



SPONSOR: Rep. Lavelle & Rep. Hudson, & Rep. Ennis, & Rep. Hall-Long,
& Sen. Blevins, & Sen. Sokola

HOUSE OF REPRESENTATIVES

143rd GENERAL ASSEMBLY

HOUSE BILL NO. 410
AS AMENDED BY
HOUSE AMENDMENT NOS. 1,2 & 3
AND
SENATE AMENDMENT NO. 2

AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE DEALING WITH MUNICIPAL ELECTIONS.

WHEREAS, it is in the best interest of the citizens of the State of Delaware that municipalities conduct their elections in a uniform, fair and open manner.

NOW THEREFORE:

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 § 7501 and § 7502 by striking said Sections in their entirety and substituting in lieu thereof:

“§ 7501. Applicability.

Subchapters II and III of this Chapter shall apply to the City of Wilmington and Subchapter IV of this Chapter shall apply to all other municipalities meeting the definition of ‘municipal corporation’ in § 801(3) of 22 Del. C. except those whose powers are vested in a Town Meeting or Town Assembly consisting of all eligible voters, residents, and/or leaseholders in the municipality, including Arden, Ardentown, and Ardencroft, and excepting the Board of Public Works of the City of Lewes, the New Castle Municipal Service Commission.”.

Section 2. Amend Chapter 75 by inserting the following as Subchapter IV:

“Subchapter IV. Municipal Elections Except for the City of Wilmington.

§ 7550. General.

- (a) This Subchapter shall not apply to elections for the City of Wilmington, referenda, or annexation elections.

- (b) Provisions of municipal charters or ordinances inconsistent with the provisions of this Subchapter shall be considered repealed.
- (c) Municipalities shall conduct all elections for local office using voting machines that the Department of Elections shall provide.
- (d) Where a deadline in this Subchapter is a Saturday, Sunday or a holiday in the municipality, the deadline shall be the next day that is not a Saturday, Sunday or holiday in the municipality.
- (e) Deadlines shall be no earlier than 4:30 p.m., local time.
- (f) Municipalities shall not adopt any ordinance that is contrary to any of the provisions of this Subchapter.
- (g) § 4972 of this Title applies to this Subchapter.
- (h) The date and time of municipal elections, the offices up for election, and the terms of those offices shall be as provided in the municipality's charter and/or ordinance.
- (i) Municipalities shall enact ordinances to implement optional provisions of this Subchapter at least 60 days prior to the date of the first election to which those provisions shall apply.
- (j) The Commissioner of Elections, in collaboration with the Departments of Elections, shall promulgate the documents, forms and envelopes required by this Subchapter.
- (k) A municipality shall contract with the Department of Elections to conduct an election to elect members of the municipality's government at least 60 days prior to the date of the election.
- (l) A voter may ask a person or persons of his choice, who is not his employer or an agent of his employer or union, to assist him in voting.
- (m) The term Department of Elections as used in this Subchapter refers to the Department of Elections for the county in which a municipality is located.

§ 7551. Boards of Election; appointment, authority.

- (a) A Board of Elections shall be appointed as provided in the municipality's charter or code and shall oversee the election of the municipality's government.
- (b) Members of municipal Boards of Elections shall be qualified electors in the municipality for which they are appointed and shall not be an elected official or candidate or an immediate family member of an elected official or candidate (mother, father, son, daughter, brother, sister, including half-brothers and sisters, stepfamily members and in-laws).

