

Section 6. Elections.

- A. On the first Saturday in August each year, a municipal election shall be held between the hours of 1:00 p.m. and 5:00 p.m., at such place within the limits of the Town as shall be designated by the Town Council. Each member of the Town Council shall be elected to serve for a term of two (2) years or until his or her successor is elected and qualified. Four (4) members of the Town Council shall reside within fifty (50) miles of the Town of Fenwick Island. No employee of the Town of Fenwick Island, either part-time or full-time, shall serve as a member of Town Council. A member of the Town Council shall only be qualified to hold office so long as he or she holds the requirements to be a candidate in the Town of Fenwick Island; he or she shall no longer be eligible to serve as a member of the Town Council from the date of the act or event causing the member to be ineligible.
- B. In the event of a tie vote, a runoff election between the candidates so tied shall be held within twenty-eight (28) days after the annual election at which the tie vote occurred, and notice of such runoff election shall be posted at the Town Hall within three (3) days after the annual election.

(59 Del. Laws, c. 65, §§ 1 and 2; 62 Del. Laws, c. 410, § 1; 63 Del. Laws, c. 371; 65 Del. Laws, c. 85, § 2; 65 Del. Laws, c. 321, § 1; 76 Del. Laws, c. 363, § 1)

Section 9. Qualification of Voters.

- A. Voter qualifications. **[Amended 2-23-2018]**

(1) Residents:

- (a) Every natural person, who is a citizen of the State of Delaware and the United States, age 18 on or before the date of the election, a bona fide resident of the Town prior to the annual municipal election, and registered to vote thirty (30) or more days prior to the annual municipal election, if provided by ordinance, shall have one vote.
- (b) A bona fide resident for purposes of this Section 9, "bona fide resident" means a permanent, full-time resident of the Town. The following documentation may be considered by a registrar in determining whether a person is a permanent, full-time resident of the Town under this section. The registrar does not need to be presented with all of the following documentation in order to conclude that a person qualifies to vote in the annual municipal election as a bona fide resident of the Town:
- (i) A current State of Delaware driver's license or identification card showing a Town address that is not a post office box;
- (ii) An official government uniformed service identification card showing a Town address that is not a post office box;
- (iii) A voter registration card issued by the State of Delaware showing a Town address that is not a post office box;

- (iv) Other current photo identification issued by the State of Delaware; U.S. Government; the voter's employer, high school or higher education institution showing a Town address that is not a post office box;
 - (v) Any motor vehicle operator's license, whether or not it is a conventional driver's license, showing a Town address that is not a post office box;
 - (vi) Any motor vehicle registration, if the registration shows that the motor vehicle is owned by the person in question and shows a Town address that is not a post office box; and/or
 - (vii) Any other documentation that a person can reasonably and commonly accept as proof of address.
- (2) Non-residents: Every property owner as of March 1 prior to the annual municipal election, whether a natural person or artificial entity, including but not limited to corporations, partnerships, trusts, and limited liability companies, and who is registered to vote, if provided by ordinance, shall have one vote. A natural person shall be a citizen of the United States and age 18 on or before the date of the election. An artificial entity shall be a domestic entity in the State of Delaware.
- (3) These provisions shall be construed in accordance with the principle of "one-person/entity, one vote." Where a voter is entitled to vote by virtue of being both a resident and as an owner of real property, that voter shall be entitled to only one vote; where a voter is entitled to vote by ownership of two or more parcels of real property, that voter shall be entitled to only one vote.
- (4) Any legal entity, other than a natural person entitled to vote, must cast its vote by a duly executed and notarized power of attorney from the legal entity granting the authority to cast its vote to its designated attorney-in-fact. Such power of attorney shall be surrendered to the election officials who shall file the same in the office of the Town. Such power of attorney so filed shall constitute conclusive evidence of the right of said person to vote in the election on behalf of the legal entity granting the power. The person casting the ballot for such entity shall be age 18 on or before the date of the election and a citizen of the United States.

B. Candidate Qualifications.

- (1) A natural person who is a citizen of the United States, age 21 on or before the date of the election, and a qualified voter for at least one year prior to the election for which nominated; and
- (2) Either:
 - (a) A bona fide resident of the Town; or
 - (b) A property owner in the Town.
- (3) A candidate shall not have been convicted of a felony.

C. Registration.

The Town Council may, by ordinance, provide for a registration procedure.

(59 Del. Laws, c. 65, § 6; 62 Del. Laws, c. 3; 65 Del. Laws, c. 321, § 30; 76 Del. Laws, c. 363, § 5)