SPONSOR: Rep. D. Short & Sen. Richardson

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE SUBSTITUTE NO. 1
FOR
HOUSE BILL NO. 121

AN ACT TO AMEND THE CHARTER OF THE CITY OF SEAFORD RELATING TO THE CITY'S ABILITY TO AUTHORIZE ARTIFICIAL ENTITIES, LIMITED LIABILITY CORPORATIONS' PARTNERSHIPS AND TRUSTS TO VOTE IN MUNICIPAL ELECTIONS HELD IN SEAFORD.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend Section 7 of the City of Seaford Charter by making deletions as shown by strike through and insertions as shown by underline as follows:

Manner Of Holding Annual Elections.

Section 7.

~~(A)~~ The annual municipal election shall be held on the Third Saturday in April of each and every year. The polls shall be opened at Seven (7) a.m. and shall close at three (3) p.m. prevailing time unless only one (1) candidate has been nominated for each office which has expired and for which nominations have been received. If there is only one (1) official candidate for any office and no formal opponent, the official candidate shall assume office without the holding of a formal election for that office. All voting shall take place in the City Hall of the City of Seaford.

(A) Voter Qualifications.

~~(B)~~ At such Annual Election, the following shall be permitted to vote:

(1) Residents. ~~every~~ Every natural person, male or female who shall have attained the age for voting as established by the State of Delaware for voting in a General Election and who shall be a bona fide resident of the City of Seaford as of the day of final registration next preceding the Annual Election and each non-resident natural person of the City of Seaford who shall have obtained the age for voting established by the State of Delaware for voting in a General Election shall have 1 vote. For purposes of this provision, “bona fide resident” means a permanent full-time resident of the City. ~~and who shall have been a freeholder of property in the City of Seaford for a period of six (6) months immediately preceding the date of the Annual Election shall have one (1) vote provided he or she is registered according to at least one (1) of the following methods:~~

(2) Non-residents . Every owner of property in the City as of the day of final registration next preceding the Annual Election , whether a natural person or artificial entity, including but not limited to corporations, partnerships, trusts, and limited liability companies, and who is registered to vote in the book of registered voters maintained at City Hall, shall have one (1) vote. An artificial entity shall be a domestic entity in the State of Delaware and be in good standing.

(3) These provisions shall be construed in accordance with the principle of "one person/entity/one vote." Where a voter is entitled to vote by virtue of being a resident or an owner of real property, that voter shall be entitled to only one (1) vote; where a voter is entitled to vote by ownership of two (2) or more parcels of real property, that voter shall also be entitled to only one (1) vote.

(4) Any legal entity, other than a natural person entitled to vote, must cast its vote by a duly executed and notarized power of attorney, corporate resolution, or authorization affidavit duly executed from the legal entity granting the authority to cast its vote to its designated attorney-in-fact. Such power of attorney shall be surrendered to the election officials as of the day of final registration next preceding the Annual Election and the election officials shall file the same at City Hall. Such power of attorney, corporate resolution, or authorization affidavit duly executed so filed shall constitute conclusive evidence of the right of said person to vote in the election on behalf of the legal entity granting the power. The person casting the ballot for such entity shall be age 18 on or before the date of the election and a resident of the State of Delaware. In order for the City of Seaford to eliminate incidence of opportunities for violations of the "one person/entity/one vote principle and in accordance with The Federal Corporate Transparency Act after January 1, 2024, artificial entities shall be required to provide the City of Seaford with a completed CERTIFICATION OF BENEFICIAL OWNER(S) pursuant to Section 1020.230 of Title 31 of the United States Code of Federal Regulations (31 CFR 1020.230). All beneficial owners listed on the submitted CERTIFICATION OF BENEFICIAL OWNER(S) shall be cross-referenced with the voter registration listing provided by the State of Delaware and the Book of Registered Voters of the City of Seaford. Any related entities with common ownership shall be eliminated from voting more than once in Municipal Elections.

(B) Voter Registration

Registration of qualified voters shall be as follows:

(i) Commencing with the ~~2022~~ 2024 municipal election, voter registration for ~~residents~~ natural persons residing inside the City of Seaford limits shall be done through the State of Delaware, Department of Elections and by electronic registration pursuant to the Online Registration System of the State of Delaware; and:

(ii) Non-resident property owners and artificial entities shall be registered in the "Book of Registered Voters" of the City of Seaford. The City Council of the City of Seaford shall provide one (1) register to be known as the "Book of

Registered Voters" which is to be kept at City Hall. ~~The~~ For all Non-resident property owners, the Book of Registered Voters shall contain the following ~~information for each registrant~~: the name of the registered voter ~~arranged in alphabetical order~~, the permanent address of the voter, ~~the date the registrant became a resident of the City of Seaford,~~ the date the registrant became a freeholder of the City of Seaford, the birth date of the voter and any other pertinent information. For all artificial entities, the Book of Registered Voters shall contain the following: the name of the entity, the name of the Beneficial Owner(s) associated with the eligible entity, and the date the entity became a freeholder of the City of Seaford. No person shall be registered upon the Book of Registered Voters unless such person or entity will have acquired the qualifications to vote in the Annual Election for the year in which such person or entity registers. A person or entity shall be required to register only one (1) time; provided, however, that the name of a registered voter shall be removed from the Book of Registered Voters by the City Manager upon the ~~death of the registered voter, removal from the City of a registered voter, or~~ loss of any other qualification to vote as prescribed herein, and notice sent to said registered voter or agent authorized to vote on behalf of an artificial entity's ~~at his~~ last known address by certified mail with return receipt requested advising such registered voter ~~that his name has been removed~~ of their removal from the Book of Registered Voters and that it will be necessary to register again in order to be eligible to vote in the Annual Election except that no notice be sent when removal is caused by the death of the registered voter. The Book of Registered Voters shall be maintained in the in the office of the City Manager and shall be conclusive evidence of the right of any ~~person~~ non-resident or artificial entity to vote in the Annual Election. ~~A person~~ Any qualified non-resident or artificial entity may register at City Hall during the regular business hours of such office until the close of business of such office on the Fourth Friday in the month of March by completing such forms as may be required by the City. For all purposes of this Charter, a freeholder shall be deemed to include any natural person or artificial entity who holds fee simple title to real property to his own name or who holds title to an undivided interest in real property, or who holds title to real estate as a joint tenant or as a tenant by the entirety.

(C) Absentee voting shall be permitted in all municipal elections in conformity with Chapter 75 of Title 15 of the Delaware Code.

(D) The Mayor shall submit to the City Council, for its approval, the names of three (3) individuals to serve as the City's Board of Elections pursuant to 15 Del.C. § 7551. The purpose of the Board of Elections shall be to oversee the municipal election in conformity with Chapter 75 of Title 15 of the Delaware Code. The Mayor shall also submit to the City Council, for its approval, the names of five (5) individuals to serve as the City's Election Officers pursuant to 15 Del. C. § 7556. The Election Officers and the members of the Board of Elections shall serve for such term as determined by the City Council.

(E) All municipal elections of the City of Seaford shall be conducted in conformity with Chapter 75 of Title 15 of the Delaware Code.

SYNOPSIS

This bill would allow the City of Seaford to authorize artificial entities, limited liability corporations' partnerships, and trusts to vote in Municipal elections held in Seaford following the principle of "one person/entity/one vote".