

November 26, 2007

First Reading: disapproved 11/5/07  
Second Reading: Dec 3<sup>rd</sup> 2007  
Posted: Dec 4 2007  
Effective: 1/3/08

GENERAL

ORDINANCE NO. 22-07

**AN ORDINANCE TO ADOPT A NEW "MUNICIPAL ELECTIONS" ORDINANCE TO THE TOWN CODE OF THE TOWN OF WYOMING TO BRING THE TOWN CODE INTO COMPLIANCE WITH 15 DEL.C., CHPT. 75, "MUNICIPAL ELECTIONS"**

**WHEREAS**, the Town Council has determined that it is necessary and desirable to review the Town Charter and the Town Code in light of recent amendments to Chapter 75, Title 15 of the Delaware State Code, "Municipal Elections"; and

**WHEREAS**, the Town Council and Town Staff have undertaken a comprehensive review of the Town Charter, the Town Code, and Chapter 75, Title 15 of the Delaware State Code, "Municipal Elections"; and

**WHEREAS**, the following new "Municipal Elections" ordinance is desired to make the Town Code consistent with the State Code;

**BE IT HEREBY ENACTED** by the Town Council of the Town of Wyoming, a majority thereof concurring in Council duly met, that the following ordinance be enacted:

**Section 1.** This ordinance repeals any and all ordinances of the Town of Wyoming regarding election of members of the Town Council and Mayor.

**Section 2.** The following ordinance is adopted by the Council:

**MUNICIPAL ELECTIONS**

Article I. General

§1. **Contract with Department of Elections; notices; postings; publishing;**

**deadlines; election calendar.**

A. At least sixty (60) days prior to the date of an election, the Town shall contract with the Delaware Department of Elections for Kent County to conduct an election to elect members of the Town's government.

B. For each election of members of the Town government, the Town shall post a Notice of Election conspicuously within the Town no later than twenty-one (21) days prior to the date of the election and shall publish notice in two newspapers of general circulation in the Town at least twenty one (21) days before the day for the election. Such notice shall include the date, time and location of the election, the candidates for each office on the ballot, a description of the positions to be filled, qualifications to vote in the election, and information on how to obtain an absentee ballot and a summary of absentee ballot procedures. In the event that the publications and/or postings do not appear on the same date, the date of the last publication or posting shall control.

C. For each election of members of the Town government, the Town shall post a Notice of Solicitation of Candidates conspicuously within the Town twenty (20) days prior to the filing deadline for the offices up for election. Such notice shall include the term or terms of each office up for election, the deadline and procedure for declaring candidacy for an office up for election and the qualifications for holding each office.

D. When absentee ballots are permitted in a Town election, all notices required by this section shall include information about how to obtain an absentee ballot.

E. The Town shall post the notices required by this section, at minimum, in compliance with the Delaware Freedom of Information Act, Chapter 100 of Title 29 of the Delaware State Code.

F. If the Town has a website, all election notices shall be posted on said website.

G. The Town shall provide a copy of each election notice to the Department of Elections.

**§ 2. Date, Time, and Place of Election.**

A. Annual elections for Mayor and Town Council shall be held on the last Saturday in February at such time and place, within the Town, as shall be determined by the Town Council.

B. The polls shall remain open for a seven-hour period to be determined by the Town Council.

### **§ 3. Deadlines.**

Where a deadline under this Chapter is a Saturday, Sunday, or a holiday, the deadline shall be the next day that is not a Saturday, Sunday, or holiday in the Town. All deadlines shall be no earlier than 4:30 p.m. local time.

### **§ 4. Voter Eligibility.**

A. If the Town maintains its own voter registration system, the Town shall publish with the "Notice of Solicitation of Candidates" under Section 1(C) above, and post at the Town Hall year-round, a schedule of when eligible citizens may register to vote. The Town shall provide eligible citizens a reasonable opportunity to register to vote.

B. If and when the Town elects to use the State's Voter Registration System as the source of its list of registered voters, the Town shall 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 identify 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 identify and address.

### **§ 5. Candidates; eligibility; declaration of candidacy**

A. Notice of Candidacy.

(1) In order to be listed on the ballot at any regular or special election for election of Mayor or Town Council members, each candidate shall file a written notice of intention to seek office along with a completed background check and a completed fingerprint card no later than 4:30 p.m. on the last Friday of January in the year of the election.

