

CHAPTER 275  
FORMERLY  
HOUSE SUBSTITUTE NO. 1 FOR  
HOUSE BILL NO. 302  
AS AMENDED BY  
HOUSE AMENDMENT NO. 1

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 Title 15, § 101 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

§ 101 Definitions.

As used in this title:

(2) “Board of ~~elections~~ Elections” or “~~board~~ Board” ~~in each of the 3 counties of the State~~ means that body of individuals appointed by the Governor and confirmed by the Senate to serve or who otherwise serve as a board of elections for their respective counties the State Board of Elections in accordance with chapter 2 of this title, and are, as such, vested with the responsibility and power to see to the administration of the election laws of this State ~~in their respective counties~~ as more particularly defined in this title.

(6) “Department” means the ~~department of elections in each county of this State~~ Department of Elections, consisting of the ~~board of elections~~ State Board of Elections and such staff as the ~~board~~ Board shall appoint under this title, but shall not include the State Election Commissioner. The ~~department in each county~~ Department, under the direction of the ~~board of elections~~ Board of Elections, shall administer the election laws of this State as defined in this title.

(7) “Election District Record” shall no longer mean the binders which contain, among other information, voter registration record (sometimes referred to as “Blues”), and shall hereafter mean the electronic records or the print out reflecting said electronic records as designated by the ~~respective county department of elections~~ Department of Elections.

(8) “Election Management System” refers to the computer programs and databases managed by the State Election Commissioner and used by the State Election Commissioner and the ~~departments of elections~~ Department of Elections to maintain voter registration records, to manage absentee voting, maintain election officer information, maintain polling place information, structure elections and for other purposes.

(14) “Mobile registration” means any voter registration sponsored or conducted by a ~~department of elections~~ the Department of Elections outside of ~~that department’s office~~ any office of the Department.

(21) “Registration officers” means the registrar, assistant registrar and alternate registrars appointed by the ~~departments~~ Department as defined in this section.

Section 2. Amend § 201, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 201 State Department of Elections.

There ~~shall be~~ is hereby established a State Department of Elections, which shall be vested with all of the powers and duties previously vested in the respective departments of elections for New Castle County, Kent County and Sussex County, as well as such other powers and duties as set forth in this title.

Section 3. Amend Chapter 2, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 201A. Transfers and continuity.

(a) All books, records, papers, and other materials and equipment in the possession of any county department of elections required to be maintained or preserved under existing law, regulation, or policy shall be delivered into the custody of the State Department of Elections by no later than July 1, 2015. For purposes of this section, the term “county department of elections” shall include the board of elections for such county.

(b) Any duty, responsibility, action, or other activity (including without limitation any investigation, petition, hearing, or other legal proceeding) pending before or instituted by any county department of elections and not concluded prior to July 1, 2015, shall continue unabated and remain in full force and effect, and, where necessary, may be completed before, by, or in the name of the Department. All orders, rules, and regulations made by any county department of elections that are in effect on July 1, 2015 shall remain in full force and effect until revoked or modified by the Department in accordance with applicable law. All contracts and obligations of any county department of elections that are in force on July 1, 2015, shall remain in full force and effect and unless revoked, modified, or terminated by the Department in accordance with applicable law.

(c) Employees of any county department of elections whose functions are consistent with and have been transferred to the Department by this chapter shall continue and be deemed to be the employees of the Department on July 1, 2015, and, where applicable, with all the benefits accrued as merit employees as of July 1, 2015.

(d) All definitions and references to any commission, board, department, council or agency which appear in any other act or law, to the extent they are consistent with this title and in connection with a function transferred by this chapter to the Department, shall be construed as referring and relating to the Department as created and established by this chapter.

(e) All definitions and references to any director, commissioner, executive secretary, commission, board or council member or other similar person which appear in any other act or law shall, to the extent they are consistent with this title and in connection with a function transferred by this chapter to the Department, shall be construed as referring or relating to such person or persons and their powers, duties and functions as established and created by this chapter.

Section 4. Amend § 202, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 202 State Board of Elections for New Castle County; composition; appointment; term.

(a) The State Board of Elections for New Castle County shall consist of 10 11 members, including 2 members from Sussex County; 2 members from Kent County; 2 members from New Castle County; 2 members from the City of Wilmington; 2 at-large members; and the State Election Commissioner, who shall serve as an *ex officio* member subject to the limitations set forth in § 302 of this title, and each Each of the 2 principal political parties shall be represented at all times by not fewer than 5 members and at all times both principal political parties shall have equal representation in each county, in the City of Wilmington, and among the at-large members.

(b) In carrying out this section, the Governor shall appoint 10 members. The Governor shall initially appoint 5 members, with at least 2 from each of the 2 principal political parties, for a term of 2 years each, and 5 members, with at least 2 from each of the 2 principal political parties, for a term of 4 years each.

(c) Upon the expiration of the term of any appointed member of the Board, such member's successor shall be appointed by the Governor for a period of 4 years; provided, however, that such member shall hold office until that member's successor shall be duly qualified and provided, further, that the term of such successor shall commence on the date the successor is duly qualified. In the event a vacancy occurs in the Board from any cause, other than expiration of the term of a member, the Governor shall fill the vacancy for the residue of the term.

(d) The 10 members required to be appointed by the Governor from the 2 principal political parties under subsections (b) and (c) of this section shall be appointed from a list of not fewer than 3 nominees for each member to be appointed, which list shall be submitted by the state chair of the political party from which the appointment must be made. ~~Seven of the members to be appointed must reside in a different senatorial district in rural New Castle County and 3 of the members to be appointed must reside in a separate senatorial district of the City of Wilmington.~~ Such lists shall be submitted to the Governor within 30 days of the expiration or vacancy of any term herein when such expiration or vacancy leaves fewer than 5 members of the principal political party. The Provided the General Assembly is in session, the Governor shall submit the Governor's own appointments from the names on the lists within 30 days of the date the Governor receives the lists. If a state chair does not submit a list to the Governor as provided in this subsection, then the Governor shall submit the Governor's own appointments for any vacancy.

(e) All members other than the State Election Commissioner shall be appointed by and with the consent of the majority of the members elected to the Senate.

Section 5. Amend § 203, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 203 Boards of Elections for Kent and Sussex Counties; composition; appointment; term.

(a) ~~The Board of Elections for Kent County and the Board of Elections for Sussex County shall each consist of 6 members appointed as provided in this section. Each of the 2 principal political parties shall at all times be represented by not fewer than 3 members of each board.~~

(b) ~~In carrying out this section, the Governor shall initially appoint for the Board of Elections of Kent County 2 members for a term of 2 years each and 2 members for a term of 4 years each, and for the Board of Elections of Sussex County, 3 members for a term of 2 years each and 3 members for a term of 4 years each.~~

(c) ~~Upon the expiration of the term of any member from either board such member's successor shall be appointed by the Governor for a term of 4 years; provided, however, that such member shall hold office until that member's successor shall be duly qualified and provided, further, that the term of such successor shall commence on the date the successor is duly qualified. In the event that a vacancy occurs in either board from any cause, other than expiration of the term of a member, the Governor shall fill the vacancy for the residue of the term.~~

(d) ~~The members to be appointed by the Governor under subsections (c) and (d) of this section shall be appointed from a list of not fewer than 3 nominees for each member to be appointed, which list shall be submitted by the state chair of the political party from which the appointment must be made. Each senatorial district in Kent and Sussex Counties must be represented by 1 member and no senatorial district may be represented by more than 2 members. Such lists shall be submitted to the Governor within 30 days of June 25, 1969, and within 30 days of the expiration or vacancy of any term herein when such expiration or vacancy leaves fewer than 3 members of the principal political party. The Governor shall submit the Governor's own appointments from the names on the lists within 30 days of the date the Governor receives the lists.~~

(e) ~~All members shall be appointed by and with the consent of the majority of the members elected to the Senate.~~

(f) ~~In the event that a vacancy exists on the Board of Elections, the Board of Elections can still meet to canvass any election it shall be prescribed to canvass provided that a quorum of its members are present and § 209 of this title shall be met.~~

§ 203 State Board of Elections; powers and duties.

There is hereby established a State Board of Elections, which shall have all of the powers and duties previously vested in the Board of Elections for New Castle County, the Board of Elections for Kent County, and the Board of Elections for Sussex County, as well as such other powers and duties as set forth in this title.

Section 6. Amend Chapter 2, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 204 Qualifications of members ~~of all boards~~.

No person shall be appointed as a member of ~~any board of elections~~ the State Board of Elections who is not a citizen of the United States and a resident of the county for which that person is appointed (or a resident of this State for at-large members) and who has not resided therein for 1 year next preceding that person's appointment. No member of ~~any board~~ the Board shall hold or be a candidate for any:

- (1) Federal, state, county, city or incorporated municipality elective office;
- (2) Elective office or appointed position of a political party, nor shall a member be an appointed official to any federal, state, county, city or incorporated municipality commission or administrative body.

§ 205 Confirmation or rejection of appointments.

The Senate shall either confirm or reject any appointment under § 202 ~~or 203~~ of this title within 10 legislative days of its receipt or said appointment is deemed confirmed.

§ 206 Oath.

Each member of ~~each board~~ the Board, before entering upon that member's duties and within 10 days from the time of that member's appointment, shall take and subscribe to the oath or affirmation prescribed by the Constitution and shall record the same in the office of the recorder of the county of the member's residence.

§ 207 Compensation of members.

The compensation of ~~board~~ Board members shall be as provided in the Budget Act; provided, however, that no Board member shall receive compensation for any Board meeting for which such member was not in attendance. In addition, the State Election Commissioner shall not be entitled to any additional compensation by virtue of his or her service as an *ex officio* member of the Board.

§ 208 Organization meeting; officers.

(a) ~~The board of elections for each county~~ Board shall establish a schedule of meetings for the following calendar year at a regularly scheduled meeting of the board held between October 1 and December 31. Once established, the aforesaid schedule shall be subject to change by the ~~respective board~~ Board.

(b) The schedule shall include an organizational meeting that shall be held between February 1 and June 30 of each year at which time the members of the ~~board of elections for a county~~ Board shall meet and organize by electing 1 member to be president and 1 member to be secretary, whose function other than that of a member shall be to record the minutes of the meetings of the ~~board~~ Board. The terms of office for each officer shall be until the organizational meeting held in the following year or until a successor is elected.

§ 209 ~~Necessary votes for transaction of business~~ Quorum.

~~(a) The affirmative vote of 4 members shall be required for the transaction of any business for the Board of Elections for Kent and Sussex Counties respectively.~~  
(a) ~~The affirmative vote~~ A quorum of 6 members shall be required for the transaction of any business ~~for~~ by the ~~State~~ Board of Elections ~~for New Castle County~~.

~~(b) The affirmative vote of 4 members shall be required for the transaction of any business for the Board of Elections for Kent and Sussex Counties respectively.~~

§ 210 Rules.

~~Each board~~ The Board may make rules for its government not inconsistent with the Constitution or any law of this State ~~and subject to the approval of the State Election Commissioner~~.

Section 7. Amend § 211, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 211 ~~Director~~ County directors, deputy county directors; powers, duties, qualifications, compensation.

(a) ~~The board of elections~~ For each county, the State Board of Elections ~~of each county~~ shall appoint:

(1) ~~An~~ A county director who shall be a member of the same political party as the State Election Commissioner and who shall serve at the pleasure of the ~~board~~ Board;

(2) A deputy county director who shall be nominated and elected by the members of the ~~board of elections~~ Board of the opposite political party of the State Election Commissioner and who shall serve at the pleasure of same. In the nomination and election of a deputy county director, § 209 of this title shall not be applicable.

(b) ~~The~~ Each county director shall assist the ~~department of elections of the director's county~~ Department of Elections in carrying out its duties and responsibilities in the county for which the county director is appointed and, subject to the policies and directives of the ~~board~~ Board, ~~shall have general supervision over the employees of the department and shall see to it that the work of the department~~ Department in such county is performed in a proper and nonpartisan manner.

