

Ordinance No. 539

An Ordinance to Establish a new Chapter 77 in the New Castle City Code Relating to Election Candidacy Declaration Requirements.

WHEREAS, the Council of The City of New Castle (“City Council”) possesses the authority to adopt, amend, modify, or repeal The City of New Castle Municipal Code (“Code”);

WHEREAS, The City of New Castle Charter establishes Election Procedures (Section 6) which include provisions regulating the process and requirements for declaring candidacy for election to City offices, and which states, in relevant part, that such persons “shall file with the City his or her name, place of residence, and date, designating the office for which he or she seeks to become a candidate, no later than 5:00 p.m. local time, of the last Friday in the month of February in the year of the election.”;

WHEREAS, the City Council desires to establish a new Chapter 77, to provide further regulations and guidance for City officials and residents regarding the proper method for declaring candidacy for election to City office (“Proposed Changes”); and

WHEREAS, the City Council finds that the Proposed Changes are consistent with 15 *Del. C.* § 7555.

NOW, THEREFORE, making the express finding that the Proposed Changes outlined below enhance the health, safety, and welfare of the City of New Castle, the City Council of The City of New Castle hereby ordains and adopts the following Code changes and revisions:

Section 1. Amend City of New Castle Code to adopt a new Chapter 77 relating to Election Candidacy Declaration Requirements, which shall read, in its entirety, as follows:

Chapter 77

ELECTION CANDIDACY DECLARATION REQUIREMENTS

§ 77-1. Purpose and intent.

The purpose of this Chapter is to provide for the health, safety, and general welfare of the citizens and businesses of the City of New Castle (the “City”) through the regulation of procedures for candidacy declaration in City elections which are not provided for elsewhere in the City’s Code or Charter.

§ 77-2. Procedures for Candidacy Declaration.

The procedures for complying with the requirements set forth in the City Charter shall be as follows:

- A. Appropriate forms to be completed for candidacy declaration will be made available to potential candidates at the administrative offices of the City, as well as via electronic means, including but not limited to posting on the City’s website; however, the completed forms must be presented in-person to the City Administrator, or another agent of the City so designated therefore.
- B. Persons seeking to declare candidacy must provide, at the time of his or her in-person submission of the candidacy declaration forms, sufficient proof demonstrating that he or she meets the requirements set forth in the Charter, and shall provide sufficient proof of his or her name and residency.
- C. Where the Charter requirements fix the deadline for declaration of candidacy in regular elections at 5:00 p.m. local time “of the last Friday in the month of February in the year of the election,” the deadline for declaration of candidacy for special elections shall be a date and time fixed by Council, as appropriate under the circumstances, but in no event less than forty (40) days prior to the scheduled election date.

Section 2. Inconsistent Ordinances and Resolutions Repealed. All Ordinances or parts of Ordinances and all resolutions or parts of resolutions that may be in direct conflict herewith are hereby repealed.

Approved: _____
Mayor