ORDINANCE #75

AN ORDINANCE TO ESTABLISH TOWN OF CAMDEN MUNICIPAL ELECTION FOR THE TOWN TO BE COMPLIANT TO DELAWARE LAW, AS AMENDED.

WHEREAS, it is in the best interest of the residents of the Town of Camden to conduct elections in a uniform, fair, and open manner under the Codes of the State of Delaware, as amended;

WHEREAS, the Town of Camden shall establish the Board of Elections under 15 **Del. C.** § 7551;

WHEREAS, the Town shall appoint a three-member board to oversee the Town's election process; the Board will oversee the absentee ballot procedures, handle complaints promptly, within twenty-four (24) hours; appeals to the Board may go to Superior Court; the Board must post "NOTICE OF ELECTION" twenty (20) days prior to election; the Board must take an Oath of Office; the Board shall serve a term of four (4) years; Posting to include:

- Date of election
- Time and Location of Election
- Candidates for each office
- Qualifications to vote
- . Absentee ballot procedure
- Post as required by FOIA, on website, and provide a copy of the Notice to the Department of Elections
- Must post for solicitation of candidates twenty (20) days prior to filing deadline
- Candidate solicitation notice must be published in a newspaper having a circulation in the Town of Camden, be posted on Town website, and include
  - o Office:
  - o Term of Office
  - o Deadline for declaring
  - o Procedures for declaring
  - o Qualifications for holding office (Charter)
  - o Candidate solicitation notice must be filed with the Department of Elections of the State of Delaware

WHEREAS, Board of Elections declares the winner; the Town of Camden will submit to Department of Elections all names of candidates for each seat one (1) day after filing deadline; the Town shall use voting machines from the Department of Elections;

WHEREAS, the Town of Camden shall provide the means for voters to make absentee ballot by procedure set forth by the State of Delaware (15 **Del. C.** §5502 (1), (2));

- Voters must swear an affidavit stating why they cannot vote
  - o Public service outside United States or in the military
  - o Cannot vote due to nature of occupation, sick or disabled, on vacation, or cannot vote for religious reasons

WHEREAS,

- Absentee ballots must be mailed by Department of Elections with a voucher envelope and a mailing envelope
- Must have an affidavit of eligibility
- Must contain instructions
- Must return by mail in most cases
- Must following polling delivery place procedures
- Absentee ballots must be rejected when incorrect under State of Delaware Code (15 **Del. C.** §5502 (1), (2));
- The Town of Camden Board of Elections has authority to review absentee ballot decisions of election officers, unless otherwise provided by Town Charter;

WHEREAS, Town of Camden will appoint by Charter a Municipal Election Officer; the Election Officer's duty is to conduct the elections; the Town will appoint sufficient Election Officers. An Inspector shall be appointed to serve as the Chief Election Officer;

WHEREAS, the Election Officers will only allow qualified persons in the voting room, enforce challenger restrictions, and hear dispute regarding challenges raised, and take the Oath of Office under State of Delaware Code (15 **Del. C.** §7558 (b), (d));

WHEREAS, the Town of Camden Election Officers shall follow the guidelines established:

- Prepare polling place for election
- Post required information in polling places
- Certify voting machines prior to delivery by the Department of Elections
- Open the polls
- Allow only qualified persons in the voting room
- Enforce challenger restrictions
- Hear disputes regarding challenges raised by challengers
- Circle names of voters, require voters to sign the Voter Log, annotate Voter Log for disqualified voters

- Announce closing of polls 30 minutes in advance, tabulate unofficial election results, deliver results and absentee ballots to Town of Camden Board of Elections

WHEREAS, the Town of Camden shall provide election results from the Board of Elections' determination on review of all ballots cast including absentee ballots are certified;

WHEREAS, no person can take the Oath of Office until the seventh (7th) day following the election;

WHEREAS, challenge may apply to elections under State of Delaware Code (15 **Del. C.** §5941 and **Del. C.** §5955);

WHEREAS, contest must be filed within twenty (20) days of Town of Camden election; contest petitions must be verified;

WHEREAS, under State of Delaware Code (15 **Del. C.** §5953) Court may examine voting procedure;

WHEREAS, the Town of Camden by passing this Ordinance also establishes the Town's adoption of the State's Voter Registration System as the source of its list of registered voters;

WHEREAS, as the Town of Camden will enter a written agreement with the Department of Elections that specifies the responsibility of each party registering voters, maintaining voter records, and providing election day support;

WHEREAS, persons appearing to vote at Town of Camden election shall present proof of identity and address as provided by State of Delaware Code and Department of Election procedures;

WHEREAS, the Town of Camden adopts the Oath of Office for Board of Elections

> I, _____, do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Delaware, and that I will faithfully discharge the duties as a member of the Board of Elections for the Town of Camden by ensuring that elections within the Town are conducted fairly, impartially, and in accordance with the Delaware Code and Town of Camden Charter and Ordinances to the best of my ability.

WHEREAS, the Town of Camden adopts the Oath of Office for Election Officers:

> "I do solemnly swear (or affirm) that in the election to be held on the ____ day of ____, A.D., I will not knowingly or willfully receive or consent to the receiving of the vote of any person who is not a citizen, and also that I will not receive or consent to the receiving of the vote of any person whom I shall believe not entitled to vote, unless my associates shall adjudge such person to be entitled to vote. That I will not
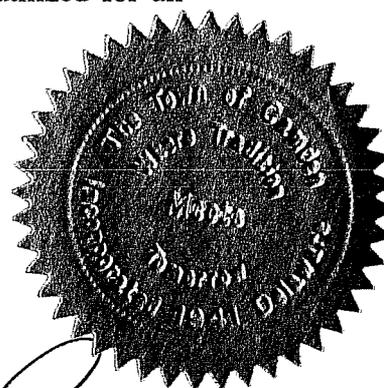
receive or reject, nor concur in receiving or rejecting any vote through partiality or under bias, and that I will determine very matter that shall come before me and perform every act and duty by law required of me, toughing the election, truly, faithfully, and impartially, according to the best of my skill and judgment; that I have not received, nor will I receive directly or indirectly from or through any candidate to be voted for at such election, or any other person, any money, pay, or other valuable thing or reward; that I have not been promised, or in any manner been led to believe that I will at any time directly or indirectly receive any money, pay, or other valuable thing or reward from such candidate or other person other than that provided by law and if I shall discover any partiality, unfairness, or corruption in the conduct of the election, I shall disclose the same to the Board of Elections that is conducting the election and to the Attorney General to the end that the subject may be investigated, so help me God (or so I do solemnly affirm."

NOW THEREFORE, Pursuant to the authority vested in me by the Charter of the Town of Camden, I do hereby mandate the foregoing election procedures be utilized for all elections in the Town of Camden.

I further proclaim this to take effect immediately.

ENACTED AND ORDAINED THIS 4TH DAY OF DECEMBER, 2006.

Town Council Members voting:

SEAL

APPROVED AS TO FORM:

_____
Mayor Robert A. Mooney

_____
Town Solicitor

_____
Vice-Mayor James O. Plumley, III

ATTEST:

_____
Councilman Robert Hawkins

_____
Town Manager

_____
Councilman Richard Snyder

_____
Councilman Mark Babbit

1st reading   11|06|06

2nd reading   12|4|06

Public Hearing: 12|4|06

Adopted: 12|4|06