



The Town of Fenwick Island

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Ad Hoc Election Committee Meeting Minutes – March 23, 2017

Present: Chair Julie Lee, Vicki Carmean, Lynn Andrews, Terry Tieman, Pat Schuchman

Absent: Lisa Benn, Diane Tingle

Public: Mayor Langan, Mary Schrider-Fox (town solicitor), Roy Williams

Minutes: Lynn Andrews made a motion to approve the minutes of the February 23, 2017 Ad Hoc Election Committee meeting, seconded by Vicki Carmean. Motion passed.

Discussion:

Julie Lee began the meeting at 3:05 p.m. She continued discussion from last month to amend Charter Section 9 (Voting) to allow spouses of trusts to vote in town elections just as had been prior to the 2008 Charter amendment wherein spouses of trusts can only vote if they are a permanent resident of town.

As a result of discussion at the workshop held on December 8, 2016, there was a consensus of most present to allow spouses of trusts to vote and to limit the number of persons on a deed the right to vote to no more than four owners.

A copy of the revised proposed first reading originally scheduled for the December 9, 2016 Town Council meeting was reviewed with the proposed changes discussed at the February 23, 2017 Ad Hoc Election Committee meeting.

Ms. Schrider-Fox, town solicitor, advised that voting is a fundamental right for residents to vote, however, it is not a fundamental right for non-residents to vote. The proposed new language allows for only spouses of trustees the right to vote. Any other artificial entity would still only be allowed one vote per property. She compared Fenwick Island to South Bethany saying South Bethany does not allow an artificial entity to vote although a spouse of a trustee is permitted to vote.

Candidate qualification was discussed, particularly whether to permit an artificial entity candidate eligible status. Currently a member of an artificial entity is only permitted to vote. It was discussed to permit artificial entities in the residential zone to be candidate eligible while prohibiting those in the commercial zone from being candidate eligible. Ms. Schrider-Fox cautioned this would imply that residential ownership is more important than commercial property ownership.

After more discussion it was agreed to keep the candidate eligibility as it currently is for an artificial entity. The big concern has been that spouses of trustees are not able to vote and the purpose of this committee is to give back the right to vote to property owners who have their properties in a trust.

Ms. Schrider-Fox reminded the committee that it is unconstitutional to prohibit a resident who rents the property the right to vote.

When it comes to multiple owners of a single property, it was agreed to permit no more than four owners eligible to vote in Town elections.

It was also agreed to not change candidate qualifications for LLC's by removing Section 9B(1)(c) of the Charter from the proposed amendment and re-word the non-resident spouse of a trustee voter eligibility. This will then be forwarded to the Charter & Ordinance Committee for discussion at their next meeting.

The next meeting is scheduled for Thursday, March 23, 2017 at 3:00 p.m.

Vicki Carmean made a motion to adjourn the meeting, seconded by Lynn Andrews. Meeting adjourned at 4:05 p.m.