



Ordinance 639

An Ordinance amending Chapter 19 Elections

Sponsored By: 4th District Councilman Charles McKewen

First and Second Reading: September 13, 2018 Council Meeting

Results: Passed 7 In Favor, 0 Opposed

Third and Final Reading: October 11, 2018 Council Meeting

Results: Passed 7 In Favor, 0 Opposed

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An Ordinance amending Chapter 19 Elections

WHEREAS, The Town of Elsmere is required to conduct Biennial Elections, and on occasion special elections; and

WHEREAS, On December 9, 2010 the Mayor and Council amended Chapter 19 Elections to ensure compliance with the State Law governing elections; and

WHEREAS, it has been determined that there are some inconsistencies between Chapter 19 and the State Election Law; and

WHEREAS, the Mayor and Council wish to correct these inconsistencies to ensure all elections are held in a proper manner and in compliance with State Law.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF ELSMERE, AS FOLLOWS:

That Chapter 19 – Elections, of the Town of Elsmere be amended as follows:

1. Insert a new §19-1A(1) to read as follows:

§19-1A(1) Two members of the Board of elections shall certify the voting machines to be used in the election prior to the voting machines being delivered to the polling place(s).

2. §19-5D(12) be amended by replacing the words “the fifth Monday prior to a special election” as they appear in the 4th line with the words “the fourth Monday prior to a special election”.
3. §19-12A be deleted in its entirety and a new §19-12A be inserted to read as follows:

§19-12

A. General

- (1) The Town of Elsmere Board of Elections shall announce the unofficial results of an election as soon as possible following the close of the polls.

- (2) No later than 48 hours following the closing of the polls, the Board of Elections shall convene within to determine the result of the election and certify the names of the winning candidates.
- (3) The Board of Elections shall recount the absentee ballots if the difference between the top two candidates is $\frac{1}{2}$ of 1% or less than the total votes cast for the office. Where electors vote for more than one candidate for an office, the Board of Elections shall recount absentee ballots if the difference between the last candidate elected and the next closest candidate is $\frac{1}{2}$ of 1% or less than the total votes cast for the office.
- (4) If, following certification of the election and the resolution of any contest, there is a tie vote, then the State Election Commissioner shall order a new election in which only the candidates or positions tied will be on the ballot. The Town shall conduct the special election in accordance with this chapter; provided, however, that the Department of Elections shall defray the cost of such election to a cap of \$2,500.00.
- (5) The Board of Election, 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 Mayor and be made available for public review.
- (6) A person certified as being elected shall not take office before the seventh day following certification of the election.
 - (a) After a Biennial Election, on the date to which the candidate(s) take office, a special meeting of the Mayor and Council shall be held which shall be know as an Organizational Meeting. At such meeting, the President Pro Tempore and Secretary of Council shall be elected by the Council from among the members of the Council.
 - (b) At the quadrennial organization meeting, the Council shall appoint an Attorney-at-law who shall be an officer of the Town who shall have the title of Town Solicitor and shall meet the requirements set forth in §601 of the Charter of the Town of Elsmere.

First and Second Reading
September 13, 2018

Third and Final Reading
October 11, 2018

Eric Thompson, Mayor

Brian Hurst, Secretary

Approved as to form:

Town Solicitor

SYNOPSIS

This Ordinance eliminated discrepancies between the Town Code and State Law governing Municipal Elections.

Fiscal Impact

The ordinance will have no fiscal impact to the Town.