

AN ACT TO AMEND THE CHARTER OF THE TOWN OF SLAUGHTER BEACH

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, Chapter 150, Volume 69, Laws of Delaware, as amended, by making  
2 insertions as shown by underlining and deletions as shown by strike through as follows:

3 3. Town Council

4 The government of the Town and the exercise of all powers conferred by this Charter except as  
5 otherwise provided herein shall be vested in and exercised by a Town Council composed of five  
6 members, one of whom shall be a Mayor directly elected by the qualified voters of the Town. They  
7 shall elect ~~a Mayor,~~ a Vice-Mayor, a Secretary, and a Treasurer from among their own number.

8 3.1 Qualifications. No person shall be eligible to serve as a member of the Town Council  
9 unless he or she:

10 3.1.1 is at least 21 years of age;

11 3.1.2 has not been convicted of a felony or any crime involving moral turpitude;

12 3.1.3 has, for a period of not less than ~~six consecutive months~~ one (1) year prior to the date  
13 of the election, been ~~either:~~

14 ~~(a) a freeholder or~~

15 ~~(b) domiciled in the Town as those terms are defined in §3.5 hereof.~~

16 3.1.4 is otherwise qualified to vote in the Annual Town Election in accordance with §3.5.

17 3.2 Council to Act as Final Judge; Qualification an Ongoing Requirement. The Town  
18 Council, by majority vote of its disinterested members, shall be the sole and final judge of the  
19 qualifications of its members, and shall interpret and apply the standards set forth in this Charter.

20 The qualifications to serve on Town Council shall be continuing qualifications to hold office and

21 the failure of any member of the Town Council to have any of the qualifications required by this  
22 section during his/her term of office shall create a vacancy in the office.

23           3.3 Term of Office; Election of Mayor. The term of office for each member of the Town  
24 Council shall be two years from the ~~first Monday following the election~~, the Organizational  
25 Meeting outlined in section 4 or until his or her successor has been duly elected and qualified. The  
26 present members of the Town Council of Slaughter Beach, and other officers appointed to serve,  
27 in office under Chapter 37 volume 167, Laws of Delaware, as amended, shall continue to serve in  
28 office from and after the effective date of this Charter, until their successors are duly elected or  
29 appointed. At the Annual Town Election in 1994, three (3) persons shall be elected to the Town  
30 Council to replace those outgoing members of the Council whose terms expire in 1994; and, at the  
31 Annual Town Election in 1995, two (2) persons shall be elected to replace those outgoing members  
32 whose terms expire in 1995. Thereafter, two (2) members of the Town Council will be elected in  
33 odd years, and three (3) members shall be elected in even years. Beginning with the Annual Town  
34 Election held in 2016, two (2) members of the Town Council and the Mayor will be elected to  
35 replace those outgoing members of the Council whose terms expire in 2016, and thereafter two (2)  
36 members of the Town Council and the Mayor shall be elected in even years. Any member of  
37 Council who term of office is not expiring at the next upcoming Town election may file to run for  
38 the office of Mayor without resigning his or her seat on Council. If such member of Council is not  
39 elected to the office of Mayor, he or she shall continue to serve the remainder of his or her term  
40 on Council; if such member of Council is elected to the office of Mayor, that member's prior seat  
41 on Council shall be filled for the remainder of the term by a majority vote of the Town Council.  
42 No one shall be permitted to run for both the office of Council Member and the office of Mayor at  
43 the same election. If no qualified candidates file to run for the office of Mayor, after the annual

44 Town election is held and the new members take office, the Town Council shall appoint an  
45 individual to serve as Mayor

46 3.4 Solicitation of Candidates; Annual Town Meeting; Election Date. ~~Notice of Elections;~~  
47 ~~Nomination; Annual Election.~~

48 3.4.1 Notice of solicitation of candidates shall be posted conspicuously within the  
49 municipality at least twenty (20) days prior to the filing deadline for the offices up for election and  
50 shall include the terms of the offices up for election, the qualifications to run for each office, and  
51 the filing procedures and deadline to run for office. All notices shall be sent to the Department of  
52 Elections within three (3) business days of posting the same and shall be posted on any website  
53 operated by the Town. In order to be listed on the ballot at any regular Town election, each  
54 candidate shall file a written and signed notice of intention to seek office with the Mayor or  
55 Secretary, on a form prescribed by the Town, before five o'clock in the afternoon on the Friday  
56 prior to the Annual Town Meeting, which shall be held the first Saturday in June. Such form shall  
57 contain an affidavit that the candidate meets all the qualifications for office. No later than one (1)  
58 business day following the filing deadline, the Town shall submit the names of candidates for each  
59 office up for election to the Delaware Department of Elections. The Town Council may, by  
60 ordinance or resolution, adopt such rules, not inconsistent with the provisions of this Charter or  
61 with controlling state or federal law, governing the notice of solicitation of candidates.

