

CITY OF MILFORD
NOTICE OF ORDINANCE ADOPTION

NOTICE IS HEREBY GIVEN the following ordinance was adopted by City Council during their regular meeting held on February 14, 2022:

ORDINANCE 2022-10
Chapter 68 VOTER REGISTRATION

WHEREAS:

The Code of the City of Milford is hereby amended to rescind Chapter 68 Voter Registration in its entirety;

This will eliminate the need for qualified residents to register at Milford City Hall and will updated the registration process to align with Delaware Code Title 15-Elections Chapter 75 Municipal Elections;

Delaware Code Title 22-Municipalities Chapter 8 home Rule, enacted in December 1961, prohibits a municipality that permits nonresident persons to vote in a municipal election from eliminating or limiting the right of nonresident persons to vote;

This ordinance will incorporate the desire of the City Council to utilize the Delaware Department of Elections' voter registration system, beginning with the Annual 2022 Municipal Election and continue with a separate registration for qualified non-resident property owners as was ratified in July 2010.

The language that currently exists in Chapter 68 will be rescinded (strikethrough) and replaced with the new text shown in italics.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF MILFORD:

Section 1.

Amends Chapter 68 Voter Registration by rescinding each section and subsection in their entirety, and replacing with new language, shown in italics as follows.

Section 2. The title of Chapter 68 Voter Registration will remain unchanged.

Section 68-1. Registration.

Except as provided in the City of Milford Charter and Chapter 68 of the City of Milford Code, the registration of voters in the city shall be governed by and conducted in accordance with the provisions of Title 15 of the Delaware Code.

Section 68-2. Qualifications.

A. Resident of the City

A resident of the City of Milford, to qualify to register, shall be a citizen of the United States, shall have been a resident of the city for a period of 30 days prior to the registration deadline and shall be 18 years of age or older prior to the date of election.

B. Non-Resident of the City

A non-resident of the City of Milford, to qualify to register, shall be a citizen of the United States, shall own real property within the City of Milford at least 30 days prior to the registration deadline and shall be 18 years of age or older prior to the date of the election.

C. Legally Created Entities

A Corporation, Partnership, Limited Partnership or other legally created entity is prohibited from registering and voting as a non-resident property owner unless the property within the City is titled in an individual name.

Section 68-3. Procedure.

The City of Milford Annual Municipal Election must be conducted under Subchapters IV and V, Chapter 75 of Title 15 of the Delaware Code.

Section 68-4. Requirements.

No person shall vote, or be allowed to vote, in any City of Milford Municipal or Special Election to fill the vacancy of an elected official, or at a referendum, unless such person is properly registered to vote for state elections in accordance with Title 15 of the Delaware Code, remains a permanent resident within the jurisdiction of the City of Milford (15 Del. C. § 1101 et seq.), or is otherwise qualified to vote as required in Article I and Article II of the City of Milford Charter.

Section 68-5. Voter Identification and Signature.

Persons appearing to vote shall present proof of identity and address. Once determined eligible, voter shall print their legal name, address, ward number and record their signature on the appropriate election document prior to voting.

Section 68-6. Transfer of registration records.

- A. When the boundaries of an election ward are changed, the City Clerk shall cause to have transferred the permanent registration records of registered voters whose voting wards have been changed into the appropriate election ward record. Each registrant shall be notified of the transfer by regular mail.*
- B. The registration of any voter shall not be invalidated nor shall the right of any registered voter to vote be prejudiced by any error in making transfers of the registration records.*

Section 68-7. Registration deadlines.

