

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 that occurs during the first three (3) years of a term.

(b) When there is a vacancy in the office of a Council Member that occurs during the first three (3) years of a term, the Council shall, within seven (7) days after such vacancy occurs, adopt a Resolution directing that a special primary and special election by the registered voters of the Council District concerned be held to fill the vacancy. The Resolution shall specify:

(1) The date by which a certificate of candidacy must be filed with the Board of Supervisors of Elections;

(2) The date for the special primary election; and

(3) The date for the special election.

(c) The date of the special primary election shall be any Tuesday that is at least forty-five (45) calendar days, but not more than sixty (60) calendar days, following the occurrence of the vacancy. The date of the special election shall be any Tuesday which is at least sixty (60) calendar days, but not more than ninety (90) calendar days, following the occurrence of the vacancy. Polling places shall be open between the hours of 7 a.m. and 8 p.m. No special primary election or special election shall be held within thirty (30) calendar days prior to any regularly scheduled election.

(d) The Council shall consult with the Board of Supervisors of Elections before adopting the Resolution described in Subsection (b).

(e) The County shall provide funding to cover the costs for the special primary election 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.

(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 shall be applicable to special primary elections or 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 primary election and special election will be held on the dates specified to fill the vacancy.

(h) In order to have the name of a proposed candidate placed on the ballot, the candidate shall file with the Board of Supervisors of Elections a certificate of candidacy not later than twenty-eight (28) days prior to the special primary election.

(i) At least 10 days prior to the special primary election and 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.

(j) When there is a vacancy in the office of a Council Member that occurs during the last year of a term, a majority of the remaining members of the Council shall appoint a qualified person to fill the vacancy within thirty (30) calendar days.

(CB-10-1984; CB-12-1997; CB-6-1999; CB-7-2003)