62 3.4.2 If the Council Secretary determines that any candidate may not meet the  
63 qualifications for office, the prospective candidate shall be notified of such and a special meeting  
64 of the Town Council shall be called and held no fewer than twenty-one days prior to the date set  
65 for the election, at which the Town Council shall decide the matter. The candidate whose  
66 qualifications are at issue shall be notified, by registered mail, of the date, time and place of the

67 hearing, at which he/she may appear and testify. If the Town Council determines that the candidate  
68 does not meet the qualifications for office, it shall reject his/her notice of intention to seek office  
69 and his/her name shall not appear on the ballot. In making the determination, only those members  
70 of the Town Council who are not competing for that seat shall be entitled to vote on the question.

71 3.4.3 Filing Certificate of Intention and Statement of Organization. All candidates shall file  
72 a certificate of intention or statement of organization if either is applicable and required under 15  
73 Del. C. Ch. 75 (“Municipal Elections”) as it may be hereby amended from time to time, and any  
74 other existing or future corresponding provisions of law.

75 ~~3.4.1 Notice; Nomination. The Town Council shall be nominated as follows: The Town~~  
76 ~~Council shall cause notice of the date of the annual election and the requirements and qualifications~~  
77 ~~for election to the Town Council to be posted in at least three (3) public places in the Town and~~  
78 ~~published in a newspaper of general circulation at least once not less than 30 days before the~~  
79 ~~Annual Town Meeting. Any person qualified to hold the office of Councilmember may register as~~  
80 ~~a candidate for election to Town Council in that election. To register as a candidate for~~  
81 ~~Councilmember, a person shall file a Certificate of Intent with the Mayor or Secretary, which~~  
82 ~~certificate shall be in writing, signed by the candidate, and shall state his or her intention to be a~~  
83 ~~candidate for election to Town Council in the next succeeding election. In addition, each certificate~~  
84 ~~shall be endorsed by five persons qualified to vote in that election. Certificates of Intent shall be~~  
85 ~~filed not sooner than sixty (60) days before, nor later than the adjournment of the Annual Town~~  
86 ~~Meeting which shall be held on the second Saturday in June. No person shall be eligible to be~~  
87 ~~elected unless duly registered and qualified according to this section.~~

88           3.4.2 Date. The Annual Election shall be held on the first Saturday in July of each year at  
89 such time and place within the Town as shall be determined by the Town Council, with the polls  
90 remaining open for no fewer than four (4) hours.

91           3.5 Voter Qualifications. Any person shall be qualified to vote who, on the date of the  
92 election, is a United States citizen, has attained eighteen (18) years of age, and, for a period of not  
93 less than ~~four (4)~~ thirty (30) consecutive ~~months~~ days immediately preceding the date of the  
94 election has been either: (a) a freeholder in the Town or (b) has been domiciled in the Town. For  
95 purposes of this Charter: (i) a 'freeholder' shall be deemed to include any natural person who holds  
96 title of record either in his/her own name or as trustee to a fee simple estate or to a life estate, in  
97 and to real property located within the Town boundaries; (ii) 'Domiciled' shall mean physically  
98 residing in that place where a person has his/her true, fixed, and permanent home and principal  
99 establishment, and to which, whenever he or she is absent, that person has the intention of  
100 returning; provided however, that absence from one's place of domicile for some temporary  
101 purpose shall not terminate that domicile so long as the intention to return to that place remains  
102 fixed, certain, and constant during the period of physical absence. These rules shall be construed  
103 in accordance with the principle of 'one-person-one vote'. When a voter is entitled to vote by virtue  
104 of both residence and ownership of property, that voter shall be entitled to only one vote; where a  
105 voter is entitled to vote by virtue of ownership of two or more properties in the Town, that voter  
106 shall be entitled to only one vote.

