

CHAPTER 410
FORMERLY
SENATE BILL NO. 327
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND VOLUME 68, CHAPTER 3, LAWS OF DELAWARE AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF ELSMERE" CONCERNING 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 Article IX. Nominations And Elections by deleting Sections 901 – 908 as they appear therein and by substituting in lieu thereof the following:

“§900. Municipal Elections.

(a) A regular town of Elsmere election shall be held on the last Saturday in April 2011 and on the last Saturday of April in each two years thereafter. Council shall by ordinances set the hours during which the polls shall be open. The Council shall designate the place or places of election and make all necessary ordinance rules and regulations not inconsistent with this Chapter, or with the general laws of the State of Delaware for the conduct of elections, for the prevention of fraud in elections and for the recount of ballots in case of doubt or fraud. Unless otherwise specified in this Chapter, write-in votes shall not be permitted in any town of Elsmere election.

(b) At all such elections the voters shall be received at each polling place by three (3) qualified voters of the Town of Elsmere appointed by the Council. One of the said persons for each polling place shall be designated as the Inspector and the other two as Judges of the election, and the three at each polling place shall be known as Election Officers, and no such person shall be a candidate for office at any such election. In addition to the Election Officers, there shall be two clerks at each polling place. The clerks shall be appointed by the Council and shall reside in the district for which they are appointed. The result of the balloting at each polling place for said officers of said Town shall be ascertained by the said Election Officers, who shall certify said results under their hands to the Council. The Council may appoint clerks to assist the officers of election.

(c) The Inspector shall be the chief Election Officer in the polling place.

(d) The Inspector shall determine all challenges and all other issues involving the conduct of the election at the polling place. The Board of Elections may provide advice and guidance to the Election Officers.

(e) Election Officers individually and collectively shall conduct elections in a fair and equal manner.

(f) Election Officers who violate the provisions of this Chapter shall be removed forthwith by the Board of Elections.

(g) In case of referenda or special elections, the same procedure shall be followed to the extent applicable as with respect to the regular elections, and the penalty for fraud and misconduct shall be the same.

§901. Voter/Elector Qualifications.

(a) Every person domiciled in the Town of Elsmere who shall have reached the age of eighteen (18) years of age, who is a citizen of the United States who has registered as a voter with the Department of Elections for New Castle County and who can prove the foregoing by proper identification, shall be entitled to vote at all regular and special municipal elections and referenda.

(b) Since the town uses the State’s voter Registration System as the source of its list of registered voters, it must enter into a written agreement with the Department of Elections that specifies the responsibilities of each party registering voters, maintaining voter records, and providing Election Day support.

(c) Persons appearing to vote shall present proof of identity and address. The identification shall be 1 or more of the following items that individually or together show the identity and address of the person:

- (1) A current State of Delaware driver's license or ID card;
- (2) A uniformed service ID card;
- (3) Another current photo ID issued by the State of Delaware, U.S. Government, the voter's employer, high school or higher education institution;
- (4) A current utility bill, bank statement, credit card statement, a paycheck or pay advice, or another type of bill or statement;
- (5) A lease or sales agreement; and/or
- (6) Any other documentation that a person can reasonably and commonly accept as proof of identity and address.

(d) Personal recognition by a majority of the Election Officers in the polling place can attest to a voter's identity and address.

§902. Persons Eligible to vote by Absentee Ballot.

Any qualified elector who is duly registered may vote by absentee ballot in any Town of Elsmere election for any of the following reasons:

(1) Because such person is in the public service of the United States or of this State, or is a citizen of the United States temporarily residing outside the territorial limits of the United States and the District of Columbia, or such person's spouse or dependents when residing with or accompanying the person, or is absent from this State because of illness or injury received while serving in the armed forces of the United States.

(2) Because such person is in the armed forces of the United States or the Merchant Marines of the United States, or attached to and serving with the armed forces of the United States in the American Red Cross, society of Friends, or United Service Organizations; or

(3) Because of the nature of such person's business or occupation, including the business or occupation of providing care to a parent, spouse or that person's child who is living at home and requires constant care due to illness or injury;

(4) Because such person is sick or physically disabled;

(5) Because such person is absent from the Town of Elsmere while on vacation;

(6) Because such person is unable to vote at a certain time or on a certain day due to the tenets or teachings of that person's religion; or

(7) Because such person is unavoidably absent from the Town on the day of the election.

Approved July 15, 2010