SPONSOR: Rep. D. Short & Sen. Richardson

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 34

AN ACT TO AMEND THE CHARTER OF THE CITY OF SEAFORD RELATING TO ELECTIONS, REGISTRATION OF VOTERS, APPOINTMENTS OF NON-ELECTED OFFICIALS, AND MONTH ELECTED OFFICIALS ARE SWORN IN.

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 6(c) of the Charter of the City of Seaford by making deletions as shown by strike through and insertions as shown by underline as follows:

(c) All such notifications of candidacy must be filed with the City Manager on or before the close of business on the Last Friday in February in the year of the annual election next ensuing; and thereupon, it shall be the duty of the City ~~manager~~ Manager to have a list of names of all candidates so filed with him/her printed in a newspaper published in the City of Seaford on the First Thursday in the month of April in the year of the said annual election next ensuing; or in the event that no newspaper is published in the said City, publication may be had in a newspaper having general circulation in the community~~; or, in the discretion of the City Council, the City Manager may post a list of names of all candidates designating the office sought by each candidate in at last five (5) public places in the City, such public places to be designated by the Council. One (1) of the said public places shall be in the City Hall of the City of Seaford~~.

Section 2. Amend Section 7(B) of the Charter of the City of Seaford by making deletions as shown by strike through and insertions as shown by underline as follows:

(B) At such Annual Election, every person, male or female who shall have attained the age for voting as established by the State of Delaware for voting in a General Election and who shall be a bona fide resident of the City of Seaford as of the day of final registration next preceding the Annual Election and each non-resident natural person of the City of Seaford who shall have obtained the age for voting established by the State of Delaware for voting in a General Election and who shall have been a freeholder of property in the City of Seaford for a period of six (6) months immediately preceding the date of the Annual Election shall have one (1) vote provided he or she is registered according to at least one (1) of the following methods:

(i) Commencing with the 2022 municipal election, voter registration for residents residing inside the City of Seaford limits shall be done through the State of Delaware, Department of Elections and by electronic registration pursuant to the Online Registration System of the State of Delaware; and:

(ii) Non-resident property owners shall be registered in ~~on~~ the "~~Books~~ Book of Registered Voters" of the City of Seaford. The City Council of the City of Seaford shall provide one (1) register ~~two (2) registers~~ to be known as the "~~Books~~ Book of Registered Voters" which ~~are~~ is to be kept at ~~the Office of the City Manager~~ City Hall. The ~~Books~~ Book of Registered Voters shall contain the following information for each registrant: the name of the registered voter arranged in alphabetical order, the permanent address of the voter, the date the registrant became a resident of the City of Seaford, the date the registrant became a freeholder of the City of Seaford, the birth date of the voter and any other pertinent information. No person shall be registered upon the ~~Books~~ Book of Registered Voters unless such person will have acquired the qualifications to vote in the Annual Election for the year in which such person registers. A person shall be required to register only one (1) time; provided, however, that the name of a registered voter shall be removed from the ~~Books~~ Book of Registered Voters by the City Manager upon the death of the registered voter, removal from the City of a registered voter, or loss of any other qualification to vote as prescribed herein, and notice sent to said registered voter at his last known address by certified mail with return receipt requested advising such registered voter that his name has been removed from the ~~Books~~ Book of Registered Voters and that it will be necessary to register again in order to be eligible to vote in the Annual Election except that no notice be sent when removal is caused by the death of the registered voter. The ~~Books~~ Book of Registered Voters shall be maintained in the in the office of the City Manager and shall be conclusive evidence of the right of any person to vote in the Annual Election. A person may register at ~~the Office of the City Manager~~ City Hall during the regular business hours of such office until the close of business of such office on the Fourth Friday in the month of March by completing such forms as may be required by the City. For all purposes of this Charter, a freeholder shall be deemed to include any natural person who holds fee simple title to real property to his own name or who holds title to an undivided interest in real property, or who holds title to real estate as a joint tenant or as a tenant by the entirety.

Section 3. Amend Section 7(D) of the Charter of the City of Seaford by making deletions as shown by strike through and insertions as shown by underline as follows:

(D) The Mayor shall submit to the City Council, for its approval, the names of three (3) individuals to serve as the City's Board of Elections pursuant to 15 Del.C. § 7551. The purpose of the Board of Elections ~~whose purpose~~ shall be to oversee the municipal election in conformity with Chapter 75 of Title 15 of the Delaware Code. The Mayor shall also submit to the City Council, for its approval, the names of five (5) individuals to serve as the City's Election Officers pursuant to 15 Del. C. § 7556. The Election Officers and the members of the Board of Elections shall serve for such term as determined by the City Council. ~~Said Board shall consist of five (5) qualified electors of the City and shall serve for such term as determined by the City Council~~.

Section 4. Amend Section 8 of the Charter of the City of Seaford by making deletions as shown by strike through and insertions as shown by underline as follows:

Before entering upon the duties of their respective offices, the Mayor elect, and the Councilmen elect, shall be sworn by a Notary Public to faithfully and impartially perform the duties of their respective offices with fidelity. At 7:00 o'clock P. M. on the Second Tuesday in the Month of ~~March~~ May following the annual election, the Mayor and City Council shall meet at the Council Chamber and the newly elected officers shall assume the duties of office, being first duly sworn or affirmed to perform their duties with fidelity as aforesaid.

(B) At this annual meeting, on the Second Tuesday in the month of ~~March~~ May in each and every year, the City Council shall organize and elect, by ballot, Vice-Mayor, who shall hold office for the term of one year, or until his successor shall be duly elected.

Section 5. Amend Section 15 of the Charter of the City of Seaford by making deletions as shown by strike through and insertions as shown by underline as follows:

(A) The City Council shall ~~at the annual meeting held on the Second Tuesday in the month of March~~ appoint, by a majority vote, Auditors, City Engineer, City Solicitor, Tax Assessor, and such other officers, employees and agents of the City~~, which by it may be deemed proper and necessary for the proper conduct and management of the City except as hereinafter provided~~. Any officer elected by a vote of the Council may be removed at any time by the Council at their pleasure.

SYNOPSIS

This bill removes the option of allowing notification to the public of candidates for Mayor and City Council by posting the names of such candidates in at least five (5) public places in the City rather than having this information published in a newspaper of local and/or general circulation; incorporates City Council's decision to move the Delaware Department of Elections' voter registration system, effective for the 2022 municipal elections; incorporates the City Council's decision to continue utilizing the "Book of Registered Voters" only for non-resident property owners; conforms the titles of the City's election officials to the titles used in Chapter 75 of Title 15 of the Delaware Code entitled "Municipal Elections"; corrects the month during which the elected officials are sworn in and the Vice Mayor elected; and removes the reference to a specific meeting during which appointments of non-elected City officials and staff are made.