February 9, 2010
TO THE MEMBERS OF THE HOUSE OF REPRESENTATIVES
OF THE 145TH GENERAL ASSEMBLY:
Pursuant to Article III, Section 18 of the Delaware Constitution, and after careful
consideration, I am vetoing House Bill 251 by returning it with my objections to the
House of Representatives without my signature.
Section 1 of House Bill No. 251 provides as follows:

Any person otherwise eligible to be a member of Council shall not have a
family member holding an elected office for the Town of Felton nor have a
family member nominated for and/or appointed to an elected office in the
Town of Felton. For purposes of this section ‘family member’ shall mean
spouse, parent, child, sibling, half-sibling, grandparent or grandchild.

As described in the synopsis of the bill, Section 1 “amends the Town Charter of the
Town of Felton to prohibit family members from serving on or running for the Town
Council concurrently.”

When a legislative body establishes restrictions on elected office, it ultimately limits the
choices available to voters and restricts the ability of otherwise qualified persons to
serve their community. Therefore, such restrictions should be targeted and reasonably
related to the specialized demands of the particular office. Whether family members can
suitably serve concurrently as members of the Town Council of Felton should not be
predetermined by the General Assembly through additional restrictions on membership;
it should be left to the eligible voters in Felton.

Furthermore, the language in Section 1 of House Bill No. 251 is overly broad in
significant respects. For example, Section 1 also prohibits family members from serving
successively on Town Council, as the language is not limited to prohibiting family
members from serving concurrently. Thus, as written, the law would prohibit an
otherwise qualified candidate from serving on Council if his or her family member
currently serves on the Council, even if the currently serving Council member is not
seeking re-election.

In addition, House Bill No. 251 would have the effect of disqualifying a person for
service on Town Council merely through the nomination of a family member to that
body. A person seeking office would therefore need to receive more than just the most
votes, he or she would also need to secure the commitment of their family members not
to disqualify them by simultaneously seeking Town office. Allowing family members to
use the nomination process to limit the electoral options of their fellow citizens would
not be consistent with our State’s democratic ideals. Those examples reinforce the
principle that the eligible voters of Felton are the best persons to determine who
represents them on Town Council.

Accordingly, I have concluded that vetoing the legislation is the only appropriate action.
Sincerely,
Jack A. Markell
Governor