(2) If the Town determines that any candidate may not meet the qualifications for office, the Mayor shall be notified and the Mayor shall call a special meeting of the Town Council to be held not less than twenty (20) days prior to the date set for the election, at which the Town Council shall decide the matter.

(a) The candidate whose qualifications are at issue shall be notified, by registered mail, of the date, time and place of the hearing, at which he or she may appear and testify.

(b) If the Town Council determines that the candidate does not meet the qualifications for office, it shall reject his notice of intention to seek office and his or her name shall not appear on the ballot.

(c) In making the determination, only those members of the Town Council who are not running for re-election shall be entitled to vote on the question.

B. Certificate of Intention. A candidate for municipal office shall file a Certificate of Intention or a Statement of Organization establishing a campaign committee with the Commissioner of Elections no later than seven (7) days after declaring that candidate's candidacy. A Certificate of Intention is submitted by a candidate when the yearly salary for the office for which that candidate has filed a Declaration of Candidacy is less than \$1,000 or who does not intend to receive more than \$2,000 in contributions or expend more than \$2,000 for campaign expenses during the campaign pursuant to §8004 of Title 15 of the Delaware State Code. Otherwise, no later than seven (7) days after making expenditures or receiving contributions on behalf of the candidate or committee, the candidate shall notify the Commissioner and file a Statement of Organization.

C. Excepting candidacies otherwise provided for in the Town Charter and which have complied with the provisions of subsection B of this section within 5 days after the election, the Town Board of Elections shall declare a candidate who has failed to comply with the provisions of subsection B of this section ineligible to be a candidate and shall order that candidate's name removed from the ballot subject to the appeal provisions of §7552 of Title 15 of the Delaware State Code. Administrative errors or oversights by municipal or state officials shall not be grounds for declaring a person ineligible to be a candidate.

D. Officials receiving any document required in this section shall provide the person filing the document with a receipt showing the date and time that the

document was filed and the name of the person who received the document.

E. Officials receiving any document required in this section shall immediately notify the person submitting the document of any deficiency in the submission. The person submitting the document shall have two (2) business days to correct the deficiency even if the extension extends beyond the applicable deadline. If the person does not correct the deficiency by the end of the second business day, the Town shall reject it.

F. All documents filed in accordance with this section are public records and a municipality shall make them available for inspection by the public in accordance with the Delaware Freedom of Information Act [Chapter 100 of Title 29 of the Delaware State Code].

G. Where the number of qualified candidates for an office is equal to or less than the number of seats up for election, the Board of Elections shall declare the candidate or candidates elected.

H. The Town shall submit the names of candidates for each office up for election to the Department of Elections no later than one (1) business day following the filing deadlines for the elected positions.

I. A person may withdraw as a candidate by filing with the Town the form promulgated by the Commissioner of Elections for that purpose.

(1) If there are two (2) or more candidates remaining on the ballot for the office and there are fourteen (14) or more days prior to the date of the election, the Town shall mail new absentee ballots to all persons to whom it had issued absentee ballots. If an absentee voter does not return the replacement absentee ballot before 12 noon the day before the election, the municipality shall count the original ballot.

(2) Any votes cast for a person who has withdrawn that person's own candidacy are invalid and the municipality shall not tally, canvass nor report such votes.

J. Candidates for Mayor and Town Council. Candidates for the positions of Mayor and members of Town Council must be at least 21 years of age and otherwise qualified to vote at the annual Town election as provided in the Town Charter and this ordinance. No person having been convicted of a felony shall be qualified to be a candidate for office on the Town Council.

K. Term of Office. Staggered Terms.

(1) Term of Office. The term of office for each member of the Town Council shall be two years, or until their successors are duly elected and qualified at the organizational meeting held pursuant to Sections 6 and 14

of the Town Charter.

(2) Staggered Terms. Three members of the Town Council shall be elected in odd years, and two members shall be elected in even years.

(3) Fingerprint Card Requirement for Current Mayor & Council. The Mayor and every member of Council whose seat is not subject to election in 2008 shall file a completed fingerprint card with the Town Hall no later than the next reorganization meeting for the Council as designated by the Town Charter and/or this ordinance.