- A. Regular elections. In accordance with 15 Del. C. § 7550(d) the City Clerk shall close all registration records 30 days prior to the date of the regular election. Resident voters defined in Section 68-2(A) shall be required to have properly registered with the Department of Elections to be permitted to vote at the following regular election. Non-resident voters as defined in Section 68-2(B) shall be required to have registered with the City Clerk of the City of Milford to vote at the following regular election.*
- B. Special elections. In accordance with 15 Del. C. § 2037 and § 7550(d), the city clerk shall close the registration records 10 days prior to the date of a special election and only those voters properly registered at that time shall be entitled to vote at the following special election. If the deadline falls on a Saturday, Sunday or holiday, the deadline shall be the next day that is not a Saturday, Sunday, or holiday.*
- C. The registration records of the city shall remain closed until the day after the regular or special election.*

Section 68-8. Custodian of registration records.

The City Clerk shall be the custodian of the permanent registration records. The removal of registration records from City Hall shall be done only with the express consent of the City Clerk.

Section 3.

Dates.

Introduction: January 24, 2022

Adoption: February 14, 2022

Effective: February 28, 2022

Refer to Section 1. (Rescind):

[~~HISTORY: Adopted by the City Council of the City of Milford 12-14-1981. Amendments noted where applicable.~~]

§ 68-1. List of registered voters; registration dates and times.

An initial list of registered voters for the 1982 municipal election will be prepared by the Registrar and submitted to the Mayor and Council. This list will be comprised of residents who voted in any one of the last two city elections and who continue to reside in the city. The Mayor and Council will review and validate the qualifications of each name on the list. This initial list will be made available for review by January 1, 1982. All persons not on the above list will be required to register in person at City Hall, 201 South Walnut Street, or at such other places as the Mayor and Council shall direct. The City Hall office will be open for the purpose of registering persons who are qualified to be voters during normal working hours, Monday through Friday, except holidays, starting December 1, 1981. The Mayor and Council, at their discretion, may prescribe additional dates, times and places for the conduct of registration so long as the registration dates, times and places are published in a newspaper of general circulation in the city at least once per week for two weeks preceding the supplementary date for the registration of qualified voters. Registration will be closed as of midnight 30 days prior to the election.

§ 68-2. Qualifications.

A resident of the City of Milford, to qualify to register, shall be a citizen of the United States, shall have been a resident of the city for a period of 30 days prior to the date of election and shall be 18 years of age or older prior to the date of election.

§ 68-3. Information to be supplied.

A. — Any individual desiring to register to vote in a municipal election as required by this chapter shall present himself to the registration officials and shall advise the officials of the following:

- (1) — Full name.
- (2) — Age.
- (3) — Birthdate.
- (4) — Present residence in the city, including street address and post office box number or apartment number if applicable.
- (5) — Date the individual commenced residency in the city.
- (6) — Ward in which presently residing.

B. — Every applicant shall present verification of identity and residence. Registration is not complete until the application has been approved by the Mayor and Council.

§ 68-4. Registrar and Assistant Registrars.

The Mayor and Council shall appoint the City Manager to be the Registrar, and he may appoint one or more city employees as Assistant Registrars. The Registrar shall be the custodian of the permanent registration records. No records may be removed from City Hall without the express permission of the Registrar.

§ 68-5. Removal from registration books.

If any voter shall fail to meet any of the requirements established for registration by this chapter, he shall be stricken from the registration books in the following manner:

A. — Certification. The City Registrar shall certify to the Mayor and Council a list of those individuals who are deceased, who have failed to vote in the past four municipal elections, who have not maintained their place or residence within the city or for any other reason failed to qualify as a voter of the city according to the requirement of this chapter.

[Amended 5-12-1986]

B. — Method of striking. The list shall be presented to the Mayor and Council at the regular March meeting. The Council shall be vested with the responsibility of determining, by the most effective means available, those individuals who shall be stricken from the registration books.

C. — Recording and filing of cancellation of registration.

(1) — The Registrar shall record the action taken by the Council on the original registration record in the space provided for cancellation of registration. This recording shall include the date of cancellation, the reason for cancellation and the signature of the Registrar. Any person who is determined not

qualified to vote will be notified within three days after that determination, and that person may then request an appearance before the Mayor and Council for an explanation concerning that determination.
(2) — There shall be kept in alphabetical order an inventory of all registration forms which have been removed from the registration lists or which have been voided for clerical error during issuance. This record shall be maintained permanently.

