



SPONSOR: Rep. Dukes & Sen. Richardson

HOUSE OF REPRESENTATIVES  
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 396

AN ACT TO AMEND THE CHARTER OF THE TOWN OF DELMAR RELATING TO NOMINATIONS AND ELECTIONS AND THE POWER TO BORROW MONEY AND ISSUE BONDS.

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 Section 7 of the Charter of the Town of Delmar by making deletions as shown by strikethrough and insertions as shown by underline as follows:

**Nominations And Elections**

**Section 7**

(a) The municipal election shall be held biannually on the first Monday in October between the hours of 7:00 a.m. and 7:00 p.m. prevailing time, at such place as designated by Town Council, the first municipal election to be held pursuant to this Charter to be held on the first Monday in October, A.D., 1988.

(b) The election shall be held under the supervision of an Election Board consisting of three qualified voters of the Town to be appointed by The Town Council at the last regular meeting preceeding the election. The Election Board shall be the judges of the election and shall decide upon the legality of the votes offered.

(c) Every person, resident of The Town of Delmar, who is over the age of eighteen (18) years and who has resided in The Town of Delmar for at least ~~six (6) months~~ 30 days next preceeding the day of the election, shall be entitled to vote at the election; provided, however, that The Town Council, may, by ordinance, establish a reasonable procedure for the registration of voters and, in such event, compliance therewith may be a prerequisite for voting at the election. The Town Council of the Town of Delmar may, by ordinance, provide for any qualified voter to cast an absentee ballot at the municipal election. [69 Del. Laws, c. 137](#)

(d) 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 shall continue in the office during the term for which they are chosen, until their successors are duly elected and qualified.

(e) 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 persons elected certificates of election, which book, containing such minutes, shall be preserved by the Town Council and shall be evidence in any court of law or equity. All

ballots cast, in the event paper ballots are used, and all tabulations of votes from voting machines, if used at said election, and all other records of the elections shall be preserved in the custody of the Election Board for the period of ten (10) days following the election.

(f) Any vacancy in the Election Board shall be filled by the electors present at the time of the election, by naming from the electors present such person or persons as shall be necessary to fill such vacancy.

(g) In the event of a tie vote for any office, the Election Board shall resolve the tie and determine the person elected, by lot.

(h) Not less than ten (10) days prior to the election, each candidate shall notify the Town Manager in writing of his or her candidacy for the office for which he or she is nominated. All such notifications of candidacy must be filed in the office of the Town Manager during the regular business hours of the Town. It shall be the duty of the Town Manager to have a list of names of all candidates so filed with him or her printed in a newspaper of general circulation in the Town of Delmar at least five (5) days prior to the date of the municipal election next ensuing; or, in the discretion of the Town Council, the Town Manager may post a list of names of all candidates designating the office sought by each candidate in at least five (5) public places within the Town of Delmar, such public places to be designated by the Town Council. 71 Del. Laws, c. 16

(i) The Town Council shall be empowered to make such ordinances, rules and regulations as it deems advisable concerning the conduct and the affairs of the election that is not inconsistent with the provisions of this Charter.

(j) The members of the Town Council of the Town of Delmar who hold office at the time of the passage of this act shall continue to hold office as members of the Town Council of the Town of Delmar, until their respective successors have been duly elected and qualified.

(k) The Town of Delmar establishes the use and adoption of the State's Voter Registration System as the source of its list of registered voters as detailed in Title 15 of the Delaware Code.

(l) The Town of Delmar reserves the right to deny any names of voters from the State's registration list who have either moved from the Town, no longer own property within the incorporated Town limits, or are otherwise disqualified from voting as listed within this Charter.

Section 2. Amend Section 24(b) of the Charter of the Town of Delmar by making deletions as shown by strikethrough and insertions as shown by underline as follows:

**Power To Borrow Money And Issue Bonds**

**Section 24**

(b) Notwithstanding the foregoing provisions of this Section, the Town Council may authorize the issuance of bonds or other obligations of the Town under this Section in an aggregate amount of up to \$1,000,000 outstanding at any time, without regard to the requirements set forth in paragraphs (1) - (7) of Section 24(a), if: (i) the Town Council, by Resolution (adopted by at least a majority of all of the members of Town Council) approves of the issuance of bonds or other obligations pursuant hereto for a proper municipal purpose with such Resolution stating the amount of such issuance, the purpose of such issuance, the manner of securing the same, that the amount of all other bonds and obligations issued pursuant to this paragraph (b) does not exceed ~~\$1,000,000~~ \$10,000,000 and any other facts relating to the issuance which are deemed pertinent by the Town Council and in their possession at that time. Such Resolution (or a subsequent Resolution adopted by at least a majority of a quorum as established pursuant to Section 10 hereof) shall establish the form of the bonds or certificates of indebtedness, the time or times of payment, the interest rate or rates, the classes, the series, the maturity or maturities, the registration, any callable or redeemable features, the denominations and the name or names thereof and any other relative or appurtenant matter pertaining thereto. Except for the provisions of paragraphs (1) - (7) of Section 24(a), all other provisions of this Section 24 shall be applicable to the bonds and other obligations issued pursuant to this paragraph (b). [71 Del. Laws, c. 281](#)

#### SYNOPSIS

This Bill amends the Charter of the Town of Delmar in multiple respects. In Section 7 of the Charter, which involves Nominations and Elections, every person over the age of 18 years who has resided in the town for 30 days prior to the election will be permitted to vote in the election, as opposed to the previous six-month residency requirement. The Town of Delmar will also adopt the State's Voter Registration System as the source of its list of registered voters but reserves the right to deny any names from the list of voters who have moved from the Town, no longer own property within the Town, or are otherwise disqualified from voting. Section 24 of the Charter is also amended to raise the permissible bond amount to be authorized via resolution by Town Council from one million to 10 million dollars.