## Article II. Board of Elections

### §6. Board of Elections

#### A. Board of Elections, Generally

(1) Every election shall be held under the supervision of a Board of Elections. The Board of Elections shall consist of one (1) Inspector of the Election and two (2) Judges of the Election.

(2) The Inspector and Judges constituting the Election Board shall be qualified voters of the Town and shall not be an elected official or candidate or an immediate family member of an elected official or candidate (spouse, mother, father, son, daughter, brother, sister, including half-brothers and sisters, stepfamily members and in-laws).

(3) The Inspector and Judges shall be appointed for that purpose by the Town Council at least twenty (20) days before such election.

(4) If, at the opening of the polls, there shall not be present the members of the Board of Elections, then in such case the ranking town officer available at the opening of the polls shall appoint a qualified voter or voters to act as a member or members of the Board of Elections to fill such vacancies caused by the absence of members of the Board of Elections.

(5) Members of the Board of Elections shall be the sole and final judges of the conduct of the election and of the legality of the votes offered.

(6) The Board of Elections shall have the power to subpoena persons, and officers of the Town, and books, records and papers relative to the determination of the qualifications of voters and the legality of any vote or votes offered.

B. Election Board Term of Office. Members of the Board of Elections shall serve a term which shall conclude upon the conclusion of the elections proceedings in the year in which they were appointed.

#### C. Oath of Office.

(1) Upon confirmation of a member to the Town's Board of Elections, the

Town shall issue a Certificate of Appointment to the member and the member shall swear or affirm the following oath orally and in writing:

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 Wyoming by ensuring that elections within the Town are conducted fairly, impartially and in accordance with the Delaware Code and Town Charter and ordinances to the best of my ability.

(2) Before opening the election, the Inspector and any other appointed Election Officer shall subscribe to the following oath:

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 every matter that shall come before me and perform every act and duty by law required of me, touching 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 solemnly affirm).

D. The Town Board of Elections shall oversee the absentee ballot process for all Town elections.

E. Board of Elections Contact Information: The Town shall post the names and contact information for the Board of Elections in the Town Hall and on the Town website.

F. Board of Elections Complaint Procedure

(1) A citizen of the Town may submit a written complaint, regarding any aspect of pre-election activity that is contrary to the provisions of this subchapter, to the Town Board of Elections. The complainant shall state with specificity the action or activity that is contrary to the provisions of this subchapter. The Town Board of Elections shall meet in a special public meeting held as soon as practicable in compliance with the Delaware Freedom of Information Act [Chapter 100 of Title 29] following receipt of the complaint and determine if the complaint has any merit. Within 24 hours of the special public meeting, the Town Board of Elections shall issue a written decision on whether the pre-election action or activity was legally incorrect and ordering lawful action necessary to correct such legal error in the pre-election action or activity. The Board of Elections shall immediately make its decision available to the public.

(2) Decisions and orders of the Town Board of Elections may be appealed to the Commissioner of Elections in writing within two (2) business days of the Board's decision and order. The Commissioner of Elections shall take testimony at a special public hearing that the Commissioner conducts within four (4) business days following receipt of the appeal. The Commissioner shall hold the hearing in accordance with the Administrative Procedures Act [Chapter 101 of Title 29] except as provided in this section. The Commissioner shall give 48 hours prior notice to all parties to such special public hearing in lieu of the notice provisions of §10122 of Title 29. Notice of the hearing shall be posted as well as published on the Commissioner's website in lieu of the notice provisions of §10124 of Title 29. The Commissioner shall issue a written decision no later than two (2) business days following the hearing. Decisions of the Commissioner may be appealed in writing to Superior Court no less than 48 hours before the date of the election.

(3) Notwithstanding the foregoing, at the option of the complainant, that complainant may elect to appeal the decision of the municipal Board of Elections in writing to the Superior Court no less than 48 hours before the date of the election.

H. Election officers appointment. The Town shall have sufficient Election Officers to conduct the elections. In the event that the Town Council determines that the 3-member Board of Election appointed under Section 232-6(A)(1) will be insufficient in number to conduct the election, the Town Council may appoint additional qualified Election Officers to serve under and to assist the Board of Election.