- (c) Members of municipal Boards of Elections shall serve terms as provided in the municipality's charter or code.
- (d) Upon confirmation of a member to a municipality's Board of Elections, the municipality shall issue a Certificate of Appointment to the member and the member shall swear or affirm the following oath orally and in writing:
- I, _____, do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Delaware, and that I will faithfully discharge the duties as a member of the Board of Elections for the city (or town) of _____ by ensuring that elections within the city (or town) are conducted fairly, impartially and in accordance with the Delaware Code and city (or town) charter and ordinances to the best of my ability.
- (e) A municipal Board of Elections member shall not participate in electioneering. Electioneering includes political discussion of issues, candidates or partisan topics; the wearing of any button, banner or other object referring to issues, candidates or partisan topics; the display, distribution or other handling of literature or any writing or drawing referring to issues, candidates or partisan topics; and the deliberate projection of sound referring to issues, candidates or partisan topics from loudspeakers or otherwise. A Board of Elections member who violates this Section shall be fined not more than \$500 and shall forfeit his or her position on the Board.
- (f) Municipal Boards of Elections shall consist of an odd number of members as stated in the municipality's charter or code, but in no case shall there be fewer than three (3) members on the Board.
- (g) Unless otherwise provided in the municipality's charter or code, the municipality's Board of Elections shall oversee the absentee ballot process for elections conducted in accordance with this Subchapter.
- (h) The Department of Elections shall make training available for the members of the municipality's Board of Elections on their roles and responsibilities.
- (i) A municipal Board of Elections may request, in writing, advice and guidance from the Department of Elections. The Department to which a Board of Elections makes a request shall

provide a written response as soon as practical but no later than seven (7) business days following receipt of the request.

- (j) Municipalities shall post the names and contact information for its Board of Elections in the city/town hall or in the building where the municipal government meets, and on the municipality's website if it has one.
- (k) A municipality shall notify the Commissioner of Elections and the Department of Elections of the members of its Board of Elections when such members are installed.

§ 7552. Complaint Procedure.

- (a) A citizen of the municipality may submit a written complaint, regarding any aspect of pre-election activity that is contrary to the provisions of this Subchapter, to the municipality's Board of Elections. The complainant shall state with specificity the action or activity that is contrary to the provisions of this Subchapter. The municipal Board of Elections shall meet in a special public meeting held as soon as practicable in compliance with the Delaware Freedom of Information Act following receipt of the complaint and determine if the complaint has any merit. Within 24 hours of the special public meeting, the municipal Board of Elections shall issue a written decision on whether the pre-election action or activity was legally incorrect and ordering lawful action necessary to correct such legal error in the pre-election action or activity. The Board of Elections shall immediately make its decision available to the public.
- (b) Decisions and orders of a municipal Board of Elections may be appealed to the Commissioner of Elections in writing within two (2) business days of the Board's decision and order. The Commissioner of Elections shall take testimony at a special public hearing that he conducts within four (4) business days following receipt of the appeal. The Commissioner shall hold the hearing in accordance with the Administrative Procedures Act except as provided in this Section. The Commissioner shall give 48 hours prior notice to all parties to such special public hearing in lieu of the notice provisions of 29 Del. C. § 10122. Notice of the hearing shall be posted as well as published on the Commissioner's website in lieu of the notice provisions of 29 Del. C. § 10124. The Commissioner shall issue a written decision no later than two (2) business days following the hearing. Decisions of the Commissioner may be appealed in writing to Superior Court no less than 48 hours before the date of the election.

- (c) Notwithstanding the foregoing, at the option of the complainant, he or she may elect to appeal the decision of the municipal Board of Elections in writing to the Superior Court no less than 48 hours before the date of the election.

§ 7553. Notices; posting; publishing; deadlines, election calendar.

- (a) For each election of members of the municipal government, a municipality shall post a Notice of Election conspicuously within the municipality no later than 20 days prior to the date of the election. Such notice shall include the date, time and location of the election, the candidates for each office on the ballot and the qualifications to vote in the election. In municipalities that allow non-resident voting, those municipalities may notify the electorate by any appropriate means, such means to be stated in the municipality's charter or code.
- (b) For each election of members of the municipal government, a municipality shall post a Notice of Solicitation of Candidates conspicuously within the municipality 20 days prior to the filing deadline for the offices up for election. Such notice shall include the term(s) of each office up for election, the deadline and procedure for declaring candidacy for an office up for election and the qualifications for holding each office.
- (c) For any municipal election where this Subchapter or the municipality permits absentee ballots, all notices required by this Section shall include information about how to obtain an absentee ballot.
- (d) A municipality shall post the notices required by this Section, at minimum, in compliance with the Delaware Freedom of Information Act, 29 Del. C. Chapter 100.
- (e) A municipality shall post all election notices on its website if the municipality has a website.
- (f) A municipality shall provide a copy of each election notice to the Department of Elections.

