

**Town of Chevy Chase  
(2021 Town Election)**

Ordinance No.:  
Introduced: December 9, 2020  
Adopted:  
Effective Date:

**AN ORDINANCE TO DECLARE  
A STATE OF EMERGENCY AND TO ACTIVATE  
AN EMERGENCY PLAN FOR THE TOWN ELECTION**

WHEREAS, on March 5, 2020, in an effort to control and prevent the spread of COVID-19, a state of emergency and catastrophic health emergency was proclaimed by the Governor within the entire State of Maryland, pursuant to Maryland Code, Public Safety Article, Title 14, and the Maryland Constitution; and

WHEREAS, on October 29, 2020, the Governor declared that the state of emergency continues and the spread of COVID-19 in the state continues to pose an immediate threat to all Marylanders of extensive loss of life or serious disability; and

WHEREAS, Maryland Code, Local Government Article, Section 5-202, as amended, authorizes the legislative body of each municipal corporation in the State of Maryland to pass ordinances that such legislative body deems necessary to assure the good government of the municipality and to protect the health, comfort, and convenience of the citizens of the municipality;

WHEREAS, the Maryland Emergency Management Agency Act (Md. Code, Public Safety Art., Sec. 14-101, *et seq.*) provides that local governments, including municipal governments, may declare a local state of emergency and so doing activates the local state of emergency plan, per Sec. 14-111; and

WHEREAS, per Sec. 14-102(a) of said Act, the legislative purposes and intents of the law include to confer on the Governor and on the executive heads or governing bodies of the political subdivisions the emergency powers provided in the Act, and per Sec. 14-107(d)(1), after a state of emergency is declared the effect of any statute or rule or regulation of an agency of the State or a political subdivision may be suspended in order to protect the public health, safety, or welfare; and

WHEREAS, Section 301 of the Town of Chevy Chase Charter authorizes the Town Council to pass ordinances as it may deem necessary for the good government of the Town and for the protection and promotion of the health, safety, comfort, convenience, and welfare of the residents of the Town; and for such other police and health matters as it may deem necessary; and

WHEREAS, Section 301 of the Town of Chevy Chase Charter authorizes emergency ordinances to be adopted immediately by the affirmative votes of 4 members of the Town Council; and

WHEREAS, after proper notice to the public, the Town Council introduced and considered the following Ordinance in public session assembled on the 9<sup>th</sup> day of December, 2020; and

WHEREAS, the Town Council hereby declares that a state of emergency exists, as declared by the Governor of Maryland, and

WHEREAS, as a result of the state of emergency, the Town Council finds that the temporary amendment of the Town election rules and regulations would help control and prevent the spread of COVID-19; and is necessary for the good government of the Town and for the protection and promotion of the health, safety, comfort, convenience, and welfare of the residents of the Town.

THEREFORE, BE IT ORDAINED AND ORDERED, this \_\_\_\_ day of \_\_\_\_\_, 2020, by virtue of the authority given to it by the Maryland Code and the Town of Chevy Chase Charter, the Town Council of the Town of Chevy Chase does hereby adopt the following ordinance.

*SECTION 1.* BE IT ORDAINED AND ORDERED, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the aforementioned authority, that the Town election to be conducted in **2021** shall proceed according to the **Emergency Plan for Town Election** attached hereto. Any election rule or regulation set forth in the Town Charter, Code of Ordinances, or election rules and regulations that is inconsistent with the provisions of the attached Emergency Plan for Town Election is hereby suspended. The Emergency Plan for Town Election shall be implemented for the **2021** election, only.

*SECTION 2.* AND BE IT FURTHER ORDAINED AND ORDERED, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the aforementioned authority, 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 upon adoption, this \_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

TOWN OF CHEVY CHASE

\_\_\_\_\_  
Ellen Cornelius Ericson, Secretary

\_\_\_\_\_  
Cecily Baskir, Mayor

**TOWN OF CHEVY CHASE**  
**EMERGENCY PLAN FOR THE 2021 TOWN ELECTION**

**Election by Universal Vote by Mail**

- Polling stations will not be used; no in-person voting will be afforded.
- Balloting will be undertaken by mail only. At least 14 days prior to the election, to be held on May 4, 2021, the election service provider will mail a ballot and return envelope to each qualified voter on the precinct register provided by the Montgomery County Board of Elections, and to each non-US citizen resident who has registered with the Town.
- The Town's election service provider shall affix first class postage to all balloting materials, including the ballot return envelopes.
- Voters shall mail completed ballots to the Town's election service provider. Ballot envelopes must be post-marked no later than Election Day, May 4, 2021 and must be received by the Town's election service provider by May 11, 2021 in order for the ballots to be counted.
- Ballot envelopes shall contain a control number and an affidavit requiring the voter to attest to the voter's eligibility.

