

**Town of Chevy Chase
Election Board Ordinance**

Resolution No.: 09-07
Introduced: October 14, 2009
Adopted: November 11, 2009
Effective Date: December 12, 2009

WHEREAS, Article 23A, Section 2(a) of the Maryland Code, grants to the legislative body of every incorporated municipality in Maryland, including the Town of Chevy Chase, general power to pass such ordinances not contrary to the Constitution of Maryland or public general law as they may deem necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality; and

WHEREAS, Section 301(a) of the Charter of the Town of Chevy Chase authorizes the Town Council to pass ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter as it may deem necessary for the good government of the Town; for the protection and preservation of the Town's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town and for such other police or health matters as it may deem necessary; and

WHEREAS, Section 8-2(b) of the Town Code directs the Town Election Board to make recommendations for future elections; and

WHEREAS, following the May 2009 election the Town Election Board made recommendations for future elections including a recommendation that the members of the election board be appointed to 3-year staggered terms to promote continuity and "institutional memory" and to fix the membership of the election board at 3 to avoid the potential for "stacking" the board by the appointment of additional members politically aligned with incumbents; and

WHEREAS, the Town Council considered the following ordinance in public session assembled on the 11th day of November, 2009; and

WHEREAS, the Town Council finds that fixing the number of election board members at 3 and providing that election board members shall serve 3-year staggered terms as hereinafter set forth is necessary for the good government of the Town; for the protection and preservation of the Town's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; and for the protection and

promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town.

NOW, THEREFORE, the Town Council of the Town of Chevy Chase does hereby adopt the following ordinance:

AN ORDINANCE TO AMEND SECTION 8-2 OF THE TOWN OF CHEVY CHASE MUNICIPAL CODE TO FIX THE NUMBER OF ELECTION BOARD MEMBERS AT THREE (3) AND TO PROVIDE THAT ELECTION BOARD MEMBERS SHALL SERVE 3-YEAR STAGGERED TERMS

SECTION 1. BE IT ORDAINED AND ORDERED, this 11th day of November, 2009, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the authority granted to it by Article 23A of the Maryland Code and the Town Charter, that Section 8-2 of the Town Code is hereby amended to read as follows:

Sec. 8-2. Election board generally.

(a) The council shall appoint an election board to consist of [not less than] three (3) residents who are qualified to vote in town elections and [registered (for voting in the State of Maryland)] who neither hold office in the town at the time of such appointment, nor will become a candidate for such office during their service on such board. The members of the election board shall be appointed to three (3)-year staggered terms except that the initial appointments following the effective date of this provision shall be for one (1), two (2) and three (3) years. In the event of a vacancy, the council shall appoint a replacement to complete the remainder of the term. The duties of said election board shall, in general, be to provide for the conduct of all elections, special or general, including, but not limited to, making appropriate provisions for nominations, in the manner hereinafter set forth, the printing of ballots, the appointing of tellers and/or judges, the supervision of the polls, and the maintenance of an up-to-date list of qualified town voters.

(b) The election board shall work with and under the guidance of the town council, submitting for its prior approval the form of printed ballot it intends to use and the form and text of all notices or other communications it intends to forward to the citizens. Following the holding of an election, the election board shall submit to the town council its written report thereon, including the voting results, together with recommendations for the future.

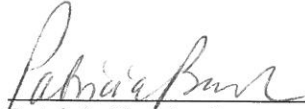
SECTION 2. AND BE IT FURTHER ORDAINED AND ORDERED, this 11th day of November, 2009, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the authority granted to it by Article 23A of the Maryland Code and the Town Charter, that:

(1) If any part or provision of this ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the ordinance as a whole or any remaining part thereof; and

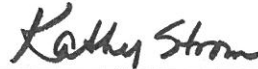
(2) This ordinance shall take effect on the 12th day of December, 2009.

ATTEST:

TOWN OF CHEVY CHASE



Patricia Burda, Secretary



Kathy Strom, Mayor
Town of Chevy Chase

Bold and Underline indicates new material

[] indicates material deleted

* * * indicates material unchanged