

**Village of North Chevy Chase  
(2020 Election)**

Ordinance No.: 4-20-1  
Introduced: April 2, 2020  
Adopted: April 21 2020  
Effective Date: April 21, 2020

**AN EMERGENCY ORDINANCE TO DECLARE  
A STATE OF EMERGENCY AND TO ACTIVATE  
AN EMERGENCY PLAN FOR THE VILLAGE 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 March 17, 2020, the Governor declared that the state of emergency continues and ordered that the Primary Election of April 28, 2020 be postponed to June 2, 2020, and that the State Board of Elections prepare a Comprehensive Plan for the conduct of the Primary Election, to implement measures to reasonably assure, among other things, that the public health, safety, and welfare not be endangered by the election; and

WHEREAS, Maryland Code, Local Government Article, Sec. 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;

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, Sec. 6.02 of the Charter of the Village of North Chevy Chase authorizes the Village Council to pass such ordinances not contrary to the Constitution and other laws of Maryland, as it may deem necessary for the preservation of Village 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 and visitors to the Village;

WHEREAS, after proper notice to the public, the Village Council introduced the following Ordinance in public session assembled on the 2nd day of April, 2020, and considered it in public session assembled on the 21st day of April, 2020; and

WHEREAS, the Village 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 Village Council finds that the temporary amendment of the election rules and regulations would help control and prevent the spread of COVID-19; and that the foregoing Ordinance is necessary for the preservation of Village 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 and visitors to the Village; and

**WHEREAS, Section 9.02 of the Village Charter, as amended, provides that the election of council members shall take place on the first Tuesday of May each year, or such other date as may be rescheduled by the Village Council, and Section 9.03 provides that nominations must be received within 45 days prior to the election for a candidate to appear on the list of candidates in the Village Newsletter, but subsequent nominations may be submitted thereafter, no later than 1 week prior to the election; and**

**WHEREAS, the Village Council finds that the election should take place by mail, by absentee ballot only, and that the nominations deadline should be shortened, in order to help control and prevent the spread of COVID-19 and assure the safety of the voters and election officials.**

THEREFORE, BE IT ORDAINED AND ORDERED, this 21st day of April, 2020, by virtue of the authority given to it by the Maryland Code and the Village Charter, the Village Council does hereby adopt the following ordinance.

**SECTION 1. BE IT ORDAINED AND ORDERED, by the Council of the Village of North Chevy Chase, acting under and by virtue of the aforementioned authority, that the election to be conducted on May 5, 2020 shall proceed according to the **Emergency Plan for Village Election** attached hereto, and according to the following:**

- (1) If the election for council members shall be uncontested, and the number of nominees having been reported for the Village Council being the same number of council positions to be filled by the election, the nominees so reported shall be deemed elected as of election day, May 5, 2020, and no balloting shall take place. Balloting shall not take place in order to avoid the risk of spreading COVID-19.



- (2) Any election rule or regulation set forth in the Village Charter, Code of Ordinances, or election rules and regulations that is inconsistent with the provisions of this Emergency Plan for Village Election is hereby suspended. The Emergency Plan for Village Election shall be implemented for the 2020 election, only.

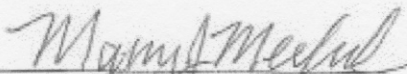
SECTION 2. AND BE IT FURTHER ORDAINED AND ORDERED, by the Council of the Village of North Chevy Chase, acting under and by virtue of the aforementioned authority, that:

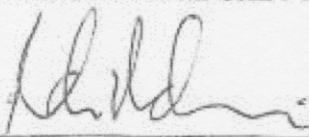
(1) If any part or provision of this ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the ordinance as a whole or any remaining part thereof; and

(2) This ordinance shall take effect upon adoption, this 21st day of April, 2020.

ATTEST:

VILLAGE OF NORTH CHEVY CHASE

  
Maury Mechanick, Secretary

  
Adrian Andreassi, Chair  
Village Council

**VILLAGE OF NORTH CHEVY CHASE  
EMERGENCY PLAN FOR VILLAGE ELECTION (2020)**

1. In response to the COVID-19 pandemic and mandatory social distancing requirements, the Village of North Chevy Chase will be implementing the following procedures in support of the 2020 elections for 3 Village Council positions as well as the FY21 real and personal property tax rates: The Village will maintain the date of Tuesday, May 5 for the election and Annual Meeting, which will likely be conducted via teleconference based on guidance from the State of Maryland and Montgomery County.
2. The Village's real and personal property tax rates shall be approved by a majority vote of the Qualified Voters attending the Annual Meeting, likely via teleconference.
3. Any "Qualified Voter" (resident of the Village of North Chevy Chase, Montgomery County, Maryland, who is qualified to vote in Montgomery County, and who has registered with the Village Council of the Village of North Chevy Chase to vote. Residents of the Village of North Chevy Chase who are registered with the Montgomery County Board of Supervisors of Elections to vote shall be deemed to be registered with the Village Council of the Village of North Chevy Chase to vote) shall declare his or her own candidacy or nominate any other Qualified Voter for a Council position by Tuesday, April 14.
4. If the number of candidates equals the three Council positions up for election, the elections shall be deemed uncontested and cancelled. The three candidates will officially become Council members.
5. If the number of candidates exceed the three Council positions, residents will be informed via email and on the Village website on Wednesday, April 15 that elections will proceed by absentee ballot only. No in-person voting will be afforded. There shall be no polling stations.
6. Residents can request an absentee ballot via email ([nccinfo@northchevyCHASE.org](mailto:nccinfo@northchevyCHASE.org)) or phone (301-654-7084) if they are a Qualified Voter. Absentee ballot requests must be received by Friday, April 17. Ballots will be sent to those who request them either in an electronic form, via email, or hand delivered by no later than Monday, April 20. The ballots will include instructions as well as a brief profile of each candidate.
7. Absentee ballots will be numbered in order to prevent duplicate votes. To maintain secrecy, residents will be requested to fold their ballot when mailing it. Residents must clearly write their name and address on the return envelope, and sign the back of the envelope.
8. Voters will be requested to mail their ballot to the Village PO Box, to be postmarked no later than Friday, May 1.
9. Ballots will be collected on Tuesday, May 5. Ballots not postmarked by May 1 and/or not delivered to the PO Box by May 5 will not be counted. Duplicate ballots from the same voter, or having the same ballot number, will not be counted. The ballots will be counted by members of the Village's Nominating Committee. The folded ballots will be

placed in a pile before they are counted to separate them from the return envelope addresses. Results will be presented at the Annual Meeting that evening.

- 10.** If a run-off election is needed, as a result of a tie, the run-off election shall also proceed by mail, according to the above procedures.