§ 7554. Voter eligibility.

- (a) Voter eligibility shall be as specified within the town charter.
- (b) A municipality that uses the State's Voter Registration System as the source of its list of registered voters must enter into a written agreement with the Department of Elections that specifies the responsibilities of each party registering voters, maintaining voter records and providing Election Day support.

- (c) A municipality that maintains its own voter registration system shall publish and post a schedule of when eligible citizens may register to vote. The municipality shall provide eligible citizens a reasonable opportunity to register to vote.
- (d) Persons appearing to vote shall present proof of identify and address. The identification shall be one or more of the following items that individually or together show the identity and address of the person:
 - (1) A current State of Delaware driver's license or ID card;
 - (2) A uniformed service ID card;
 - (3) Another current photo ID issued by the State of Delaware; U.S. Government; the voter's employer, high school or higher education institution;
 - (4) A current utility bill, bank statement, credit card statement, a paycheck or pay advice, or another type of bill or statement;
 - (5) A lease or sales agreement; and/or
 - (6) Any other documentation that a person can reasonably and commonly accept as proof of identity and address.
- (e) Personal recognition by a majority of the Election Officers in the polling place can attest to a voter's identify and address.

§ 7555. Candidates; eligibility; declaration of candidacy.

- (a) Candidate eligibility shall be established in the town charter.
- (b) The procedure for declaration of candidacy shall be established in the town charter or by ordinance.
- (c) Unless otherwise specified in the town charter:
 - (1) A candidate for municipal government shall not have been convicted of a felony;
 - (2) A candidate for the chief executive of a municipality shall have been a qualified elector of the municipality for at least one (1) year prior to the date of the election and shall be at least 21 years of age on or before the date of the election; and
 - (3) A candidate for a municipality's legislative body and all other elective offices shall have been a qualified elector of the municipality for at least one (1) year prior to the date of the election, and shall be at least 21 years of age on or before the date of the election.

- (d) A candidate for municipal office shall file a Certificate of Intention or a Statement of Organization establishing a campaign committee with the Commissioner of Elections no later than seven (7) days after declaring his candidacy. A Certificate of Intention is submitted by a candidate when the yearly salary for the office for which he has filed a Declaration of Candidacy is less than \$1,000 or who does not intend to receive more than \$2,000 in contributions or expend more than \$2000 for campaign expenses during the campaign pursuant to § 8004, Chapter 80, Title 15 of the Delaware Code. Otherwise, no later than seven (7) days after making expenditures or receiving contributions on behalf of the candidate or committee, the candidate shall notify the Commissioner and file a Statement of Organization.
- (e) The Commissioner of Elections shall notify a municipality's Board of Elections when a candidate has failed to comply with the provisions of paragraph (d) above.
- (f) Excepting candidacies otherwise provided for in the town charter and which have complied with the provisions of paragraph (d) of this Section within five (5) days after the election, the Board of Elections of a municipality shall declare a candidate who has failed to comply with the provisions of paragraph (d) of this Section ineligible to be a candidate and shall order his name removed from the ballot subject to the appeal provisions of § 7552. Administrative errors or oversights by municipal or state officials shall not be grounds for declaring a person ineligible to be a candidate.
- (g) Officials receiving any document required in this Section shall provide the person filing the document with a receipt showing the date and time that the document was filed and the name of the person who received the document.
- (h) Officials receiving any document required in this Section shall immediately notify the person submitting the document of any deficiency in the submission. The person submitting the document shall have two (2) business days to correct the deficiency even if the extension extends beyond the applicable deadline. If the person does not correct the deficiency by the end of the second business day, the municipality shall reject it.
- (i) All documents filed in accordance with this Section are public records and a municipality shall make them available for inspection by the public in accordance with the State of Delaware Freedom of Information Act.

