



SPONSOR: Rep. Viola & Sen. Poore
Reps. Miro, Paradee

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 138

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:

1 Section 1. Amend § 1704, Title 15 of the Delaware Code by making deletions as shown by strikethrough and
2 insertions as shown by underline as follows:

3 § 1704. Identification of persons who are no longer eligible to vote, establishment of an "inactive state,"
4 cancellation of registration and provision for reregistration.

5 ~~(a) The State Election Commissioner on or before April 1 of each year shall compile a list of registered voters who~~
6 ~~no longer reside at the address at which they are registered to vote. The Commissioner shall accomplish this by:~~

7 ~~(1) Contracting with a U.S. Postal Service licensed vendor to compare the list of registered voters against the~~
8 ~~list of persons who have filed a permanent change of address with the U.S. Postal Service and obtain from the vendor a~~
9 ~~list of registered voters who have changed their address both within and without this State.~~

10 ~~(2) Obtaining from the Division of Motor Vehicles a list of all persons who have surrendered their Delaware~~
11 ~~driver's license while obtaining a driver's license from another state. The Commissioner shall compare this list against~~
12 ~~the list of registered voters and compile a list of registered voters who have surrendered their Delaware driver's license.~~

13 ~~(ab) The State Election Commissioner or the Commissioner's designated representative shall merge the 2 lists~~
14 ~~compiled in accordance with subsection (a) of this section and remove duplicate names. The Department may use a list of~~
15 persons registered to vote in Delaware and who are registered to vote in another state or who have obtained a Driver's
16 License or State ID card from another state as a source to send an address verification request to those voters.

17 ~~(be) The State Election Commissioner or the Commissioner's designated agent~~Department shall then send an
18 address verification request via forwardable first class mail to each person on the list. ~~The State Election~~
19 ~~Commissioner~~Department shall mail the request to the address at which the person is registered to vote unless the U.S.
20 Postal Service vendor provides an updated address. The request shall ask the person to sign the return card and:

21 (1) Authorize cancellation of their Delaware voter registration because they are no longer permanent residents
22 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.~~

(cd) The address verification request shall include a postage-paid return card or envelope preaddressed to the Department.

(de) The Department, upon receipt of the returned notice and card in accordance with the response, shall:

~~(1) Upon authorization by the State Board of Elections at a meeting of said Board, remove the voter from the records of the State Election Commissioner and Department~~ Cancel the person's registration;

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

~~(3) [Repealed.]~~

(34) 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.

~~(ef) On June 1 of each year~~ 60 days following an address verification mailing in accordance with this section, the ~~State Election Commissioner~~ Department shall place all persons who did not reply to the address verification request mailed in accordance with this section into "inactive status."

(fg) A person shall be returned to active status if the person subsequently returns the return card with a new Delaware address or certification that the person has not changed their address, by completing any other voter registration transaction permitted by this title or by voting in any election conducted in accordance with this title or Title 14.

(gh) 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.

(hi) 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 person's permanent voter registration record, the person shall be permitted to vote at the polling place for the person's permanent place of residence ~~in accordance with § 2047 of this title.~~

(ij) 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. The county director and deputy county director may restore to

52 the voting rolls a A person removed in error through the process described in this chapter, however, may be restored to the
53 voting rolls upon the concurrence of the Department's county director and deputy county director in the applicable county.

54 (j) The Department may put those persons who failed to respond to these notices mailed on or before the
55 enactment of this legislation in "inactive status" 60 days after the date of the mailing or the date of the enactment of the
56 legislation whichever is later.

57 (k) The State Election Commissioner cancel the registration of any person who has been placed in inactive status
58 by this section in accordance with §2014(h) of this title.

SYNOPSIS

This bill replaces the National Change of Address process with another non-discriminatory process of cancelling the registrations of persons who are no longer permanent residents of Delaware. It also gives the Department of Elections, instead of the State Board of Elections, the authority to cancel registrations of persons who authorize the cancellation of their registrations because they are no longer permanent residents of Delaware.