and (6) making other technical amendments to ensure clarity of the law.

Many of the elements being proposed in this bill are similar to those proposed in CB-092-2024⁵, which amends the special election process for County Council vacancies. These similar elements include the increase in the timeframe for the Council to run special elections to a minimum of 100 days, the removal of a maximum timeframe, and the striking of language regarding the occurrence of special elections in relation to regularly scheduled elections. Please refer to the fiscal note for CB-092-2024 for a more detailed discussion of these amendments.

Aside from technical amendments, all other changes in the law made by CB-095-2024 are changes made to put the law in conformity with current practices for special County Council elections established in Section 2-104⁶ of the County Code.

Finally, while page 3, lines 7-8 are not changed in regard to the number of days that a candidate must file for intent to seek the nomination, it should be noted that this part of the law is unenforceable as it directly contradicts state law. The Office of the Maryland Attorney General

⁴ [Prince George's County Code Section 2-111.00.01](#)

⁵ [CB-092-2024](#)

⁶ [Prince George's County Code Section 2-104](#)

states in their letter that there must be a minimum of 59 days between the finalization of the ballot and the special election. Therefore, the specific number of 21 days can be considered void.

Fiscal Impact

- *Direct Impact:*

Enactment of CB-093-2024 is not likely to have a fiscal impact on the County, as it makes no changes to how special elections should be budgeted for.

- *Indirect Impact:*

Enactment of CB-093-2024 is not expected to have any indirect fiscal impact on the County.

- *Appropriated in the Current Fiscal Year Budget:*

No.

Effective Date of Proposed Legislation

The proposed Act shall become effective on the date it becomes law.

If you require additional information, or have questions about this fiscal impact statement, please email me.