(c) ~~The~~ Each deputy county director shall assist the county director in the county for which such deputy county director is appointed.

(d) ~~The~~ Each county director and ~~the~~ deputy county director ~~of each department of elections~~ shall be a citizens of the United States and a qualified electors of the county ~~employing them~~ in which he or she serves.

(e) The salary of ~~the~~ each county director and deputy county director shall be as provided in the Budget Act and shall be uniform for each county.

(f) The county director and deputy county director of a county, if in agreement, may authorize a person to vote whose application to register to vote at the Division of Motor Vehicles was never completed as required elsewhere in this title. The person shall follow the procedures set forth by the State Election Commissioner prior to being permitted to vote.

(g) Notwithstanding any provision to the contrary herein, those persons who held the positions of director and deputy director, respectively, of each county department of elections immediately prior to July 1, 2015 shall assume automatically the position of county director and deputy county director, respectively, in the county for which he or she was appointed. Each initial county director and initial deputy county director shall be bound by and subject to the provisions of this section, and to this title generally, to the same extent as if he or she was appointed by the Board in accordance with this section.

Section 8. Amend Chapter 2, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 212 Office; equipment and supplies.

~~Each department~~ The Department shall occupy a suitable and convenient office in the courthouse or public building of ~~the each~~ county, or elsewhere in the county seat of each county, and shall obtain whatever furniture, equipment and supplies that may be necessary to properly carry out its duties.

§ 213 Employees; duties and compensation.

(a) ~~Each department~~ The Board may hire such employees as it may deem necessary for the performance by the ~~department~~ Department of its duties.

(b) The duties of such employees and the duties of any investigator appointed by the State Election Commissioner pursuant to § 302(14) hereof, shall be prescribed by the Board and the compensation fixed by the Director of the Office of Management and Budget.

(c) The employees of ~~each department~~ the Department shall be placed under the state merit system but subject to all provisions of this title.

Section 9. Amend § 219(a), Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 219 Political activity limited; penalty.

(a) No person, member, county director or deputy county director or employee of the ~~department~~ Department shall directly or indirectly use or seek to use his or her authority or official influence to control or modify the political action of another person or at any time actively participate in any political activities or campaigns.

Section 10. Amend § 302, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 302 General powers and duties of Commissioner.

The Commissioner shall have the following powers and duties:

(4) To make reasonable rules and regulations with respect to the functions of the Commissioner's office and with respect to the manner of making entries in registration and election records to be followed by ~~each department~~ the Department and all registration and election officers;

(7) To supply necessary instruction and assistance to ~~each department~~ the Department and all registration and election officers in order to insure uniform operation of this title throughout the State. In addition, the Commissioner may develop standards and operating procedures for the purpose of having a statewide uniform election system. These standards shall be directed toward ensuring consistency in the redistricting process, the use of technology and the conduct of general, primary special and school elections. The Commissioner shall collaborate with ~~the departments of elections~~ the Department in developing these additional standards or amending or revising existing standards;

(9) To be an *ex officio* member of ~~each county department of elections~~ the State Board of Elections;

(10) To attend each ~~county department of elections~~ State Board of Elections meeting at which time the Commissioner may do the following:

a. Participate in any and all discussions; and

b. Cast a vote only in the event of a tie; ~~and~~

(11) To collect unofficial results for each primary, special and general election for each election district used in the said election and to tabulate, report and disseminate the results of the election as soon as possible to the public;

(12) Subject to the policies and directives of the State Board of Elections, to have general supervision over the county directors, deputy county directors, and other employees of the Department of Elections in carrying out their respective duties and responsibilities;

(13) To establish procedures to allow citizens to report possible violations of this title to the Commissioner, to any county director, or to deputy county director, which shall include procedures for anonymous reporting of possible violations thereto;

(14) To investigate information coming to the attention of the Commissioner that, if true, would constitute a violation of chapter 80 of this title; and

(15) To prepare and publish manuals and guides explaining the duties of individuals covered by this title, including without limitation chapter 80 hereof, and to promulgate instructions and public information materials to facilitate compliance with, and enforcement of this title.

Section 11. Amend Chapter 3, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 302A Investigatory authority.

(a) In connection with his or her authority pursuant to § 302(14) hereunder to investigate possible violations of chapter 80 of this title, the State Election Commissioner:

(1) May appoint one or more investigators, having such experience and qualifications as shall be established by the Board of Elections, to investigate information coming to the attention of the Commissioner that, if true, would constitute a violation of chapter 80 of this title. The activities of any investigator appointed hereunder shall be directed solely by the Commissioner, and such investigator shall not be deemed to be an employee of, or otherwise answerable to, the Board of Elections;

(2) Shall have the authority to subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence and require by subpoena the production of books, papers, records or other evidence needed for the performance of the Commissioner's duties or exercise of his or her powers pursuant to this section; and

(3) May refer any possible violation to the Attorney General or the United States Attorney for investigation and prosecution, either directly or following an investigation or preliminary investigation by the Commissioner hereunder.

(b) The authority of the Commissioner to investigate possible violations of chapter 80 of this title shall not abrogate the right of the Attorney General to investigate or prosecute any violation or possible violation of this title.

Section 12. Amend § 303, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 303 Duties upon receipt of a registration application.

(a) Upon receipt of a registration application from a ~~department of elections~~ the Department, the State Election Commissioner shall have the registration application verified for completeness and accuracy. If the Commissioner's staff identifies a discrepancy with the application, the ~~respective department of elections~~ the Department shall be notified and then correct the discrepancy.

(c) The State Election Commissioner, in collaboration with the ~~departments of elections~~ Department, may establish a program where the ~~departments~~ Department may create and archive an image of each paper registration application.

Section 13. Amend § 304, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(d) The State Election Commissioner, in collaboration with the ~~departments of elections~~ Department, shall prepare supplemental poll lists for each election district in the State that contain corrections and names of registered voters who have updated their registration records between the registration deadline and a date or dates selected by ~~each department of elections~~ the Department. The ~~departments of elections~~ Department shall make available 2 copies of the supplemental poll lists for the election districts within their jurisdiction to the principal political parties on the Saturday before a primary or general election.

(g) The State Election Commissioner, in collaboration with the ~~departments of elections~~ Department, shall establish a reasonable cost for files and lists of registered voters requested by persons or organizations not eligible to receive lists in accordance with this section. These costs shall be reviewed at least once every 2 years and updated as appropriate.

(i) The State Election Commissioner, in collaboration with the ~~departments of elections~~ Department, shall develop and implement policies and procedures for protecting the information about persons in the State's election management system, and on records and electronic media in the possession of the State Election Commissioner's office and the ~~departments of elections~~ Department.

Section 14. Amend § 305, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 305 Duplicate registrations.

At least monthly and within 10 days following the last registration day for each primary and general election, the Commissioner shall notify ~~each department of elections~~ the county director and county deputy director of suspected duplicate registrations ~~within such department's county~~. Each department of elections in any county where such duplicate registration is suspected to have occurred. The applicable county director and county deputy director shall review the list of suspected duplicate registrations for their county and correct the registration records as appropriate.

Section 15. Amend § 306, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 306 Coordination with state agencies.

The State Election Commissioner, in collaboration with the ~~departments of elections~~ Department, shall implement as soon as practical automated transfers or exchanges of voter registration information and information necessary to maintain an accurate list of registered voters between the State's election management system and other state databases.

Section 16. Amend § 1102, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1102 Voter registration drive standards.

(a) Persons and entities registering people to vote within the State of Delaware shall keep a log of all voter registration applications solicited, deliver all applications for Delaware citizens and a copy of the log covering those applications to the State Election Commissioner or ~~a department of elections~~ the Department within 10 days of soliciting the applications, deliver the applications for citizens of other states to the chief election official of those states, and list the person or group conducting the voter registration drive along with the name of the solicitor on each application.

(d) Persons and groups conducting voter registration drives within the State should register with the State Election Commissioner or ~~a department of elections~~ the Department using a form promulgated by the State Election Commissioner.

Section 17. Amend § 1103, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1103 Disaster recovery and continuity of operations.

(b) The State Election Commissioner, in collaboration with the Department of Technology and Information, shall establish and maintain a disaster recovery program that would provide the State Election Commissioner and ~~the departments of elections~~ the offices of the Department in each county immediate access to a duplicate version of the Election Management System and associated databases in event of a disaster that makes the production system unavailable.

Section 18. Amend § 1702, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1702 Removal of names by board of elections.

(a) At any duly called meeting of the ~~board of elections for each county~~ State Board of Elections, the ~~board~~ Board may sit to consider the removal of names from ~~the any~~ County Master Record in cases where there is a valid reason to believe a person is no longer a duly qualified elector in the election district in which that person is registered.

Section 19. Amend § 1703, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1703 Duty of officers to notify ~~departments~~ Department of facts suggesting voter disqualification.

The clerk or Prothonotary of any court in this State having jurisdiction of felonies shall, when a person is convicted of a crime deemed by law a felony, notify immediately the ~~department of the county~~ Department in ~~which the person is a resident~~ and the State Election Commissioner. Such notification shall include a full, complete and accurate copy of the record of the name, present residence and last previous residence, date of birth, and Social Security number if available of each individual of voting age who has been convicted of a felony.

Section 20. Amend § 1704, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 1704 Identification of persons who are no longer eligible to vote, establishment of an “inactive status,” cancellation of registration and provision for reregistration.

(d) The address verification request shall include a postage-paid return card or envelope preaddressed to the ~~department of elections in the county in which the person is registered to vote~~ Department.

(e) The ~~respective department of elections~~ Department, upon receipt of the return card in accordance with the response, shall:

(1) Upon authorization by the ~~board of elections~~ State Board of Elections at a meeting of the ~~board of elections of the county~~ said Board, remove the voter from the records of the State Election Commissioner and ~~the county department of elections~~ Department;

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

~~(3) Send the returned card and the person’s voter registration record to the department of elections~~ Department that has jurisdiction over the new address; or

(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.

(j) 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 ~~respective Department’s of Elections~~ county director and deputy county director in the applicable county.

Section 21. Amend § 1705, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1705 Cancellation of registration of persons reported as deceased.

(a) The State’s Office of Vital Statistics shall send each month to the ~~departments of elections~~ Department and to the State Election Commissioner a complete and accurate file or list of each person 16 years of age or older who has been reported to have died within the State since the previous report. The file or list shall contain, as a

minimum: the decedent's name, social security number, residence at time of death, date of birth, date of death, and death certificate number.

(b) The State's Office of Vital Statistics shall in January and July of each year send a file or list to the ~~departments of elections~~ Department and the State Election Commissioner containing the name, social security number, residence at time of death, state where died, date of birth, date of death, and death certificate number for each Delaware citizen 16 years or age or older reported to that office as having died in another state or country. Where complete data about a decedent is not available, the Office of Vital Statistics shall provide as much information as is available in the file or on the list.

(c) Upon receipt of a file or list from the Office of Vital Statistics, ~~each department of elections~~ the Department shall cancel the registration of each registered voter ~~from their county~~ whose name is on the list.

(d) The ~~departments of elections~~ Department may cancel the registration of a person upon receipt of a copy of a death certificate or a written notice from the decedent's spouse, adult child, sibling or parent.

(e) The ~~departments of elections~~ Department may use an obituary from a Delaware newspaper as authority to cancel the registration of a registered voter who died in another state or country.

Section 22. Amend § 1707, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1707 Cancellation of registration due to a registrant having moved to another state.

(a) The ~~departments of elections~~ Department shall consider notification from another state, election jurisdiction or election official that a person registered to vote in Delaware has applied to register to vote or who has registered to vote in another state as permission from that person to cancel that person's Delaware voter registration.

(b) The ~~departments of elections~~ Department shall consider a written notice from a spouse, adult child, sibling or parent that a registered voter has moved out of state as permission from that person to cancel that person's voter registration. The notice shall be signed and the relationship to the previously mentioned voter stated.