I. Chief Election Officer. The Inspector shall be the chief Election Officer in the polling place.

J. Board of Election Responsibilities.

*This Inspector is not the same Inspector as on the Board of Elections Inspector. The Board & Poll Workers must be completely separate.*

- (1) 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.
- (2) Election Officers individually and collectively shall conduct elections in a fair and equal manner.
- (3) Election Officers who violate the provisions of this subchapter shall be removed forthwith by the Board of Elections.

### Article III. Conduct of Election

§7. Delaware Code Title 15, §4972 (“Rules Regarding What Constitutes a Legal Vote”) shall apply to this subchapter.

§8. Election Officers shall admit the following persons to the voting room:

- (1) Board of Elections members;
- (2) Election Officers;
- (3) Persons voting and waiting to vote;
- (4) A child or children 17 years of age or less accompanying the voter;
- (5) Department of Elections administrators or employees identified by badge or other authorization;
- (6) The Commissioner of Elections or an employee of the Commissioner of Elections' office identified by badge or other authorizations;
- (7) Any person accompanying a Board of Elections member, a Department of Elections administrator, or the Commissioner of Elections except for an elected official of the municipality, a candidate on the ballot, or a person associated in any way with the campaign of a candidate on the ballot;
- (8) Any other person deemed necessary to the conduct of the election by the Inspector except for an elected official of the municipality, a candidate on the ballot, or a person associated in any way with the campaign of a candidate on the ballot; or
- (9) A person or persons required by a voter to assist the voter in voting who is not the voter's employer, agent of that voter's employer or union, or an elected official of the municipality, a candidate on the ballot, or a person associated in any way with the campaign of a candidate on the ballot.

§9. A voter may ask a person or person of that voter's choice, who is not that voter's employer or an agent of that voter's employer or union, to assist that voter in voting.

§ 10. Electioneering. Title 15, Section 4942 of the Delaware State Code applies to Town elections.

**§ 11. Challenges and challengers.**

A. For elections for Town government, each candidate on the ballot may appoint and accredit one (1) or more suitable persons as challengers. One challenger at a time for each candidate on the ballot at each voting location in a building may be present to observe the conduct of the election and all election records. The challengers may be changed and their places filled in like manner during the day. Each challenger shall present the Inspector a challenger authorization for that election.

B. The Inspector shall issue each challenger a challenger badge that the challenger shall wear while in the polling place. If the person leaves the polling place, the challenger shall surrender the badge to the Inspector, and for elections for Town government, retrieve the challenger authorization from the Inspector.

C. Challengers may act as peace officers with the same powers of preserving the peace as Election Officers. The Election Officers shall protect them in the discharge of their duty; as long as the challengers do not create any disturbance or obstruction and do not unreasonably prolong any challenge. The Inspector shall caution challengers concerning the foregoing. If a challenger persists in objectionable behavior, the Inspector may eject the challenger. Nothing in this subsection of this section shall prevent the substitution of another challenger for one (1) whom the Inspector ejected.

D. If an Inspector willfully ejects a challenger without cause, that Inspector shall be deemed to have knowingly and willfully violated that Inspector's own official duty.

E. Any person legally in the polling place may challenge any voter for identity, address or bribery. The Inspector shall hear each challenge before the person being challenged enters a voting machine. Once the Inspector decides the challenge, the matter is decided and the challenged person will be either permitted to vote or not permitted to vote depending on the decision. A person denied permission to vote shall leave the polling place immediately. A person challenged for bribery may take and subscribe to the oath as provided in §4940 of Title 15. Once the person has taken and subscribed to the oath, the person shall be permitted to vote.

(F) No person who is accused of receiving or accepting or offering to receive or accept, or pays, transfers or delivers, or offers or promises to pay, transfer or deliver, or contributes or offers or promises to contribute to another to be paid or used any money or other valuable thing as a compensation, inducement or reward for giving or withholding or in any manner influencing the giving or withholding a vote at any municipal election, shall vote at such election unless such person being challenged for any of said causes takes and subscribes to the oath or

affirmation as provided for in §4940 of Title 15 of the Delaware State Code.

(G) Such oath or affirmation shall be conclusive evidence to the Election Officers of the truth of such oath or affirmation, but if any such oath or affirmation shall be false, the person making the same shall be guilty of perjury, and no conviction thereon shall bar any prosecution under §8 of Article V of the Constitution of this State. Such oath or affirmation, when signed and attested as provided in this section shall be competent evidence in any proceeding against the party making the same.