- (j) Where the number of qualified candidates for an office is equal to or less than the number of seats up for election, the Board of Elections shall declare the candidate or candidates elected.
- (k) The Commissioner of Elections shall prepare a package of Municipal Candidate Forms required by this Section and instructions for completing and filing the forms. The Commissioner shall provide each municipality copies of the Municipal Candidate Forms package and publish the package on the Commissioner of Elections' website. Municipalities and the Departments of Elections shall publish the Municipal Candidate Forms package on their websites, should such websites exist. Municipalities shall maintain a sufficient supply of Municipal Candidate Forms packages to meet demand.
- (l) A municipality shall submit the names of candidates for each office up for election to the Department of Elections no later than one (1) business day following the filing deadlines for the elected positions.
- (m) A person may withdraw as a candidate by filing the form promulgated by the Commissioner of Elections for that purpose with the municipality.
 - (1) If there are two (2) or more candidates remaining on the ballot for the office and there are 14 or more days prior to the date of the election, the municipality shall mail new absentee ballots to all persons to whom it had issued absentee ballots. If an absentee voter does not return the replacement absentee ballot before 12 noon the day before the election, the municipality shall count the original ballot.
 - (2) Any votes cast for a person who has withdrawn his candidacy are invalid and the municipality shall not tally, canvass nor report such votes.

§ 7556. Absentee voting.

In municipalities that allow absentee voting, including those municipalities which allow non-resident absentee voting by town charter, the process for absentee voting as set forth in 15 Del. C. §§ 5503 through 5524 shall apply, excepting therefrom § 5503(b)(2) and (c), and § 5522(b). In the application of §§ 5503 through 5524, the references to the Department of Elections for the counties shall be read to refer to the municipality.

§ 7557. Election Officers; appointment; responsibilities; training.

Unless otherwise provided by town charter or code:

- (a) The municipality shall have sufficient Election Officers to conduct the elections.

- (b) The Inspector shall be the chief Election Officer in the polling place.
- (c) The Inspector shall determine all challenges and all other issues involving the conduct of the election at the polling place. The Board of Elections may provide advice and guidance to the Election Officers.
- (d) Election Officers individually and collectively shall conduct elections in a fair and equal manner.
- (e) Election Officers who violate the provisions of this Subchapter shall be removed forthwith by the Board of Elections.

§ 7558. Conduct of the election.

- (a) The Department of Elections shall make available training for Election Officers prior to each election on the operation of the voting machine and Election Day procedures, and provide each Election Officer and Board of Elections member a copy of the manuals and/or checklists for the election.
- (b) Election Officers shall admit the following persons to the voting room:
 - (1) Board of Elections members;
 - (2) Election Officers;
 - (3) Persons voting and waiting to vote;
 - (4) A child or children 17 years of age or less accompanying the voter;
 - (5) Department of Elections administrators or employees identified by badge or other authorization;
 - (6) The Commissioner of Elections or an employee of his office identified by badge or other authorizations;
 - (7) Any person accompanying a Board of Elections member, a Department of Elections administrator, or the Commissioner of Elections except for an elected official of the municipality, a candidate on the ballot, or a person associated in any way with the campaign of a candidate on the ballot; or
 - (8) Any other person deemed necessary to the conduct of the election by the Inspector except for an elected official of the municipality, a candidate on the ballot, or a person associated in any way with the campaign of a candidate on the ballot.

