

Charter Amendment No. 21-1

Resolution No.: 11-01-21

Introduced: 11-08-21

Adopted: 12-13-21

Effective Date: 02-01-22

BOARD OF MANAGERS
FOR
CHEVY CHASE VILLAGE, MD

**A RESOLUTION TO AMEND SECTION 301, REGISTRATION,
NOMINATIONS AND ELECTIONS, OF THE CHEVY CHASE VILLAGE
CHARTER**

This Resolution of the Board of Managers of Chevy Chase Village (the “Board of Managers”) is adopted pursuant to Article XI-E of the Constitution of Maryland, §4-301 *et seq.* of the Annotated Code of Maryland and the Charter of Chevy Chase Village to amend Section 301, “Registration, Nominations and Elections”, of the Chevy Chase Village Charter (the “Village Charter”), is enacted to enable distribution of ballots by mail, and voting in person, by deposit to a designated drop box, or in person on the day of the election, and includes amendments to change the date on which elections are held, change the date by which a petition for candidacy must be filed and the extension date for filing, authorize an election ballot to be mailed to all registered voters in the Village, allow the ballots to be voted through the mail, deposited in a drop box, or submitted in person on the day of the election, set the date by which a ballot must be received, and to make conforming changes.

CAPS

[Brackets]

Asterisks * * *

: Indicate matter added to existing law.

: Indicate matter deleted from law.

: Indicate matter remaining unchanged in existing law but not set forth in Charter Resolution

SECTION 1. BE IT RESOLVED BY THE BOARD OF MANAGERS that Section 301, “Registration, Nominations and Elections” of the Village Charter be repealed, re-enacted and amended to read as follows:

Section 301. Registration, Nominations and Elections.

(a) Voter registration. Any person who is domiciled in the Village for at least thirty (30) days prior to an election, will be eighteen (18) at the time of the election, and is registered to vote in the Village, shall be qualified to vote in any general or special Village election. Any person domiciled within the Village may register to vote in Village elections by registering to vote in Montgomery County Elections, subject to the requirements of this section. Voter registration shall close thirty (30) days prior to the Village election.

(b) Annual election. An election shall be held annually on the ~~first~~ THIRD Saturday in May, at which Board members shall be elected at large for two (2) years to succeed those whose terms are then expiring, and at which time Board members shall be elected to fill any existing vacancies. The Board members so elected to fill existing vacancies shall serve only for the remainder of the unexpired term to which they shall have been elected. All elections shall be held after at least ten (10) days prior notice of the time and place of such election to all registered, qualified voters within the corporate limits of Chevy Chase Village.

(c) Election Supervisors. There shall be a Board of Election Supervisors. Elections shall be presided over and conducted by the Elections Supervisors, who shall be appointed by the Board of Managers. The Election Supervisors shall decide any dispute as to whether a Village resident is entitled to vote. The Election Supervisors may accept a provisional ballot from a disputed voter. Any person aggrieved by reason of the decision of the Election Supervisors may appeal within thirty (30) days to the Circuit Court for Montgomery County. The Board of

Managers may adopt by ordinance other rules and regulations relating to the conduct of elections.

(d) Qualification to be a candidate. Only persons who are registered to vote in Village elections and who have been domiciled within the corporate limits of the Village for at least one (1) year immediately preceding the ~~[first]~~ THIRD Saturday in May shall be eligible to be elected to the Board of Managers. Only qualified candidates may be elected to the Board of Managers. Write-in candidacy is prohibited. Any votes cast in an election for persons who are not qualified as candidates shall be void and not be counted. To qualify as a candidate for election to the Board of Managers, an individual must file a certificate of candidacy with the Election Supervisors, to include contact information and verification of registration to vote in the Village, ~~[at least thirty (30) days and no more than ninety (90) days prior to]~~ BETWEEN FEBRUARY 15 AND MARCH 15 IN THE YEAR OF the election. In addition, to be a qualified candidate, an individual, including sitting Board members, within the same period must file a completed financial disclosure form as required by Sec. 2-6 of the Public Ethics Code. The form shall be reviewed by the Ethics Commission.

(e) Extension of filing deadline. In the event that, ~~[thirty (30) days prior to the election,]~~ BY MARCH 15 IN THE YEAR OF THE ELECTION, the number of qualified candidates is less than the Board of Managers seats to be filled, then the deadline to qualify as a candidate and for receipt of certificates of candidacy and financial disclosure statements is extended to ~~[twenty (20) days prior to]~~ MARCH 25 IN THE YEAR OF the election.

