

**Town of Chevy Chase
Nomination Petition and Election Notice Ordinance**

Resolution No.: 09-08
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 period between the filing of a nomination petition and an election should be expanded from two (2) weeks to four (4) weeks; that the time when notice of an upcoming election shall be mailed to all town residents be increased from four (4) weeks to not less than eight (8) weeks prior to any election to provide a four (4) week period between the issuance of the notice of an election and the deadline for filing nomination petitions; and that the time when a notice of the names and brief biographies of candidates be mailed to town residents be increased from one (1) to two (2) weeks to provide greater notice to the public; and

WHEREAS, the Town Election Board recommended that nomination petitions be signed by "qualified voters" in lieu of "residents" of the town to: (1) prevent minors or others who are not qualified to vote from nominating candidates; and (2) to improve the efficiency and accuracy of verifying the qualification of a person to sign a nomination petition; and

WHEREAS, the Town Election Board recommended eliminating gender-specific pronouns and rendering Section 8-3(b) gender neutral; and

WHEREAS, expanding the period between the filing of nomination petitions and the election would:

- 1) allow more time for notifying the public of the candidates' identities, qualifications and positions on issues of concern to voters;
- 2) allow sufficient time to schedule and conduct one or more meetings with the candidates to allow voters to meet and ask questions of the candidate; and
- 3) allow ballots to be printed farther in advance of election day which would enhance the opportunity for voters to vote by absentee ballot who are out of town during the weeks before the election; and

WHEREAS, providing earlier notice of an upcoming election would:

- 1) provide more time for potential candidates to make a decision whether or not to run for office; and
- 2) provide more time for potential candidates to obtain signatures on a nomination petition; and

WHEREAS, increasing the time between the circulation of the names and biographies of candidates and an election from one (1) to two (2) weeks would provide voters with a greater opportunity to evaluate candidates and would allow voters who are out of the area and must vote by absentee ballot more time to obtain and return an absentee ballot; 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 expanding the period between the filing of nomination petitions and an election from two (2) weeks to three (3) weeks, rather than four (4) weeks as recommended by the Town Election Board, would provide sufficient time to accomplish the goals described above; and

WHEREAS, the Town Council finds that expanding the period between the filing of nomination petitions and an election from two (2) weeks to three (3) weeks, requiring that nomination petition signers be qualified voters, rendering section 8-3(b) gender neutral, requiring that notice of an election be mailed to Town residents eight (8) weeks prior to an election, and requiring that notice of nominated candidates and a brief biographical sketch be mailed to Town residents not later than the second Tuesday immediately preceding an election 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 8-3(b) OF THE TOWN OF CHEVY CHASE MUNICIPAL CODE TO EXPAND THE PERIOD BETWEEN THE FILING OF A NOMINATION PETITION AND AN ELECTION FROM TWO (2) WEEKS TO THREE (3) WEEKS; TO PROVIDE THAT ONLY QUALIFIED VOTERS CAN SIGN NOMINATION PETITIONS; TO RENDER SECTION 8-3(b) GENDER NEUTRAL; TO AMEND SECTION 8-4 TO REQUIRE THAT NOTICE OF AN ELECTION MUST BE MAILED TO TOWN RESIDENTS NOT LESS THAN EIGHT (8) WEEKS PRIOR TO AN ELECTION; AND TO REQUIRE THAT NOTICE OF NOMINATED CANDIDATES AND A SHORT BIOGRAPHICAL SKETCH OF EACH CANDIDATE MUST BE MAILED TO TOWN RESIDENTS NOT LATER THAN THE SECOND TUESDAY IMMEDIATELY PRECEDING AN ELECTION

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 8-3(b) of the Town Code is hereby amended to read as follows:

Sec. 8-3. Nominations.

* * *

(b) An individual's name may not be placed on the election ballot unless [he] the individual has the qualifications for office required by the town charter. Except as provided in subsection (c) of this section, an individual's name may not be placed on the ballot unless a petition nominating the individual has been filed by the individual or by someone acting on [his] the individual's behalf at the town office before 5:00 p.m. on the [second] third Tuesday before the election. The petition must show the consent of the individual to become a candidate and hold office. A petition must contain the signatures of five (5) [residents] qualified voters of the town other than the candidate [who endorse the candidacy.]

* * *

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:

Sec. 8-4. Notice of elections.

* * *

(a) The election board shall cause to be mailed to all town residents, not less than [four (4)] eight (8) weeks prior to any election, a notice of the time and place of the election. The notice shall include a description of the procedure for residents to nominate candidates for office as set forth in section 8-3(b) above.

(b) The election board shall cause to be mailed to all residents of the town, not later than the [first] second Tuesday immediately preceding the election, a notice of the election containing the name and a short biographical sketch of each candidate. The notice shall contain a statement that there will be appropriate blanks on the printed ballot for the purpose of adding write-in candidates at the time of election.

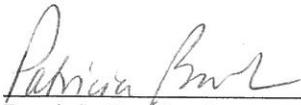
SECTION 3. AND BE IT FURTHER ORDAINED AND ORDERED, this 11th day of November, 2009, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the authority granted to it by Article 23A of the Maryland Code and the Town Charter, that:

(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

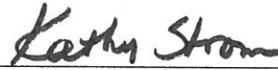
(2) This ordinance shall take effect on the 12th day of December, 2009.

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