

Charter Amendment #13  
Resolution No.: 136-04-20  
Adopted: April 15, 2020  
Effective Date: April 15, 2020

## **TOWN COUNCIL OF THE TOWN OF CHEVY CHASE VIEW**

### **A RESOLUTION TO AMEND SECTION 5 OF THE CHARTER OF THE TOWN OF CHEVY CHASE VIEW**

This Resolution of the Council of the Town of Chevy Chase View (the "Council") is adopted pursuant to the Constitution of Maryland, Article XI-E, the Maryland Code, Local Government Article, Section 4-301, *et seq.*, and the Charter of the Town of Chevy Chase View (the "Charter"), to amend Section 5 of the Charter to allow election methods and procedures to be altered in a state of emergency.

Section 1. BE IT RESOLVED BY THE TOWN COUNCIL, that Section 5 of the Charter is amended to read as follows:

#### **Sec. 5. Election procedure.**

A. Not later than the 1st day of April in each year, the Council of Chevy Chase View shall appoint three persons who are residents of Chevy Chase View to serve as a Nominations Committee. The committee shall, no later than the 7th day of April, distribute to each residence in Chevy Chase View a notice of the election to be held in May following, together with a form upon which any person who by law is an eligible voter in Chevy Chase View elections may make nominations to the offices for which such election is to be held. This notice shall specify that nominations by such voters shall be delivered to any member of the Nominations Committee on or before the 21st day of April of the particular year and shall state the date of the election.

B. Upon receipt of the names of the persons nominated, the Nominations Committee shall determine the willingness of eligible nominees to serve if elected. If any nominee shall signify his or her unwillingness to accept the office to which he or she has been nominated, the name of such nominee shall thereupon be stricken from the list of candidates for such office. In addition to the nominations made by eligible voters, the Nominations Committee may on its own determination make other nominations to any of the offices for which the election is to be held. The Nominations Committee shall report to the Council the names of the persons nominated not later than the 23rd day of April of said year. If the number of nominees for the Council so reported does not exceed the number of Council positions to be filled in that election, the nominees so reported shall be deemed elected as of the second Tuesday of May of said year and no balloting shall take place. If the number of nominees for the Council so reported exceeds the number of

Council positions to be filled, an election shall be held in accordance with sub-sections C. through J. below.

C. The Council shall designate and appoint an Election Board consisting of two residents of Chevy Chase View to act as Judges and two residents to act as Tellers at the election. No Judge or Teller shall be a candidate for any of the offices for which the election is to be held; nor may any Judge or Teller be elected by virtue of "write-in votes;" nor shall any Judge or Teller be related in any degree of kinship to any such person, whether by blood, collaterally, or by marriage.

D. On or before the last Tuesday in April, the Council of Chevy Chase View shall distribute to all residences in Chevy Chase View a notice containing the names of all candidates and specifying the date and hours and place of balloting, which shall be fixed and designated by the Council. This notice shall also contain the names of the Judges and Tellers. In even-numbered years two seats on the Council shall be subject to election; in odd-numbered years the other three seats on the Council shall be subject to election.

E. On the second Tuesday in May of each year or within seven calendar days thereof, an election shall be held. Elections shall be by ballot in the manner described herein. Only registered and qualified voters of Montgomery County residing in Chevy Chase View who are eighteen (18) years of age or older on the date of such election shall be entitled to vote. If any newly elected Council member fails to qualify, or if any Council member shall remove his or her residence from Chevy Chase View, the office shall be deemed to have become vacant. The Council by majority vote shall fill vacancies in the Council, and such person(s), upon qualification as required of a newly elected official, shall serve for the remainder of the unexpired term.

F. The polls shall be open for balloting during the hours of 7:00 pm to 9:00 pm on the day of the election unless otherwise specified in the election notice. All votes shall be cast in person; provided, however, that eligible voters who cannot vote in person may obtain an absentee ballot from the Election Judges at any time prior to 6:00 pm the day preceding the election. Absentee ballots not in the hands of the Election Judges prior to the closing of the polls will not be counted. Each voter shall be entitled to vote for as many candidates as there are offices to be filled by the election. Any eligible voter may vote for any person eligible for office, whether or not that person's name appears on the ballot.