§ 68-6. Transfer of registration records.

A. — When the boundaries of an election district are changed, the Registrar shall cause to have transferred the permanent registration records of registered voters whose voting districts have been changed into the appropriate election district record. The correct election district number shall be recorded on the election district record and on the application for registration record. Each registrant shall be notified of the transfer by regular mail. The registration of any voter shall not be invalidated nor shall the right of any registered voter to vote be prejudiced by any error in making transfers of the registration records.

B. — When a registered voter moves from one election district to another within the city, he shall apply to the Registrar to have his registration transferred to his new address by making and signing an application for transfer of registration.

C. — When a properly executed application for transfer of registration has been accepted, the Registrar shall have recorded the change of address and election district number on the registration records and transfer these records to the proper election district record.

§ 68-7. Change of address within same election district.

A change of address or residence within the same election district shall not disqualify any person as a voter in such election district. Such voter shall, upon proper identification at the polls, be permitted to fill out a change of address form and to vote if he is otherwise qualified.

§ 68-8. Change of name.

Any registered voter who changes his or her name, by marriage or otherwise, and continues to reside within the same election district shall not be disqualified as a voter in such election district. Such voter shall, upon proper identification at the poll, be permitted to fill out a change of name form and to vote if he or she is otherwise qualified.

§ 68-9. Registration lists to be made available.

Registration lists shall be prepared and made available after the last registration day in March. The Registrar shall supply free of charge to each candidate two copies of the registered voters who reside in the district from which he seeks election. Candidates for Mayor shall be supplied free of charge with two copies of each of the above lists of registered voters in all districts. Each of the above registration lists shall be available to anyone for the cost of reproduction.

§ 68-10. Books and forms to be provided.

The Mayor and Council shall provide the Registrar with all necessary books and forms for use in the conduct of general and supplementary registrations.

§ 68-11. Books of registered voters.

The books of registered voters shall be of the same general type as those used by the County Board of Elections in the conduct of the registration of voters and shall be of a type which shall require the signature of the voter at the time of the registration of the voter.

§ 68-12. Right to challenge registration.

The Mayor, members of Council, members of the Election Board, the Registrar, Assistant Registrars, any candidate or any registered voter may challenge the right to be registered of any person applying to be registered. Any challenger shall state the grounds of challenge, and these shall be entered in the registration book. Upon challenge, if the applicant for registration shall then withdraw his application,

~~the Registrar shall note in the registration book that the application has been voluntarily withdrawn. If the applicant does not withdraw his application, the Registrar shall, within five days after said registration day, excluding Saturdays, Sundays and holidays, make a determination as to whether the challenge shall be sustained or rejected and shall cause an appropriate entry to be made in the registration book. If the challenge shall be sustained, the applicant shall be notified of his right to appeal the Registrar's decision to the Mayor and City Council.~~

~~§ 68-13. Registration by mail.~~

~~Any person who is unable to register in person at the City Hall because of physical impairment or because of duties in any public or military service of Delaware or of the United States shall be permitted to register by mail. To register by mail, a person shall request, in writing, directed to the Registrar and specifying the reasons he is unable to register in person, that registration forms be sent to him at a stated address. Requests must be received by the last registration day before the election. Within three days of receipt of the request, the Registrar shall send the registration form and instructions to the person requesting to be registered. Forms shall provide spaces for obtaining the information outlined in § 68-3 above. The completed registration form must be received by the Registrar not later than 15 days before any election in which the person desires to vote.~~

A complete copy of the Code of the City of Milford is available by request through the City Clerk's office at cityclerk@milford-de.gov or by accessing the city website at www.cityofmilford.com.

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