

CHAPTER 419
FORMERLY
HOUSE BILL NO. 403
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO ABSENTEE VOTING IN MUNICIPAL ELECTIONS.

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

Section 1. Amend § 7572, Title 15 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 7572. Request for ballot; ~~affidavits~~ statement for absentee ballots; delivery of absentee ballots.

(a) An elector desiring to vote by absentee ballot in an election for which the elector is a qualified elector may request an absentee ballot from the municipality where the elector is qualified to vote by filing a written ~~affidavit~~ statement with the municipality no later than 12:00 noon the day before the election.

(b) ~~An affidavit~~ A statement may be filed pursuant to this section by mailing it, delivering it, or causing it to be delivered to the municipality where the elector is qualified to vote.

(c) ~~Affidavit~~ Statements filed pursuant to this section shall:

(1) Indicate the election or elections for which the elector is requesting an absentee ballot;

(2) Include at least the following information:

a. The elector's name;

b. The address within the municipality at which the elector establishes eligibility to vote;

c. The address to which the elector requests that the absentee ballot be mailed;

d. The elector's date of birth;

e. The elector's expected location on election day;

f. The reason that the elector cannot appear at the regular polling place on the day of the election

which reason shall be any of the reasons listed in § 7571 of this title.

g. A telephone number, if available, to assist in resolving any challenge;

h. An e-mail address, if available, to assist in resolving any challenge; and

i. The elector's signature;

(3) Be subscribed and sworn to by the elector; ~~before an officer authorized by law to administer oaths affirming that under penalty of perjury, the information on the affidavit is correct and true except that the affidavit for a person voting in person at a municipality shall not be notarized but shall be accepted upon the voter presenting a form of ID acceptable by a notary.~~

~~(d) Notwithstanding any other provision of this section to the contrary, the affidavit of any elector desiring to receive an absentee ballot because the person qualifies under any of the reasons set forth in § 7571(1), (2), (4) of this title or who qualifies to vote by absentee ballot as a nonresident of the municipality where such voting is allowed may be self administered.~~

~~(e)~~(d) The State Election Commissioner shall create an absentee ~~affidavit~~ statement template that municipalities shall use in creating their own absentee ~~affidavit~~ statement by adding additional reasons that a person may vote by absentee ballot. The State Election Commissioner shall also designate envelopes and create a set of instructions for voters casting their votes by absentee ballot that municipalities may use to comply with the provisions of this subchapter.

~~(f)~~(e) The municipality may adopt a printed or electronic ~~affidavit~~ statement form (or both), containing blanks associated with each item required by this section to be listed on an affidavit, which may be completed by any elector wishing to receive an absentee ballot pursuant to this section. An elector may submit a written or electronic request to the municipality for the municipality prepared ~~affidavit~~ statement form, which the municipality shall forward to the elector upon receipt of a request therefore.

Section 2. Amend § 7573, Title 15 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

(a) Upon receipt of an ~~affidavit~~ statement from an elector pursuant to § 7572 of this title, the municipality shall process the same and confirm that the elector qualifies for an absentee ballot pursuant to § 7571 of this title.

Section 3. Amend § 7578, Title 15 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

c. Open each ballot envelope in such a manner as not to deface or destroy the self-administered ~~affidavit~~ statement thereon or the absentee ballot enclosed and then remove the ballot in such manner as to avoid seeing the markings thereon from the ballot envelope. If there is no ballot in the ballot envelope or if there is more than 1 ballot in a ballot envelope, an absentee election judge shall write the word “REJECTED” and the reason for the rejection on the front of the ballot envelope and then at least 2 absentee elections judges shall initial beside the entries. In the case where there was more than 1 ballot in a ballot envelope, the team shall put the ballots back into the ballot envelope.

Section 4. Amend § 7581, Title 15 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

(a) The ballot of any elector choosing to vote by absentee ballot may be challenged for the same causes and in the same manner as provided in this title for other voters.

(b) In addition, the vote of an absentee voter may be challenged:

(1) On the ground that the ~~affidavit~~ statement filed by the voter in compliance with § 7572 of this title is false; or

(2) On the ground that the self-administered ~~affidavit~~ statement on the ballot envelope is not signed.

Section 5. Amend § 7582, Title 15 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

(a) No vote shall be accepted or counted if:

(1) The ~~affidavit~~ statement of the absentee voter that appears on the front of the ballot envelope is found to have been altered or is not signed; or

(2) The absentee voter is not a duly qualified elector entitled to vote in the municipality;

(3) The ballot envelope is open; or

(4) It is evident that the ballot envelope has been opened and resealed;

(5) It is evident that the ballot envelope has been tampered with or altered.

Section 6. Amend § 7585, Title 15 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

(a) The municipality shall maintain records providing for the prevention of fraud and to make possible the tracing and detection of any attempt to do so. Such records shall include, but shall not be limited to, the following entries:

(1) The name of elector;

(2) The address at which the elector establishes eligibility to vote;

(3) The address where ballot is to be mailed;

(4) The date the ~~affidavit~~ statement is received by the municipality;

Approved September 4, 2018