



STATE OF DELAWARE  
*office of the*  
STATE ELECTION COMMISSIONER

Elaine Manlove  
*Commissioner of Elections*

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February 21, 2012

Mr. Gregory S. Welch  
13 Thatcher Street  
Frankford, DE 19945

Dear Mr. Welch:

This is in response to the appeal hearing held on Monday, February 20, 2012, in my office. Please read below for the decision.

Pursuant to 15 Del. C. section 7552, an appeal was filed by you to the State Election Commissioner seeking a review of decisions by the Board of Elections of Frankford Delaware, following hearings at which it considered complaints concerning pre-election procedures in Frankford's election held on February 4, 2012. This is the decision of the Commissioner of Elections following that hearing.

**SUMMARY OF THE EVIDENCE**

Mr. Welch's original complaint to the Frankford Board of Elections was that he was denied the right to run as a candidate because he was not an elector. The State Election Commissioner agreed with this course of action, however, the complaint should have first gone to a Frankford Board of Elections hearing and then as an appeal to the Commissioner. In the interest of time, the Commissioner sent a letter to Mr. Welch rather than go through the process outlined in Title 15, Chapter 75.

The Board of Elections subsequently agreed to put Mr. Welch's name on the ballot on February 2, however, his name was not added to the list of candidates on their website until February 6 and this is the context of Mr. Welch's second complaint. Since his name was added later than any other candidate, he was not given the amount of time allotted by Title 15.

### **FINDINGS OF FACT**

At the appeal hearing, Mr. Welch was joined by Mr. Jerry Smith and Mr. Edward (Skip) Ash who corroborated his recollection of the facts. The basic issue is the fact that Mr. Welch is not registered to vote in the town of Frankford. According to Mr. Welch, he has attempted to register on three separate occasions in the past ten years and his registration is always removed from the box of registered voters. He has been told that because he has an open building permit on his home, he should not live there and, therefore, should not be a registered voter in the town. This leads to the subsequent complaints regarding the delay of his name being added to the ballot which in turn led to the shortened campaign timeframe.

### **CONCLUSIONS OF LAW**

Mr. Welch's remedy for his complaints would be to hold a new election. This authority is not given to the State Election Commissioner. However, had he been registered to vote, this entire process would not have been necessary.

### **DECISION OF THE COMMISSIONER**

Although I do not have the authority to order a new election, I do have very grave concerns about the voter registration process in the town of Frankford. All three residents testified to the fact that Mr. Welch has lived in his house for about ten years. While he is restoring the house, this should not be a basis for denying him the right to vote in town elections. I applaud any efforts by Frankford to improve this process. Transparency and openness should be the hallmarks of all elections. The right to vote should not be withheld frivolously.

Mr. Gregory S. Welch  
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If you have any questions, please contact me.

Very truly yours,



Elaine Manlove  
State Election Commissioner

Cc: Ann Woolfolk – Deputy Attorney General  
Kenneth McDowell – Director, Dept. of Elections for Sussex County  
Jean Turner – Deputy Director, Dept. of Elections for Sussex County  
Dennis L. Schrader, Esq.