



SPONSOR: Sen. Pettyjohn & Rep. Briggs King  
Sen. Wilson; Rep. Lynn

DELAWARE STATE SENATE  
151st GENERAL ASSEMBLY

SENATE BILL NO. 41

AN ACT TO AMEND THE CHARTER OF THE TOWN OF GEORGETOWN 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 Section 3.3 of the Charter of the Town of Georgetown by making the deletions as shown by strike through and insertions as shown by underline as follows:

3.3 Notice of Solicitation of Candidates: Notice of Candidacy

3.3.1 Notice of Solicitation of Candidates. Not less than ~~twenty (20)~~ 20 calendar days ~~prior to~~ before the filing deadline for Notices of Candidacy, the Town shall post a 'Notice of Solicitation of Candidates' in at least ~~two (2)~~ 2 public places in the Town, one of which ~~shall~~ must be at the Town Hall. If the Town has a website, ~~such~~ the notice ~~shall~~ must also be posted on the website. ~~The Town shall provide a copy of such notice to the Department of Elections. Such~~ The notice ~~shall~~ must include the term or terms of each office up for election, the deadline and procedure for declaring candidacy for an office up for election, and the qualifications for holding each office. If the Town permits absentee ballots, the notice ~~shall~~ must also include information concerning how to obtain an absentee ballot. Under 15 Del. C. § 7553, the Town shall provide a copy of the notice to the Department of Elections.

3.3.2 Statement of Candidacy. ~~In order to~~ To be listed on the ballot at any regular or special election of Town Council members, ~~each~~ a candidate ~~shall~~ must file a Statement of Candidacy on a form as prescribed by the Town of Georgetown, with the Town Manager. ~~Such~~ The statement ~~shall~~ must contain an affirmation that the candidate meets all of the qualifications for holding office. The Statement of Candidacy ~~shall~~ must be submitted on or before 5:00 p.m. on the ~~fourth~~ third Friday in April. If ~~such day be~~ the third Friday in April is a legal holiday, the last day for filing notification of candidacy ~~shall be~~ is the last business day immediately preceding the ~~fourth~~ third Friday in April.

The Town Manager shall present all timely received Statements of Candidacy to the Town Council for certification at a special meeting to be held after the filing deadline.

Upon the submission of a Statement of Candidacy, the candidate shall file a Certificate of Intention or Statement of Organization with the ~~State of Delaware, Department of Elections, State Election Commissioner~~ no later than ~~seven (7)~~ 7 calendar days after the declaration of candidacy.

23 3.3.3 Compliance with Municipal Election ~~Statute~~ Statutes. Every candidate for Town office, and every ~~affected~~  
24 ~~affected~~ Town Official, shall comply with the provisions of 15 Del.C. § 7555 (d) through (h) as amended, and other  
25 applicable state laws, as regards in regard to the filing of ‘Certificates of Intention’ or ‘Statements of Organization’. In  
26 accordance with ~~15 Del.C. § 7555 (4)~~ 15 Del. C. § 7555(l), the Town shall submit the names of candidates for each office  
27 up for election to the Department of Elections in Sussex County no later than ~~one (1)~~ 1 business day following the deadline  
28 for filing a Statement of Candidacy under ~~Section 3.3.2 above~~. Section 3.3.2 of this Charter.

29 Section 2. Amend Section 3.4 of the Charter of the Town of Georgetown by making the deletions as shown by  
30 strike through and insertions as shown by underline as follows:

31 3.4 Elections.

32 3.4.4 Date, Time, and Place and Manner of Conducting.

33 (2) Notice of Elections. Notice of town elections, including the date, time, and place thereof, the names of the  
34 candidates for each office to be filled, and the qualifications to vote in the election ~~shall~~ must be given by posting notice  
35 thereof in at least ~~two (2)~~ 2 public places in the town, ~~one (1)~~ 1 of which ~~shall~~ must be at the Town Hall, not less than  
36 ~~twenty (20)~~ 20 calendar days before the day of such election and by publishing notice thereof ~~in a newspaper of general~~  
37 ~~circulation in the town at least seven (7) calendar days prior to the date of the election. The published notice shall be in bold~~  
38 ~~print or bordered in black in such manner as to call attention thereto.~~ prominently on the Town’s website.