(c) The ~~board of elections for a county~~ State Board of Elections may cancel the voter registrations for any person who has moved out of state and given permission in writing or as otherwise provided in this section.

(d) Upon registration of a person in Delaware who is registered to vote in another state, the ~~respective department of elections~~ Department or State Election Commissioner shall notify the other state that the person has registered to vote in the State of Delaware.

Section 23. Amend § 1708, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1708 Correction of errors.

(a) ~~Departments of elections~~ personnel, upon approval of the appropriate supervisor, may correct errors on a person's voter registration record as necessary to maintain a complete and accurate voter registration list.

(b) The ~~boards of elections~~ State Board of Elections shall approve any change in the year of birth of a registrant where there is a difference between the year submitted on a previous registration application and the year submitted on the most current registration application. ~~A board of elections~~ The Board may, if deemed appropriate, refer such discrepancies to the Attorney General or the State Election Commissioner for investigation; provided, however, that any discrepancy referred to the State Election Commissioner shall also be referred to the Attorney General.

Section 24. Amend § 1710, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1710 Notice of change of election district boundary.

When the boundaries of any election district have been changed, the ~~department of the county in which the district is located~~ Department shall notify each of the affected voters by mail.

Section 25. Amend § 1901, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1901 Eligibility.

(b) Persons registering to vote in accordance with this chapter shall:

(3) In the case of persons who are permanently living outside of the United States, be registered to vote at the address of the ~~department of elections for~~ office of the Department in the county in which they last resided before moving overseas. These persons shall be permitted to vote for federal offices only.

Section 26. Amend § 1902, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1902 Application by persons eligible to register to vote under the provisions of this chapter.

(c) The deadline for the ~~department~~ Department to receive an application to register to vote under the provisions of this chapter is the third Monday prior to a primary or general election. Applications received after a deadline shall be held and processed on the first business day following that election.

(d) The ~~departments of elections~~ Department shall accept electronic transmissions of signed registration applications specified in this section.

(e) ~~The departments of elections~~ Department shall immediately notify any person whose application to register to vote was rejected and provide such person the reason or reasons for rejection and information on how to appeal the rejection.

Section 27. Amend § 1903, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1903 Late registration procedures for military and overseas citizens.

A citizen who has been discharged or separated from a uniformed service, the Merchant Marine or from employment outside of the territorial limits of the United States too late to register to vote for a primary or general election but within 60 days of the date of a primary or general election, shall be entitled to register to vote for the purpose of voting in that and ensuing primary or general elections after presenting documentation of that individual's discharge, separation or termination of employment to the ~~department of elections for the county in which that individual resides~~ Department up to and including the date of the election. This also applies to any accompanying family members who are otherwise eligible to register to vote.

Section 28. Amend § 1904, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1904 Special registration and other election services to uniformed service members.

(a) ~~The departments of elections~~ Department shall upon request from the appropriate authority assist members of the State's National Guard and members of reserve units headquartered in the State of Delaware to register to vote and to apply for absentee ballots. ~~The departments~~ Department shall also, where possible, assist any other member of a uniformed service present in the State of Delaware to register to vote and to apply for an absentee ballot from their home state.

(c) Notwithstanding any other provision in this title, citizens of the State of Delaware who are scheduled to be deployed within 7 days of the day of a primary or general election and who are registered voters in the State of Delaware shall upon presentation of military orders be issued an absentee ballot and be permitted to vote by absentee ballot at any ~~office of the department of elections~~ Department prior to closing of the polls on the day of the election. If it is not possible to issue the person the ballot for that person's election district, a special ballot containing federal and statewide offices only shall be issued.

Section 29. Amend Chapter 20, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2001 Appointment of registration officers; conduct of registration.

(a) ~~The department of elections for each county~~ Department shall train and appoint such ~~department~~ Department employees and such other persons as deemed necessary to serve as registration officers. These persons shall serve at the pleasure of the ~~department that appointed them~~ Department.

(b) Compensation of registration officers shall be set by the ~~department appointing them~~ Department.

(c) ~~Each department of elections~~ The Department shall conduct voter registration at its offices each regular business day except during periods during which registration is closed in accordance with this title. ~~Departments~~ The Department may schedule additional periods for office registration as deemed necessary.

§ 2002 Appearance of registration officers for taking of oath and instruction.

Each person appointed under § 2001 of this title shall appear before the ~~department~~ Department to qualify by taking and subscribing to the prescribed oath (or affirmation) and to receive suitable instruction after due notice from the ~~department~~ Department, which shall be given at least 7 days before the times appointed for the appearance of the registration officers. No person shall be excused from the obligation unless that person shall have become disqualified by sickness, disability or otherwise.

§ 2003 Oath of office for registration officers.

(a) Each person appointed under § 2001 of this title shall take and subscribe before the ~~department~~ Department before beginning such person's duties the following oath (or affirmation):

I, \_\_\_\_\_, residing in \_\_\_\_\_ election district of the representative district in \_\_\_\_\_ county, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of registration officer in \_\_\_\_\_ county, according to the best of my ability.

(b) Any ~~board of elections~~ member of the State Board of Elections; and any county director, deputy county director or other authorized agent of the ~~department~~ Department may administer this oath (or affirmation).

§ 2004 Certificate of appointment.

~~Each department~~ The Department shall deliver a certificate of appointment to whomsoever it shall appoint and who shall be sworn into office as a registration officer. Such certificate shall be in such form as shall be prescribed by the ~~department~~ Department and shall include the date of the expiration of such person's term of office.

§ 2005 Request for a voter registration application.

(a) Any citizen may apply in writing, in person or by telephone on any regular business day, except during the period beginning 20 days before each general election through election day, to the ~~department for the county in which the voter resides;~~ the Department for a voter registration application to be provided by the ~~department~~ Department to the requestor or to a member of the ~~citizens~~ citizen's immediate family.

(b) ~~The department to whom the request was made~~ In connection with any request under this section, the Department shall:



(1) Permit the person to complete the application for that person's own self in the office or mail the application for that individual to that individual within 3 business days of the request.

(2) Mail the voter registration application to a member of the requestor's immediate family within 3 business days of the request.

(c) Applications requested in accordance with this section may be for the purposes of registering to vote, transferring the voter's address, changing the voter's name on the voter's voter registration record and/or changing a voter's political party affiliation.

Section 30. Amend § 2011, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2011 Entries by registration officers.

(d) The registration officers, except where registration is conducted in the offices of the ~~departments of election Department~~, shall record the name and address of each applicant upon a separate list of registered voters in the order in which they appear at the registration place to be registered.

(e) At the end of the registration day, the registration officer shall deliver to the ~~department Department~~ all of the sets of registration records supplied by the ~~department Department~~ along with the list of all transactions.

Section 31. Amend § 2013, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2013 Duties of ~~department Department~~ following registration.

(a) After the registration officer delivers the registration records to the ~~department Department~~ following each registration day, the ~~department Department~~ shall first check the record by the registration number of the registration records to ascertain whether all the records supplied have been returned to the ~~department Department~~. If the ~~department Department~~ is satisfied that all records have been returned, it shall file and retain the records for not less than 1 year. If all the records have not been returned, the ~~department Department~~ shall notify the Attorney General, who may take appropriate action.

(b) The ~~department Department~~ shall then take the applications for registration which have been completed, and signed or marked by the applicant and the registration officers, and examine them for completeness, legibility and eligibility. If the ~~department Department~~ is satisfied that the application is complete and legible and that the applicant's name does not appear on the list of disqualified voters and that the applicant is qualified to be registered, the ~~department Department~~ shall take the necessary steps to add the person to the list of registered voters.

Section 32. Amend § 2014, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

(a) ~~A department of elections~~ 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, create a pending registration record. The ~~department 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 Department~~ shall not add the person's name to the list of registered voters.

(2) The ~~department 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 ~~respective department's~~ Department's county director and deputy county director in the appropriate county.

(b) ~~Each county~~ The Department of Elections 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) ~~A department of elections~~ The Department upon completing a transfer of address, change of name and/or change of political party affiliation for a registered voter 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 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.

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

(1) Upon authorization by the ~~board of elections~~ State Board of Elections at a meeting of the ~~board of elections of the county~~ said Board, remove the voter from the records of the State Election Commissioner and the ~~county department of elections~~ Department;

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

~~(3) Send the returned card and the person's voter registration record to the department of elections that has jurisdiction over the new address; or~~

(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.

(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 ~~respective department of elections~~ county director and deputy county director of the Department in the county in which such person resides.

Section 33. Amend § 2021, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2021 Conduct of mobile registration.

(a) ~~The department of elections for each county~~ Department may consider applications to conduct voter registration at locations in ~~the any~~ any county from individuals or groups so as not to exceed the annual appropriation for this purpose. ~~The aforesaid departments~~ Department may expend funds appropriated for the purposes of conducting primary, general and special elections for such voter registration activities during the period prior to the aforesaid elections.

(b) Registration officers appointed in accordance with § 2001 of this title shall conduct mobile registration as directed by the ~~department that appointed them~~ Department. Each mobile registration team shall consist of at least 2 registration officers, with at least 1 registration officer being from each of the 2 principal political parties.

(c) After July 1 in the year of a general election, the ~~department of elections for each county~~ Department shall conduct at least 1 ~~countywide~~ countywide program of voter registration in each county at locations reasonably convenient and accessible to the citizens of the respective counties.

(d) In allocating resources to registration activities, the ~~department~~ Department shall give first priority to countywide programs planned and scheduled in accordance with subsection (c) of this section.

(e) ~~The respective department of elections~~ Department in each county shall publicize registration activities planned and scheduled by the ~~department~~ Department in such county. Publicizing registration activities requested by individuals and groups is the responsibility of the respective individual or group.

Section 34. Amend § 2025, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2025 Intercounty registration.

Persons qualified to register to vote may do so at ~~the department of elections in any county office of the Department, or at any mobile registration site, regardless of the county of their actual residence. If a person applies for registration outside the county of that person's own residence, the department for the county in which the application is made shall forward the application to the department for the county in which the applicant resides for approval. Registration under this section shall not be deemed valid until approved by the department of elections in the county in which the applicant resides.~~

Section 35. Amend § 2031, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2031 Procedure for registration by mail.

(a) Every qualified elector who is a resident of this State and who is not registered may, as an alternative to other methods of registration, apply to the ~~department of elections for the county in which the qualified elector resides~~ Department by mail, telephone or in person, for registration forms. Within 3 days, the ~~department~~ Department shall mail the required forms and a set of instructions to the applicant.

(c) ~~The department~~ Department shall perform the same duties in regard to these registration forms as it is required to do with other applications for voter registration.

(d) ~~The departments of elections~~ Department shall accept any voter registration application, application for an absentee ballot, or any federal write-in absentee ballot promulgated in accordance with federal law as an application to register to vote. The Departments shall process these applications as ~~they~~ it would any other application submitted in accordance with this title.

Section 36. Amend § 2033, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2033 Special procedures for persons who register to vote by mail and have not voted in the State in an election for federal office.

(d) This section does not apply to persons listed in § 1901(a) of this title or to persons identified in subsection (a) of this section who submitted their driver's license number (includes State ID card number) or social security number that the ~~Department of Elections for a county~~ is able to use to verify an existing state identification record bearing the same number, the name and date of birth as provided by the applicant.

Section 37. Amend § 2033, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2036 Deadline to register to vote: primary and general elections.

The last date to register to vote for any presidential primary, primary and general election shall be the fourth Saturday prior to the date of the election.

(1) Mail applications postmarked on or before the deadline shall be considered to be on-time and shall be immediately processed by the ~~departments of elections~~ Department; and

(2) Applications taken by agencies in accordance with subchapter VII of this chapter on or before the deadline shall be considered on-time and shall be processed by the ~~departments of elections~~ Department immediately upon receipt.

Section 38. Amend § 2039, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2039 Registration applications that update a registrant's record.

Notwithstanding any other provision in this title, the ~~departments of elections~~ Department may process registration applications that change a registrant's address or name until the day prior to a primary or general election.