- (9) A person or persons required by a voter to assist the voter in voting who is not the voter's employer, agent of his employer or union, or an elected official of the municipality, a candidate on the ballot, or a person associated in any way with the campaign of a candidate on the ballot.
- (c) Electioneering.
§ 4942 of this Title applies to municipal elections.
- (d) Challenges and Challengers.
- (1) For elections for municipal government, each candidate on the ballot may appoint and accredit one or more suitable persons as challengers. One challenger at a time for each candidate on the ballot at each voting location in a building may be present to observe the conduct of the election and all election records. The challengers may be changed and their places filled in like manner during the day. Each challenger shall present the Inspector a challenger authorization for that election.
- (2) The Inspector shall issue each challenger a challenger badge that the challenger shall wear while in the Polling Place. If the person leaves the Polling Place, the challenger shall surrender the badge to the Inspector, and for elections for municipal government, retrieve the challenger authorization from the Inspector.
- (3) Challengers may act as peace officers with the same powers of preserving the peace as Election Officers. The Election Officers shall protect them in the discharge of their duty; as long as the challengers do not create any disturbance or obstruction and do not unreasonably prolong any challenge. The Inspector shall caution challengers concerning the foregoing. If a challenger persists in objectionable behavior, the Inspector may eject the challenger. Nothing in this Subsection shall prevent the substitution of another challenger for one whom the Inspector ejected.
- (4) If an Inspector willfully ejects a challenger without cause, that Inspector shall be deemed to have knowingly and willfully violated that Inspector's own official duty.
- (5) Any person legally in the Polling Place may challenge any voter for identity, address or bribery. The Inspector shall hear each challenge before the person being challenged enters a voting machine. Once the Inspector decides the challenge, the matter is decided and the

challenged person will be either permitted to vote or not permitted to vote depending on the decision. A person denied permission to vote shall leave the Polling Place immediately. A person challenged for bribery may take and subscribe to the oath as provided in § 4940 of Title 15 of the Delaware Code. Once the person has taken and subscribed to the oath, the person shall be permitted to vote.

(e) Voting machines; election supplies; certification.

- (1) The Department of Elections shall prepare the voting machines for the election of members of a municipal government by listing the names of all certified candidates submitted by the municipality in alphabetical order by last name without political party or other designation.
- (2) The Department of Elections shall:
 - a. Supervise the preparation of the voting machines so that the voter choices are accurately reflected on the ballot;
 - b. Provide the materials needed to prepare the voting machines for the election;
 - c. Deliver the voting machines, documents, forms, envelopes, and signs prior to the election and pick up the voting machines following the election.
 - d. Keep the voting machines used in an election sealed for at least 30 days following the election or until any election contest is settled, whichever is longer. If, however, these voting machines are needed for a primary or general election prior to the resolution of an election contest, the Department may print audit records, results, and ballot images from each voting machine. The Department shall seal these records in an appropriate container and retain them until the contest is resolved.
- (3) Two (2) members of the Board of Elections for a municipality conducting an election shall certify the voting machines to be used in the election prior to the voting machines being delivered to the Polling Place(s).
- (4) Municipalities shall be responsible for providing pens, rubber bands, tape and other supplies needed at the Polling Place.

(f) Oath of Office.

Before opening the election, the Inspector and any other appointed Election Officer shall subscribe to the following oath:

'I do solemnly swear (or affirm) that in the election to be held on the _____ day of _____ A.D., I will not knowingly or willfully receive or consent to the receiving of the vote of any person who is not a citizen, and also that I will not receive or consent to the receiving of the vote of any person whom I shall believe not entitled to vote, unless my associates shall adjudge such person to be entitled to vote. That I will not receive or reject, nor concur in receiving or rejecting any vote through partiality or under bias, and that I will determine every matter that shall come before me and perform every act and duty by law required of me, touching the election, truly, faithfully and impartially, according to the best of my skill and judgment; that I have not received, nor will I receive directly or indirectly from or through any candidate to be voted for at such election, or any other person, any money, pay or other valuable thing or reward; that I have not been promised, or in any manner been led to believe that I will at any time directly or indirectly receive any money, pay or other valuable thing or reward from such candidate or other person other than that provided by law and if I shall discover any partiality, unfairness or corruption in the conduct of the election, I shall disclose the same to the Board of Elections that is conducting the election and to the Attorney General to the end that the subject may be investigated, so help me God (or so I solemnly affirm).'

