
By: Prince George's County Delegation

Introduced and read first time: February 5, 1996

Assigned to: Commerce and Government Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 19, 1996

CHAPTER ____

1 AN ACT concerning

2 **Prince George's County - Special Elections**

3 **PG 400-96**

4 FOR the purpose of specifying that the General Assembly may provide by law for special
5 elections of certain vacant offices in chartered counties; requiring the County
6 Council of Prince George's County to call for special elections at certain times to fill
7 certain vacant Council seats; providing for the dates and conduct of such elections;
8 requiring the County Council of Prince George's County to adopt an ordinance
9 regulating the conduct of special elections; and generally relating to special
10 elections for the County Council in Prince George's County and in chartered
11 counties.

12 BY repealing and reenacting, with amendments,
13 Article 25A - Chartered Counties of Maryland
14 Section 5(Q)
15 Annotated Code of Maryland
16 (1994 Replacement Volume and 1995 Supplement)

17 BY adding to
18 Article 33 - Election Code
19 Section 22A-1 to be under the new subtitle "Prince George's County Special
20 Elections"
21 Annotated Code of Maryland
22 (1993 Replacement Volume and 1995 Supplement)

2

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article 25A - Chartered Counties of Maryland**

4 5.

5 The following enumerated express powers are granted to and conferred upon any
6 county or counties which hereafter form a charter under the provisions of Article XI-A of
7 the Constitution, that is to say:

8 (Q)

9 To provide for the appointment and removal of all county officers except those
10 whose appointment or election is provided for by the Constitution or public general law
11 OR WHOSE SPECIAL ELECTION IS AUTHORIZED BY ARTICLE 33 OF THE CODE, and to
12 establish a merit system, if deemed desirable, in connection with the appointment of all
13 county officials and employees not elected or appointed under the Constitution and the
14 public general laws; to fix the qualifications and term of office of such county executive
15 authority as may be established, and to fix its compensation; provided that the county
16 council may enact local laws designed to prevent conflicts between the private interests
17 and public duties of any county officers, including members of the county council, and to
18 govern the conduct and actions of all such county officers in the performance of their
19 public duties, and to provide for penalties, including removal from office, for violation of
20 any such laws or the regulations adopted thereunder.

21 **Article 33 - Election Code**

22 **PRINCE GEORGE'S COUNTY SPECIAL ELECTIONS**

23 22A-1.

24 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
25 INDICATED.

26 (2) "BOARD OF SUPERVISORS OF ELECTIONS" MEANS THE BOARD OF
27 SUPERVISORS OF ELECTIONS OF PRINCE GEORGE'S COUNTY.

28 (3) "COUNTY COUNCIL" MEANS THE COUNTY COUNCIL OF PRINCE
29 GEORGE'S COUNTY.

30 (B) (1) EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, IF A
31 VACANCY IN THE OFFICE OF A COUNTY COUNCIL MEMBER OCCURS BY DEATH,
32 RESIGNATION, FORFEITURE, OR OTHERWISE, THE COUNTY COUNCIL SHALL ADOPT
33 A RESOLUTION DIRECTING THAT A SPECIAL ELECTION BE HELD TO FILL THE
34 VACANCY.

35 (2) THE COUNTY COUNCIL SHALL ADOPT THE RESOLUTION REQUIRED
36 UNDER THIS SUBSECTION WITHIN 10 DAYS AFTER THE VACANCY OCCURS OR
37 BECOMES KNOWN.

1 (C) (1) THE RESOLUTION ADOPTED BY THE COUNTY COUNCIL UNDER
2 SUBSECTION (B) OF THIS SECTION SHALL SPECIFY THE DATES FOR THE SPECIAL
3 ELECTION.

4 (2) THE SPECIAL ELECTION SHALL BE HELD ON ANY TUESDAY THAT IS
5 AT LEAST 40 CALENDAR DAYS, BUT NOT MORE THAN 60 CALENDAR DAYS,
6 FOLLOWING THE DATE OF THE ADOPTION OF THE RESOLUTION.

7 (3) IMMEDIATELY AFTER ADOPTING THE RESOLUTION, THE COUNTY
8 COUNCIL SHALL DELIVER IT TO THE BOARD OF SUPERVISORS OF ELECTIONS.

9 (D) NOMINATIONS OF CANDIDATES TO FILL A VACANCY IN THE OFFICE OF A
10 MEMBER OF THE COUNTY COUNCIL SHALL BE AS SPECIFIED IN § 4-1 OF THIS
11 ARTICLE.

12 (E) EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED IN THIS ARTICLE AND
13 EXCEPT WHERE SUCH CONSTRUCTION WOULD BE UNREASONABLE, THE
14 PROVISIONS OF THIS ARTICLE APPLICABLE TO GENERAL ELECTIONS SHALL APPLY
15 TO THE SPECIAL ELECTION PROVIDED FOR IN THIS SECTION.

16 (F) (1) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, EXCEPT AS
17 PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF A VACANCY IN THE OFFICE
18 OF A MEMBER OF THE COUNTY COUNCIL OCCURS WITHIN 6 MONTHS BEFORE THE
19 END OF THE TERM OF THE OFFICE, A PERSON SHALL BE APPOINTED TO FILL THE
20 VACANCY BY A PROCEDURE ESTABLISHED BY THE COUNTY BY LAW.

21 (2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
22 PARAGRAPH, IF A VACANCY OCCURS WITHIN 90 DAYS BEFORE THE PRIMARY OR
23 GENERAL ELECTION IN WHICH MEMBERS OF THE COUNTY COUNCIL ARE ELECTED,
24 THE OFFICE SHALL REMAIN VACANT UNTIL IT IS FILLED IN ACCORDANCE WITH THE
25 NEXT REGULAR ELECTION PROCESS UNDER THIS ARTICLE.

26 (II) IF A VACANCY EXISTS BETWEEN THE PRIMARY ELECTION AND
27 THE GENERAL ELECTION AND THERE IS ONLY ONE CANDIDATE FOR THE POSITION
28 IN THE GENERAL ELECTION, THAT CANDIDATE SHALL BE APPOINTED
29 IMMEDIATELY TO FILL THE VACANCY FOR THE REMAINDER OF THE CURRENT
30 TERM.

31 (G) THE COUNTY COUNCIL SHALL PROVIDE BY ORDINANCE FOR THE
32 CONDUCT OF SPECIAL ELECTIONS AUTHORIZED UNDER THIS SUBTITLE.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 June 1, 1996.

