



STATE OF DELAWARE  
*office of the*  
STATE ELECTION COMMISSIONER

Elaine Manlove  
*Commissioner of Elections*

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April 25, 2012

Mr. Kevin Smith  
15 East Green Lane  
Milford, DE 19963

Dear Mr. Smith:

This is in response to the appeal hearing held on Tuesday, April 24, 2012, in my office. Please read below for the decision.

Pursuant to 15 *Del. C.* § 7552, an appeal was filed by you to the State Election Commissioner seeking a review of decisions by the Board of Elections of Milford, Delaware, following a hearing at which it considered complaints concerning pre-election procedures in Milford's election to be held on April 28, 2012. This is the decision of the Commissioner of Elections following that hearing.

**SUMMARY OF THE EVIDENCE**

Mr. Smith's original complaint to the Milford Board of Elections was that he was denied the right to vote in the upcoming election because he did not realize that he had to register in Milford's voter registration roles. Mr. Smith believed that he would be able to vote since he had registered in the State of Delaware's voter registration system. He felt that the fact that voters had to be registered with the municipality was not well advertised.

In addition, he felt that having to register in person, rather than by mail or online was a burden. He also felt that Milford did not offer reasonable opportunities to register with the municipality in violation of 15 *Del. C.* § 7554©, which reads, "[a] municipality that maintains its own voter registration system shall publish and post a schedule of when eligible citizens may

register to vote. The municipality shall provide eligible citizens a reasonable opportunity to register to vote.”

In preparation for this hearing, I contacted the town of Milford and requested information regarding their election advertising. Milford both appeared at the hearing and in advance of the hearing provided the following documents:

- Exhibit 1 – Voter Registration Notices and Affidavits
  - Notice to Qualified Voters in the City of Milford (flyer indicating registration times as well as the fact that voters must register with the municipality)
  - Affidavit from Independent News indicating times of newspaper ads
  - Affidavit from Gatehouse Media Delaware Holdings, Inc. indicating times of newspaper ads
- Exhibit 2 – Notice of Candidate Solicitation and Affidavits that includes voter registration information
  - Notice of Solicitation of Candidates
  - Affidavit from Gatehouse Media Delaware Holdings, Inc. indicating times of newspaper ads
  - Affidavit from Independent News indicating times of newspaper ads
- Exhibit 3 – Newspaper Articles
  - Milford Live – March 6, 2012
  - Milford Chronicle – March 7, 2012
  - Milford Beacon.com – March 22, 2012
  - Milford Live – Referendum Article – November 16, 2011
- Exhibit 4 - Additional Postings of Notices
  - Notice of 2012 City of Milford Municipal Election and certificate indicating six locations of posting
- Exhibit 5 – Flyer mailed to new residents regarding voter registration included with Welcome Packet

#### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

At the appeal hearing, Mr. Smith was joined by his mother, Judith Smith. Also in attendance was Teresa Hudson from the City of Milford. Mr. Smith outlined his complaint as indicated in the summary of evidence. Mr. Smith did not rebut any of the Exhibits. I accept as fact that Milford posted the notices identified as Exhibits 1, 2, and 4. I also find as fact that the newspaper clippings constituting Exhibit 3 were indeed published as asserted by the City of Milford. Finally, I find that the flyer constituting Exhibit 5 was mailed to your household, although you did not see it. Accordingly, based on the testimony and documentary evidence, I find that Milford met the requirements of 15 *Del. C.* § 7554(c). I further find that there is no applicable law that mandates that Milford permit mail-in or on-line voter registration. Thus, I do not have the authority to mandate the manner of registration in any municipality. Since Milford met its advertising requirements, Mr. Smith should have known of the requirement to register with Milford as well as the dates and times of registration opportunities

**DECISION OF THE COMMISSIONER**

. For the reasons set forth above, I find that the City of Milford met the requirements of 15 *Del. C.* § 7554. This appeal is denied.

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  
Teresa Hudson – Milford City Clerk