

**Town of Chevy Chase
Ordinance to Amend the Public Ethics Law and the Elections Law**

Ordinance No.: 16-01
Introduced: December 9, 2015
Adopted: January 13, 2016
Effective Date: February 12, 2016

WHEREAS, the 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, 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 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; 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 and destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare and happiness of the resident(s) of the Town; and for such other police and health matters as it may deem necessary; and

WHEREAS, the State Public Ethics Law, State Government Article, Section 15-803 of the Maryland Code, as amended, requires each municipal corporation to enact provisions, equivalent to the provisions applicable to State officials, to govern the public ethics of local officials relating to conflicts of interest, financial disclosure, and lobbying; and

WHEREAS, by letter dated January 25, 2013, the Town was granted partial exemption from the State Public Ethics Law, and need not adopt the requirements related to lobbying; and

WHEREAS, the Town of Chevy Chase adopted Ordinance No. 13-03, on November 13, 2013, to amend the Town Ethics Law to incorporate the requirements of the State Public Ethics Law, relating to conflicts of interest and financial disclosure; and

WHEREAS, The Town Council provided a copy of Ordinance No. 13-03 to the State Ethics Commission for its review and, by letter dated September 17, 2013, the State Ethics Commission approved the Ordinance; and

WHEREAS, the Town Council finds that further amendment of the Town Public Ethics Ordinance is necessary to specify when a write-in candidate must file a financial disclosure statement; and

WHEREAS, the Town Council finds that, to conform to the requirements of State law with respect to write-in candidates, a certificate of candidacy should be required to be filed prior to the Town election for a write-in candidate to be eligible for election, and the write-in

candidate's financial disclosure statement should be filed therewith to allow voters the opportunity to review the financial disclosures prior to the election; and

WHEREAS, the Town Council finds that the ordinance 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 and destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare and happiness of the resident(s) of the Town; and

WHEREAS, the Town Council introduced the following Ordinance on the 9th day of December, 2015 and after proper notice to the public, the Town Council conducted a public hearing at which it considered the following Ordinance in public session assembled on the 13th day of January, 2016; and

WHEREAS, the Town Council provided a copy of the introduced Ordinance to the State Ethics Commission for its review and, by letter dated December 24, 2015, the State Ethics Commission approved the Ordinance.

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

AN ORDINANCE TO AMEND THE PUBLIC ETHICS LAW, CHAPTER 2, DIVISION 4 AND TO AMEND THE ELECTIONS ORDINANCE, CHAPTER 8, OF THE TOWN OF CHEVY CHASE CODE, TO SPECIFY WHEN A WRITE-IN CANDIDATE MUST FILE A FINANCIAL DISCLOSURE STATEMENT AND TO REQUIRE A CERTIFICATE OF CANDIDACY TO BE FILED FOR A WRITE-IN CANDIDATE TO BE ELIGIBLE FOR ELECTION

SECTION 1. BE IT ORDAINED AND ORDERED, this 13th day of January, 2016, by the Town Council of Town of Chevy Chase, acting under and by virtue of the authority granted to it by the State Government Article of the Maryland Code, and Section 301 of the Town Charter, that Chapter 2, Division 4 of the Town Code is hereby revised as follows:

Chapter 2

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DIVISION 4. PUBLIC ETHICS

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Sec. 2-56. Financial disclosures—Local elected officials and candidates to be local elected officials.

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(b) Candidates to be local elected officials.

(1) Except for an official who has filed a financial disclosure statement under another provision of this section for the reporting period, a candidate to be an elected local official shall file a financial disclosure statement each year beginning with when the year in which the nominating petition is filed through the year of the election.

~~(2) To afford the commission sufficient time to review a statement for adequacy, a candidate to be an elected local official shall file a statement required under this section, no later than the filing of the nominating petition, which must be filed before 5:00 pm on the third Tuesday before the election.~~

(2) A write-in candidate to be an elected local official shall file a statement required under this section when the certificate of candidacy is filed, which must be filed before 5:00 pm on the seventh calendar day preceding the election.

(3) A candidate to be an elected official ~~may~~ ~~official may~~ **shall** file the statement required under section 2-56(b)**(1) or (2)** of this division with the town manager or election board with the nominating petition or with the commission prior to filing the ~~nominating petition~~. Upon the receipt of a statement required under this section, the town manager or election board shall promptly forward the statement to the commission or the office designated by the commission.

(4) The town manager or election board may not accept any nominating petition **or certificate of candidacy** unless a statement has been filed in proper form, as determined by the commission.

(5) A candidate, including a write-in candidate, is not qualified for election unless a statement has been filed in proper form. If a candidate fails to correct ~~Any~~ deficiency in the statement within 10 days **must be promptly corrected** after written notice of deficiency is provided by the commission, ~~or otherwise fails to file a proper statement by~~ **If any deficiency is not corrected by** April 30, the candidate shall be deemed to have withdrawn the candidacy **and shall be ineligible for election.**

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Chapter 8

ELECTIONS

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Sec. 8-3. Nominations and Write-In Candidates.

- (a) ~~This section does not prohibit write-in candidates.~~ To be qualified for election, a write-in candidate must file a certificate of candidacy before 5:00 pm on the seventh calendar day preceding the election, in a form provided by the Town. Any votes cast for a write-in candidate who has failed to comply with this section shall be reported but not counted.

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Sec. 8-4. Notice of elections.

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- (b) The election board shall cause to be mailed to all residents of the town, not later than the 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 and that write-in candidates must file a certificate of candidacy before 5:00 pm on the seventh calendar day preceding the election in order to be qualified for election. 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.

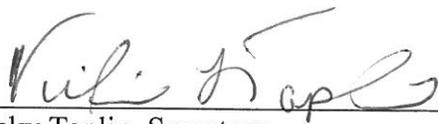
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SECTION 2. AND BE IT FURTHER ORDAINED AND ORDERED, this 13th day of January, 2016, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the authority granted to it by the Maryland Code and the Town Charter, that:

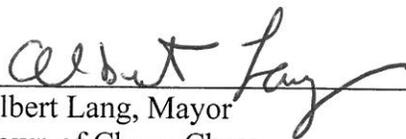
- (1) If any part or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the ordinance as a whole or any remaining part thereof; and
- (2) This Ordinance shall take effect on the 12th day of February, 2016.

ATTEST:

TOWN OF CHEVY CHASE



 Vicky Taplin, Secretary



 Albert Lang, Mayor
 Town of Chevy Chase

Bold and Underline indicates new material
~~Strike through~~ indicates material deleted
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