Section 39. Amend § 2041, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2041 Transfer of registration.

(a) Any duly registered voter in the State who has moved to a new residence within the State may apply to transfer that registered voter's voter registration to the new address by completing a voter registration application and submitting it to the ~~department of elections in the county where the registered voter's new residence is located~~ Department.

(b) Upon receipt of a properly completed and duly signed application, the ~~department~~ Department shall complete the transfer in the accordance with ~~department~~ Department procedures.

(c) If it shall be determined that the applicant had not previously registered, that applicant's application shall be treated as an application for registration.

~~(d) If the applicant is registered to vote in another county in the State, the department of elections for the county in which the applicant resides shall request that the department of elections in which the applicant formerly resided send the applicant's registration record to the department of elections for the county in which the applicant currently resides. The request and sending of the record shall be accomplished as expeditiously as possible.~~

Section 40. Amend § 2047, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2047 Change of address within the State.

(6) The State Election Commissioner shall promulgate rules and procedures by which the ~~departments of election~~ Department may accept transfers of address from registered voters between the closing of registration and the day of a primary, presidential primary and general election both within their offices of the Department and at other locations ~~within their respective counties~~ statewide. Such rules and procedures shall contain a provision by which a person so transferring that person's own address in accordance with those rules and procedures may appear at that person's own proper polling place and vote without completing the eligibility affidavit or envelope at the polling place as required in paragraph (1), (2) or (3) of this section. The departments of elections in receipt of such transfers shall process them as soon as practical.

Section 41. Amend Chapter 20, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2048 Change of name.

(c) The State Election Commissioner shall set forth the procedures to implement subsection (b) of this section above in collaboration with the ~~departments of elections for the counties~~ Department.

§ 2049 Change of party designation; procedure.

(a) Any duly registered voter may apply to change that registered voter's political affiliation by completing and submitting a voter registration application to the ~~department of elections in the county in which the registered voter resides~~ Department except in the year of a general election during the period from the last Saturday in May through the day of the primary election. The application shall be upon a form provided by the Commissioner and shall be signed by the registrant and returned by mail or delivered to the office of the department. An appropriately addressed envelope shall be supplied by the ~~department~~ Department for return of the executed application. Upon receipt of the executed application, the ~~department~~ Department shall cause the signature to be compared with the original registration record of such applicant, and if such signature appears to be the same, such change of affiliation shall be made on the original and duplicate records and the applicant shall be immediately notified by mail of the change so made. If the ~~department~~ Department is not satisfied as to the signature on the application, the applicant shall be notified by mail to appear at the any office of the ~~department~~ Department to answer under oath such questions as may be deemed necessary. If the applicant fails to appear as notified, no such change of affiliation shall be made. If the application is made to the registration officers, they shall forward the completed application to the ~~department~~ Department at the same time as they forward other registration records at the close of registration, and the ~~department~~ Department shall cause appropriate notations thereof to be made upon the applicant's registration record in the applicable County Master File and the applicant's record in the Election System data base.

(b) Applications received that change a person's political party affiliation during a period in which a person may not change that person's own political party affiliation in accordance with provisions of this title shall be held by ~~the department of elections receiving the application~~ Department and processed when the period to change a person's political party affiliation reopens.

(c) Notwithstanding subsection (a) of this section a person may change his or her party affiliation in the year of a general election during the period from March 31 through September 1 if:

(1) The statewide and county chair of a political party provide a written affidavit to the ~~department of elections~~ Department stating that such person has asked or agreed to be a candidate for office of that political party and the statewide and county chair of a political party want the person to be a candidate for office representing the political party; and

(2) The person provides an affidavit to the ~~department of elections~~ Department stating that such person is changing political parties to be a candidate for office of the political party providing the affidavit described in paragraph (c)(1) of this section.

Section 42. Amend § 2051, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2051 Appointment of voter registration coordinator — Coordination among voter registration agencies, Department of Elections and Department of Technology and Information.

(c) The statewide coordinator shall ensure that all applicable intake and application forms used by each agency shall be the same forms used by the Department of Elections ~~in the respective counties~~.

(d) The statewide coordinator shall provide properly trained personnel to transmit a sufficient number of appropriate applications to each voter registration agency and to transmit completed voter registration applications to the Department of Elections within 3 business days after completion to the Department of Elections ~~located in the applicant's county of residence~~. This requirement may be satisfied by putting the completed applications into the State mail within 3 business days.

(f) The statewide coordinator shall institute appropriate procedures to facilitate implementation of the provisions of this subchapter and to ensure coordination of those procedures among the Department of Elections ~~located in each county~~, the Department of Technology and Information and the voter registration agencies.

Section 43. Amend § 2051, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2052 Statistical compilations.

The Department of Elections ~~in each county~~ shall collect, maintain and publish statistical data reflecting the number of electors enfranchised pursuant to this subchapter by each of the voter registration agencies created herein.

Section 44. Amend § 2064, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2064 Procedures.

(a) Entities conducting voter registration shall account for the disposition of every application provided by the ~~respective~~ Department of Elections or the office of the State Election Commissioner by application number. The State Election Commissioner shall promulgate procedures that entities shall use to document the disposition of voter registration applications.

(c) Application date shall be left blank. The application date shall be the date the applications are received in the ~~respective~~ Department of Elections or the office of the State Election Commissioner as required in this chapter.

(i) The entity conducting the voter registration activity or drive must inform each person who applies to register to vote through their activity or drive that they are not registered to vote until the ~~respective~~ Department of Elections has verified and accepted the application.

Section 45. Amend § 2065, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2065 Application date.

Upon receipt of the applications at ~~a county~~ the Department of Elections or at the office of the State Election Commissioner, the applications shall be stamped by the agency's time stamp. The date the applications are received in the office of the State Election Commissioner or at ~~a county~~ the Department of Elections is the date of the application.

Section 46. Amend Chapter 21, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2101 Right to appeals; persons entitled.

(a) From the decision of ~~any of the departments~~ the Department or the registration officers granting or refusing registration or removing or refusing to remove names from the registration records, any person interested or any member of ~~such department~~ Department or any registration officer may appeal to the court.

(b) The word "court" as used in this chapter shall mean either the Resident Judge of the county in which the person appealing the decision resides, or, in case of such judge's disability or absence from the county, any judge entitled to sit in the Supreme Court.

§ 2102 Notice of appeal.

(a) In order to prosecute an appeal, the person taking the same shall notify the ~~department~~ Department or registration officers of the decision from which the appeal is taken and also the person affected by the appeal, stating in the notice the time when the appeal will be presented.

(b) To take an appeal from a decision of the registration officers it shall not be necessary for the appellant to declare that appellant's own intention so to do to the registration officers other than by the notice to the ~~department~~ Department and the registration officers as provided in subsection (a) of this section.

§ 2103 Notice of appeal to correct name; correction by judge.

Any person applying to the court to have any name appearing in any manner incorrectly in the Election District Record for such person's election district to be corrected shall give notice as provided in this chapter to the ~~department~~ Department of that person's intention to make application for the correction thereof, so that the ~~department~~ Department or its duly authorized representatives shall and may be present with the appropriate registration records to make such corrections therein as the court shall order and direct, and shall also give notice of that person's intention to the person affected, as provided in this chapter.

§ 2105 Affidavit of appellant.

No appeal shall be received and acted upon by the court unless the appellant shall at the time of presenting that appellant's appeal also make and file therewith an affidavit that notice of that appellant's intention to present the appeal on the day was given to the ~~department~~ Department or registration officers or both, and to the person affected by the appeal, and that such appeal is made in good faith and based upon facts within the knowledge of the person making and filing such affidavit.

§ 2110 Order by court.

The court hearing any appeal shall order and direct the ~~department~~ Department to make such entries in the registration records as the law and the facts shall warrant.

§ 2113 Registration appeal dockets.

(a) The ~~department for each county~~ Department shall provide books of permanent record to be known as "registration appeal dockets," in which a permanent record shall be made and preserved of all registration appeals made to, and acted upon by, the court hearing registration appeals. The dockets shall contain the following information in respect to each appeal:

- (1) Date of the appeal;
- (2) Name of the appellee;
- (3) The ground or grounds of each appeal;
- (4) The name of the person or persons making the affidavit or affidavits on each appeal;
- (5) The determination of the court on each of the grounds of appeal asserted in each such appeal.

(b) The docket may contain such other information or data as may be required to make a complete record of each appeal acted upon. All entries in the dockets shall be under the supervision and direction of the court and the record of each appeal shall be approved by the court hearing the appeal. The record of each appeal shall fully disclose each and every ground upon which the appeal is filed. The registration appeal dockets shall remain in the care and custody of the ~~department having jurisdiction~~ Department and shall be produced before the court by the ~~department~~ Department whenever required by the court sitting for the purpose of hearing appeals.

Section 47. Amend § 2301, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2301 Neglect of duty; corrupt or fraudulent conduct; penalty.

Whoever, being a member of a ~~department~~ the Department, is guilty of any wilful neglect of any duty imposed by this title or of any corrupt or fraudulent conduct or practice in the execution of such duty shall be fined not more than \$200 or imprisoned not more than 2 years or both.

Section 48. Amend § 2301, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2306 Notice to Attorney General of violations of registration laws.

~~Each department~~ The Department shall notify the Attorney General of all violations of the registration laws.

Section 49. Amend § 3002, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3002 Unaffiliated candidates.

(a) No person shall qualify to appear on the general election ballot of this State as a candidate unaffiliated with a political party unless such person fulfills the requirements of this chapter and is so certified by the Department of Elections State Election Commissioner, if a statewide candidate, or the ~~appropriate county~~ Department of Elections, if not a statewide candidate.

(b) No individual shall be listed as an unaffiliated candidate on any general election ballot unless such individual shall have filed, on or before the close of the official business day on September 1 of the general election year, a sworn declaration with the State Election Commissioner, if a statewide candidate, or the ~~appropriate county~~ Department of Elections Department, if a nonstatewide candidate, stating that the nonstatewide candidate is an unaffiliated candidate and has not been affiliated with any political party for at least 3 months prior to the filing of the declaration, as required by this title, and shall have filed nominating petitions, as prescribed in this chapter, and signed by not less than 1 percent of the total number of voters registered, as of December 31 of the year immediately preceding the general election year in the State, or if a nonstatewide candidate, of those voters eligible to vote for that office which such individual seeks.

(d) Such petition shall be circulated and executed between January 1 and July 15 of the year in which the general election is held. Each registered voter signing shall do so upon a petition prepared for the county in which that registered voter is registered, and the petition shall be filed with the ~~department of elections for the county in which the petitioners reside~~ Department. The signatures and other information thereon shall be verified by the department receiving the petition.

Section 50. Amend § 3003, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3003 County ballots.

~~A county department of elections~~ The Department shall not list a political party on any ballot within the county unless at least 1 candidate for that political party qualifies to appear on at least 1 ballot in the county.

Section 51. Amend § 3101A, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3101A Direct primary elections.

The nominations of candidates by all major political parties for all offices to be decided at a general election shall be conducted by direct primary. All such primaries shall be conducted by the ~~county departments of election~~ Department under the applicable provisions of this title.

Section 52. Amend § 3103, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3103 Filing fees.

(c) The state chair, county chair and city chairs of each political party shall notify the State Election Commissioner and the ~~respective departments of elections~~ Department of the amount of the filing fee set pursuant to this section. The notification shall be no later than July 1 of each general election year.

(f) When submitting filing fees, the state, county chair and city chairs of each political party shall notify the State Election Commissioner and the ~~departments of election for their county~~ Department whether filing fee checks are to be held in the office where the candidate will file or if they are to be turned over to the respective state, county or city chair of each political party.

Section 53. Amend § 3106, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3106 Filing of candidacy for nomination at a primary election; withdrawal.