**Nominating Procedures**

- A Town resident seeking election to the Town Council as a balloted candidate shall submit a [nominating petition](#) and a [financial disclosure statement](#) by 5 p.m. on April 13, 2021. The petition and financial disclosure shall be delivered to the Town by e-mail to [townoffice@townofchevyCHASE.org](mailto:townoffice@townofchevyCHASE.org). If a candidate is unable to deliver these documents by email, the candidate should contact the Town Manager at [thoffman@townofchevyCHASE.org](mailto:thoffman@townofchevyCHASE.org) prior to the submittal deadline.
- The Town will make available a nominating petition to any Town resident seeking election to the Town Council. A candidate for office is not required to use this form but must submit a petition containing the same information on the Town's form in order for the individual's name to be placed on the election ballot.
- Nominating petitions must be supported by 5 qualified voters of the Town. Nominating petitions need not be signed by the supporting voters. Instead, the supporting voters may indicate their support for the nominee by sending an e-mail to the Town to [townoffice@townofchevyCHASE.org](mailto:townoffice@townofchevyCHASE.org). The e-mail should state, "I hereby nominate (name) of (address) as a candidate for the Town Council of the Town of Chevy Chase." All nominating e-mails must contain the name and address of the nominator.
- Nominating petitions are considered public documents and are subject to public inspection.
- The Election Board shall verify the qualifications of the nominees and verify the e-mails submitted to support nominating petitions after 5 p.m. on April 13, 2021.
- The Election Board shall place names in nomination if by the deadline for filing nominating petitions there are not enough names of candidates on the ballot to fill the offices being selected at the election.

**Write-In Candidate Procedures**

- A Town resident seeking election to the Town Council as a write-in candidate shall submit a [certificate of candidacy](#) and a [financial disclosure statement](#) by 5 p.m. on April 27, 2021. The certificate of candidacy and financial disclosure statement shall be delivered by e-mail to the Town to [townoffice@townofchevyCHASE.org](mailto:townoffice@townofchevyCHASE.org). If a candidate is unable to deliver these documents

by email, the candidate should contact the Town Manager at [thoffman@townofchevy Chase.org](mailto:thoffman@townofchevy Chase.org) prior to the submittal deadline.

- A Town resident seeking election to the Town Council as a write-in candidate shall use the Town's official certificate of candidacy.
- Certificates of candidacy are considered public documents and are subject to public inspection.
- The Election Board shall verify the qualifications of write-in candidates within 24 hours of filing.
- Within 24 hours of receipt of a certificate of candidacy, the Election Board, in coordination with the Town Manager, shall inform town residents of the filing of the certificate of candidacy and the identity of such candidate. Such notice shall be provided by posting on the Town website and by email notification (Town Crier).
- There will be appropriate blanks on the printed ballot for the purpose of adding write-in candidates at the time of the election.

### **Voter Registration Procedures**

- A Town resident who is a citizen of the United States must be [registered as a voter of the State of Maryland in Montgomery County](#) to be eligible to vote in a Town election.
- A Town resident who is not a citizen of the United States but who is at least 18 years old, who has resided within the Town for at least 30 days, and who is not otherwise disqualified from voting pursuant to Section 401(b) of the Town Charter may register to vote in a Town election by submitting a completed [Town of Chevy Chase, Maryland Non-U.S. Citizen Resident Voter Registration Application](#) to the Town Office by e-mail to [townoffice@townofchevy Chase.org](mailto:townoffice@townofchevy Chase.org). In order to allow sufficient time for a ballot to be issued and voted, the registration must be completed by 5:00 p.m. on April 27, 2021. Town staff will retain the completed voter registration application forms.
- Town staff will prepare and maintain a list of registered voters in the Town who are not U.S. citizens and will provide that list to the Election Board and/or entity designated by the Town to assist with the conduct of the election.