107           3.5.1 Persons appearing to vote shall present proof of identity and address pursuant to 15  
108 Del. C. Ch. 75 ("Municipal Elections"), as it may be hereby amended from time to time, and any  
109 other existing or future corresponding provisions of law. All questions regarding an individual's  
110 qualification to vote raised prior to the day of the election shall go before the Board of Elections

111 and an individual shall be given notice and an opportunity to be heard before the Board of Elections  
112 makes a determination regarding that individual's qualifications to vote. Questions regarding an  
113 individual's qualifications to vote that are raised at the time of voting shall be resolved by the  
114 Board of Elections or its designated election officers. The Town Council may enact such  
115 ordinances concerning the registration of qualified voters for municipal elections in the Town as  
116 it deems reasonably necessary to provide for the orderly and efficient conduct of municipal  
117 elections; provided that no such ordinances shall alter the qualifications of voters as hereinabove  
118 set forth, nor shall any such ordinances unduly impair the right to vote in a municipal election.

119 ~~3.6 Notice of Elections. At least ten (10) days prior to the day of the election, the Town~~  
120 ~~Council shall cause to be posted notice thereof in at least three public places within the Town,~~  
121 ~~which notice shall state the day, hours, and place of election, the number of Councilmembers to~~  
122 ~~be elected, the names of the candidates, and the terms for which they are to be elected. In addition,~~  
123 ~~notice containing the same information shall be published at least once in a newspaper of general~~  
124 ~~circulation within the Town at least ten (10) days prior to the day of the election.~~

125 3.6 Notice of Election. Notice of elections shall be posted in a conspicuous public place  
126 within the town no later than twenty (20) days prior to the election date. The notice of elections  
127 shall include the date, time, and place of the election, the names of the candidates for each office,  
128 and the qualifications to vote. The Town Council may, by ordinance or resolution, adopt such  
129 rules, not inconsistent with the provisions of this Charter or with controlling state or federal law,  
130 governing the notice of elections. All notices shall be sent to the Department of Elections within  
131 three (3) business days of posting the same and shall be posted on any website operated by the  
132 Town.

133 3.7 Voting Machines. Elections shall be by voting machine provided by the Department of  
134 Elections in accordance with 15 Del. C. Ch. 75 (“Municipal Elections”), as it may be hereby  
135 amended from time to time, and any other existing or future corresponding provisions of law.

136 3.8 Absentee Ballots. The Town Council may (but shall not be required to), by ordinance,  
137 provide for a qualified voter (duly registered if required by ordinance) who shall be unable to  
138 appear in person, to cast his/her ballot at any municipal election by absentee ballot. Whenever  
139 absentee voting is permitted, the Notice of Election and Notice of Solicitation of Candidates shall  
140 contain information regarding how to obtain an absentee ballot and individuals shall be qualified  
141 to vote by absentee ballot by virtue of being domiciled in a municipality other than Slaughter  
142 Beach or being scheduled to work during the hours the polls are open or by satisfying one of the  
143 reasons to vote by absentee ballot as outlined in 15 Del. C. Ch. 75 (“Municipal Elections”), as it  
144 may be hereby amended from time to time, and any other existing or future corresponding  
145 provisions of law.

146 3.9 Conduct of Elections. The Town Council shall follow the rules governing the conduct  
147 of elections and voting procedures found in 15 Del. C. Ch. 75 (“Municipal Elections”), as it may  
148 be hereby amended from time to time, and any other existing or future corresponding provisions  
149 of law. The Town Council may, by ordinance or resolution, adopt such rules, not inconsistent with  
150 the provisions of this Charter or with controlling state or federal law, governing the conduct of  
151 elections.

152 ~~3.7 Election Board. Every election shall be held under the supervision of an Election Board. The~~  
153 ~~Election Board shall consist of one (1) Inspector of the Election and two (2) Judges of the Election.~~  
154 ~~The Inspector and Judges constituting the Election Board shall be qualified voters of the Town and~~  
155 ~~shall be appointed for that purpose by the Town Council at least twenty (20) days before such~~

156 election. If, at the opening of the polls, there shall not be present the members of the Election  
157 Board, then in such case the ranking Town officer available at the opening of the polls shall appoint  
158 a qualified voter or voters to act as a member or members of the Election Board to fill such  
159 vacancies caused by the absence of members of the Election Board. Members of the Election Board  
160 shall be the sole and final judges of the conduct of the election and of the legality of the votes  
161 offered. The Election Board shall have the power to subpoena persons, and officers of the Town,  
162 and books, records and papers relative to the determination of the qualifications of voters and the  
163 legality of any vote or votes offered.