(a) Any person desiring to be a candidate shall give notice in the following manner:

(2) Candidates for all other offices:

b. At the time of giving notice as required above, each candidate shall tender the required filing fee, if any, by giving a check to the ~~county department of elections~~ Department, payable to the county committee of the candidate's political party (or city committee, if applicable for municipal candidates), together with a copy of the notice given to the party chair. At such time, the ~~department~~ Department shall receipt a third copy of the notice, to be provided the candidate.

(d) Following the deadline for withdrawal of candidates, the State Election Commissioner shall promptly turn over any remaining filing fee checks in the possession of the Commissioner. At the same time, the Commissioner shall notify each ~~county department of elections~~ the Department of all those statewide candidates who have qualified under this section. ~~Each county department of elections~~ The Department shall also at this time submit to the county chair or city chair any remaining filing fee checks in the possession of the county departments and shall notify the Commissioner of all persons who have qualified as candidates.

(f) At the time of the filing of the notice required by this section, as well as at the time of the primary election, the person filing such notice shall be a registered member of the party whose nomination such person seeks, as shown on the voter rolls of the ~~department of elections~~ Department.

Section 54. Amend § 3108, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3108 Primary election districts; conduct of primary elections.

The county ~~departments of elections~~ Department shall, at least 2 weeks before a primary election, determine and establish primary election districts, each of which shall consist of 1 or more entire election districts in the same representative district.

The ~~county departments of elections~~ Department and the election officers shall conduct the primary elections in the same way that general elections are conducted and in accordance with the applicable provisions of this title, except that the voting machines shall be operated so that the only buttons open to each voter shall be the buttons for candidates of the party of the voter's party affiliation as shown by the voter's original permanent registration record.

The primary election officers and clerks shall be chosen by the ~~department~~ Department from among the election officers and clerks selected for the general election for the election district or districts contained in the primary election district, and for each such primary election district the election officers and clerks shall be divided as equally as possible between the 2 principal parties.

Section 55. Amend § 3109, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3109 Public notice of time and place.

Notice of primary elections shall at a minimum be given by publication of a notice of election in a daily newspaper of general circulation during 3 of the 10 days prior to a primary election with the last publication being the day before the aforesaid primary, or in the last issue of a weekly newspaper printed in a county before the aforesaid primary. Such notice shall also be, posted on the State's, the State Election Commissioners' and the ~~departments of elections~~ Department's websites.

Section 56. Amend § 3122, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3122 Delivery of registration records to proper inspectors; penalty.

(a) The Department of Elections ~~for New Castle County, the Department of Elections for Kent County and the Department of Elections for Sussex County, respectively,~~ shall before 7:00 a.m. of the day on which a primary election is held ~~in their county~~ by any political party deliver to the proper inspector the registration records for each general election district that may be contained within each primary election district, and the inspector shall have the registration records at the place of holding the primary election at the time for opening the polls on primary election day.

(b) In each year in which a municipal election is held in the City of Wilmington the inspector for each primary election district within such City, before 7:00 a.m. of the day on which such primary election is held, shall be furnished by the ~~Department of Elections for New Castle County~~ with the registration records for each general election district that may be contained within such inspector's primary election district, and each inspector shall have the registration records at the place of holding the primary election in the inspector's district at the time for opening the polls on primary election day.

(c) Whoever:

(1) Being a member of the Department of Elections ~~for New Castle County or of the Department of Elections for Kent or Sussex Counties,~~ refuses, neglects or fails to deliver to each inspector of any primary election to be held within the member's county the registration records for each general election district that may be contained in the primary election district to which such registration records apply; or

(2) Being an inspector, refuses, neglects or fails to have such registration records at the place of holding the primary election for any general or special election or any municipal election in the City of Wilmington at the time designated in this chapter;

shall, for each such offense, be fined \$100, and the person's office shall be forfeited.

Section 57. Amend § 3124, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3124 Ballots for voting machines.

(a) The ~~department of elections~~ Department ~~in any county where a primary election is to be held~~ shall cause to be printed the ballots to be used ~~at such election~~ in any primary election and shall cause the same to be placed in voting machines for the proper district prior to the delivery of the voting machines.

Section 58. Amend § 3125, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3125 ~~Departments of election~~ to furnish voting machines, flags, supplies and instructions for polling places.

For each polling place ~~in their respective counties where primary elections are to be held,~~ the ~~respective departments~~ Department shall furnish the following:

(4) Written instructions and excerpts from those parts of this title as the ~~department~~ Department shall deem necessary and appropriate to assist the election officers in the proper performance of their duties;

Section 59. Amend § 3127, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3127 Designation of polling places.

The ~~department of elections~~ Department shall, at least 2 weeks prior to the primary election, designate the place for holding a primary election in each primary election district in the same manner as it designates polling places for a general election. ~~Each county department of election~~ The Department may require any individual polling place, that is located in a state facility, public school, or other government owned or operated facility within the county, to be closed to persons other than the voters voting on the day of the primary election if it finds that the polling place cannot or will not provide sufficient access and facilities for the purposes of the primary election without such closure. ~~No county department~~ The Department shall not exercise its authority to close a state facility, public school or other government-owned and operated facility without prior consultation with the authorized representative of such facility and such consultation shall include all reasonable efforts to resolve any access issues that may exist without the need to close such facility.

Section 60. Amend § 3162, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3162 Return of registration records; failure; penalty.

(a) The inspector, immediately after the close of the primary election, shall return the registration records used by that inspector at any primary election to the ~~department from whom the inspector received the same~~ Department, which shall preserve them.

Section 61. Amend § 3172, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3172 Calculation of votes; ties.

(a) The ~~department of elections~~ Department shall forthwith calculate the total number of votes cast for each candidate in any contest ~~held within its county~~ and certify the candidate or candidates receiving the highest number of votes. In cases of statewide contests, the ~~department~~ Department shall report the results to the State Election Commissioner.

(b) In the case of any objection or dispute, the ~~board of elections for the county involved~~ State Board of Elections shall convene within 48 hours of the closing of the polls to examine the matter, reviewing such records and hearing such testimony as it shall deem necessary. The ~~board~~ Board shall determine the result of the contested election and certify the name of the winning candidate or candidates. In the case of statewide contests, the State Election Commissioner shall be immediately notified of the ~~board's~~ Board's determination.

(c) In all cases of a tie vote, the ~~department~~ Department shall immediately notify the chair and secretary of the county committee of the political party holding the primary election. This committee shall convene within 5 days of such notification to determine which candidate shall be entitled to the nomination.

(e) In the event that the number of votes separating a candidate and the closest opposing candidate in a primary election is less than 1,000 (in the case of a statewide contest) votes or one half of 1 percent (in the case of any contest) of all votes cast for the 2 candidates, whichever is less; the ~~department or departments of elections~~ Department shall recount the absentee ballots cast in that election at State expense as part of the canvass of the vote.

Section 62. Amend § 3190, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3190 Polling places; voting machines; election officers.

The ~~departments of elections~~ Department of Elections:

- (1) May combine all election districts voting at a location into a single voting district;
  - (2) May combine other election districts as necessary for the efficient conduct of the election;
  - (3) Shall assign a minimum of 2 voting machines and a maximum of 5 voting machines to a voting district;
- and
- (4) Shall assign a sufficient number of election officers to each voting district.

Section 63. Amend Chapter 33, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3301 Certificates of nomination.

(d) The presiding officer and secretary of the county committee of each political party eligible to place candidates on the ballot shall submit a certificate of nomination for candidates for the General Assembly, county and municipal offices to the ~~department of elections~~ Department ~~in the county in which the contests are to be held~~:

(e) In the case of minor political parties not required to select candidates pursuant to Chapter 31 of this title, each party shall select their candidates at the party's state or county nominating convention held on or before August 1 in the year of a general election. No later than 4:30 p.m. on August 15 in the year of a general election, a minor party shall deliver a copy of each nominating resolution, which shall be certified as true and correct by the party's secretary, to the State Election Commissioner for each statewide office and to the ~~respective department of elections~~ Department for all other offices. The resolution shall include the name and address for the candidate and the office for which the candidate was nominated. When the resolution is for a legislative district whose boundaries includes territory in 2 or more counties, the resolution shall be delivered to the ~~department of elections for~~ Department in the county in which the nominee is domiciled. The resolution shall be on the form specified by the State Election Commissioner. If August 15 is a Saturday, Sunday or holiday, the deadline shall be at 4:30 p.m. the first business day thereafter. This requirement is in addition to the nominating certificates required elsewhere in this title.

(h) The State Election Commissioner shall verify that the nominations of candidates submitted to the State Election Commissioner and the eligibility of each political party to make such nominations conform to the requirements set forth in this title. ~~Each department of elections~~ The Department shall do the same concerning certificates of nomination submitted to it.

(i) The State Election Commissioner shall forthwith send a copy of each certificate of nomination submitted to the Commissioner to ~~each department of elections~~ the Department. ~~Each department of elections~~ The Department shall forthwith send a copy of each certificate of nomination submitted to it to the State Election Commissioner.

(j) Notwithstanding anything else set forth herein to the contrary, a candidate for office nominated by a party under this section must be a registered member of the party nominating such candidate at the time of such nomination, as shown on the voter rolls of the ~~department of elections~~ Department (except in the case of presidential and vice-presidential nominees, who need not be registered voters in the State).

§ 3302 Party title, figure or device.

(a) The certificates of nomination shall designate a title for the party which the convention or committee represents, together with any simple figure or device by which its lists of candidates may be designated on the ballot. The figure or title or device selected and designated by the state conventions or committee of any party shall be used by that party throughout this State. Only 1 figure or device shall be used by a party at any election. The same title, figure or device shall not be used by more than 1 party, and the party first certifying a name, title, figure or device to



~~the county departments of elections~~ Department shall have prior right to use the same, and provided further that the Democratic Party and the Republican Party shall have exclusive use of such title and no other party shall use the word "Democratic" or "Republican" or any variation thereof in its title. Such figure or device may be the figure of a star, an eagle, a plow, or some such appropriate symbol, but the coat of arms or seal of this State or of the United States or the flag of the United States or of this State shall not be used as such figure or device.

(b) In case of a division in any party and claim by 2 or more factions to the same party name or title, figure or device, if the division occurs at a state convention or extends throughout this State, ~~the department of election of the several counties~~ the State Board of Elections shall, within 10 days after any one of them has received the certificates of the contending factions, assemble in Dover, ~~with the State Election Commissioner presiding and having the right to vote in event of a tie,~~ and determine to which faction the name, title or figure properly belongs, giving the preference to the convention held at the time and place designated in the call of the regularly constituted party authorities; if, within 5 days after, the other faction presents no other party name or title, figure or device and certifies the same to the ~~department of election~~ Board, the latter shall again immediately assemble and select some suitable title, figure or device for such faction and the name shall be placed above the list of its candidates on the ballots. If the certificate of the contending factions are not received by the ~~department of election~~ Board in time for them to assemble at Dover before publishing the device and list of candidates in the newspapers, then and in that case ~~each department of elections~~ the Board shall determine for itself which faction shall be entitled to the name, title, figure or device and shall select a name, title, figure or device for the other faction. ~~In case of division in any party extending only throughout a county, district or hundred, the department of elections of the county in which such division occurs, upon the receipt of certificates from the contending factions, shall determine which faction is entitled to the party name, figure or device, and to have their nominations printed in the proper party column, and should the other faction fail to do so, the department of elections shall select for them a name or title, figure or device.~~

#### § 3303 Time of filing certificates.

Certificates of nomination to be filed with the State Election Commissioner or the ~~departments of election~~ Department, as the case may be, shall be filed before the close of the official business day on or before September 1 of the year of any general election, and if September 1 is a Sunday or legal holiday, then on the next official business day. Certificates of nomination shall be on the form specified by the State Election Commissioner. However, when there is a national nominating convention, the nominees from said national nominating convention shall be named on a certificate of nomination to be filed before 12:00 noon on the earlier of:

- (1) The Tuesday following said national nominating convention; or,
- (2) September 15 of said election year.

