SPONSOR: Rep. Viola & Sen. Poore
Rep. Paradee

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 135

AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO ELECTIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 2014, Title 15 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 2014. Notification of disposition of a person's voter registration application and procedure for handling returned mail.

(a) The Department following receipt of a voter registration application for a person who is not registered to vote shall, upon determination that the applicant is eligible to register to vote, register that person to vote.~~create a pending registration record. The Department shall then within 5 business days mail a nonforwardable notice by first-class mail that confirms the voter's address to the voter.~~

~~(1) If this notice is returned to the Department as undeliverable by the U. S. Postal Service within 10 days of having been mailed, the Department shall not add the person's name to the list of registered voters.~~

~~(2) The Department shall post the name and address of every person whose confirmation notice was returned as undeliverable on its website for a period of 2 years.~~

~~(3) If the notice is not returned within 10 days after being mailed, the applicant's pending registration record shall be added to the State's list of registered voters and the department shall mail a nonforwardable notice by first-class mail that informs the registrant of the location of the registrant's polling place.~~

~~(4) A person not added to the list of registered voters in accordance with paragraph (a)(1) of this section above shall be permitted to vote at the polling place for that person's address upon presentation of proof of identity and address at the polling place, completion of a voter registration application at the polling place and the approval of the Department's county director and deputy county director in the appropriate county. The forms of identification may include:~~

~~a. A Delaware drivers license;~~

~~b. A Delaware identification card;~~

~~c. Work identification, provided it has a photograph and address; or~~

~~d. U.S. postal material.~~

~~(5) The State Election Commissioner may suspend the provisions of this subsection (a) during the 60 days prior to any primary, general or special election in order to facilitate the processing of voter registration applications, distribution of polling place cards and the production of poll lists and signature cards.~~

(b) The Department shall promptly notify in writing each person whose voter registration application has been rejected and shall state in such notice the specific reason or reasons for such rejection.

(c) ~~The Department u~~Upon registering a person to vote or completing a transfer of address, change of name and/or change of political party affiliation for a registered voter, the Department shall mail a notice informing the registrant of that registrant's polling place by nonforwardable first class mail. If this notice or any correspondence sent by a state agency or state official using voter registration address data is returned as undeliverable, the Department shall send an address verification request by forwardable first-class mail to the person at the address on their permanent registration record or to the address indicated by the U.S. Postal Service on the returned undeliverable notice or correspondence. The address verification request shall include a postage-paid preaddressed return card. The person shall be asked to sign the return card and:

(1) Authorize cancellation of their Delaware voter registration because they are no longer permanent residents of the State;

(2) Provide the address of their permanent place of residence if they still reside within Delaware; or

(3) Certify that the address at which they are currently registered to vote is their correct address and place of permanent residence.

(d) The Department, upon receipt of the return card in accordance with the response shall:

(1) ~~Upon authorization by the State Board of Elections at a meeting of said Board, r~~Remove the voter from the records of the State Election Commissioner and the Department if the voter is no longer a permanent resident of the State;

(2) Update the person's voter registration record with the new address if it is within the Department's jurisdiction; or

(3) [Repealed.]

(4) Update the person's voter registration record showing that the person has certified that the address on the permanent voter registration record is their permanent place of residence.

(e) If the person does not return the return card within 60 days of mailing or if the address verification request is returned as undeliverable, the person shall be transferred to "inactive status."

(f) Persons classified as "inactive" shall remain eligible to vote in any election conducted in accordance with this title. Upon presenting themselves at their polling place they shall affirm in writing under penalty of perjury on the form promulgated by the State Election Commissioner the address of their permanent place of residence. If the person's permanent place of residence is different than the permanent place of residence shown on the voter's permanent record, the person shall be permitted to vote in accordance with § 2047 of this title.

(g) A person properly removed from the voting rolls in accordance with this chapter must reregister in order to vote in any election conducted in accordance with this title. A person removed in error through the process described in this chapter, however, may be restored to the voting rolls upon the concurrence of the county director and deputy county director of the Department in the county in which such person resides.

(h) On or before June 1 of each year following a general election, the State Election Commissioner shall remove from the voting rolls any person who has been in "inactive status" for 2 consecutive general elections.

SYNOPSIS

This bill eliminates the "10-day hold" before registering a voter who is eligible to vote. This bill also allows the Department in lieu of the Board to remove voters who no longer reside in Delaware.