

To: Town Council
From: Rosemary Hardiman, Chair, Charter and Ordinance Review Committee
Subj: White Paper to Request Approval to Review and Draft Revisions to Chapter 26, Section 26-4, Voter Eligibility, of the Town Code In Order to Establish a Permanent Registration List for Non-Property Owner Residents. Item No. IV. G.
Date: October 9, 2020 for October 16 Town Council Meeting

Background

At the present time, residents who do not own property in Bethany Beach and residents whose names do not appear on the title to property must register to vote each year in Town elections. Many of them forget to take this step before the deadline. No other elections in the state have this pre-election requirement. As long as a resident (whether property owner or not) registers to vote in Delaware once, they are not required to register each year, provided they present identification as proof of identity and residency when they vote on election day.

This year a total of seven people told me that they wouldn't be able to vote in the Bethany Beach election because they forgot to register before the deadline. These were people who are full-time residents. One lives with her daughter; two other couples are full-time residents but hold title in an LLC and two others are full-time residents, but their homes are titled in the names of their spouses. I've encountered this situation in each election cycle.

In checking local municipalities, I found that Rehoboth Beach has a permanent resident registry that allows a resident to register once and provided they vote in each election they don't have to take additional steps. This provision is contained in their Charter. In the case of Bethany Beach, I don't believe we need a Charter amendment. Our Charter reads in applicable part:

5.4.3 Voter Registration. The Town Council shall enact such ordinances concerning the registration of qualified voters for municipal elections in the Town as it deems reasonably necessary to provide for the orderly and efficient conduct of municipal elections; provided that no such ordinances shall alter the qualifications of voters as hereinabove set forth, nor shall any such ordinances unduly impair the right to vote in a municipal election.

Based on the above Charter provision, I believe that the Council has the authority to enact an ordinance which provides for a permanent resident voter registry for non-property-owning residents and those residents who hold property in an LLC without a Charter change. In my opinion, such an ordinance would be consistent with the language and spirit of the Charter not to unduly impair the right to vote. As part of our due diligence, CORC will check with the Town Solicitor to be sure this interpretation is accurate.

Motion: That Council approve CORC's review and draft of a revision to Chapter 26, Section 26-4, Voter eligibility, of the Town Code to Establish a Permanent Registration List for Non-Property Owner Residents.