

Wilmington, Delaware
April 2, 2026

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WHEREAS, the City of Wilmington is a home rule charter city, which empowers the City to govern itself in matters of local concern, unless specifically denied by State statute; and

Sponsor:

**Council
Member
Hackett**

WHEREAS, the City, under its home rule authority, has broad and substantial legislative and administrative powers over its municipal functions; and

Co-Sponsor:

**President
Congo**

WHEREAS, City Council, pursuant to City Charter § 2-103, is the sole judge of the qualifications and elections of its members; and

WHEREAS, pursuant to Title 22, Section 811 of the Delaware Code, a municipal corporation's home rule charter may only be amended by act of the Delaware General Assembly passed with the concurrence of two-thirds of all members elected to each House thereof; and

WHEREAS, City Council deems it appropriate to amend the Wilmington City Charter to prohibit its members from changing their political party affiliation during an active term.

NOW, THEREFORE, BE IT RESOLVED BY THE WILMINGTON CITY COUNCIL, that this Council respectfully requests the members of the Delaware General Assembly to amend Sections 2-101 and 2-103 of the City of Wilmington Charter with the addition of the underlined language to read as follows:

Sec. 2-101. The election of councilmen; vacancies.

At the general election to be held on the Tuesday next after the first Monday in November, 1968, and on the same day in every fourth year thereafter

on which general elections are held, one councilman shall be elected from each councilmanic district and four (4) from the city at large, together with the president of the council who shall be elected at large. Each elector shall have the right to vote for one district councilman, the president of the council, and (3) councilmen-at-large. To this end not more than three (3) candidates for councilmen-at-large shall be nominated pursuant to law by any party or other political body. When a vacancy occurs in the office of councilman, the city council shall certify that a vacancy exists. A vacancy occurring more than thirty (30) days prior to the date of a primary election in which city officers are nominated shall be filled in the next succeeding general election held in the city. Councilmen elected in this manner to fill a vacancy shall take office on the first Tuesday following their election. If a vacancy occurs in the period less than thirty (30) days before the date of a primary election or pending the election of a councilman to fill a vacancy as herein provided, the city council, by a majority vote of all its remaining members, shall appoint a qualified person to fill the vacancy until a person is elected by the voters for the unexpired term. If the vacancy occurs in the office of a district councilman, the new member shall come from the same councilmanic district; but if the vacancy occurs in the office of a councilman-at-large, the new member may come from any place in the city. Council in filling a vacancy must appoint a member of the same political party as that of the councilman whose office has become vacant, including when a councilman forfeits his seat by changing his political party affiliation during the term in which he was elected to city council. In the event of a vacancy in the

office of president of council, the council shall appoint by majority vote from among its members a president of the council to fill the unexpired term. The council office of the councilman so appointed president of the council shall in turn become vacant and shall be filled as herein provided for council vacancies.

All citizens qualified by the Constitution and the laws of the State of Delaware to vote in the city and who satisfy the requirements for registration prescribed by law shall be qualified to vote for the members of the city council, president of the council, the mayor, and other elected city officials. Except as otherwise provided by this Charter, the provisions of the election laws of the State of Delaware shall apply to elections held under this Charter. All elections provided for by this Charter shall be conducted by the election laws of the State of Delaware. The nomination of persons to be candidates in the general election for mayor, city councilmen, president of the council, and other elected city officials shall be governed by the election laws of the State of Delaware.

Sec. 2-103. Qualifications of councilmen.

A councilman shall be a citizen of the United States, shall be a qualified elector of the city and shall have been such for at least one year prior to his election. No councilman shall hold any other city office or employment during the term for which he was elected to the city council. A councilman must remain with same political party affiliation for the entire term for which he was elected to the city council. A councilman shall not be less than twenty-five (25) years of age when elected to office. He shall remain a resident of the councilmanic district from which he was elected during his term of office. If a

councilman shall cease to possess any of these qualifications, including in the case of a councilman elected from a councilmanic district, residence in the district from which he was elected, or if he shall violate any expressed prohibition of this Charter, or if he be convicted of a crime involving moral turpitude, or if he changes his political party affiliation during the term in which he was elected to city council, his office shall immediately be forfeited and become vacant. A councilman shall be deemed to have been convicted of a crime involving moral turpitude upon his conviction in superior court of the State of Delaware, or by an inferior court if its decision is not appealed to the superior court. A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand. The council shall be the sole judge of the qualifications and election of its members and for this purpose shall have power to subpoena witnesses and require the production of records.

Passed by City Council,

ATTEST: _____
City Clerk

SYNOPSIS: This Resolution initiates a proposed amendment to Wilmington City Charter Section 2-101 and 2-103 to prohibit a Councilmember from changing their political party affiliation during an active term for which they were elected to City Council. Under the proposed amendment, if a Councilmember changes their political party affiliation during an active term, such an act would result in the automatic forfeiture and vacancy of their seat.