**§ 12. Voting machines; election supplies; certification.**

A. The Town shall conduct all Town Council elections using voting machines provided by the Kent County Department of Elections. The Department of Elections shall prepare the voting machines for the election of members of a municipal government by listing the names of all certified candidates submitted by the municipality in alphabetical order by last name without political party or other designation.

B. The Department of Elections shall:

- (1) Supervise the preparation of the voting machines so that the voter choices are accurately reflected on the ballot;
- (2) Provide the materials needed to prepare the voting machines for the election;
- (3) Deliver the voting machines, documents, forms, envelopes, and signs prior to the election and pick up the voting machines following the election.
- (4) Keep the voting machines used in an election sealed for at least 30 days following the election or until any election contest is settled, whichever is longer. If, however, these voting machines are needed for a primary or general election prior to the resolution of an election contest, the Department may print audit records, results, and ballot images from each voting machine. The Department shall seal these records in an appropriate container and retain them until the contest is resolved.

C. Two members of the Board of Elections for a municipality conducting an election shall certify the voting machines to be used in the election prior to the voting machines being delivered to the polling place or places.

D. Municipalities shall be responsible for providing pens, rubber bands, tape and other supplies needed at the polling place.

**§13. Polling Places.**

- A. Polling places shall be convenient and readily accessible to the voters.
- B. Preparing the polling place prior to the election.
- (1) The Election Officers for each polling place shall arrive at least 1 hour prior to the time set for opening of the polls and shall proceed to arrange the furniture, documents, forms, envelopes, signs, posters and voting machines for the conduct of the election. They shall inspect the ballot cover and curtain of the machine or machines to make certain that machine or machines has not been damaged or tampered with in any manner. The Election Officers shall also take reasonable steps to ensure that no mirror or camera is in a position that would permit anyone to view the ballot.
  - (2) The Election Officers shall post or place the following posters and signs as follows:
    - a. In the voting room:
      1. A voter information poster that includes information on voter eligibility, the date of the election and the hours that the polling place or places are open, general information on the right to vote, instructions on how to contact the appropriate officials if these rights are alleged to have been violated, and general information on the prohibition of acts or frauds and misrepresentation;
      2. A sample ballot; and
      3. Instructions on how to use the voting machine.
    - b. At each voting machine:
      1. A sample ballot; and
      2. Instructions on how to use the voting machine.
    - c. At the entrance to the voting area:
      1. A poster that indicates that the room or area is a polling place;
      2. A voter information poster as described above; and
      3. A sample ballot.
    - d. Signs marking the route between the entrance and the accessible entrance and the voting room.
    - e. A poster or other visible object at the entrance to the building used by voters and at the accessible entrance, if different, that marks the building as a polling place.

- f. Outside of the building where the polling place is located:
1. Signs that mark that the building is a polling place;
  2. Signs that mark the accessible route from parking to the accessible entrance; and
  3. Signs that mark or point to the accessible entrance.

(3) The Department of Elections shall provide a Voting Machine Certificate that lists the serial number, ballot number, machine case seal number, printer door number and the protective counter number for each voting machine assigned to the district (where voting by district is permitted) or polling place. Each Election Officer shall witness and verify that the numbers listed on the Voting Machine Certificate are the same as the voting machine serial number, case seal number, printer door seal number, ballot number and protective counter number on the voting machine. If a number is different, the Inspector shall strike through the number, enter the appropriate correction and initial the entry on each of the certificates.

(4) The Election Officers shall then observe the opening of the polls procedure for each voting machine assigned to the district or polling place. If the light in the polls ready to open box on the officer's control panel is in any other but the top position prior to the Inspector pressing the open polls button, stop the procedure and contact the Board of Elections. The machine cannot be used. If, during the opening of the polls procedure, the paper tape shows "error all counters not zero," stop the procedure and contact the Board of Elections. The machine cannot be used. At the conclusion of the open polls procedure for each voting machine assigned to the district or polling place as appropriate, each Election Officer signs the paper tape. After the last Election Officer signs the paper tape, the Inspector shall close the write-in window. Each Election Officer shall then sign §1 of the Voting Machine Certificate after any discrepancies that were observed were noted on the certificate.

