

**Town of Chevy Chase
(2020 Town Election)**

Ordinance No.: 20-04
Introduced: March 26, 2020
Adopted: March 26, 2020
Effective Date: March 26, 2020

**AN EMERGENCY ORDINANCE TO DECLARE
A STATE OF EMERGENCY AND TO ACTIVATE
AN EMERGENCY PLAN FOR THE TOWN 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, 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, 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, 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; and

WHEREAS, Section 301 of the Town of Chevy Chase Charter authorizes emergency ordinances to be adopted immediately by the affirmative votes of 4 members of the Town Council; and

WHEREAS, after proper notice to the public, the Town Council introduced and considered the following Ordinance in public session assembled on the 26th day of March, 2020; and

WHEREAS, the Town 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 Town Council finds that the temporary amendment of the Town election rules and regulations would help control and prevent the spread of COVID-19; and 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.

THEREFORE, BE IT ORDAINED AND ORDERED, this 26th day of March, 2020, by virtue of the authority given to it by the Maryland Code and the Town of Chevy Chase Charter, the Town Council of the Town of Chevy Chase does hereby adopt the following ordinance.

SECTION 1. BE IT ORDAINED AND ORDERED, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the aforementioned authority, that the Town election to be conducted in 2020 shall proceed according to the **Emergency Plan for Town Election** attached hereto. Any election rule or regulation set forth in the Town Charter, Code of Ordinances, or election rules and regulations that is inconsistent with the provisions of the attached Emergency Plan for Town Election is hereby suspended. The Emergency Plan for Town Election shall be implemented for the 2020 election, only.

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:

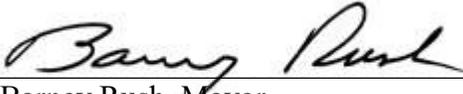
(1) If any part or provision of this ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the ordinance as a whole or any remaining part thereof; and

(2) This ordinance shall take effect upon adoption, this 26th day of March, 2020.

ATTEST:

TOWN OF CHEVY CHASE


for Wicca Davidson, Secretary


Barney Rush, Mayor
Town of Chevy Chase