#### § 3304 Duties of State Election Commissioner.

(a) The State Election Commissioner, upon receiving the certificates of the several party conventions or committees, or any supplemental certificate, of the respective nominations of the candidates for electors of President and Vice-President of the United States and the names of the candidates for President and Vice-President of the United States as provided in this chapter, not less than 50 days before the day fixed by law for the ensuing general election, under the Commissioner's hand and seal of office, shall certify to the ~~department of elections in each county~~ Department the names of the candidates for President and Vice-President of the United States of the political parties, together with the designated title of each party and the figure or device of each party as certified to the Commissioner.

#### § 3305 Preservation of certificates for 6 months.

The State Election Commissioner and the ~~departments of election~~ Department shall cause to be preserved in their respective offices all certificates of nomination filed under this chapter for 6 months after the date of filing thereof.

Section 64. Amend § 4103, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

#### § 4103 Division of election districts.

(a) ~~Each department~~ The Department may divide such of the election districts, and such only, as by the election last preceding such division shall be found to contain a greater number of voters than can conveniently vote therein. Each election district so divided shall be at all times wholly within boundaries of 1 representative district.

(b) The ~~department~~ Department shall designate each election district by an appropriate title that will distinguish it from every other election district.

Section 65. Amend § 4105, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

#### § 4105 Composition of election districts.

(a) ~~Each department~~ The Department shall create election districts consisting of a minimum of 500 registered voters and a maximum of 3000 registered voters, except where such composition would cause a conflict with representative, senatorial or councilmemberic boundary lines.

(b) Allowance for individual exceptions may be made by the State Election Commissioner.

(c) ~~Each department~~ The Department shall designate all election districts before the 1st day of March in any election year.

Section 66. Amend § 4503, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4503 Printing ballots.

The ~~departments of elections~~ Department shall print or cause to be printed the ballots to be used in the voting machines and print or cause to have printed sufficient absentee ballots for any election conducted by the ~~said departments~~ Department under the provisions of this title.

Section 67. Amend Chapter 45, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4505 Substitution of candidate's name after printing of ballots.

Whenever a supplemental certificate of nomination is filed naming a substitute candidate, as elsewhere provided in this title, the ~~department of elections~~ Department shall promptly provide new ballots or, if necessary, pasters. If the new ballots or pasters are received by the ~~department~~ Department too late to put them in the voting machines prior to the preparation, sealing and inspection of the machines, then the department shall deliver the necessary number of pasters to the inspectors of the appropriate election districts, who shall see to it that the pasters are placed and maintained on the voting machines and certificates of election.

§ 4506 Tally sheets.

The ~~departments of elections~~ Department shall furnish 2 copies of write-in vote tally sheets for each election district.

Section 68. Amend § 4509, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4509 Materials and supplies necessary to conduct the election.

~~Each department of elections~~ The Department shall furnish the necessary materials, voter information, and supplies necessary to conduct the election to each election district. This shall include a map of the representative district in which the election district is located of sufficient size to clearly show the boundaries of the election districts.

Section 69. Amend § 4512, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4512 Polling places; designation and preparation.

(a) ~~Each department~~ The Department shall designate and procure for each election district in its county a polling place.

(b) The ~~departments of elections~~ Department shall designate only conveniently located and readily accessible polling places for each election district. Such polling places, whenever possible, shall be located in public buildings which shall include suitable government buildings, schools, firehouses, community buildings, churches, financial institutions, lobbies or other gathering places at least 350 square feet in size or apartment buildings or complexes consisting of 50 or more units or other such similar structures; however, in the event that no such public building is available in a conveniently located and readily accessible place, then and in that event, the ~~board of elections~~ State Board of Elections, by unanimous consent, may with the concurrence of the Election Commissioner, designate a suitable, conveniently located and readily accessible private business establishment, but in no event shall the ~~department of elections~~ Department designate a private residence as a polling place. If a ~~department of election~~ the Department is uncertain of the accessibility of a proposed or existing polling place, or receives written notice of a deficiency from the State Council for Persons with Disabilities or a registered voter, it shall request a site assessment from the Architectural Accessibility Board and defer to the findings of the Board. ~~No department~~ The Department shall not issue more than 5 such requests on an annual basis without the consent of the Board.

(c) The same public building may be designated as housing the polling place for 1, 2, or 3 election districts, in the discretion of the ~~department~~ Department, if suitable precautions are taken to separate and identify the specific polling place within the building to be used for each election district.

(e) Whenever the ~~department~~ Department has designated as polling places facilities owned or leased by:

- (1) Agencies or subdivisions of this State; or
- (2) Recipients of state funding in excess of \$10,000 in the 2 years preceding such designation,

it shall be the duty of the officials of such agencies or subdivisions or said recipients of state funding to make these facilities available and to provide a suitable and acceptable location, heat, lighting and other services necessary for the conduct of the election, so long as such use is not incompatible with the primary function of the agency or subdivision or said recipient of state funding.

(f) The ~~department of elections~~ Department shall publish in a newspaper of general circulation, either as an advertisement or as a separate insert, a listing of all polling places by district, at least once during the week preceding the election.

(g) The ~~departments of elections~~ Department may indemnify and hold harmless any U.S. Government entity for claims of damages arising from the State contracting with said entity for the purposes of using its facility as a polling place to conduct elections. Furthermore, the State shall purchase insurance against claims of damage to protect against such claims and indemnify the U.S. Government.

Section 70. Amend § 4513, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4513 Substitute polling places.

If at any time it becomes impracticable to hold an election in the public building designated by a ~~department~~ the Department for any election district or districts, ~~such department~~ the Department may designate

another public building as near as can be conveniently obtained to the place previously selected. In such event, sufficient public notice thereof shall be given by suitable news media.

Section 71. Amend § 4515, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4515 Payment procedures.

The ~~departments of elections~~ Department following an election conducted under this title shall ascertain the amount due to each election officer for that election officer's service and promptly pay them. The ~~departments~~ Department may combine the pay for a primary and a general election. Election officers shall be paid no later than December 15 in the year of a general election.

Section 72. Amend Chapter 47, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4701 Appointment; term.

(a) The county executive committee of each of the 2 principal political parties shall submit to the ~~department~~ Department no later than February 1 of each general election year a list containing the names of 8 registered voters for each election district in the county. The ~~department~~ Department shall appoint all election officers, including clerks, from these lists; provided, however, that if the lists are not filed with the ~~departments~~ Department by February 1 or if the number of names submitted are not sufficient, the ~~department~~ Department shall select, notwithstanding paragraphs (b)(1) and (2) of this section, some qualified person or persons shown on its records to be registered to vote in the election district (or in the absence of such persons, the representative district), provided that no more than a bare majority of such persons are members of the same political party.

(1) The county executive committee of each of the 2 principal political parties may nominate Delaware citizens who are full-time students and who will be at least 16 years of age on or before November 1 in the year of a general election and who will be less than 18 years of age on or before the day of the general election to serve as clerks of election. Such nominations shall be accompanied by an authorization signed by the person's parent or guardian as well as the principal of the school the student attends. The authorization shall be on a form promulgated by the State Election Commissioner. The ~~county Departments of Election~~ may recruit United States citizens who are full-time students and who will be at least 16 years of age on or before November 1, in the year of a general election and who will be less than 18 years of age on or before the day of the general election to serve as clerks of election. Persons recruited by the ~~county Departments of Elections~~ shall present an authorization, on the form promulgated by the State Election Commissioner, to the ~~respective county Departments of Elections~~ prior to being appointed. Notwithstanding any law or regulation to the contrary, the ~~county Departments of Elections~~ may appoint no more than 2 persons under the age of 18 as clerks in any Election District where 2 or fewer voting machines are assigned. In Election Districts where 3 or more voting machines are assigned, 1 person under the age of 18 may be appointed as a clerk for each voting machine assigned. Persons nominated by a political party on or before February 1 in the year of a general election shall be given priority over persons recruited by the ~~Departments of Elections~~ unless such persons demonstrate that they are unable or unwilling to perform election officer duties. The State Election Commissioner, after consultation and coordination with the ~~county Departments of Elections~~, shall promulgate the nomination form for the purpose of this subsection no later than January 1, 2004.

(2) Notwithstanding any law or regulation to the contrary, the ~~county Departments of Elections~~ may appoint Delaware residents who are registered voters and who are enrolled as at least half-time students in colleges or universities within the respective county as election officers for that county. College or university students recruited by ~~county Departments of Elections~~ the Department and who will be less than 18 years of age on or before the day of the general election shall present an authorization signed by a faculty member or dean of the school they attend, on the form promulgated by the State Election Commissioner, to the ~~respective county Departments of Elections~~ Department prior to being appointed.

(b)(1) During the month of April in each general election year, ~~each department~~ the Department shall appoint for each election district in its county 1 inspector; 2 judges of election, 1 from each of the 2 principal political parties; and 2 clerks of election, 1 from each of the 2 principal political parties, provided that where the election district has fewer than 100 voters of a principal political party, the ~~department~~ Department may appoint such party's clerk or clerks of election from a different election district within the same representative district. The terms of the inspectors, judges, and clerks of election shall extend from the day of their appointment to April 1 of the next general election year.

§ 4702 Appointment of additional election officers.

The ~~departments of elections~~ Department may appoint such additional election officers to serve as machine operators, greeters or for other purposes deemed necessary to facilitate the operation of polling places.

§ 4705 Removal from office.

~~Each department~~ The Department may remove from office any inspector or judge of election or clerk appointed by it for want of requisite qualifications or for cause. Such removal, unless made while such person is actually on duty on a day of election and for improper conduct as an inspector or judge of election or clerk, shall only be made after notice which shall set forth clearly and distinctly the reasons for the removal.

§ 4706 Vacancies; alternates.

The ~~departments of elections~~ Department shall appoint replacements for election officers who are unable to perform their duties due to illness, disability or for any other reason.

Section 73. Amend § 4741, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4741 Training election officers.

(a) The ~~departments of elections~~ Department shall train the appointed election officers on their duties for each election conducted in accordance with this title. This training shall include instruction on applicable election law, the proper conduct of the election and operation of the voting machines.

(b) The ~~departments of elections~~ Department shall prior to the day of the election file a report with the State Election Commissioner stating the number of election officers who were trained for the election. This report shall be a public record.

Section 74. Amend § 4902, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4902 Absence of election officer on election day; notice to department.

If on the day of holding an election any election officer authorized by law to serve at the election in any election district shall be absent from the place of election at 7:00 in the forenoon, the inspector, if present, or, in the absence of the inspector, then any judge who may be present, shall immediately notify the ~~department of elections~~ for Department in that inspector's or judge's county of such absence.

Section 75. Amend Chapter 49, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4910 Instruction sheets; sample ballots.

(a) The State Election Commissioner, in collaboration with the ~~Departments of Elections for the counties,~~ shall design a poster or posters that will be uniform throughout the State. The poster or posters shall be publicly displayed in each polling place on the day of the election. The poster or posters shall contain the following information:

(b) The ~~departments of elections~~ Department shall also provide for each election district 2 sample ballots applicable to such election district, which ballots shall measure approximately 10 inches by 12 inches and shall be arranged in the form of a diagram showing such portion of the front of the voting machine as will appear after the official ballots are arranged therein for voting. Such sample ballots shall be posted in a conspicuous place in each polling place on each election day. Such sample ballots shall be delivered to the departments of elections which shall in turn deliver them with the other election supplies to the proper election officers throughout the county.

(c) The ~~departments of elections~~ Department shall deliver sample ballots free of charge for each unique ballot in the county to the county chairperson or the agent for the county chairperson for each party on the ballot at least 10 days prior to the date of the election.

(1) Major political parties shall be given 15 sample ballots unless the party chairperson requests fewer or more.

(2) Minor political parties shall be sent 1 sample ballot showing each office on the ballot unless they request more. Minor parties may receive up to 15 sample ballots without charge.

(3) ~~Each department of elections~~ The Department shall establish the cost for additional sample ballots beyond the number specified in paragraphs (1) and (2) of this subsection above.

