City of Rehoboth Beach

**Intent of proposed Charter Amendments**

**relating to voting and municipal elections**

November 6, 2017

On October 30, 2017, proposed Charter amendments relating to Rehoboth Beach municipal elections and voting were introduced at a regular meeting of the City Commissioners. This memorandum describes the intent of the proposed revisions. Each of the proposed revisions should be construed in accordance with principle of “one person, one vote” and to make that clear, the proposed amendments include the following provision:

These provisions shall be construed in accordance with the principle of "one person, one vote": If a voter is entitled to vote by virtue of being both a resident of the City and a Freeholder, the voter is entitled to only one vote; If a voter is entitled to vote by virtue of being both a resident of the City and a Leaseholder, the voter is entitled to only one vote; If a voter is entitled to vote by virtue of being both a Freeholder and a Leaseholder, the voter is entitled to only one vote; if a voter is entitled to vote by ownership of two or more parcels of real property, the voter is entitled to only one vote. One may not vote as a natural person and again as an agent for one or more artificial entities. One may not vote as an agent for multiple artificial entities.

1. **Voter Purging**

**Current:** Section 7(d) of the Charter provides that when a registered voter fails to vote in two consecutive Annual Municipal Elections, the voter shall be removed from the Books of Registered Voters.

**Proposed:** The proposed amendment would delete the current Charter provision entirely such that the Charter would not provide any mechanism for removing a registered voter from the Books of Registered Voters.

1. **30 Day Residency Requirement for Resident-Voters**

**Current:** Section 7(d) of the Charter defines “resident”, for purposes of qualifying to register to vote as resident, as “an individual actually residing and domiciled in the City of Rehoboth Beach for a period of at least 6 months immediately preceding the date of the election.”

**Proposed:** The proposed amendment would change the residency requirement for residency voters from 6 months to 30 days. This proposed amendment would make the Charter consistent with current Delaware law.

1. **30 Day Requirement for Non-Resident Freeholder and Leaseholder Voters**

**Current:** Section 7(d) of the Charter requires that a person qualify as a Freeholder or Leaseholder for a period of 6 months immediately preceding the Annual Municipal Election to be eligible to vote.

**Proposed:** The proposed amendment reduces the period of time a person must be a freeholder to be eligible to vote from 6 months to 30 days. The proposed amendment leaves unchanged the current requirement that a person must qualify as a Leaseholder for a period of 6 months immediately preceding the Annual Municipal Election to be eligible to vote.

1. **Freeholder Voting by Natural Persons through an Artificial Entity**

**Current:**  The Charter does not currently provide for Freeholder voting by natural persons through an artificial entity.

**Proposed:** The proposed amendment would revise Section 7(d) of the Charter such that a natural person would qualify as a Freeholder, making the natural person eligible to register to vote, when the natural person has at least a fifty percent (50%) interest in an artificial entity that holds title of record to a fee simple estate and to a one hundred percent (100%) undivided interest in real property in the City.

The intent of this provision is to allow up to two natural persons who are not presently qualified to vote, to qualify as Freeholders. A person only becomes eligible to vote under the proposed provision when:

1. An artificial entity owns a parcel of real property in the City; and
2. No other artificial entity or natural person owns any portion of the real property; and
3. The natural person owns at least 50% of the artificial entity.

The proposal also clarifies the existing voting as a Freeholder by a natural person that holds title of record to real property in the City through a valid revocable trust where the natural person is both grantor/settler and trustee of the valid revocable trust, provided that a copy of the trust document identifying a grantor/settler and trustee is on file with the City.

If a person elects to register to vote under this provision, the same person would not be permitted to vote a second time even if they qualified to vote under a separate category. For example, if a natural person were a resident of the City and also qualified as a Freeholder because they owned 50% of an entity owning 100% of real property in the City, such natural person would only be permitted to vote one time.

The term artificial entity is intended to mean any artificial entity permitted to have an interest in real property in Delaware.