164 3.10 Board of Elections. Every election shall be held under the supervision of a Board of  
165 Elections. The Board of Elections shall have an odd number of members consisting of no fewer  
166 than three (3) persons (as determined by the Town Council) who shall be qualified voters of the  
167 Town and shall not be an elected official or candidate for Town office or an immediate family  
168 member of such (mother, father, spouse, son, daughter, brother, sister, including half-brothers and  
169 sisters, step-family members and in-laws) and who shall be appointed for that purpose by the Town  
170 Council at the Annual Meeting held the first Saturday in June unless otherwise specified in an  
171 ordinance duly adopted by the Town. The Board of Elections shall serve for a term of one year  
172 commencing at the Annual Meeting or such other meeting at which the Board may be appointed,  
173 provided that the term of the Board of Elections shall in no instance expire until a successor Board  
174 of Elections has been appointed. Members of the Board of Elections may serve for more than one  
175 term. The Town Council may appoint one (1) or more individuals to serve as alternate Board of  
176 Elections members. Each board member shall be confirmed and have his/her name and contact  
177 information publicly posted in accordance with 15 Del. C. Ch. 75 (“Municipal Elections”), as it  
178 may be hereby amended from time to time, and any other existing or future corresponding

179 provisions of law. The Town shall notify the State Election Commissioner and Department of  
180 Elections of the members appointed to the Board of Elections. The Board of Elections shall oversee  
181 the absentee ballots and either appoints an odd number of absentee ballot judges or, at the  
182 discretion of the Town Council, acts itself as the absentee ballot election judges. If, at the opening  
183 of the polls, there shall not be present all the members of the Board of Elections, the ranking Town  
184 officer available at the opening of the polls shall appoint a qualified voter or voters to act as a  
185 member or members of the Board of Elections to fill such vacancies caused by the absence of the  
186 previously appointed member(s) of the Board of Elections through the conclusion of the election.  
187 Members of the Board of Elections shall be the sole and final judges of the conduct of the election  
188 and of the legality of the votes offered. The Board of Elections shall keep a list of all voters voting  
189 at said election. The Board of Elections shall have the power to subpoena persons, and officers of  
190 the Town, and books, records and papers relative to the determination of the qualifications of  
191 voters and the legality of any vote or votes offered. The Town Council may appoint election  
192 officers (including an inspector) when needed to administer elections. In the absence of the  
193 appointment of election officers by the Town Council at least fifteen (15) days prior to the election  
194 date, members of the Board of Elections shall either (i) act as election officers, designating one of  
195 the board members as the inspector, or (ii) appoint such number of election officers (including an  
196 inspector) as deemed necessary by the Board of Elections.

197 3.11 Election Results; ties; preservation of ballots and records. Within forty-eight (48)  
198 hours of the close of the election, the Board of Elections shall count the votes, and the candidate(s)  
199 having the highest number of votes for each office shall be certified by the Board of Elections to  
200 be duly elected to such office. In the event of a tie vote for any office, the inspector, or in the  
201 absence of an inspector a member of the Board of Elections, shall break such tie by the toss of a

202 coin. All ballots cast and all records of the election kept by the Board of Elections shall be  
203 preserved in the custody of the Board of Elections for a period of thirty (30) days, unless the  
204 election is contested or an appeal is filed in a court of appropriate jurisdiction, in which case such  
205 ballots and records shall be preserved until further direction of the reviewing body or court having  
206 jurisdiction.