39 (6) Board of Elections. Every election ~~shall~~ must be held under the supervision of the Board of Elections. The  
40 Board of Elections ~~shall~~ must consist of ~~three (3) or five (5) persons (as determined by the Town Council)~~ 3 persons who  
41 ~~shall be~~ are qualified voters of the town and who ~~shall not themselves be~~ are not an elected official or candidate or an  
42 immediate family member of an elected official or candidate (mother, father, son, daughter, brother, sister, including half-  
43 brothers and half-sisters, stepfamily members, and in-laws). ~~The~~ A Board of Elections ~~shall~~ must be appointed ~~for~~ before  
44 each Town Council election by the Town Council at least ~~twenty (20)~~ 20 calendar days before ~~such a Town Council~~  
45 election. Members of the Board of Elections ~~shall be~~ must be issued a Certificate of Appointment and shall take the oath or  
46 affirmation set out in ~~15 Del.C. § 7551(d)~~ 15 Del. C. § 7551(d). Members of the Board of Elections shall not engage in  
47 ‘electioneering’ as defined in ~~15 Del.C. § 7551(e)~~ 15 Del. C. § 7551(e). After installation of the Board of Elections, the  
48 Town shall notify the ~~Commissioner of Elections~~ State Election Commissioner ~~and the Department of Elections~~ of the  
49 Board’s members, and post the names and contact information for the Board of Elections in the Town Hall ~~and, and~~ and on the  
50 Town’s website ~~(if it has one)~~. The Town Council may, at the same time it appoints the Board of Elections, appoint up to  
51 three ‘alternate’ members (designated as ‘first’, ‘second’, and ‘third’ alternate) to assume office in the event that one or  
52 more of the original Board of Elections resigns, is disqualified, or is otherwise unable to serve. Each alternate member ~~shall~~

53 must meet all the qualifications for serving on the Board of Elections and shall conduct themselves in the manner required  
54 for members of the Board of Elections. In the event that it becomes necessary for one or more of the alternates to serve,  
55 they ~~shall~~ must be provided a Certificate of Appointment, administered the oath or affirmation, and notice of their  
56 appointment provided as in the case of the original members of the Board of Elections. Members of the Board of Elections  
57 ~~shall be~~ are the sole and final judges of the conduct of the election and of the legality of the votes offered. The Board of  
58 Elections shall determine all challenges and other issues involving the conduct of the election at the polling place. The  
59 Board of Elections shall keep a list of all voters voting at said election. The Board of Elections ~~shall have~~ has the power to  
60 administer oaths, subpoena persons, ~~and~~ officers of the town, and books, records and papers relative to the determination of  
61 the qualifications of voters and the legality of any vote ~~or votes~~ offered.

62 (7) Election Officers. As defined in ~~15 Del.C. §7556~~ 15 Del. C. §§ 7556 and 7557, the Board of Elections shall  
63 appoint a sufficient number of Election Officers to assist in conducting the Town Election in a fair and equal manner. Any  
64 Election Officer who violates the provisions of the Municipal Election ~~statute~~ statutes ~~shall~~ must be forthwith removed by  
65 the Board of Elections.

66 (9) Recounts. The Board of Elections shall recount the ~~absentee~~ ballots ~~(if any)~~ if the difference between the top  
67 two candidates is ~~one-half (1/2)~~ 1/2 of ~~one percent (1%)~~ 1% or less than the total votes cast for that office. Where citizens vote  
68 for more than one candidate for an office, the Board of Elections shall recount ~~absentee~~ the ballots if the difference between  
69 the last candidate elected and the next closest candidate are ~~one-half (1/2)~~ 1/2 of ~~one percent (1%)~~ 1% or less than the total  
70 votes cast for the office.

71 (10) Ties. ~~In the event of a tie vote for any office, the Board of Elections shall determine such tie by a majority~~  
72 ~~vote of the entire Board of Elections.~~ In the event of a tie vote for any office, a special election for said office, only, must be  
73 held within 30 days of the election that resulted in the tie vote, and the listing of registered voters must remain closed until  
74 the end of the day of the special election.

#### SYNOPSIS

This Act amends the Charter of the Town of Georgetown to more closely align with State municipal election requirements. This Act also adjusts the timing for the filing of Statements of Candidacy to be reflective of and in alignment with other timelines. This Act modernizes notice requirements to utilize the Town website, which will provide broader notice to the public. This Act also amends the procedure for handling an election resulting in a tie vote; a tie vote will be resolved by special election, rather than a decision by the Board of Elections, to promote a democratic resolution.

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

Author: Senator Pettyjohn