(d) In addition to the sample ballots mentioned in subsections (b) and (c) of this section, the ~~department in each county~~ Department shall cause to be printed such further number of sample ballots as shall be directed by the chair of any committee of any political party in any county. However, the ~~department of elections~~ Department shall not have printed any sample ballots upon the order or request of any chair of any committee of any political party unless the request shall have been made to him or her in writing at least 65 days prior to the holding of the election at which the sample ballots are to be used, nor unless a deposit sufficient to cover the cost of the sample ballots be paid at the time they are ordered.

§ 4911 Display of flags, signs and maps at polling places.

(a) During the hours that a primary, general or special election is open, there shall be displayed at or near the entrance of each polling place so as to be readily visible a flag or poster bearing the words POLLING PLACE. The flag or poster shall be provided by the ~~appropriate~~ Department of Elections.

(b) The ~~department of elections~~ Department shall print individual, large-size wall maps for each representative district within the State. The individual maps shall also designate the boundaries of all election districts within each representative district, with every polling place therein plainly marked on the map.

Section 76. Amend § 4933, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4933 Persons permitted in the voting room.

(a) The following persons shall be admitted to the voting room:

(1) Members and employees of the ~~departments of elections~~ Department identified by a badge or written authorization;

Section 77. Amend § 4940, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4940 Disqualification because of bribery; determination of challenge.

(c) In order to enable the election officers to carry into effect this section, the ~~department of each county~~ Department shall cause to be prepared not less than 15 blank forms of the oath or affirmation provided for in this section and shall cause said oaths to be delivered to each inspector in each of the election districts of that inspector's county at the time provided in § 4509 of this title.

Section 78. Amend § 4948, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4948 Provisional ballots.

(b) A person claiming to be properly registered in an election district, but whose eligibility to vote at that election district cannot be determined, shall be entitled to vote a provisional ballot. Election officers shall inform a person who is not being permitted to vote for whatever reason that the person may cast a provisional ballot in that election. The Inspector shall return all voted provisional ballots to the Department of ~~Elections for the county~~ responsible for the election district on the night of the election.

(d) If the Superior Court or another court of competent jurisdiction orders that some or all polling places in a county of the state be kept open beyond the normal time for closing, all persons who arrive to vote at the polling place or places ordered to be kept open after the normal time for closing shall vote by provisional ballot. The election officers shall keep such ballots separate and return them to the Department of ~~Elections for the county~~ responsible for the election district on the night of the election.

(e) Provisional ballots shall be as much as possible in the same form as absentee ballots except that only federal offices shall be listed and they shall be labeled as provisional ballots. For general and special elections, the departments shall provide a minimum of 10 blank provisional ballots to each election district, a minimum of 20 blank provisional ballots to election districts with 3 or more assigned voting machines, and a minimum of 30 blank provisional ballots to election district with 4 or more assigned voting machines. For a primary election, each department shall develop a standard appropriate for the respective primary. ~~Each~~ The Department of ~~Elections for the counties~~ shall deliver additional provisional ballots, envelopes, instructions or voter information sheets to the polling place for an election district when notified by an election officer from the district that the supply of some or all of the provisional ballot materials is very low.

(h) Tallying provisional ballots.

(1) The day following an election in which provisional ballots were used, the Department of ~~Elections for each county~~ shall meet to examine the provisional ballots, determine which of the ballots should be tallied in accordance with the rules stated below, and then tally those ballots.

(2) The Attorney General shall appoint a Deputy Attorney General to advise ~~each of the Departments of Elections for the counties~~ as requested during the provisional ballot tallying process.

(3) The county chairperson of each political party with a candidate on a provisional ballot within the county may appoint in writing 1 observer to be in the room where provisional ballots are being reviewed and tallied.

(4) The Departments of ~~Elections for each county~~ shall sit until the disposition of every provisional ballot has been determined. ~~Each county~~ The Department of Elections shall establish an appropriate schedule of breaks, meals and rest periods.

(9) ~~Each~~ The Department of ~~Elections for a county~~ shall tally the provisional ballots that meet the above criteria. After all of the Provisional Ballots determined as meeting the above criteria have been tallied, the Department of ~~Elections for the county~~ shall deliver 1 copy of the provisional ballot tally sheet for each Election District, all the provisional ballots cast in the election, and all affidavits, envelopes and supporting documentation to the Prothonotary.

(i) Post election processing and notification.

(1) As soon as practical, but not later than 30 days following an election in which provisional ballots were used, the Department of ~~Elections for each county~~ shall enter the appropriate data into a free access system so that a person who voted by Provisional Ballot may determine whether or not that person's ballot was counted, and if it was not counted, the reason or reasons for which it was not counted.

(2) The ~~respective~~ Department of ~~Elections for a county~~ shall use the provisional ballot affidavit as authority to register a person to vote who voted by provisional ballot in an election and who is not already registered to vote providing that the minimum information required to register a person to vote is provided. The provisional ballot envelope shall be used to transfer a registered voter's address and/or update the registered voter's name when the address and/or name is different than the information on the person's voter registration record.

Section 79. Amend § 4978, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4978 Securing the voting machine, voting machine certificates and tally sheets.

(b) After placing the curtain, absentee entry device and any other materials designated by the ~~respective~~ Department of ~~Elections~~ in the base of the voting machine, the inspector shall fold up the voting machine and apply a seal to the voting machine case. The inspector shall record the seal number on each of the voting machine certificates. The inspector shall repeat this procedure for each voting machine assigned to the election district.

Section 80. Amend § 4979, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4979 Delivery of certificates, election records and supplies, voting machines and absentee ballot boxes.

(a) After the close of the election, the inspector shall deliver an envelope containing the first copy of the paper tape (with "zero count" certification) from each voting machine in the election district, 1 copy of the voting machine certificate, 1 copy of the write-in vote tally sheet, if any, to the Prothonotary of the Superior Court for that inspector's county. The Prothonotary shall, on the second day following the election at 10 a.m. present said envelope to the Court. If the inspector of any election district dies or is prevented by sickness or accident from delivering the above-mentioned items to the Prothonotary the night of election day, the Prothonotary and/or the ~~respective~~ Department of elections Department shall obtain the envelope from that inspector as soon as practical. The same

shall apply to all envelopes, documents, poll lists, election records and supplies that the inspector is obligated to return to the ~~department of elections~~ Department following the close of the polls.

Section 81. Amend § 4991, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4991 Process.

(a) The person making a complaint shall submit the complaint to the State Election Commissioner or ~~any of the Departments of Elections for the counties~~ the Department. The complaint shall be in writing, notarized and signed and sworn to by the person making the complaint.

(b) If ~~1 of the Departments for the counties~~ the Department receives such a complaint, ~~the Department~~ it shall forward it to the State Election Commissioner on the same business day that it is received.

Section 82. Amend § 5003A, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5003A Use of voting devices; costs in municipal elections.

Electronic voting devices may be used throughout this State in all primary, general and special elections and in all municipal elections in all incorporated cities and towns of this State. In the event no contest exists, in municipal elections voting devices shall not be required. Voting devices may be used in elections held under Title 14. Incorporated cities or towns may use voting devices in the custody of the ~~department of elections of the same county~~ Department upon payment of all costs and expenses incident to their use.

Section 83. Amend Chapter 50A, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5005A Printing of ballots; distribution of ballots.

(c) Official ballots for voting devices shall be prepared and furnished by the ~~department for each county~~ Department in the same manner as provided by law.

Section 84. Amend § 5102, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5102 Prosecution by Attorney General; duty to report violations.

(b) ~~Each department of election~~ The Department of Elections and all election officers shall notify the Attorney General of all violations of this title.

Section 85. Amend § 5111, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5111 Neglect of duty by department member; corrupt or fraudulent conduct; penalty.

Whoever, being a member of a ~~department~~ the Department, is guilty of any wilful neglect of any duty imposed by this title or of any corrupt or fraudulent conduct or practice in the execution of the same, shall be fined not more than \$200 or imprisoned not more than 2 years, or both.

Section 86. Amend § 5503, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 5503 Request for ballot; affidavits 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 ~~department of elections for the county in which the elector is domiciled (hereinafter referred to as the "department")~~ Department by filing a hand written or electronically prepared affidavit with the department no later than 12:00 noon the day before the election.

(b) An affidavit may be filed pursuant to this section by:

(1) ~~Mailing~~ mailing it, delivering it, or causing it to be delivered to the ~~department of elections for the county in which the elector is domiciled; or~~ Department.

(2) ~~Delivering it to a department of elections for another county, if special circumstances exist that prevent the elector from filing it pursuant to paragraph (1) of this subsection.~~

(c) ~~Affidavits filed pursuant to paragraph (b)(2) of this section shall be treated as if they were filed with the department of elections for the county in which the elector is domiciled. The department of elections where the affidavit is delivered shall, for the purposes of that absentee ballot only, act as the agent of the department of elections for the county in which the elector is domiciled and may deliver and accept an absentee ballot from such elector. The State Election Commissioner, in consultation with the departments of elections for each county, shall promulgate regulations defining specific procedures for such intra-county acceptance of affidavits pursuant to this section, and subsequent delivery and acceptance of absentee ballots, and the special circumstances under which each of these events is authorized.~~

(d) Affidavits filed pursuant to this section shall:

(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 ~~Department of Elections~~ the Department shall not be notarized but shall be accepted upon the voter presenting a form of ID acceptable by a notary;

(5) Be promulgated by the State Election Commissioner, in consultation with the ~~departments of elections for each county~~ Department, and personally approved by the Attorney General of the State; provided however, that

the Federal Post Card Application or its successor as promulgated by the Federal Voting Assistance Program or its successor shall also be considered an affidavit as used in this chapter.

(f)(2) If the ~~department~~ Department is unable to determine the election and/or elections for which a person is requesting an absentee ballot, it shall attempt to contact the person in order to determine the person's intent; provided however, that if time is of the essence and the ~~department~~ Department is unable to contact the elector, the ~~department's~~ Department's county director and deputy county director in the county where such person has requested an absentee ballot shall confer and determine the proper course of action.

(h) Affidavits filed pursuant to this section on which an elector indicates that the elector has legally changed the elector's name shall be taken as authorization to transfer the elector's previous registration information, including the elector's voting record to the new name. The ~~department~~ Department shall then use the affidavit to make the change on the ~~department's~~ Department's records.

(j) The ~~department~~ Department may adopt a printed or electronic affidavit 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 ~~department~~ Department for the ~~department~~ Department-prepared affidavit form, which the ~~department~~ Department shall forward to the elector upon receipt of a request ~~therefore~~ therefor.

(k) Notwithstanding any other provision of this title, a registered voter eligible to vote by absentee ballot for reasons stated in § 5502 (1), (2), (4), (7) or (8) of this title or because a person's business or occupation is providing care to his or her parent, spouse or child who is living at home and requires constant care due to illness, disability, or injury may apply in writing to the ~~department of elections for the county in which the voter is registered to vote~~ Department for permanent absentee status. The ~~respective departments of elections~~ Department shall automatically send an absentee ballot to each person in permanent absentee status for each election in which the person is entitled to vote.

(1) The State Election Commissioner shall promulgate instructions that people shall follow to apply for permanent absentee status.

(2) Overseas citizen and military voters may apply for permanent absentee status by writing that request in the remarks section of the federal post card application or its successor.

(3) ~~A department of elections~~ The Department shall cancel a person's permanent absentee status upon the return of an absentee ballot or other correspondence sent by first-class mail as undeliverable, the person's death or disqualification, the cancellation of the person's voter registration, the receipt of a written request from the person, or receipt of written notification that the reason that the person has stated for voting by absentee ballot is no longer valid.

(4) Persons in permanent absentee status shall keep the ~~department of elections~~ Department informed of changes in address, changes in name or changes in the reason that the person has listed for voting by absentee ballot.

(5) ~~Each department of elections~~ The Department shall post a list of permanent absentee voters on ~~their~~ its web site.