G. When balloting has been concluded, the Tellers shall count the votes lawfully cast and report the same to the Judges. The Judges shall then determine the number of votes cast for each candidate for the office of member of the Council, and the Judges shall declare elected as many of said candidates as there are offices to be filled, in the order of the number of votes cast for them. Thereupon, the Judges shall certify the names of all elected candidates, and such candidates shall then take office after taking oath as prescribed by law. In the event of a tie vote that prevents the Judges from certifying the successful candidates for any office, a run-off election shall be held not later than the second Tuesday in June of said year; such tie shall not prevent successful candidates certified by the Judges from taking office. Furthermore, a Council member whose term

has expired shall be permitted to serve until the results of the run-off election are known. If more than one such Council member desires to continue to serve, they shall draw lots to determine who shall continue to serve.

H. In the event that any contest shall arise in the election of candidates, the Judges shall decide such contest and certify their decision to the Council.

I. Following the election, each newly elected official shall qualify within ten days by taking oath before any officer in Montgomery County authorized by law to administer oaths, to discharge diligently and faithfully all duties of the office.

J. All expenses incurred to conduct an election shall be paid from the general funds of Chevy Chase View.

K. Notwithstanding anything to the contrary contained in this Charter, if a state of emergency has been declared by the Governor of Maryland, within the corporate limits of Chevy Chase View, the Council shall be authorized to pass an ordinance to implement such emergency election procedures as may be deemed necessary as a result of the state of emergency, including but not limited to changing the election date and nomination deadlines; altering the method, conduct, or voting system of the election; altering the manner of balloting; canceling an uncontested election; and eliminating the use of polling stations.

NOTE: Underlining indicates language added to the Charter


**[Boldface Brackets]** denote language deleted from the Charter

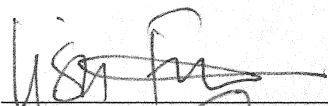
Section 2. AND BE IT FURTHER RESOLVED, that the date of the adoption of this Resolution is April 15, 2020 and that the amendment to the Charter hereby provided by this enactment shall be and become effective immediately, the notice, publication, timing, hearing, effective date, and referendum requirements of the Maryland Code, Local Government Article, Title 4, Subtitle 3, being hereby suspended according to the Governor of Maryland's Executive Order No. 20-03-30-03, enabling municipalities to amend the date, method, conduct, or voting system of an election to help control and prevent the spread of COVID-19.


Section 3. AND BE IT FURTHER RESOLVED, that the Chair shall send, by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to the Department of Legislative Services, the following information concerning the amendment: (i) the complete text of the amendment as hereby enacted; (ii) the number of votes cast for and against the amendment by the Town Council; and (iii) the effective date of the amendment.

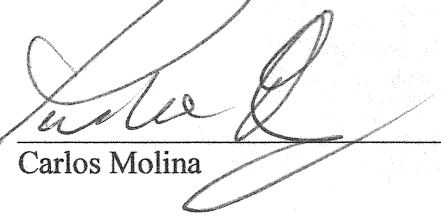
Section 4. AND BE IT FURTHER RESOLVED, that the said Chair be and is hereby specifically instructed to carry out the provisions of this Resolution. As evidence of compliance herewith, the said Chair shall cause to be placed in the official files the return receipt of the mailing referred to in Section 3, and shall further complete and


execute the Certificate of Effect attached hereto, and provide notice to the Governor according to Order No. 20-03-30-03.

  
Paula Fudge, Chair

  
Lisa Fair

  
Peter Marks

  
Carlos Molina

  
Ron Sherrow


ATTEST:

  
Jana Coe, Manager

## **Town of Chevy Chase View**

### **CERTIFICATE OF EFFECT**

I, Paula Fudge, Chair of the Town Council, hereby certify that the attached Charter Amendment #13 (Resolution No. 136-04-20) has been duly adopted by the Town Council of the Town of Chevy Chase View; has been registered with the Maryland Department of Legislative Services; is effective as of April 15, 2020, and notice has been provided to the Governor of Maryland pursuant to Order No. 20-03-30-03.

  
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Paula Fudge, Chair  
Town of Chevy Chase View