



SPONSOR: Rep. Collins & Sen. Hocker

HOUSE OF REPRESENTATIVES  
153rd GENERAL ASSEMBLY

HOUSE BILL NO. 25

AN ACT TO AMEND THE CHARTER OF THE TOWN OF MILLSBORO RELATING TO TOWN OF MILLSBORO ELECTION DISTRICTS, VACANCIES, AND THE TOWN SECRETARY.

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 5 of the Charter of the Town of Millsboro by making deletions as shown by  
2 strikethrough and insertions as shown by underline as follows:

3 **~~District Limits~~**

4 **Section 5. Election Districts.**

5 5.1 There are hereby created and established three (3) Representative election districts ~~Districts~~ for The Town of  
6 Millsboro, as follows:

- 7 (a) District One: The area located North of United States Route 113 and East of Main Street to the Town limits;  
8 (b) District Two: The area located North of United States Route 113 and West of Main Street to the Town limits;  
9 (c) District Three: The area located South of United States Route 113 to the Town limits.

10 5.2 The Town Council shall adjust the boundaries of the 3 districts to comply with the requirements under this  
11 section. Using the data from the 2020 federal decennial census, the first adjustment of the boundaries of the 3 districts shall  
12 occur no later than January 1, 2026. Thereafter, the Town Council shall adjust the boundaries of the 3 districts to comply  
13 with the requirements under this section no later than the first day of January of the second year following the federal  
14 decennial census.

15 (a) Each district must be formed of contiguous territory.

16 (b) To the extent possible and practicable, each district must be nearly equal in population based on the most  
17 recent federal decennial census information.

18 (c) Upon enactment, the new districts and boundaries supersede previous district boundaries for all purposes of the  
19 next annual municipal election, including nominations. The new districts and boundaries supersede previous districts and  
20 boundaries for all other purposes on the date of the annual meeting when the members of the Town Council elected at the  
21 annual municipal election take office.

22 Section 2. Amend Section 13 of the Charter of the Town of Millsboro by making deletions as shown by  
23 strikethrough and insertions as shown by underline as follows:

24 **VACANCIES**

25 **Section 13. Vacancies.**

26 ~~If any vacancy shall occur in the office of Councilman by death, resignation, loss of residence in the district which~~  
27 ~~the Councilman represents, loss of residence in the Town of Millsboro, refusal to serve, or otherwise, the same may be~~  
28 ~~filled by a majority vote of the remaining members of the Town Council, the person or persons so chosen to fill such~~  
29 ~~vacancy shall be qualified as in the case of newly elected members and shall hold office for the remainder of the unexpired~~  
30 ~~term.~~

31 In case of a vacancy on the Town Council for any reason:

32 (a) If the vacancy occurs when there is less than 1 year remaining in the term of the person whose seat has become  
33 vacant, the Town Council shall appoint some person qualified in accordance with the Charter and, if applicable, who  
34 resides in the election district in which the vacancy occurred, to fill the vacancy until the next regular municipal election.

35 (b) If the vacancy occurs when there is more than 1 year remaining in the term of the person whose seat has  
36 become vacant, the Town Council shall call a special election to be held not less than 30 days nor more than 90 days  
37 following the occurrence or vacancy. The person elected at the special election shall serve for the remainder of the  
38 unexpired term of the vacant seat.

39 (c) Any vacancies on the Town Council to be filled by appointment shall be filled by the favorable votes of the  
40 majority of the remaining members on the Town Council. The results of any such vote shall be recorded in the minutes of  
41 the Town Council.

42 (d) Notwithstanding the provisions of subparagraph (b) above, in the event no qualified person shall file for  
43 election to fill such vacancy in a special election, the Town Council shall use its power of appointment set forth in  
44 subparagraph (c) above to fill such vacancy.

45 Section 3. Amend Section 17 of the Charter of the Town of Millsboro by making deletions as shown by  
46 strikethrough and insertions as shown by underline as follows:

47 **Secretary**

48 **Section 17. Secretary.**

49 ~~(a) The Secretary shall have charge and custody of books, journals, records, papers and other effects of the Town~~  
50 ~~and shall keep the same in a safe and secure place. He shall keep a full and complete record of all the transactions in The~~  
51 ~~Town of Millsboro. He shall be a voting member of all committees and shall keep a record of the transactions and~~

52 proceedings of the same, together with such other duties as may be prescribed by this Charter or by Ordinance or rule of the  
53 Town Council of The Town of Millsboro. He shall file and keep in a safe place the seal of The Town of Millsboro and all  
54 papers and documents arising out of the proceedings of the Town Council of The Town of Millsboro relative to the affairs  
55 of the town. He shall deliver the same to his successor in office. He shall attest the seal of The Town of Millsboro when  
56 authorized by the Town Council and shall perform such other duties and have such other powers as may be prescribed by  
57 Ordinance.

58 (b) All books, records and journals of The Town of Millsboro in the custody of the Secretary may, in the presence  
59 of the Mayor, Secretary, Assistant Secretary or any member of the Town Council of The Town of Millsboro, be inspected  
60 by any voter of the Town desiring legitimate information at any time, or times, as may be convenient and will not interfere  
61 with the regular routine of the business of the Town.

62 (c) All books, records, papers and documents in the custody of the Secretary shall be open for inspection by  
63 members of the Town Council of The Town of Millsboro.

64 (d) Compensation, if any, of the Secretary for his duties, shall be determined by the Town Council.

65 (a) The Secretary shall be selected from members of the Town Council.

66 (b) In addition to any other duties prescribed by Town Council, the Secretary shall be responsible for recording  
67 and providing minutes for executive sessions. Such minutes will be circulated to members of Town Council for approval at  
68 the following meeting or as soon thereafter as possible.

69 (c) The Secretary shall sign all resolutions and ordinances once adopted by Town Council.

70 (d) The Secretary shall coordinate with the Town Clerk on the development and keeping of minutes of all Town  
71 Council meetings.

#### SYNOPSIS

This bill amends the charter of the Town of Millsboro to authorize redistricting of the Town's 3 municipal election districts using the 2020 federal decennial census by January 1, 2026 and to thereafter redistrict within 2 years of the latest federal decennial census. This bill also changes the process to fill a vacancy on the Town Council so that: (1) the Town Council shall appoint a person to fill a vacancy when there is less than 1 year remaining in the vacant term; (2) a special election is required to fill a vacancy when there is more than 1 year remaining in the vacant term; and (3) the Town Council shall appoint a person to fill the vacancy if no one files to run in the special election. This bill also clarifies that the Secretary shall be one of the members of the Town Council and describes the duties of the Secretary. T