(5) At the time the polls are scheduled to open, the Inspector shall admit voters and authorized challengers to the voting room.

#### **§ 14. Voting procedure.**

A. If the Town does not use the State's voter registration information: a person shall show proof of identity and address, the Election Officer shall then check the person's name and address against the municipality's registration list or if the municipality does not have a registration system, permit the person to vote if that person is otherwise eligible to vote, have the person sign the Voter Log, give the person an authorization to vote and direct that person to the voting machine.

B. If the Town uses the State's voter registration information as the basis of

permitting a person to vote, a person shall show proof of identity and address, and the Election Officer shall circle the person's name on the Poll List, have that person sign the Voter Log, give the person an authorization to vote and direct that person to the voting machine.

C. If the Election Officer determines that the person is not eligible to vote in the election, the Election Officer shall refer the person to the Inspector. The Inspector, after hearing and considering evidence, shall determine whether to permit the person to vote. Upon making the decision, the Inspector shall appropriately annotate the Poll List and/or Voter Log.

D. If a person's eligibility to vote is challenged by anyone for any reason, the Inspector shall immediately hear and consider the evidence and then decide whether the person is eligible to vote. Once the Inspector has made that Inspector's decision, there is no appeal at the polling place.

**§ 15. Close of the polls; unofficial results.**

A. Thirty minutes prior to the closing of the polls, the Inspector shall announce or have another Election Officer announce that the polls shall close in 30 minutes both in the voting room and outside of the entrance of the building used by voters.

B. At the time that the polls close the Inspector shall announce or have another Election Officer announce that the polls have closed both in the voting room and outside of the entrance to the building used by voters. The Election Officers shall permit any person to vote who was in line at the time the polls closed.

C. The Election Officers shall remove the cartridges and tapes from each voting machine, record the protective counter and seal numbers on the Voting Machine Certificate, close the voting machines, complete the Vote Tabulation for the election, and post a copy of the results tape from each voting machine on the door of the polling place.

D. The Election Officers, as soon as possible after the polls have closed and the unofficial results announced, shall deliver all election documents, envelopes and absentee ballots to the municipality's Board of Elections.

E. The Town Board of Elections shall secure the documents, envelopes and absentee ballots until such time that they need to canvass the election.

**§16. Voting machine cost.** The Town shall pay the Department of Elections that provides the voting machines for any municipal election, \$25 for each voting machine used in the election. The respective Department shall deliver and pick up the voting machines.

**§17. Election results; recounts; contests.**

A. A person certified as being elected shall not take office before the seventh day following the election.

B. The Town Board of Elections shall announce the results of an election as soon as possible following the close of the polls.

C. The Town Board of Elections shall recount the absentee ballots if the difference between the top 2 candidates is 1/2 of 1% or less than the total votes cast for the office. Where electors vote for more than 1 candidate for an office, the Town Board of Elections shall recount absentee ballots if the difference between the last candidate elected and the next closest candidate is 1/2 of 1% or less than the total votes cast for the office.

D. The Town Board of Elections, following certification of the election and the resolution of any contest, shall audit the election records in order to reconcile the number of voters who cast ballots as compared to the number of voters who returned absentee ballots and voted on voting machines. The results of this audit shall be reported to the municipality's chief executive and be made available for public review.

E. Sections 5941 through 5955 ("Contested Elections – Other Officers" of Title 15 of the Delaware State Code apply to election contests within the Town.

**Section 3.** This ordinance shall be in effect upon adoption by Council and signature by the Mayor.

**Synopsis**

This ordinance, Municipal Elections, makes the Town ordinances consistent with Municipal Elections law passed by the General Assembly of the State of Delaware (see Title 15, Delaware Code, Chapter 75.). The following issues are addressed: notice procedures, voter eligibility, declaration of candidacy and eligibility, terms of office, Board of Elections appointments and responsibilities, and conduct of the election.

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This shall certify that this is a true and correct copy of the ordinance duly adopted by the Town Council of the Town of Wyoming at a duly-noticed and convened meeting at which a quorum was present on December 3rd th, 2007.

Attest: Parvula B. Haddock  
Town Clerk

So Certifies: Frankie Dale Ref  
Mayor

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