



SPONSOR: Sen. Hocker & Rep. Collins  
Rep. Gray

DELAWARE STATE SENATE  
152nd GENERAL ASSEMBLY

SENATE BILL NO. 53

AN ACT TO AMEND THE CHARTER OF THE TOWN OF SELBYVILLE 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):

1 Section 1. Amend Section 3 of the Charter of the Town of Selbyville by making deletions as shown by strike  
2 through and insertions as shown by underline as follows:

3 Section 3. Structure of Government

4 The government of the Town and the exercise of all powers conferred by this Charter, except as otherwise  
5 provided herein, shall be vested in a Mayor and Town Council.

6 3.1 Election Districts. The Town Council shall divide the Town into 4 districts. The initial districts must be  
7 established no later than January 1, 2024. Thereafter, the Town Council shall adjust the district boundaries to comply  
8 with the requirements under this section no later than the first day of January of the second year following the federal  
9 decennial census.

10 3.1.1 Each district must be formed of contiguous territory.

11 3.1.2 To the extent possible and practicable, each district must be nearly equal in population based on the  
12 most recent federal decennial census information.

13 3.1.3 Upon enactment, the new districts and boundaries supersede previous district boundaries for all  
14 purposes of the next Annual Municipal Election, including nominations. The new districts and boundaries  
15 supersede previous districts and boundaries for all other purposes on the date of the Annual Meeting when the  
16 members of the Town Council elected at the Annual Municipal Election take office.

17 3.1.4 The Town Council shall be composed of four (4) consists of 4 members. One Town Council member  
18 shall be a resident from each of the 4 districts. Town Council members shall be elected by the registered voters of the  
19 Town at large.

20 3.2 The Mayor and each member of the Town Council shall be nominated and elected from by the registered  
21 voters of the Town at large.

22 3.4 Qualifications. The qualifications for the Mayor and for each member of the Town Council at the time of  
23 the election ~~shall be~~ are as follows:

24 3.4.1 The Mayor and each member ~~shall~~ of the Town Council must be at least ~~twenty-one (21)~~ 21 years  
25 of age.

26 3.4.2 The Mayor and each member ~~shall~~ of the Town Council must be a citizen of the United States ~~and~~  
27 ~~of the State of Delaware~~ and a bona fide resident of ~~The~~ the Town of Selbyville. ~~Selbyville~~ for at least 2 years.  
28 Each candidate for Town Council must be a resident of the district from which the candidate seeks election.

29 Section 2. Amend Section 6 of the Charter of the Town of Selbyville by making deletions as shown by strike  
30 through and insertions as shown by underline as follows:

31 Section 6. Elections.

32 6.2 Manner of Holding Annual Municipal Election. The procedure for holding the Annual Municipal Election  
33 ~~shall be~~ is as follows:

34 6.2.1 The Annual Municipal Election shall be held at a time and place designated by the Mayor and Town  
35 Council within the corporate limits of the Town of Selbyville on the first Saturday in March of each ~~and every year, the~~  
36 ~~first said Annual Municipal Election to be held pursuant to this Charter to be held on the first Saturday in March, A.D.~~  
37 ~~2001. Due year.~~ The Town Council shall provide notice of ~~said~~ the Annual Municipal election ~~shall be given~~ by  
38 posting ~~notices thereof in five (5)~~ notice of the election in 5 public places within the corporate limits of the Town of  
39 Selbyville not less than ~~ten (10)~~ 10 days before the day of ~~such~~ the Annual Municipal Election, and by publishing at  
40 least ~~one (1)~~ 1 notice in a newspaper of general circulation in the Town at least ~~ten (10)~~ 10 days before the day of ~~such~~  
41 the Annual Municipal Election.

42 6.2.2 ~~At the Annual Municipal Election to be held on the first Saturday in March, A.D. 2001, the Mayor and~~  
43 ~~two (2) members of the Town Council shall be elected. The Mayor and each of the Councilmen so elected shall serve~~  
44 ~~for a period of two (2) years or until his successor has been duly elected and qualified. The elections for the Mayor and~~  
45 members of the Town Council from the first and third districts shall be held at the Annual Municipal Election in odd-  
46 numbered years.

47 6.2.3 ~~At the Annual Municipal Election to be held on the first Saturday in March, A.D. 2002, two (2)~~  
48 ~~members of the Town Council shall be elected. Each of the Council members who are elected shall serve for a term of~~  
49 ~~two (2) years, or until his/her successor has been duly elected and qualified. The elections for members of the Town~~  
50 Council from the second and fourth districts shall be held at the Annual Municipal Election in even-numbered years.

51                   6.2.4 Thereafter, at each Annual Municipal Election, there shall be elected two (2) Councilmen who shall  
52                   serve for a term of two (2) years or until their successors have been duly elected and qualified, except at the Annual  
53                   Municipal Election in the year in which the Mayor is to be elected, at which time there will be elected a Mayor and two  
54                   ~~(2) Town Councilmen.~~ The Mayor and members of the Town Council are elected for a term of 2 years, effective with  
55                   the Annual Meeting under Section 7.1 of this charter.

#### SYNOPSIS

This Act amends the Charter of the Town of Selbyville (Selbyville) by doing all of the following:

1. Creates 4 election districts within Selbyville. The 4 election districts must be nearly equal in population based on the most recent federal decennial census.
2. Requires that a candidate for Mayor or the Town Council be a resident of Selbyville for at least 2 years.
3. Requires that each candidate for the Town Council be a resident of the district from which they are seeking election and remain a resident of that district while serving as a member of the Town Council.
4. Makes corresponding revisions to the staggered terms served by members of the Town Council.

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

This Act requires a greater than majority vote for passage because § 1 of Article IX of the Delaware Constitution requires the affirmative vote of two-thirds of the members elected to each house of the General Assembly to amend a charter issued to a municipal corporation.

Author: Senator Hocker