

**SYNOPSIS OF ORDINANCE  
AMENDING THE CODE OF SOUTH BETHANY,  
TO AMEND CHAPTER 138, VOTING, ABSENTEE  
ORDINANCE 215-24 (FIRST READING)  
(Sponsored by Councilman Shaw)**

This Ordinance amends the Code of the Town of South Bethany, Chapter 138, Voting, Absentee, in relation to language regarding voting eligibility.

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## **ORDINANCE NO. 215-24**

**AN ORDINANCE TO AMEND** the Code of the Town of South Bethany, Chapter 138, Voting, Absentee, in relation to language regarding voting eligibility.

**BE IT HEREBY ENACTED** by the Council of the Town of South Bethany, Sussex County, Delaware, a majority thereof concurring in Council duly met, that the following ordinances be and hereby are amended as follows: (additions are **bold and highlighted in red text** and deletions are ~~bold and marked through~~)

**Amend Chapter 138, Voting, Absentee, as follows:**

### **§ 138-1 Authority.**

This chapter is authorized by ~~§ C-6~~ **Chapter 6** of the Town Charter and Title 15, Delaware Code, Chapter 75, Subchapter V.

### **§ 138-2 Absentee voting.**

Any qualified voter of the Town may vote by absentee ballot **for a qualifying reason**, at any Town election. Absentee voting shall be conducted in accordance with the ~~procedures set forth in~~ **provisions of** Title 15, Delaware Code, Chapter 75, Municipal Elections, Subchapter V, Absentee Voting in Municipal Elections Except for the City of Wilmington, as the same may hereby be amended from time to time, and any other existing or future corresponding provisions of law.

### **§ 138-3 Persons eligible to vote by absentee ballot.**

[Amended 12-10-2004 by Ord. No. 128-04]

Any natural person shall be qualified to vote in any annual municipal election, special election or referendum who, on voting day, shall:

- A. Have attained 18 years of age
- B. Be a citizen of the United States.
- C. Be registered under the Town's voter registration ordinance (if one is in effect);  
and

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D. Be **qualified as a “property owner” or a “resident” under §6.3.1(d) of the Town Charter.** ~~one of the following:~~

- ~~(1) A freeholder in the Town, as defined herein, for a period of 90 consecutive days immediately preceding the date of the election. A “freeholder” shall be deemed to include any natural person who holds title of record either in his/her own name or as trustee to a fee simple estate or a life estate in and to real property located within the corporate limits of the Town.~~
- ~~(2) The spouse of a freeholder, whether their name is on the deed or not.~~
- ~~(3) A resident of the Town. A “resident” shall mean any natural person who has been physically residing within the corporate limits of the Town for at least 30 days immediately preceding the date of the election and who maintains physical residency within the Town on the date of the election.~~
- ~~(4) Provided, however, anything herein to the contrary notwithstanding, not more than eight persons per property shall be entitled to vote either as a “freeholder” or as the spouse of a “freeholder” under Subsection D(1) and (2) immediately preceding.~~

Determination of voter eligibility. The Board of Elections is responsible to determine voter qualifications as prescribed in this subsection.

If any provision(s) of this Ordinance shall be deemed or held to be invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect any other provision of this Ordinance which may be given effect without such invalid or unenforceable provision and, to this end, the provisions of this Ordinance are hereby declared to be severable.

Effective date. This ordinance shall become effective upon its passage by a majority vote of the Town Council of the Town of South Bethany.

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**ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF SOUTH BETHANY, SUSSEX COUNTY, DELAWARE, ON THE \_\_\_\_ OF \_\_\_\_\_ 2024.**

SEAL: \_\_\_\_\_

\_\_\_\_\_  
Edith Dondero, Mayor

\_\_\_\_\_  
Robert Biciocchi, Council Secretary

ATTEST: \_\_\_\_\_

1<sup>st</sup> Reading: 11/8/2024  
2<sup>nd</sup> Reading:

Sponsored by Councilman Shaw  
Ordinance 215-24  
First Reading

