

**Town of Chevy Chase  
(Elections)**

Ordinance No.: 2024-02  
Introduced: December 13, 2023  
Adopted: January 10, 2024  
Effective Date: February 9, 2024

**Subject: AN ORDINANCE TO AMEND CHAPTER 8 OF THE TOWN CODE REGARDING ELECTIONS, TO REMOVE THE REQUIREMENT THAT THE ELECTIONS BOARD PLACE NAMES IN NOMINATION; TO CHANGE THE TERM “ABSENTEE” TO “MAIL-IN” FOR VOTING PURPOSES; TO ALLOW THE TOWN TO SEND MAIL-IN BALLOTS TO ALL REGISTERED VOTERS; TO ALLOW THE ELECTIONS BOARD TO BE SUPPORTED BY AN ELECTION SERVICE PROVIDER; AND TO REORGANIZE AND CLARIFY EXISTING PROVISIONS**

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, 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;

WHEREAS, after proper notice to the public, the Town Council introduced the following Ordinance in public session assembled on the 13<sup>th</sup> day of December 2023, and considered the following Ordinance in public session assembled on the 10<sup>th</sup> day of January 2024;

WHEREAS, upon consideration of the testimony and evidence presented at the public hearing, the Town Council finds that the ordinance as hereinafter set forth 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.

NOW, THEREFORE, the Town Council does hereby adopt the foregoing Ordinance.

*SECTION 1.* BE IT ORDAINED AND ORDERED, this 10<sup>th</sup> day of January 2024, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the aforementioned authority, that the Code of Ordinances is hereby amended as follows:

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## Chapter 8 ELECTIONS<sup>1</sup>

### Sec. 8-1. - Scope; date, etc.

Elections shall be governed by the provisions of this chapter. An election shall be held on the first Tuesday in May of each year to elect members of the town council. Three (3) members shall be elected in even-numbered years and two (2) members in the odd-numbered years.

### Sec. 8-2. - Elections board generally.

(a) The council shall appoint an elections board to consist of three (3) residents who are qualified to vote in town elections and 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 elections 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 elections 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.~~ The elections board may be supported by an election service provider.

(b) The elections board shall recommend election rules and procedures for approval by the council. The elections board shall work with ~~and under the guidance of the town council~~ the town manager on, ~~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 elections board shall submit to the town council its written report thereon, including the voting results, together with recommendations for the future.

### Sec. 8-3. - Nominations and write-in candidates.

(a) ~~To be qualified for election, a write-in candidate must file a certificate of candidacy before 5:00 p.m. 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.~~

~~(b)~~ An individual's name may not be placed on the election ballot unless 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

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<sup>1</sup>Charter reference(s)—Elections, § 401 et seq.

State law reference(s)—Election Code, Anno. Code of Md., Art. 33.

Cross reference – Public Ethics, Financial Disclosure – Candidates, § 2-56.

individual has been filed by the individual or by someone acting on the individual's behalf at the town office before 5:00 p.m. on the 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) qualified voters of the town other than the candidate.

**(b) To be qualified for election, a write-in candidate must file a certificate of candidacy before 5:00 p.m. 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.**

~~(c) The election board may place names in nomination for town office if it deems such additional nominations to be desirable. The elections board shall place names in nomination seek qualified nominees if it determines there if by the deadline for filing nominating petitions there are will not be enough names of candidates on the ballot to fill the offices being selected at the election.~~

#### **Sec. 8-4. - Notice of elections.**

(a) The elections board shall cause to be mailed to all town residents, not less than 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)~~(a) above.

(b) The elections 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 p.m. 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 elections 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.

#### **Sec. 8-5. - Absentee Mail-in ballots.**

Any qualified voter of the town may vote ~~in person or by absentee ballot~~ according to town election rules and procedures. Each person desiring an absentee mail-in ballot ~~individually~~ shall apply for an absentee ballot in writing to the town office, if applicable. ~~Any absentee ballot to be counted must be received by the town by the time the polls close on election day. Absentee ballots shall be enclosed in specially printed envelopes provided by the town. The elections board shall prescribe the form and contents of the mail-in ballot and return envelopes. At a minimum, the term "absentee ballot" must appear in large block letters on the outside of the envelope in which the absentee ballot is submitted. The name, address, and date of birth of the absentee voter must appear on the outside of the envelope. All absentee ballots must be delivered in unopened envelopes to the election board. The election board or its approved tellers or judges will verify that the name of the absentee voter appears on the county list of qualified voters obtained from the~~

county supervisor of elections. ~~If the absentee voter's name does not appear on the county list of qualified voters the ballot will be rejected as invalid.~~ The town may send mail-in ballots to all registered voters for any election that is conducted by mail, in whole or in part.

**Sec. 8-6. - Tie votes.**

(a) The elections board shall apply the following procedures if two (2) or more candidates receive the same number of votes for the same office:

(1) If the tie is ~~among~~ between two (2) candidates who received the most votes cast in a two-candidate election, the tied candidates will be certified elected.

(2) If, in a two-candidate election, the tie is among those candidates other than the one who received the ~~most~~ greatest number of votes, those two (2) receiving more votes than any other candidates shall participate in a special run-off election held by mail within ten (10) days.

(3) If the tie is among three (3) candidates who received the most votes cast in a three-candidate election, those tied candidates will be certified as elected.

(4) If the tie is ~~among~~ between two (2) candidates for the second and third places on the ballot in a three-candidate election, those two (2) will be certified as elected.

(5) If the tie is for the last place in a three-candidate election, a special run-off election will be held by mail among the tied candidates within ten (10) days.

(b) The call for a special run-off election distributed by hand or by mail will list tied candidates and set a ten-day date of return by mail or delivery to the town office. ~~Absentee ballots will be permitted.~~

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*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 on the 9<sup>th</sup> day of February 2024 (30 days after adoption).

ATTEST:



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Stephanie Martz, Secretary

TOWN OF CHEVY CHASE



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Irene Lane, Mayor  
Town of Chevy Chase

**Bold and Underline** indicates new material

~~Strikethrough~~ indicates material deleted

\* \* \* indicates material unchanged