

Chapter 2
Elections

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History: Article I was ordinance 6001 (adopted May 13, 1963), Article II was 9601E¹ (adopted February 23, 1998) and Article III was 9601D (adopted February 23, 1998).

¹ This is a clarification of Section 8-08 of the Charter of the City of Delaware City.

Article I Procedures for Elections

Section 2-1 Notice of an Election

The Mayor shall, by 4:30 P.M. at least twenty (20) days before any general election, give notice of such election, together with the officers to be elected thereat, by posting notices in five (5) or more public places in said City.

Section 2-2 Requirements for Candidates

All persons desiring to be candidates at any municipal election shall deliver to the Clerk at the City Hall, addressed to the attention of the Secretary of the Council, a written statement of their candidacy by 4:30 P.M. at least thirty (30) days prior to said election. All persons desiring to be candidates at any municipal election for Mayor shall deliver to the Clerk at the City Hall, addressed to the attention of the Secretary of the Council, a written statement of their candidacy by 4:30 P.M. at least sixty (60) days prior to said election.

Each candidate must be a resident of Delaware City at least one (1) year next preceding the municipal election. Each candidate must present for certification by the Clerk, proof of such residency within Delaware City, showing that length of residency complies with the requirements of the Charter of Delaware City. The Clerk will make a photostatic copy of such proof of residency showing dates of residency for record purposes.²

Section 2-3 Required Days Previous to an Election

The number of days previous to election is defined as counting the day before election as the first day.

When the final number of days required previous to election as defined in Sections 2-1, 2-2, or 2-3 above shall fall upon a Saturday, Sunday or holiday, the above specified number of days shall be the day previous to the required date, on which date the City office will be open at least until 4:30 p.m.

Sections 2-4 to 2-10 Reserved

² Ordinance 09-0413-01 adopted on 5-18-0 amended Section 2-2

³ Ordinance 10-0517-01 adopted on 6-21-10 repealed original Section 2-3

Article II Uncontested Election

Section 2-11 Official Candidates Filling an Uncontested Office

Only official candidates may be placed into office in the event of an uncontested election. The requirements for becoming an official candidate are set forth in Section 8-02 of the Charter of the City of Delaware City entitled "Filing for the Office of Mayor and Councilperson." Any individual who has not filled these requirements will not be considered an "official candidate."

Section 2-12 Entire Election Uncontested

If in the event that only one (1) official candidate is running for each office open for election in any given year, and none of the candidates has a formal opponent on the day of election, then the entire election shall be considered uncontested. No formal election will be required that year. No voting machines will be made available for voting or for write-in campaigns on the day of election, and all official candidates running for office shall assume office on the day of election.

Section 2-13 Write-in Campaigns

Individuals who wish to enter an election through write-in campaigns on the day of election may only do so when an election is considered contested; at least one office or council seat open for candidacy must have more than one official candidate.

Sections 2-14 to 2-20 Reserved

Article III Absentee Voting

Section 2-21 Qualification for Absentee Voting

The City of Delaware City shall provide absentee voting to qualified voters of the City who are unable to go to the polls on the day appointed for the Delaware City General Election, all Special Elections and referenda, if they are unable to go to the polls because:

- a.) They are in the Public Service of the U.S. or the State of Delaware
- b.) They are in the U.S. Armed Forces, Merchant Marine, or attached to the Red Cross, Soc. of Friends or U.S.O.
- c.) They are unavoidably away due to their business or occupation.
- d.) They are absent while on vacation.
- e.) They are sick, physically disabled or incarcerated.

Section 2-22 Procedure

Each qualified voter of the City who shall exercise his/her right to vote by absentee ballot shall mail an Affidavit to Obtain Absentee Ballot to the Election Board of the City of Delaware City. Upon receipt, the Election Board shall mail to each qualified voter of the City an official numbered Affidavit to Accompany Absentee Ballot with his/her ballot.

Section 2-23 Affidavits to Obtain Absentee Ballot

a.) Affidavits to Obtain Absentee Ballot shall be made available to all voters thirty (30) calendar days prior to all municipal elections. Absentee Ballots and Affidavits to Accompany Absentee Ballots shall be made available to voters eighteen (18) calendar days prior to all municipal elections. In the case of a Special Election or Referendum, the Affidavits to Obtain Absentee Ballots, Absentee Ballots, and Affidavits to Accompany Absentee Ballots shall be made available within a reasonable time after the ballot is finalized.

b.) All Affidavits to Obtain Absentee Ballot must be received by the Election Board at the Town Hall of the City of Delaware City or such other place as may be designated by the Election Board of the City of Delaware City no later than by 5:00 o'clock P.M., seven (7) calendar days prior to the date of the election. All Affidavits to Accompany Absentee Ballot and Absentee Ballots must be completed and returned to the Election Board of the City of Delaware City no later than by 12:00 noon on the day prior to the date of the election.

c.) All requests for an Affidavit to Obtain Absentee Ballot must be made to the City of Delaware City by each qualified voter who intends to execute such Affidavit. Each such Affidavit

to Obtain Absentee Ballot shall be mailed to the legal address of said qualified voter within the City of Delaware City. All Absentee Ballots and Affidavits to Accompany Absentee Ballots may be mailed to each such voter at the address requested on the Affidavit to Obtain Absentee Ballot submitted.

Section 2-24 Required Information on Absentee Ballots and Affidavits

All Absentee Ballots and Affidavits for Absentee Ballot shall state 1) the date of the Election to which they apply, 2) the address of the Election Board where they are to be mailed or delivered, 3) the deadline for receipt thereof, and 4) shall be numbered (Affidavit only) and signed by the City Secretary under the corporate seal of the City. The Absentee Ballot shall be placed in a sealed envelope marked BALLOT and then placed with the Affidavit in another envelope marked ABSENTEE VOTE.

Sections 2-25 to 2-30 Reserved