(f) Voting and absentee ballots. Voting shall be by secret ballot~~[- either by voting machine or paper ballots as the Board of Managers shall designate, and the polls].~~ AN ELECTION BALLOT SHALL BE MAILED TO ALL REGISTERED VOTERS IN THE

VILLAGE PRIOR TO THE ELECTION. ONE VOTING CENTER WILL BE OPEN AT THE VILLAGE HALL ON ELECTION DAY UNLESS ANOTHER LOCATION IS DECLARED BY THE ELECTION SUPERVISORS AT LEAST 30 DAYS PRIOR TO ELECTION DAY. VOTERS MAY SUBMIT THEIR BALLOT BY MAIL, BY PLACING IT IN A DESIGNATED BALLOT BOX LOCATED AT THE VILLAGE HALL, OR AT THE VOTING CENTER ON THE DAY OF THE ELECTION, WHICH shall ~~[remain]~~ BE open from 10:00 a.m. to 3:00 p.m. TO BE VALID, A BALLOT MUST BE RECEIVED PRIOR TO THE CLOSING OF THE VOTING CENTER ON ELECTION DAY. Any qualified voter, in person, by mail or electronic communication, or through a designee, may request an absentee ballot from the Village Manager and all such absentee ballots, in order to be valid, must be SUBMITTED IN THE SAME MANNER AS ELECTION BALLOTS PRIOR TO THE CLOSING OF THE ~~[returned to the Village Manager prior to the time of the closing of the polls]~~ VOTING CENTER ON ELECTION DAY. All other rules and regulations relating to voting shall be fixed by the Election Supervisors and posted at the Village Office at least one (1) week before the day of election.

(g) Declaration of election. The candidate receiving pluralities of the total number of votes cast shall be declared elected. To resolve a tie vote when there is no plurality that decides the election, a special election shall be held as soon as practicable after ten (10) days' notice, pursuant to the foregoing provisions in regard to elections. In the event that, ~~[thirty (30) days prior to the election, or twenty (20) days prior to the election]~~ BY MARCH 15 OF THE ELECTION YEAR, OR BY MARCH 25 in the event of an extension of the filing deadline, the number of qualified candidates is equal to the number of Board seats to be filled, then no election will be held and the qualified candidates shall be declared elected by the Election Supervisors at the annual meeting.

(h) Oath of office. Each newly elected Board member shall qualify by taking an oath to support the Constitution of Maryland and the Constitution of the United States and to faithfully and diligently perform the duties of said office without favor, partiality or prejudice. Said oath shall be filed among the records of Chevy Chase Village. The oath is to be administered to the members of the Board of Managers by any officer in Montgomery County authorized by law to administer oaths. Newly elected Board members shall take office at the beginning of the Board Meeting in June of the election year.

(i) Vacancy in office. If any newly elected Board member fails to so qualify by taking the oath, or if any Board member shall cease to reside within the corporate limits of Chevy Chase Village, or resigns, dies, or if a vacancy occurs for any other reason, such office shall be deemed to have become vacant. Vacancies in the Board of Managers which occur before the annual election may be filled by appointment, by a favorable vote of at least four (4) of the remaining Board of Managers, of a person registered to vote in the Village who has been domiciled in Chevy Chase Village for one (1) year prior to appointment, to serve upon qualification as a Board member until the next regular election, at which time the appointed Board position shall be filled by election for the unexpired term.

SECTION 2. AND BE IT FURTHER RESOLVED, that this Resolution was adopted at a public hearing on December 13, 2021 after at least 21 days of prior public notice of the public hearing and that the amendment to the Village Charter hereby proposed by this enactment shall be and become effective on February 1, 2022 unless a proper petition for a referendum thereon shall be filed as permitted by law on or before January 22, 2022.

SECTION 3. AND BE IT FURTHER RESOLVED, that a complete and exact copy of this Resolution shall be posted at Village Hall, 5906 Connecticut Avenue, Chevy Chase, Maryland 20815 for at least forty (40) days following adoption and a fair summary of this Resolution shall be published in a newspaper of general circulation in Chevy Chase Village not less than four (4) times, at weekly intervals, within a period of at least forty (40) days starting immediately after the date of adoption.

SECTION 4. AND BE IT FURTHER RESOLVED, that as soon as the Charter Amendment hereby enacted shall become effective, either as herein provided or following a referendum, the Chair of the Board of Managers shall send, by mail, bearing a postmark from the United States Postal Service, to the Department of Legislative Services, the following information concerning the Charter Amendment: (i) the complete text of this Amendment to the Village Charter as hereby enacted; (ii) the date of the referendum election, if any, held with respect thereto; (iii) the number of votes cast for and against the question concerning the Charter Amendment, whether by the Board of Managers or in a referendum; and (iv) the effective date of the Charter Amendment.

SECTION 5. AND BE IT FURTHER RESOLVED, that the said Chair be and is hereby specifically instructed to carry out the provisions of Sections 3 and 4. As evidence of compliance herewith, the said Chair shall cause to be placed in the Village files the following information concerning the Charter Amendment: (i) appropriate certificates of publication of the newspaper in which a fair summary of the Resolution shall have been published; and (ii) the Municipal Charter or Annexation Resolution Registration Form.

SECTION 6. AND BE IT FURTHER RESOLVED that if any provision of this Charter Resolution or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other application of this Charter Resolution which can be given effect without the invalid provisions or application, and to this end, all the provisions of this Resolution and of the Charter are hereby declared to be severable.

Elissa A. Leonard, Chair

Robert C. Goodwin, Jr., Vice Chair

Gary Crockett

Lou Morsberger

Nancy Watters

Linda Willard

David L. Winstead

ATTEST:

Shana Davis-Cook, Village Manager