207 ~~3.8 Election Results. Upon the close of the election, the votes shall be read and counted and the~~  
208 ~~persons having the highest number of votes shall be declared, by the Election board, to be duly~~  
209 ~~elected to such vacant offices as then exist, and such persons shall continue in office during the~~  
210 ~~terms for which they were chosen, or until their successors are duly elected or appointed and~~  
211 ~~qualified.~~

212 ~~3.9 Ties. In the event of a tie vote for any office, the Election Board shall determine such~~  
213 ~~tie by lot.~~

214 ~~3.10 Preservation of Ballots and Records. All ballots cast and all records of the election~~  
215 ~~kept by the~~  
216 ~~Election Board shall be preserved in the custody of the Election Board for a period of ten (10)~~  
217 ~~days, unless an appeal is filed in a court of appropriate jurisdiction.~~

218 ~~3.412~~ Election Record Book. The Election Board shall enter in a book, to be provided for  
219 that purpose, the results of the election, containing the names of the persons elected. The members  
220 of the Election Board shall subscribe the same. The book, containing such matters, shall be  
221 preserved by the Town Council. Failure to keep such a book shall have no effect on the validity of  
222 an election.

223 ~~3.4213~~ Uncontested Elections. ~~Where there is only one official candidate for each office,~~  
224 ~~if none of the official candidates has a formal opponent on the day of election, the official~~

225 ~~candidates may assume office without the holding of a formal election.~~ Uncontested Elections. In  
226 the event that the number of individuals filing or nominated for office is equal to or less than the  
227 number of seats up for election, those individuals who filed or were nominated shall be deemed to  
228 be elected for a full term and it shall not be necessary to have an election.

229 ~~3.13 Voter Registration; Absentee Ballots. The Town Council may, but shall not be~~  
230 ~~required to, enact ordinances providing for the registration of qualified voters and/or the casting~~  
231 ~~of absentee ballots.~~

232 3.14 Compliance with State Regulations. The Town shall act in accordance with the state  
233 laws governing municipal voting found in 15 Del. C. Ch. 75 (“Municipal Elections”), as it may be  
234 hereby amended from time to time, and any other existing or future corresponding provisions of  
235 law, and the Town shall implement the election provisions found in this Charter in accordance  
236 with the same state laws governing municipal voting.

237 Section 2. Amend Section 4, Chapter 150, Volume 69, Laws of Delaware, as amended, by  
238 making insertions as shown by underlining and deletions as shown by strike through as follows:

239 4. Organization of Town Council.

240 On the first Monday ~~following the annual election~~ that is seven (7) days following the  
241 certification of the Annual Election, the Town Council shall meet and organize by the election of  
242 a Mayor, a Vice-Mayor, a Secretary, and a Treasurer, all of whom shall be Town Councilmembers.  
243 Before entering upon the duties of the offices, the newly elected Councilmembers shall be sworn  
244 in by a Notary Public or by a holdover member of the Town Council, to faithfully and impartially  
245 perform their duties.

246 Section 3. Amend Section 4, Chapter 150, Volume 69, Laws of Delaware, as amended, by  
247 making insertions as shown by underlining and deletions as shown by strike through as follows:

248 4.5.3 Public Notice Regarding Certain Actions. In addition to such other notice as may be  
249 required by this charter or by general statute, the Town Council shall give at least ~~30~~15 days public  
250 notice to the taxpayers, property owners, and voters of the Town prior to taking any of the  
251 following actions:

- 252 (a) approving any proposed amendment to the Town Charter;
- 253 (b) approving any change in the Town's real property tax rate;
- 254 (c) instituting any new tax on the citizens of the Town and/or their property;
- 255 (d) borrowing any money under §6.5 hereof;
- 256 ~~(e) conducting the Annual Town meeting and Town Election;~~
- 257 ~~(e)(f)~~ adopting, amending or repealing any ordinance.

258 Notice under this section shall be provided by public posting in at least one public place in the  
259 Town and on any website operated by the Town. ~~and by mailing copies of such notices by regular~~  
260 ~~mail, (postage prepaid) to the taxpayers and property owners at their addresses as shown on the~~  
261 ~~Town's tax records; and to non-property owning residents at their last known address as provided~~  
262 ~~to the Town.~~ Nothing herein shall prohibit the Town Council from taking any action without such  
263 advance public notice where such action is required by emergency or other exigency; but in such  
264 event, notice as herein provided shall be given as soon as conveniently possible and in no event  
265 later than 15 days following the taking of such action.

266 The Town Council may combine notice of any number of such proposed and/or previously taken  
267 actions in one notice which may be included in the Town's Annual Newsletter if one exists.