

CHAPTER 344
FORMERLY
HOUSE BILL NO. 323

AN ACT TO AMEND VOLUME 57, CHAPTER 170 OF THE LAWS OF DELAWARE, AS AMENDED, THE CHARTER OF THE CITY OF LEWES, TO MAKE VOTER QUALIFICATIONS CONSISTENT WITH THE NEW SENATORIAL DISTRICT CREATED IN RESPONSE TO THE 2010 CENSUS, AND FURTHER TO AMEND THE PROCESS BY WHICH THE CITY AWARDS CERTAIN CONTRACTS FOR THE PURCHASE OF MATERIALS OR FOR THE FURNISHING OF SERVICES AUTHORIZED OR PERMITTED BY THE CHARTER FOR THE CITY OF LEWES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend Volume 57, Section 7, Subsection (d), Chapter 170 of the Laws of Delaware, as amended, Charter of the City of Lewes, as follows:

(d) At such Annual Municipal Election, every person, male or female, who shall have attained the age of eighteen (18) years on the date of the Annual Municipal Election and who shall be a citizen of the United States and a citizen of The City of Lewes shall have one (1) vote, provided, that he or she is registered on the Books of Registered Voters of The City of Lewes. For the purposes of this Section, a citizen of The City of Lewes shall be deemed to include any person who is a qualified voter of the State of Delaware, and is a bona fide resident of the City of Lewes. The City Council of The City of Lewes shall provide two (2) registers to be known as the "Books of Registered Voters" which are to be kept at the office of the City Manager. The Books of Registered Voters shall contain the following information for each registrant: the names of the registered voters arranged in alphabetical order, the addresses of the voters, the proven age of the voters, the dates the registrants became citizens of the United States, the date that the registrants became residents of The City of Lewes and any other pertinent information. No person shall be registered upon the Books of Registered Voters unless he will have acquired the qualifications to vote in the Annual Municipal Election for the year in which he registers. A person shall be required to register only one (1) time; provided, however, that if a registered voter fails to vote in two (2) consecutive annual municipal elections in which there is a contest for any office, his name shall be removed from the Books of Registered Voters and notice sent to said registered voter at his last known address by registered mail with return receipt requested advising that his name has been removed from the Books of Registered Voters and that it will be necessary to register again in order to vote in the Annual Municipal Election. A person may register at the office of the City Manager during the regular business hours of such office until the close of business of such office on the 15th day prior to the date of the Annual Municipal Election by completing such forms as may be provided by the City. The City Council may provide by resolution for the Office of the City Manager to be open on one (1) Saturday within the thirty-day period immediately preceding the date of the Annual Municipal Election for the purpose of permitting persons to register to vote in such Annual Municipal Election

Section 2. Amend Volume 57, Section 14, Chapter 170 of the Laws of Delaware, as amended, Charter of the City of Lewes, as follows:

(c) Notwithstanding the foregoing provisions of this Section 14, a contract may be awarded to a bidder other than the lowest responsible bidder if, in the opinion of the City Council, the interests of the City shall be better served by awarding the contract to another bidder. Such award shall be made only if the City Council makes a written determination of the award, describing the reasons why such award better serves the interest of the City. Reasons for making such award may include, but are not limited to, unsatisfactory performance on any previously awarded contract by the bidder rejected.

(d) Notwithstanding the foregoing provisions of this Section 14 and without complying with the competitive bidding procedures described above, the Mayor and City Council of the City of Lewes may enter into any contract necessary or desired in connection with a special development district or tax increment financing district created or designated by the Mayor and City Council of the City of Lewes pursuant to Section 20A hereof except a contract in which the Mayor and City Council of the City of Lewes is directly contracting for the procurement of the labor or material for public improvements for the benefit of such district, provided that the foregoing exception shall not apply to development or similar type contracts between the Mayor and City Council of the City of Lewes and an owner of real property in such district when the contract is generally for the transfer by the owner to the Mayor and City Council of the City of Lewes of the work performed and the cost of labor or material provided by such owner for the benefit of such district.

Section 3. If any provision of this Act shall be deemed or held invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect any other provision of this Act that may be given effect without the invalid or unenforceable provision, and to this end, the provisions of this Act are hereby declared to be severable.

Approved July 18, 2012