(g) Bribery.

- (1) No person who is accused of receiving or accepting or offering to receive or accept, or pays, transfers or delivers, or offers or promises to pay, transfer or deliver, or contributes or offers or promises to contribute to another to be paid or used any money or other valuable thing as a compensation, inducement or reward for giving or withholding or in any manner influencing the giving or withholding a vote at any municipal election, shall vote at such election unless such person being challenged for any of said causes takes and subscribes to the oath or affirmation as provided for in § 4940 of Title 15 of the Delaware Code.
- (2) Such oath or affirmation shall be conclusive evidence to the Election Officers of the truth of such oath or affirmation, but if any such oath or affirmation shall be false, the person making the same shall be guilty of perjury, and no conviction thereon shall bar any prosecution under § 8 of Article V of the Constitution of this State. Such oath or

affirmation, when signed and attested as provided in this Section shall be competent evidence in any proceeding against the party making the same.

(h) Polling Places.

Polling places shall be convenient and readily accessible to the voters.

(i) Preparing the Polling Place prior to the election.

(1) The Election Officers for each Polling Place shall arrive at least one (1) hour prior to the time set for opening of the polls and shall proceed to arrange the furniture, documents, forms, envelopes, signs, posters and voting machines for the conduct of the election. They shall inspect the ballot cover and curtain of the machine(s) to make certain that machine(s) has not been damaged or tampered with in any manner. The Election Officers shall also take reasonable steps to ensure that no mirror or camera is in a position that would permit anyone to view the ballot.

(2) The Election Officers shall post or place the following posters and signs as follows:

a. In the voting room:

1. A voter information poster that includes information on voter eligibility, the date of the election and the hours that the Polling Places(s) are open, general information on the right to vote, instructions on how to contact the appropriate officials if these rights are alleged to have been violated, and general information on the prohibition of acts or frauds and misrepresentation;
2. A sample ballot; and
3. Instructions on how to use the voting machine.

b. At each voting machine:

1. A sample ballot; and
2. Instructions on how to use the voting machine.

c. At the entrance to the voting area:

1. A poster that indicates that the room or area is a Polling Place;
2. A voter information poster as described above; and
3. A sample ballot.

- d. Signs marking the route between the entrance and the accessible entrance and the voting room.
 - e. A poster or other visible object at the entrance to the building used by voters and at the accessible entrance, if different, that marks the building as a Polling Place.
 - f. Outside of the building where the Polling Place is located:
 - 1. Signs that mark that the building is a Polling Place;
 - 2. Signs that mark the accessible route from parking to the accessible entrance; and
 - 3. Signs that mark or point to the accessible entrance.
- (3) The Department of Elections shall provide a *Voting Machine Certificate* that lists the serial number, ballot number, machine case seal number, printer door number and the protective counter number for each voting machine assigned to the district (where voting by district is permitted) or Polling Place. Each Election Officer shall witness and verify that the numbers listed on the *Voting Machine Certificate* are the same as the voting machine serial number, case seal number, printer door seal number, ballot number and protective counter number on the voting machine. If a number is different, the Inspector shall strike through the number, enter the appropriate correction and initial the entry on each of the certificates.
- (4) The Election Officers shall then observe the opening of the polls procedure for each voting machine assigned to the district or Polling Place. If the light in the polls ready to open box on the officer's control panel is in any other but the top position prior to the Inspector pressing the open polls button, stop the procedure and contact the Board of Elections. The machine cannot be used. If, during the opening of the polls procedure, the paper tape shows 'error all counters not zero,' stop the procedure and contact the Board of Elections. The machine cannot be used. At the conclusion of the open polls procedure for each voting machine assigned to the district or Polling Place as appropriate, each Election Officer signs the paper tape. After the last Election Officer signs the paper tape, the Inspector shall close the write-in window. Each Election Officer shall then sign Section 1 of the *Voting Machine Certificate* after any discrepancies that were observed were noted on the certificate.

- (5) At the time the polls are scheduled to open, the Inspector shall admit voters and authorized challengers to the voting room.
- (j) Voting procedure.
- (1) For municipalities using the State's voter registration information as the basis of permitting a person to vote: a person shall show proof of identity and address, the Election Officer shall circle the person's name on the Poll List, have him sign the Voter Log, give the person an authorization to vote and direct him to the voting machine.
 - (2) For municipalities that do not use the State's voter registration information: a person shall show proof of identity and address, the Election Officer shall then check the person's name and address against the municipality's registration list or if the municipality does not have a registration system, permit the person to vote if he is otherwise eligible to vote, have the person sign the Voter Log, give the person an authorization to vote and direct him to the voting machine.
 - (3) If the Election Officer determines that the person is not eligible to vote in the election, the Election Officer shall refer the person to the Inspector. The Inspector, after hearing and considering evidence, shall determine whether to permit the person to vote. Upon making the decision, the Inspector shall appropriately annotate the Poll List and/or Voter Log.
 - (4) If a person's eligibility to vote is challenged by anyone for any reason, the Inspector shall immediately hear and consider the evidence and then decide whether the person is eligible to vote. Once the Inspector has made his decision, there is no appeal at the Polling Place.
- (k) At the close of the polls; unofficial results.
- (1) Thirty (30) minutes prior to the closing of the polls, the Inspector shall announce or have another Election Officer announce that the polls shall close in 30 minutes both in the voting room and outside of the entrance of the building used by voters.
 - (2) At the time that the polls close the Inspector shall announce or have another Election Officer announce that the polls have closed both in the voting room and outside of the entrance to the building used by voters. The Election Offices shall permit any person to vote who was in line at the time the polls closed.

- (3) The Election Officers shall remove the cartridges and tapes from each voting machine, record the protective counter and seal numbers on the *Voting Machine Certificate*, close the voting machines, complete the Vote Tabulation for the election, and post a copy of the results tape from each voting machine on the door of the Polling Place.
 - (4) The Election Officers, as soon as possible after the polls have closed and the unofficial results announced, shall deliver all election documents, envelopes and absentee ballots to the municipality's Board of Elections.
 - (5) The municipality's Board of Elections shall secure the documents, envelopes and absentee ballots until such time that they need to canvass the election.
- (l) A municipality shall pay the Department of Elections that provides the voting machines for any municipal election, \$25 for each voting machine used in the election. The respective Department shall deliver and pick up the voting machines.

§ 7559. Election results; recounts; contests.

- (a) A person certified as being elected shall not take office before the seventh day following the election.
- (b) The municipal Board of Elections shall announce the results of an election as soon as possible following the close of the polls.
- (c) The municipal Board of Elections shall recount the absentee ballots if the difference between the top two candidates is one-half ($\frac{1}{2}$) of one (1) percent or less than the total votes cast for the office. Where electors vote for more than one (1) candidate for an office, the municipal Board of Elections shall recount absentee ballots if the difference between the last candidate elected and the next closest candidate is one-half ($\frac{1}{2}$) of one (1) percent or less than the total votes cast for the office.
- (d) The municipal Board of Elections, following certification of the election and the resolution of any contest, shall audit the election records in order to reconcile the number of voters who cast ballots as compared to the number of voters who returned absentee ballots and voted on voting machines. The results of this audit shall be reported to the municipality's chief executive and be made available for public review.
- (e) §§ 5941 through 5955 of this Title apply to election contests within municipalities.

§ 7560. Transition.

- (a) This Subchapter shall apply to elections held more than 365 days following enactment of this legislation.
- (b) The Commissioner of Elections shall promulgate all forms required by this Act within 10 months of enactment of this legislation.”.