### **Universal Vote by Mail Procedures**

- Ballots shall be returned in the Town-issued return envelope.
- Voters shall write their full legal name, address, and date of birth on the Town-issued return envelope and sign the affirmation. Ballots enclosed in an incomplete, illegible, or unsigned return envelope shall not be counted. The Town will not accept copies of ballots or ballot envelopes.
- If a voter desires their ballot to be mailed to an address that is different than the address in the precinct register, the voter should inform the Town by e-mail to [townoffice@townofchevy Chase.org](mailto:townoffice@townofchevy Chase.org) of the address to which the ballot should be mailed. In order to allow sufficient time for a replacement ballot to be issued and voted, any such request shall be made no later than 5:00 p.m. on April 27, 2021. Upon receipt of such request, any previously issued ballot and return envelope for that voter will be voided.
- In the event an issued ballot is lost or missing, a voter may request by e-mail to [townoffice@townofchevy Chase.org](mailto:townoffice@townofchevy Chase.org) that the Town's election service provider cancel the previously issued ballot and return envelope and issue a new ballot and return envelope. In order to allow sufficient time for a replacement ballot to be issued and voted, any such request shall be

made no later than 5:00 p.m. on April 27, 2021. Upon receipt of such request, any previously issued ballot and return envelope for that voter will be voided.

- If a resident did not receive a ballot because the resident's name did not appear on the precinct register, the resident can request a provisional ballot by email to [townoffice@townofchevy Chase.org](mailto:townoffice@townofchevy Chase.org). In order to allow sufficient time for a ballot to be issued and voted, any request for a provisional ballot shall be made no later than 5:00 p.m. on April 27, 2021. In order for the provisional ballot to be counted, the voter's registration must be reflected on the precinct register no later than Election Day, May 4, 2021.
- The Town's election service provider will keep a list of any voided or cancelled ballots and corresponding envelopes and will ensure that voided/spoiled ballots are not counted. The election service provider will provide this list to the Town Election Board upon request.
- The Town's election service provider will review each returned ballot envelope for the following to ensure a proper ballot is enclosed:
  - That the ballot return envelope was properly completed.
  - That the ballot return envelope is unopened.
  - That the control number on the ballot envelope matches the control number assigned to the voter.
  - That the person who signed the envelope is the person who was issued the ballot.
  - That the person who voted the ballot is a qualified voter in the Town.
  - That the ballot envelope has not been cancelled or spoiled.
  - That the ballot envelope is postmarked no later than May 4, 2021.
- If it is determined that a ballot is proper, the return envelope will be opened, and the ballot will be preserved. The precinct register will be updated to indicate that the voter cast a ballot.
- Any ballot that is found to be improper will not be opened. Improper ballots will not be counted provisionally.
- The Town election service provider shall provide all counted ballots, ballot return envelopes, and spoiled ballots to the Town for preservation according to the Town Charter.

### **Election Procedures**

- The Election Board may mail or distribute by such other means deemed appropriate, a notice of the election and these emergency election procedures. The Election Board shall endeavor to issue such notice at least 4 weeks prior to the election.
- The Election Board may mail or distribute by such other means deemed appropriate, a second notice of the election, containing the names of each candidate and a biographical sketch of each candidate, if available. The Election Board shall endeavor to issue such notice at least 2 weeks prior to the election.
- Town staff shall provide all election documents, including the precinct register and the list of registered voters who are not citizens of the United States, to the election service provider designated by the Town to assist with the conduct of the election.
- A list of all qualified candidates shall be posted on the Town website no later than April 27, 2021, including any write-in candidates who have been certified.
- Within 7 days after Election Day, the Town election service provider shall tally all votes cast and shall complete and certify an Official Count of Ballot Report. Write-in votes for uncertified candidates will be reported but not counted. The Election Board shall review and certify the results on the Report.

- Upon certification of election results, a member of the Election Board shall provide a copy of the report to a member of the Town staff and notify all candidates of the election results.

#### **Other Safety Measures**

- The Election Board and Town staff may implement such other measures as are consistent with this Emergency Plan and necessary to assure a safe election and protect the public health, safety, and welfare.
- The Town Council shall meet within 15 days following the certification by the Election Board of the election results, or at such other time determined by the Town Council, for the purpose of organization and swearing in of new councilmembers.