



Ordinance 684

An Ordinance establishing the procedure for the Special Municipal Election for the office of 3rd Council District.

Sponsored By: Mayor and Council

First and Second Reading: July 21, 2025

Results: Passed 6 In Favor, 0 Opposed with 1 Vacant

Third and Final Reading: August 14, 2025

Results:

ORDINANCE 684

An Ordinance establishing the procedure for the 2025 Special Municipal Election for the office of 3rd Council District.

WHEREAS, Article IX, Section 900 (a), of the Charter of the Town of Elsmere requires that a regular municipal election be held on the last Saturday in April 2011, and on the last Saturday in April each two years thereafter; and

WHEREAS, On Tuesday, February 11, 2025, the Town of Elsmere's Board of Elections held a public meeting and determined that all offices that have been filed for in the regular Biennial Election were unopposed, and therefore, no election will be held; and

WHEREAS, On Thursday, April 10, 2025, Mayor Eric Thompson resigned his position as mayor, effective immediately; and

WHEREAS, Section 305 of the Town Charter states that in this event, the President Pro Tempore shall succeed to the office of Mayor for the balance of the unexpired term; and

WHEREAS, President Pro Tempore, 5th District Councilwoman Joann Personti succeeded to the office of Mayor; and

WHEREAS, Section 305 of the Town Charter states that the succession of the President Pro Tempore to the office of Mayor shall create a vacancy in the Council; and

WHEREAS, On Monday, May 5, 2025, the offices of 3rd, 5th, and 6th Council Districts were deemed vacant due to no candidates filing for those offices; and

WHEREAS, after a solicitation for candidacy period was opened for the offices of 3rd, 5th, and 6th District Council, only one candidate filed for the office of 5th Council District, and no candidates filed for the offices of 3rd and 6th Council Districts, thereby cancelling the special election; and

WHEREAS, On Thursday, June 12, 2025, Marc Henry was sworn into the office of 5th District Council; and the offices of 3rd and 6th Council Districts were deemed vacant due to no candidates filing for those offices; and

WHEREAS, Again, after a solicitation for candidacy period was opened for the offices of 3rd and 6th Council Districts, only one candidate filed for the office of 6th Council District, and no candidates filed for the office of 3rd Council District, thereby cancelling the special election; and

WHEREAS, On Tuesday, July 8, 2025, Erik Ellison was sworn into the office of 6th District Council; and the office of 3rd District Council was deemed vacant due to no candidates filing for that office; and

WHEREAS, Section 302C of the Town Charter states that when a vacancy occurs in the Council for any reason, that a special election be held to fill the vacancy within 60 days after the occurrence of the vacancy; and

WHEREAS, Section 302C of the Town Charter states that when a vacancy occurs in the council for any reason, a special election shall be held to fill the vacancy, unless the vacancy occurs within 365 days of a regular election; and

WHEREAS, The effective date of those offices is more than 365 days before the next regularly scheduled municipal election; and

WHEREAS, Article IX, Section 900 (a), of the Charter of the Town of Elsmere requires that the Mayor and Council pass an ordinance that sets the Rules and Regulations concerning the nomination and election process for the regular municipal elections; and

WHEREAS, Article IX, Section 900 (g), of the Charter of the Town of Elsmere requires that in case of referenda or special elections, the same procedure shall be followed to the extent applicable as with respect to the regular elections.

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

That, in addition to the requirements of the Charter of the Town of Elsmere, the Code of the Town of Elsmere and the Delaware State Law, the following shall be considered the Rules and Regulations for the 2025 Special Municipal Election for the office of 3rd Council District:

1. In accordance with Section 302C, of the Charter of the Town of Elsmere, the 2025 special municipal election for the office of 3rd Council District shall be held on Saturday, August 23, 2025.
2. The hours during which the polls shall be open on this date shall be from 10:00a.m. to 7:00p.m..
3. The polling place for the election shall be held at the Elsmere Town Hall, located at # 11 Poplar Avenue, Elsmere, Delaware 19805.
4. The special election shall be held only for the following office and only the below listed individuals shall be considered candidates for those specific offices.

For the Office of 3rd District Council:

TO BE DETERMINED AFTER SOLICITATION OF CANDIDACY

5. The Town Clerk shall make the required public notice of the election as prescribed by the Charter and Law.

6. Absentee Ballots shall be made available on Friday, August 1, 2025, in accordance with Chapter 19 section 14 C (2) of the Code of the Town of Elsmere.
7. Write in votes shall not be permitted in the 2025 Special Municipal Election.
8. That Mr. Scott Allen and Ms. Denise Lardani are appointed as Absentee Ballot Clerks for the election.
9. That the counting of any absentee ballots shall take place in the Council Chambers of the Elsmere Town Hall located at # 11 Poplar Avenue, Elsmere DE 19805 by the Absentee Election Judges (who shall be appointed by the Elsmere Board of Elections), at a meeting to be held on Saturday, August 23, 2025 at 5:00pm.
10. That the Board of Election shall certify the results of the Election at a public meeting in the Council Chambers at the Elsmere Town Hall on Monday, August 25, 2025 at 5:30pm.
11. That a Council Meeting be held on Thursday, September 11, 2025 at 6:30pm as part of the regular monthly meeting for the purpose of swearing in any newly elected Councilmember. This meeting shall be held in the Council Chambers at the Elsmere Town Hall.

First and Second Reading
July 21, 2025

Joann I. Personti, Mayor

Third and Final Reading
August 14, 2025

Jane McDaniel, Secretary

Approved as to form:

Town Solicitor

SYNOPSIS

This Ordinance sets forth the procedures to be followed during the 2025 Special Municipal Election for the office of 3rd Council District as required by the Charter of the Town of Elsmere.

Fiscal Impact

The cost of the 2025 Special Municipal Election is unknown due to lack of interest in candidates, poll workers, and volunteers.