

April 3, 2017

TO: Dewey Beach Commissioners

FR: Beverly Corelle
Dewey Beach Board of Elections

You probably remember 2016's controversy about Rehoboth's six-month residency/ownership requirement for voter eligibility and registration. Some people believed this made it too difficult for recently-eligible voters to register. Others thought that the time was needed to ensure that only truly qualified residents and property owners were permitted to vote in City elections.

In the end, the Delaware Legislature amended the State Code for Municipal Elections to require that all municipalities have a voter registration deadline that is no more than 30 days before an election. This new State restriction took effect on January 1, 2017.

Dewey Beach's voter registration deadline is now July 15, about 60 days before the annual election, so it must be changed to match the State limit of 30 days.

The only action needed to bring Dewey Beach into compliance with the State requirement is for Council to amend three sections of **Chapter 48: Voter Registration and Voting** of Town Code to define the registration deadline as "the thirtieth day prior to an election" instead of July 15.

Proposed amendments making this change in § 48-1.B, § 48-2.A, and § 48-2.C of Town Code are attached for your consideration and possible action.

Thank you for handling this bit of "housekeeping" well in advance of the September 16, 2017 Town election.

cc: Gloria Rogers
Marty Tarr

ORDINANCE No. : _____

AN ORDINANCE TO AMEND CHAPTER 48 OF THE MUNICIPAL CODE TOWN OF DEWEY BEACH, DELAWARE, RELATING TO VOTER REGISTRATION.

BE IT ENACTED BY THE COMMISSIONERS OF THE TOWN OF DEWEY BEACH, AS FOLLOWS:

SECTION 1: Amend Chapter 48 of the Dewey Beach Code of Ordinances by striking provisions depicted as struck and substituting the underlined provisions as set forth below:

“§ 48-1 Eligibility; deadline for registration; reregistration.

- A. Persons who will be at least 18 years of age on the date of the next municipal election and who meet the remaining voter qualifications set forth in the Charter of the Town of Dewey Beach shall be eligible to vote.

- B. Voters in municipal elections must be registered in accordance with the provisions of this chapter on or before ~~July 15~~ the thirtieth day prior to any scheduled municipal election in order to vote in the following elections.

- C. Persons who properly registered or voted in previous municipal elections shall be identified on the registration rolls for successive elections, provided eligibility status of the voter does not change. Once registered, a person shall not be required to reregister, provided that person's eligibility status does not change.

§ 48-2 Registration procedures.

- A. Persons may register, by mail or in person, during Town Hall's normal business hours on every day of every month of the year except, Saturdays, Sundays, and Town holidays; provided, however, that registration of qualified voters shall cease on ~~July 15 of each year~~ the thirtieth day prior to any scheduled municipal election and recommence on the first hour of business on the next regular business day following the ~~annual~~ election. The Board of Elections may designate additional days for registration, provided that notice is given in at least one newspaper published in Sussex County, Delaware, and having a general circulation in the Town, not less than 10 days before the additional registration days, and by posting a notice thereof at Town Hall, the Lifesaving Station, and on the Town website.

- B. Persons may register by submitting the required information in person at Town Hall or by mail as provided in § 48-2C below. Registration application forms shall require the person's full name, date of birth, present mailing address, telephone number, e-mail

address, Dewey Beach address(es) and signature. Applicants shall present accepted proofs of qualification to register provided in § 48-2D below. Disclosure of telephone numbers and e-mail addresses is voluntary. Telephone numbers and e-mail addresses shall be used only for official Town business and shall not be disseminated on lists of registered voters or in any other manner.

C. Registration by mail shall be permitted as set forth herein. To register by mail, a person may request a registration application form from Town Hall or access the form and related instructions from the Town's website. The registration application form shall provide spaces for obtaining the information specified in § 48-2B above. Completed registration forms accompanied by a photocopy of valid proof of identity, age, and basis for qualifying to register to vote must be received by the Registrar on or before ~~July 15 of the year of the subject election~~ the thirtieth day prior to any scheduled election. Registration is not complete until the application has been approved and accepted by the Registrar. Applicants will be contacted for additional information, if necessary, and will be notified when registration is completed.

