

## **Ordinance No. 552**

### **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 (the “Candidacy Declaration Packet”) 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.
- B. The Candidate Filing Form shall include the following statement:

“I certify that I meet the following requirements for office as set forth in Delaware Code 15 Del. C. § 7555 *Candidates; eligibility; declaration of candidacy* and the Charter of the City of New Castle.

  - I will be at least 21 years of age as of the date of the election.
  - I have been a resident of the City of New Castle for at least 2 years.
  - I am a registered voter in the State of Delaware.
  - I have never been convicted of a felony.”
- C. The completed Candidacy Declaration Packet may be presented in-person to the City Administrator, or another agent of the City so designated therefore; alternatively, the completed Candidacy Declaration Packet may be submitted electronically to the City Administrator through any eSignature software that creates a legally binding electronic or digital signature.
- D. Persons seeking to declare candidacy must include with his or her Candidacy Declaration Packet a completed and notarized affidavit (a form of which is included therewith) affirming that he or she meets the candidacy requirements set forth in the Charter and Delaware Code 15 Del. C. § 755 to an email address provided upon issuance of the Candidacy Declaration Packet. In addition to the notarized form, Persons seeking to declare candidacy electronically shall also submit documents confirming proof of name, residency.
- E. In lieu of the electronically submitted Candidacy Declaration Packet, persons seeking to declare candidacy may submit the Candidacy Declaration Packet in person along with the notarized affidavit provide proof of name, residency, and that he or she otherwise meets the requirements set forth in the Charter.
- F. Should there be any deficiency in a candidate’s filing or evidence raising a question of the candidate’s qualification for office, the City Administrator, or another agent of the

City so designated, shall provide immediate notice to the candidate with opportunity to rectify the deficiency in accordance with the guidelines outlined in Delaware Code 15 Del. C. § 755.

- G. 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.

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- H. **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.

- I. **Section 3. Severability.** The provisions of this Ordinance shall be severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that City Council would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with City Council’s intent.

- J. **Section 4. Effective Date.** This Ordinance shall become effective upon approval by City Council.

First Reading

Second Reading

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2024

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Suzanne Souder, President of City Council

Attest: \_\_\_\_\_  
Courtaney Taylor, City Clerk

Approved: \_\_\_\_\_  
Valarie Leary, Mayor