

TOWN ELECTIONS BOARD
TOWN ETHICS COMMISSION

JOINT WORKSESSION MINUTES

June 4, 2015

Persons present:

Barry Hager, Chair, Ethics Commission
Scott Fosler, Commission member
Steve Lawton, Chair, Elections Board
Bob Charrow, Board member
Gloria Tristani, Board member
Ron Bolt, Town Attorney

On June 4, 2015, at 7:02 p.m., in the Town Hall, the Ethics Commission and Elections Board held a joint meeting to continue to discuss possible changes in Town election and ethics laws, in response to a request from the Town Council. The meeting was chaired by Mr. Hager, who distributed an agenda at the outset of the meeting.

Mr. Hager discussed the request from the Town Council and the timetable for submission of the joint recommendation. He noted that the Council requested a recommendation "in all due haste", but providing a recommendation before the Council's next meeting, on June 17, 2015, may be problematic based on the discussions remaining to be had and the individual schedules of the Board and Commission members.

Discussion followed on whether write-in candidacy should be allowed in the Town. Mr. Charrow commented on the importance of preserving freedom of assembly and, therefore, he stated that he is in favor of continuing to allow spontaneous write-in candidacy. Others commented on the need to prevent surprise and inform residents about who is running for office, and whether an election is contested.

Members present discussed possible changes in Town laws, including adopting the Maryland approach which would require write-in candidates to submit a certificate of candidacy before the election, in order to be eligible for service. Mr. Bolt suggested that a recall provision could be added to the Charter to preserve spontaneous write-in candidacy while providing a means to address post-election concerns. Discussion on options followed.

On behalf of the Ethics Commission, Mr. Hager made a motion to recommend to the Council that write-in candidacy be allowed, but that write-in candidates must submit a certificate of candidacy at least 14 days prior to the election in order to be eligible for service. Mr. Fosler seconded the motion and it passed unanimously, 2-0. On behalf of the Elections Board, Mr. Lawton made the same motion. It was seconded by Ms. Tristani, and approved by a vote of 2-1, with Mr. Charrow voting in opposition.

Discussion followed on when write-in candidates should be required to file a financial disclosure statement. Mr. Fosler, Mr. Charrow, and Mr. Lawton agreed that write-in candidates should be required to file financial disclosure statements only if they win an election, and must file before they can serve. Ms. Tristani and Mr. Hager disagreed, and found it appropriate to require write-in candidates to file a financial disclosure statement at the same time as the certificate of candidacy. By majority consensus, the recommendation to be written shall include the former approach.

Members present then discussed the responsibility of Town Council members to ensure that Town residents receive accurate information regarding the status of elections. Mr. Hager provided a proposed letter to the Council members, who were in office during the May 5, 2015 election, inquiring about their role in the write-in campaign. Mr. Charrow noted that he finds the letter to be inappropriate because the election results have already been confirmed and, while there may still be debate on whether a stealth campaign is moral, there was nothing unlawful about the write-in campaign. Discussion on Council member duties followed.

On behalf of the Ethics Commission, Mr. Fosler made a motion to issue the letter, a copy of which is attached. Mr. Hager seconded the motion and it passed unanimously (2-0). On behalf of the Elections Board, Mr. Lawton made the same motion. It was seconded by Ms. Tristani, and approved by a vote of 2-1, with Mr. Charrow voting in opposition.

Discussion followed on who would author the various components of the report to the Town Council to be prepared.

Hearing no objection, Mr. Hager adjourned the meeting at approximately 8:31 p.m.


Barry Hager, Chair, Ethics Commission


Steve Lawton, Chair, Elections Board

June 4, 2015

Dear TOCC Council Member:

As you are aware, the controversy over the recent Town elections has raised questions regarding write-in candidacies and the rules that apply to such candidacies.

At the May 13 Town Council meeting, the Council voted unanimously to ask the Ethics Commission and the Election Board to work jointly to inquire into the facts regarding the election and to make any recommendations or changes in either the Town's Ethics or Election laws that might be needed.

In order to pursue our work in response to that request, we would like to ascertain certain facts about the knowledge and involvement of then-incumbent Town Council members in the write-in campaign of Dr. Cecere.

Please respond to this inquiry by stating:

* when you first learned of the existence of the write-in campaign?

*what if any actions you took regarding that campaign, specifically:

*What participation in or assistance you gave to the write-in campaign?

*What efforts, if any, you made to notify other Town officials or the general public regarding the existence of the write-in candidacy?

Thank you for your response to this inquiry. As you know, the Council requested that the Ethics Commission and Election Board respond with its findings and recommendations "in all due haste." As prompt a reply as possible would therefore be appreciated.

TOCC Ethics Commission and Election Board

**TOWN OF CHEVY CHASE
ETHICS COMMISSION**

June 12, 2015

Mayor Al Lang
Town of Chevy Chase
Lawton Center
Chevy Chase, MD

Dear Mayor Lang:

In response to the request from the Town Council to the Town Ethics Commission and Election Board to review events surrounding the May Town Council election and to make recommendations about future elections, the two committees held joint public meetings on May 26 and June 4. The minutes of those meetings have been approved and filed with the Town Office.

Based on the extensive comments from town residents at those two meetings and through submissions to the Town Office, and on the discussion and debate within the two committees at those meetings, we are now working on finalizing our recommendations and writing a report to the Council conveying those recommendations.

In that regard, at our June 4 meeting, we also voted to send a letter of inquiry to the members of the Town Council prior to the recent election, regarding certain factual questions. We are hoping to receive responses to that inquiry from all of the Council members as soon as possible. Those responses will inform our further discussion and decisions about necessary reforms.

As Chairs of the two committees, Steve Lawton and I hope that we can get final agreement on our recommendations and complete the drafting of our report to you by the time of the Council's regular July meeting. We will keep you informed of our progress. Please convey this information to your colleagues on the Council at your meeting on June 17.

With best regards,

Barry Hager
Chair
Town Ethics Commission

Steve Lawton
Chair
Town Election Board