D. To register to vote, a person must meet one or more of the following class qualifications:

(1) A bona fide resident and domiciliary of the Town supplying two proofs of residency, such as a current and valid photo ID indicating a Dewey Beach address, a copy of a current utility bill, bank statement, government check, paycheck or other government document indicating a Dewey Beach address and identifying the resident by name.

(2) A current owner of real property located within the Town whose name has been identified as such in the Sussex County tax rolls prior to July 16, 2013, or who provides a copy of the recorded deed for the property or other evidence of Sussex County property records to prove property ownership.

(3) A holder of a valid recorded lease for a term of five years or more on real property located within the Town who provides a copy of the portions of the lease that identify the parties to the lease and the effective and termination dates of the lease.

(4) A holder of a valid recorded trust to which real property that is located within the Town has been conveyed who provides a copy of the portions of the trust document identifying the settlor(s)/creator(s) and the trustee(s) of the trust.

E. For purposes of this chapter, the term "recorded" shall mean that the document has been recorded in the office of the Recorder of Deeds in and for Sussex County, Delaware.

§ 48-3 Denial of registration.

Registration shall be denied to any person to whom a transfer of property is made or to whom a lease is executed for the sole and limited purpose of qualifying the person to vote.

§ 48-4 Duties of Board of Elections.

The Board of Elections, as described in the Charter of the Town of Dewey Beach, Section 6, shall be responsible for voter registration. Members of the Board of Elections shall oversee the registration and shall determine the eligibility of the voters and the authenticity and validity of the documentation provided at the time of registration.

§ 48-5 Challenge to registration.

A. Any member of the Board of Elections, any candidate for Town Commissioner election, or any registered voter may challenge the right to be registered of any person applying to be registered.

B. Upon challenge, the Board shall convene to adjudicate the matter within three business days following receipt of the challenge. The majority decision of the Board shall determine the eligibility of the applicant voter. The applicant voter shall be notified of the decision of the Board by written notification postmarked or delivered within three business days of the Board's decision. If the challenge is sustained by the Board, the applicant voter shall have three business days to postmark or deliver a written appeal of the Board's determination to the Town Manager for a hearing before the Town Commissioners at the next regularly scheduled Commissioners' meeting.

§ 48-6 Registrar and Assistant Registrars; public access to records.

A. The Town Council shall appoint the Town Manager to be the Registrar and he or she may appoint one or more Town employees as Assistant Registrars.

B. The Registrar shall be the custodian of permanent registration records. Records may not be removed from Town Hall without the express permission of the Registrar. The Registrar shall also review and approve the applications for registration, acting under the oversight of the Board of Elections. The registration records, with the exception of dates of birth, telephone numbers and e-mail addresses, shall be open to inspection without fee during normal business hours by appointment with the Registrar. Electronic and paper

copies of the unrestricted portions of the registration records may be obtained from the Registrar upon filing a written request.

§ 48-7 Absentee voting.

In addition to the reasons authorizing a person to vote by absentee ballot as set forth in the Delaware Code, eligible voters shall be authorized to vote by absentee ballot if they have plans that make them unavailable to vote in person on the date of the election.”

Section 2. Severability. If any portion of this ordinance shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect any other provisions of this Ordinance which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Section 3. Effective Date. This Act shall become effective immediately upon its enactment.

Enacted by at least a majority vote of the Commissioners of the Town of Dewey Beach on April 8, 2017.

BY: _____
Dale Cooke, Mayor

Marc Appelbaum,
Town Manager

SYNOPSIS

This Act conforms the voter registration provisions of the Code of Dewey Beach to those established by the 148th General Assembly of the State of Delaware through amendments to Title 15 of the Delaware Code relating to Municipal Elections.