



SPONSOR: Rep. Baumbach & Rep. Kowalko & Sen. Sokola
Rep. Osienski; Sens. Gay, Hansen, Townsend, Walsh

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 268

AN ACT TO AMEND THE CHARTER OF THE CITY OF NEWARK RELATING TO NOMINATIONS AND 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 306 of the Charter of the City of Newark by making deletions as shown by strike
2 through and insertions as shown by underline as follows:

3 306 - - VACANCIES AND FORFEITURE OF OFFICE.

4 The office of mayor or a councilmember shall become vacant upon his death, resignation, removal from office
5 in any manner authorized by law, or forfeiture of his office.

6 The mayor or a councilmember shall forfeit his office if he lacks at any time during his term of office any
7 qualification for the office prescribed by this charter or by law; violates any express prohibition of this charter; is
8 convicted of a crime involving a felony as that crime is designated by the State of Delaware.

9 If a vacancy in the council, including the office of mayor, shall occur at a time when there are six months or
10 more remaining in the term of the person whose seat has become vacant, such vacancy shall be filled for the remainder
11 of the unexpired term at a special election to be held in the same manner in every respect as a regular election, on a date
12 fixed by the council not less than ~~30~~ 60 nor more than ~~60~~ 90 days after the occurrence of the vacancy. If a vacancy in the
13 council, including the office of mayor, shall occur at a time when there are fewer than six months remaining in the term
14 of the person whose seat has become vacant, such seat shall remain vacant until the next regular municipal election date.
15 On such date, there shall be an election to fill said vacancy.

16 Section 2. Amend Section 1001 of the Charter of the City of Newark by making deletions as shown by strike
17 through and insertions as shown by underline as follows:

18 1001 - - COUNCIL NOMINATIONS.

19 Nominations for mayor and councilmembers shall be by petition and there shall be no party designation on any
20 such petition beside the name of any candidate or on any ballot in any municipal election. Each nomination petition shall
21 be signed by the candidate and shall, in addition, bear the signatures of ten (10) qualified voters. The ten (10) qualified

22 voters who sign a petition for mayor may be from the city at large, but the ten (10) qualified voters who sign a petition
23 for councilmember must reside in the district from which the candidate seeks election. "Qualified voters," as used in this
24 section, shall mean voters who are registered to vote in the election for which said petitions are filed at the time of the
25 filing of the petition on which their names appear. The nominating petition for each candidate shall be filed at the office
26 of the City Secretary during normal business hours as provided for by ordinance not later than the Monday which is
27 between 60 and 66 days before the election. In the case of a special election, the nominating petition for each candidate
28 shall be filed at the office of the City Secretary during normal business hours as provided for by ordinance not later than
29 29 days before the election.

30 Upon receipt of said petitions, they shall be checked forthwith by a member of the board of election for the
31 validity of the names signed thereto.

SYNOPSIS

The bill amends the Charter of the City of Newark by changing the timeline for special elections from no less than 30 and no more than 60 days after a vacancy occurs to no less than 60 and no more than 90 days after a vacancy. In addition, the bill sets the filing deadline for special elections at 29 days prior to the election.

During the two recent special elections, the City of Newark found that the current timeframe is insufficient, given the frequency of city council meetings (at which the council is required to set the date), the lead time for placing notices in newspapers, and reasonable time for residents to decide to file to run and to gather the requisite number of signatures.