

CHAPTER 260
FORMERLY
SENATE BILL NO. 171
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND THE CHARTER OF THE TOWN OF FRANKFORD RELATING TO ELECTIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend the Charter of the Town of Frankford by making additions as shown by underlining and deletions as shown by strike through as follows:

Structure of Government

Section 3. The Government of the Town and the exercise of the powers conferred by this Charter, except as otherwise provided herein, shall be vested in a Town Council. The Town Council shall consist of five members who shall be citizens of the State of Delaware and residents of the said Town above the age of ~~twenty one~~ eighteen years at the time of their nomination. No compensation shall be paid to Councilmen.

~~MANNER OF HOLDING ELECTIONS AND MAKING NOMINATIONS~~

~~Section 5.(A) The annual municipal elections shall be held the first Saturday in the Month of February from one o'clock P.M., until four o'clock P.M., at such places as shall be determined by the Council, due notices of which shall be given by posting notices thereof in five public places within the limits of the Town of Frankford, not less than ten days before the day of the annual election.~~

~~(B) Said members of the Council shall be nominated as follows, viz:~~

~~At least ten days before the day of the election as hereinafter fixed, nominations shall be filed with the Secretary of the Council. Said nominations shall be in writing signed by the nominee or five other citizens of the Town, which nominations shall be presented to the Council by the said Secretary at the meeting to be held at the usual meeting place, which shall not be later than eight o'clock in the evening of the last day for filing said nominations. Voting machines shall be used to record votes cast at all elections and the Council shall provide for the payment of all costs and expenses incident to their use, provided that in the event no contest exists in any election such voting machines shall not be required in such elections.~~

~~(C) Every election shall be held under the supervision of an Election Board consisting of three qualified voters of said Town to be appointed for that purpose by the Council at least two weeks before the election, but if at the opening of the election there shall not be present the three qualified voters so appointed, or any one of them, in such case, the persons entitled to vote at such election, and then present shall appoint, by viva vocea vote, a qualified voter or voters to act. The three persons composing the Election Board shall be Judges of the election and shall decide upon the legality of the votes offered; keeping a list of all voters voting.~~

~~(D) At such annual election, every person, male or female, who shall have attained the age of eighteen (18) years, and who shall be a resident in the Town of Frankford for a period of thirty days immediately preceding the date of such Annual Municipal Election, and who shall be a resident of the State of Delaware and the Town of Frankford shall have one (1) vote, provided such person is registered on the "Books of Registered Voters" of the Town of Frankford, as set forth herein. The Town Council may provide a register to be known as "Book of Registered Voters", which is to be kept at the office of the Town Secretary. The Book of Registered Voters shall contain the following information for each register. The names of the voters arranged in alphabetical order, the pertinent addresses of the voters, the local address of the voter, the birth date of the voter, the date the register became a resident of the State of Delaware, the date the register became a resident of the Town of Frankford, the date the register became a freeholder of the Town of Frankford, and other pertinent information. No person shall be registered upon the Book of Registered Voters, until such person will have acquired the qualifications to vote in the Annual Municipal Election for the year in which such person registers. A person shall only be required to register one (1) time; provided, however, that if the registered voter fails to vote in two (2) consecutive Annual Municipal Elections in which there is a contest, his name shall be removed from the Book of Registered Voters and notice sent to said registered voter at his last known address by Certified Mail, with Return Receipt Requested, advising that his name has been removed from the list of registered voters and that it will be necessary to register again in order to be eligible to vote in the Annual Municipal Election. The Book of Registered Voters may be maintained at~~

~~the Office of the Town Secretary and shall constitute conclusive evidence of the right of any person to vote at the Annual Municipal Election. A person may register at the Office of the Town Secretary during the regular business hours on any day until the close of business on the second Friday in January in any year.~~

~~(E) Upon the close of the election the votes shall be read and counted publicly, and the persons having the highest number of votes for each office shall be declared duly elected and continue in office for the term stated or until his successors are duly elected and qualified. In case of a tie vote for any office, the Election Board shall determine the tie by lot,~~

~~(F) The Election Board shall enter in a Book to be provided for that purpose, a minute of the election, containing the names of the persons chosen, shall subscribe the same, and shall give to the persons elected notice of the Election, which Book, containing such minutes, shall be preserved by the Council, and shall be evidence of any Court of Law and Equity. All ballots cast and the records of the Elections shall be preserved in the custody of the Election Board for a period of ten days.~~

Section 5. ELECTIONS

A. An election shall be held in the Town of Frankford for Town Council on the first Saturday of February. Hours for the length of poll openings shall be set by the Town Council and announced in all notices required by law.

B. Every person who is a citizen of the United States; is at least eighteen (18) years of age; has resided within the corporate limits of the Town for at least thirty (30) days prior to the next Town election; and is registered as required by law, shall be a qualified voter of the Town. Every qualified voter of the Town shall be entitled to vote in any or all Town elections.

C. Each Council member shall be at least eighteen (18) years of age; shall have resided in the Town for at least one year immediately preceding the date of election; shall be a qualified voter (as set out above) in the Town of Frankford; and shall not have been convicted of a felony.

D. Except as set out herein, the conduct of general elections of the Town of Frankford and absentee voting shall be governed by the laws of Delaware set out in Title 15, Chapter 75, of Delaware Code, entitled Municipal Elections, as they may be from time to time hereafter amended.

Approved June 19, 2012