

BEFORE THE BOARD OF ELECTIONS
OF THE TOWN OF FRANKFORD

IN RE: COMPLAINT OF TRUITT, DAVIS & SHELTON

Case No. 2014-1

A hearing was held after due notice on January 16, 2014, commencing at 6:00 P.M., at the meeting room of the Frankford Volunteer Fire Company. The Board members present were: Elma Gray, Chair, Peggy Schaffer, Pamela Hoban, Terry Truitt, Town Administrator, and David C. Hutt, Esquire, Acting Town Attorney, were also present.

Complaint and Responses

Jesse Truitt, Pamela Davis, and Charles Shelton filed a complaint on January 9, 2014 with the Board to review the eligibility of candidate Gregory S. Welch to be a candidate for Council Member.

Jurisdiction

This matter was heard by the Board pursuant to the jurisdiction conferred upon it by 13 Del.C. Subchapter 7552 and the authorities and duties more particularly set forth therein.

Finding

David C. Hutt, Acting Town Attorney called on Terry Truitt, Town Administrator for a validation of the posting of the agenda for tonight's meeting as being posted on January 9, 2014. She attested that Mr. Greg Welch had been notified of the public hearing scheduled for tonight on January 15, 2014 advising him that an Attorney would be present and that he was encouraged to attend. Terry Truitt noted that on the morning of the hearing (1/16/14), she received an email from Mr. Welch indicating he would not attend the hearing and included two additional complaints regarding voter registration and candidacy deadlines.

The Board reviewed the Town Charter as amended under section five (5): Elections, sub section (C) which addresses the qualifications in order to be eligible to be a Council Member. This section states, as follows: "Each Council member shall be at least eighteen (18) years of age; shall have resided in the Town for at least one year immediately preceding the date of election; shall be a qualified voter (as set out above) in the Town of Frankford; and shall not have been convicted of a felony".

The complaint alleges that candidate Gregory S. Welch is not a qualified registered voter of the Town. Sub-section (B) of the Town Charter reads as follows: "Every person who is a citizen of the United States; is at least eighteen (18) years of age; has resided within the corporate limits of the Town for at least thirty (30) days prior to the next Town election; and is registered as required by law, shall be a qualified voter of the Town. Every qualified voter of the Town shall be entitled to vote in any or all Town elections."

The question presented to the Board is whether Mr. Welch is eligible to be a candidate and whether he is a qualified voter, one of the eligibility requirements to be a Council member.

Terry Truitt, Town Administrator was asked if the eligible voters for this year's election had been certified. The reply was yes noting the advertisements had been placed with the deadlines to register

provided. The Town Council had approved the addition of fifty three (53) new voters to the listing of eligible Town voters at their monthly meeting held on January 6, 2014. Terry Truitt was asked if Mr. Welch was currently a registered eligible voter of the Town to which Terry Truitt replied, no. Terry Truitt noted the last document of record regarding Mr. Welch's eligibility to vote in Town elections was a letter dated January 9, 2003 (which was read aloud and made a part of the record) which the Town had sent to Mr. Welch via certified mail. The letter stated that he was not registered to vote in Town elections based on the fact that he was not currently residing at his property address of #13 Thatcher Street. Truitt testified that at no time thereafter did Mr. Welch take any of the necessary steps to register vote.

Mr. Welch did not appear or testify on his own behalf.

Jerry Lee Smith offered his comments on the issue.

Decision of the Board

After deliberation, the Board took the following action:

Based upon the review of registered, eligible, qualified voters of the Town, the testimony of Mrs. Truitt and comments of Mr. Smith, the documents in record, the Board found that Mr. Welch is not a qualified candidate for office because he is not a registered voter in the Town of Frankford.

Upon motion duly made and seconded, the Board voted 3-0 in favor of that decision.

BOARD OF ELECTIONS
OF THE TOWN OF FRANKFORD

By _____
Elma Gray, Chair

Margaret Schaffer

Pamela Hoban

Dated: