



Why Delaware Needs to Amend Municipal Charters

It is a founding principle and basic value of the League of Women Voters of the United States that “every citizen should be protected in the right to vote.”

The League of Women Voters’ (LWVDE) founding principles were first developed almost 100 years ago¹ after decades of fighting for the principle that “every citizen should be protected in the right to vote.”

The word “person” has often been the basis of defining who has the right to vote. However, that interpretation was perverted to include corporations as “persons” by the United States Supreme Court in *Citizens United V Federal Election Commission* (558 U.S. 310) 2010.

LLCs are a type of corporation. The charters of many Delaware municipalities give LLCs the right to vote in municipal elections.

Under Delaware’s long-standing form of “local rule,” our Code allows municipalities to establish their own registration system and requirements. Many of those specify that any “person” can vote in municipal referenda and some do not restrict that right to vote and apply to elections, as well.

When controversies arose in Newark and Rehoboth Beach relating to LLC voting, members of the LWVDE inquired if there were other municipalities where LLC voting is authorized by local charter. A member attorney agreed to review all municipal charters in the state to address this question. We were surprised to learn that numerous municipalities allow LLC voting. Some are limited to voting on referenda; others allow LLCs to vote in elections. Several allow non-resident property owners to vote in municipal elections. Some are so vague, it is not possible to determine what requirements or restrictions exist, if any.

One charter even restricts voters in their municipal elections to those who are property owners.

After consideration of those facts, the League of Women Voters of Delaware agreed that it would be difficult to correct the numerous charters one at a time. Accordingly, we developed language to require all municipalities to use the state registration system for municipal elections, at a minimum. Many of these municipalities require municipal-specific voter registration, excluding those who are registered in the state system, but neglect to additionally register in the municipality. Since there are several municipalities that do allow non-resident citizen property owners to vote in the local jurisdiction, we agreed that should be an optional addition to those registered in the state system.

The simple point is that only citizens should be allowed to vote in municipal elections and every municipality should, at a minimum, allow any resident state registered to cast a vote in municipal elections. This language would eliminate LLC voting in municipal elections: Amend Title 17 Section 7554(b) Voter Eligibility to state “**Municipalities shall utilize State Voter Registration list at a minimum.**” (This allows for non-resident voting in Charters for communities that desire it.) Amend Title 17 Sections 7554 (j) (1) and (2) to conform.

We urge the General Assembly to pass legislation that will implement this recommendation.

¹ The League of Women voters will celebrate its 100th birthday on February 14, 2020.