

Commenter	Section 2/Residence Questions	Policy Questions for Commission	Other Concerns
ACLU	<p>The ACLU raised several concerns, including about Section 2:</p> <ul style="list-style-type: none"> <li>• The ACLU considered some of the language repetitive and confusing. <ul style="list-style-type: none"> <li>○ I acknowledge that the language in Section 2 is very technical. There is a limit to how <i>much</i> I can simplify this language, but I have heard you and intend to simplify and clarify.</li> </ul> </li> <li>• The ACLU noted that nothing in the portion of this section which defines the franchise for non-residents limits the franchise to US citizens. <ul style="list-style-type: none"> <li>○ The Commission <i>can</i> extend the franchise in this way. However, it is worth discussing whether it wishes to.</li> </ul> </li> <li>• The ACLU was also concerned that there is no minimum value requirement to the property-ownership requirement. <ul style="list-style-type: none"> <li>○ I assumed that, in the case of the Fire District, all residential real estate is of sufficient value that a limitation would be of no practical use.</li> <li>○ I am not aware of any legal <i>requirement</i> for such a limit.</li> </ul> </li> </ul>	<p>The ACLU had questions about voter registration and other procedural matters regarding the vote:</p> <ul style="list-style-type: none"> <li>• The ACLU believes the Charter should provide additional guidance for <i>how</i> to determine that a property-voter has met the 90-day residence requirement. <ul style="list-style-type: none"> <li>○ I did not consider additional guidance to be necessary, as such guidance can be addressed in the bylaws. However, I thought I should mention their perspective on this.</li> </ul> </li> <li>• The ACLU noted that the 90-day period to resolve challenges to a voter's registration is too long. <ul style="list-style-type: none"> <li>○ This is ultimately a question for the Commission, as the question will depend on the Fire District's needs and capacity. I estimated 90 days on the assumption that this would be run by community members, around their schedules.</li> </ul> </li> <li>• The ACLU was also concerned about the power to dismiss repetitive complaints. <ul style="list-style-type: none"> <li>○ This was intended to prevent harassment. It needs clarification, or can be dropped.</li> </ul> </li> </ul>	<p>The ACLU also expressed general concerns regarding application of the substantial interest standard throughout, including in the bill to be voted on by the General Assembly.</p> <p>It seems evident that the ACLU's position is <i>firmly</i> against expanding beyond the constitutional floor on the franchise in <i>any</i> direction. This Commission should bear that in mind when evaluating the ACLU's positions.</p>

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Faith LaSalle	Ms. LaSalle provided us an alternate draft for Section 2. This alternate draft introduces a number of policy disagreements, which will be discussed separately.	<p>Ms. LaSalle's proposal would assign a single vote to each commercial parcel. This would mean one vote for each of the 930 units at the Beach Club. This raises a number of questions:</p> <ul style="list-style-type: none"> <li>• How would disputes <i>between</i> owners of a single unit affect the vote?</li> <li>• Should BSFD have a role in determining which owner gets to vote, in the event of a dispute?</li> <li>• Do I have the data to confirm that these voters (not including persons who are able to vote as residents) will meet the substantial interest test?</li> <li>• How will BSFD keep track of the owners?</li> </ul> <p>In addition, Ms. LaSalle's proposal would replace the proposed BSFD voter registry system with reliance on property records and state voter records.</p>	Ms. LaSalle, along with others, has raised the question of setting a fixed date for the annual meeting in the Charter. I believe many of the concerns regarding this can be cleared by clarifying Section 2.
Robert Patterson	Mr. Patterson submitted a clarified version of the suffrage provisions in Section 2, without the voter registration challenge periods. In my opinion, this is a fair clarification of the suffrage provisions I provided, though it removes the requirement of <i>ownership</i> to qualify as a seasonal resident.		

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<p>Public Comment</p>	<p>Our office has been provided with 16 comments from the public—two of which simply expressed support and gratitude for the Commission’s work.</p> <p>Of the remaining comments, several noted that Section 2 was confusing, or appeared to misunderstand the way the section was intended to work. As stated above, I am <sup>3</sup> happy for the feedback, and will be happy to clarify this language.</p>	<p>Several people asked whether the Commission would consider adopting an absentee voting system. This is doable, either in the Charter or in bylaws.</p> <p>A number of people raised questions <sup>2</sup> about votes for entities, especially trusts. Of course, residents and seasonal residents who are otherwise able to vote <i>as</i> residents or as seasonal residents need not worry about this. I can address this by modifying Section 2 (for instance, adopting Mr. Patterson’s language), or by adding a category of voters who may qualify specifically by demonstrating that they own homes inside of BSFD through trusts.</p> <p>One person also asked whether the District will hire an independent lawyer <sup>4</sup> for the proposed voter registration challenge process.</p>	