

Sponsor: Dr. Upshur  
First Reading: 05/20/2024  
Second Reading: 06/17/2024  
Third Reading: 07/01/2024

**AN ORDINANCE TO AMEND CHAPTER 26 (ELECTIONS), ARTICLE I (IN GENERAL), TO REQUIRE A CRIMINAL HISTORY BACKGROUND CHECK FOR CANDIDATES RUNNING FOR THE OFFICE OF MAYOR AND TOWN COUNCIL**

WHEREAS, pursuant to Section 5.2 of the Town Charter and 15 *Del. C.* § 7555, candidates for the office of Mayor and Town Council shall not have been convicted of a felony; and

WHEREAS, in the opinion of the Town Council, in order to verify that candidates for the office of Mayor and Council are qualified to serve and have not been convicted of a felony, it is in the best interest of the public health, safety, and welfare to require candidates to provide a criminal history background check at the time they file to run for Mayor or Town Council.

NOW THEREFORE, BE IT HEREBY ENACTED by the Town Council of the Town of Smyrna, a majority thereof concurring in Council duly met, that the Smyrna Town Code be and hereby is amended as follows:

**Section 1.** Amend Chapter 26 (Elections), Article I (In General), by making insertions as shown by underline and deletions and shown by strike through, as follows:

Sec. 26-4. – Criminal History Background Checks.

All candidates for the offices of Mayor or Town Council shall submit a criminal history background check with their application to run for office. The criminal history background check shall be provided by the Delaware State Bureau of Identification (or any successor agency) and shall have been completed no more than 60 days prior to submitting the application to run for office. The candidate for office shall bear all costs associated with obtaining the criminal history background check.

**Section 2. 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 Town 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 Town Council's intent.

**Section 3. Effective Date.** This Ordinance shall become effective upon the date of its adoption.

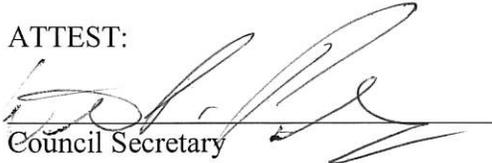
SYNOPSIS

This ordinance requires individuals running for the office of Mayor or Council to submit a background check performed by the Delaware State Bureau of Identification with their application to run for office.

---

This will certify that this is a true and correct copy of the Ordinance duly adopted by the Town Council of the Town of Smyrna at its regular Council meeting on July 1, 2024.

ATTEST:

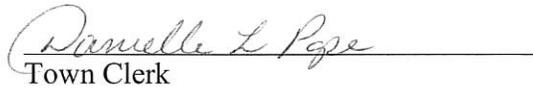
  
Council Secretary

  
Mayor

---

This shall certify that the title and synopsis of this Ordinance was published in a newspaper of general circulation within the Town on May 1, 2024 and posted at the Town Hall on May 24, 2024.

So Certifies:

  
Town Clerk