Section 87. Amend § 5504, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5504 Distribution of ballots, envelopes, and instructions; envelope specifications; pre-paid postage.

(a) Upon receipt of an affidavit from an elector pursuant to § 5503 of this title, the ~~department~~ Department shall process the same and confirm that the elector qualifies for an absentee ballot pursuant to § 5502 of this title.

(b) Not more than 60 nor less than 4 days prior to an election, and within 3 days after the absentee ballots, envelopes, and instructions therefore become available, the ~~department~~ Department shall mail, to each elector who requests and qualifies for an absentee ballot pursuant to § 5502 of this title, the following:

(1) An absentee ballot for the election district in which the elector resides;

(2) Instructions for completing the absentee ballot and returning it to the ~~department~~ Department, marked "INSTRUCTIONS FOR COMPLETING AND RETURNING AN ABSENTEE BALLOT"; and

(3) An envelope marked "BALLOT ENVELOPE," which shall be:

a. Of the type known as a security mailing envelope, designed to securely protect the contents thereof from tampering, removal, or substitution without detection;

b. Large enough to carry the ballot envelope containing the completed absentee ballot; and

c. Addressed for return to the ~~department of elections for the county in which the elector is domiciled~~ Department.

(c) Postage for all mailings made pursuant to this subsection shall be pre-paid by the ~~department~~ Department.

Section 88. Amend § 5505, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5505 Requirements for ballot envelope; numbering and coding; voter identification label; affidavit of eligibility.

(a) The ~~department~~ Department shall provide to each elector to whom it sends an absentee ballot an envelope which shall be:

Section 89. Amend Chapter 55, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5506 Instructions for completing absentee ballots.

The Attorney General shall prepare a list of instructions to assist an elector voting by absentee ballot in properly marking and returning the elector's ballot pursuant to this chapter. These instructions shall be known and marked as "INSTRUCTIONS FOR COMPLETING AND RETURNING AN ABSENTEE BALLOT." Before each election the Attorney General shall deliver a copy of the instructions to ~~each department~~ the Department in sufficient time for the ~~departments~~ Department to have the instructions printed and delivered to each elector who requested an absentee ballot for the ensuing election.

§ 5507 Voting procedure; execution of affidavit; return of ballot.

The procedure for completing an absentee ballot and returning it to the ~~department~~ Department is as follows:

(4) The elector shall return the sealed ballot envelope to the ~~department~~ Department by:

a. Depositing it in a United States postal mailbox, thereby mailing it to the ~~department of the county issuing the ballot~~ Department; or

b. Delivering it, or causing it to be delivered, to the ~~department~~ Department before the polls close on the day of the election.

§ 5508 Time limit for return of ballot; late ballots.

(a) ~~Each department~~ The Department shall endorse the date and time of receipt on the ballot envelope of each absentee ballot received ~~by the department~~ thereby.

(b) For an absentee ballot to be counted pursuant to this chapter, an elector voting by absentee ballot shall return the elector marked ballot to the ~~department of elections of the county where the voter resides~~ Department before the polls close on the day of the election.

(c) ~~Each department~~ The Department shall retain unopened any ballot envelope it receives after the polls close on the day of the election until the last day of February next after the election, or longer if directed by proper authority or required to do so by federal law.

§ 5509 Procedure on receipt of ballot envelope by ~~department~~ Department.

(a) Upon receipt of a ballot envelope the ~~department~~ Department, or a person authorized by the ~~department~~ Department, shall:

(1) Ascertain the names of each elector as they appear on the face of each ballot envelope;

(2) Ascertain from the information on the ballot envelope the election district with whose votes the ballot within it shall be tallied; and

(3) Place the ballot envelope in a secure location until such time as it is opened and the ballot within it is counted.

(b) No member of the ~~department~~ Department (the director or any other person) shall open or attempt to open the ballot envelope, or change or alter or attempt to change or alter the ballot envelope, or any writing, printing or anything whatsoever thereon.

§ 5510 Counting procedure for absentee ballots.

At any time between the Friday before the day of the election and the closing of the polls on an election day, absentee election judges within each county, selected by the administrators of the ~~department of elections for~~ Department in that county, shall count absentee ballots at the ~~department's~~ Department's offices in the county as follows:

Section 90. Amend § 5511, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5511 Carrier envelope specifications; carrier envelopes as ballot boxes.

(a) The ~~department~~ Department shall purchase envelopes to be used as carrier envelopes, which shall be security mailing envelopes, designed to securely protect the contents thereof from tampering, removal, or substitution without detection and shall be large enough to accommodate multiple absentee ballots cast in the election.

(d) In the event the ~~department~~ Department must move absentee ballots for the purposes of certifying an election, or recounting votes cast in an election, it shall select the carrier envelopes for the affected election districts and move them, in a secure fashion, to the location where the carrier envelopes will be opened and the votes inside inspected.

Section 91. Amend § 5512, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5512 Envelopes in general; approval by Attorney General.

The Attorney General shall personally approve each kind or type of envelope for use pursuant to this chapter. ~~No department~~ The Department shall not purchase, use, have printed upon, mail or deliver any envelope for use pursuant to this chapter unless such type or kind of such envelope has first been approved personally by the Attorney General.

Section 92. Amend § 5513, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5513 Challenges.



(d) All challenges to absentee ballots voted in a particular election district must be resolved before the counting of votes in that election district may be considered complete. Any challenge not resolved by the absentee judges within a reasonable time of the challenge having been made shall be referred for resolution to the county director and deputy county director ~~of the department of elections for the county for resolution of the Department in the county where such election district is located.~~

Section 93. Amend Chapter 55, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

~~§ 5516 Procedure if requests or ballots sent to wrong official; absentee ballots received by election officers.~~

~~If any request for an absentee ballot and accompanying envelopes or any marked ballot of any such elector are addressed to and returned to any official other than the department of the county of residence of the absentee elector Department, then the official shall immediately transfer such request or returned marked ballot to the department of the county of residence of such elector Department, to be acted upon by the department Department as provided by this chapter. [Repealed.]~~

§ 5517 File of absentee voters.

(a) The ~~department of elections of each county~~ Department 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:

(4) The date the affidavit is received by the ~~department~~ Department;

(b) The ~~department~~ Department shall compile from its files a list of names and addresses of all applicants for absentee ballots, and shall send current and complete copies thereof without cost to all political parties with candidates on the ballot in the forthcoming election. Such lists shall be provided no later than 2 weeks prior to the date of the election and copies of the lists must be mailed on the same date to the respective chairs of each political party involved in the election. Comparable information from the file shall also be made available to representatives of all political parties at ~~the each~~ office of ~~each department~~ the Department during the remaining 2 weeks before the election, such information to be recorded by such representatives from the daily records of the ~~departments~~ Department with the cooperation and assistance of the employees ~~of the departments~~ thereof.

§ 5518 Members of the armed forces and certain other electors; 1 absentee request to cover all elections; federal post card application (FPCA); electronic transmission of balloting materials.

(c) ~~A department~~ The Department may send and receive absentee ballot applications, FPCAs, absentee ballots and federal write-in absentee ballots by electronic transmission.

§ 5520 Special write-in absentee ballot; procedures; qualifications.

(d) Upon receipt of an application pursuant to this section, the ~~appropriate department of elections~~ Department may hold said application until 90 days prior to an election, but shall mail a ballot and the related materials to the elector as soon thereafter as possible. The special write-in absentee ballot shall be in a form prescribed and provided by the State Election Commissioner, and shall permit the elector to vote by writing in a party preference for each office, or the name of the person whom the voter prefers for each office.

Section 94. Amend § 5521, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

§ 5521 Federal write-in absentee ballot; acceptance; combined request for registration and ballot submission.

(a) Notwithstanding any other provisions of this title, an elector who qualifies under any of the reasons set forth in § 5502(7) of this title may:

(1) Use the federal write-in absentee ballot (FWAB) in any election for local, state, or federal offices in this State;

(2) Write on the FWAB the name of a specific candidate for whom the elector wants to vote, the name of the political party of a candidate for a specific office for whom the elector wants to vote, or the name of the political party of all candidates for all offices for whom the elector wants to vote;

(3) Use the FWAB transmission envelope as a registration request simultaneously with the submission of the FWAB if:

a. The voter is otherwise eligible to vote by absentee ballot in this State; and

b. The completed ballot is received no later than the 3rd Monday prior to the date of the election.

~~(b) Any FWAB received by the wrong department of elections, or by the State Election Commissioner, shall be transferred to the correct department of elections for the county within which the elector's election district is situated.~~

(c) A person eligible to vote by FWAB may return the ballot, eligibility information and signed oath by electronic transmission. Any person returning the FWAB electronically is deemed to have acknowledged that there may be situations where the secrecy of that person's ballot cannot be guaranteed.

Section 95. Amend Chapter 55, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5522 Duties of ~~departments of elections~~ Department of Elections; political balance of absentee judges; security.

(a) The ~~department of elections for each county~~ Department shall ensure that each panel of absentee judges selected to officiate the procedures set forth in this chapter ~~within the county~~ represent a politically balanced cross section of the major political parties participating in the election for which absentee ballots are being counted.

(b) The ~~department of elections for each county~~ Department shall promulgate regulations to ensure the security and integrity of the procedures set forth in this chapter and that the counting process for absentee ballots is not subject to improper influences.

§ 5523 Logic and accuracy testing of absentee ballot tabulating equipment; authority of the State Election Commissioner.

(a) The State Election Commissioner, in consultation with the ~~departments of elections for each county~~ Department, shall promulgate rules and regulations relating to logic and accuracy testing of absentee ballot tabulating machines.

§ 5524 Emergency Authority for the State Election Commissioner.

(c) The State Election Commissioner, in collaboration with the ~~departments of elections for the counties~~ Department, shall promulgate special procedures to be followed in the event that such a national or local emergency occurs.

§ 5525 Electronic delivery of absentee ballots.

(b) Notwithstanding any other provisions of this title, upon receipt of a written request on a federal post card application that includes an applicant's electronic address, the ~~Department of Elections for the county in which the applicant is domiciled (Department)~~ Department shall electronically deliver to an applicant that applicant's own absentee ballot, appropriate instructions and any other information the applicant needs to vote and return that applicant's own ballot.

(e) A person who returns a ballot electronically shall also return a signed oath and identification information with the ballot. The oath may be signed digitally as provided in the instructions sent by the ~~respective department of elections~~ Department to the voter.

(f) The State Election Commissioner, in collaboration with the ~~county departments of elections~~ Department, shall establish procedures for electronically delivering absentee ballots to the voters with instructions for the voters to follow in voting and electronically returning their ballots to the respective department of elections.

§ 5526 System for voters to determine status of their absentee ballots.

The State Election Commissioner, in collaboration with the ~~departments of elections~~ Department, shall establish a free access system accessible via the internet through which a person who applied for an absentee ballot can determine whether or not the ballot application was received, when the ballot was transmitted, when the voted ballot was received by the ~~appropriate departments of elections~~ Department, and whether or not the ballot was counted.

§ 5527 Authority to implement provisions of the Uniformed and Overseas Citizens Absentee Voters Act.

The State Election Commissioner, in collaboration with the ~~departments of elections~~ Department, shall implement those provisions of the Uniformed and Overseas Citizens Absentee Voters Act [42 U.S.C. § 1973ff et seq.] not specifically mandated by this chapter.

Section 96. Amend Chapter 57, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5701 Superior Court as board of canvass; convening and composition of Court.

(a) The Superior Court shall convene in each county on the 2nd day after the general election at 10 a.m., for the performance of the duties imposed upon it by § 6 of article V of the Constitution of this State and by this chapter. Thereupon the Court, with the aid of such of its officers and such sworn assistants as it shall appoint, shall publicly ascertain the state of the election throughout the county and in the respective election districts by calculating the aggregate amount of all the votes for each office that shall have been given in all of the election districts of the county for every person voted for such office. For this purpose, the Court shall utilize the voting machine recording tapes, voting machine certificates, absentee vote tally sheets and write-in vote tally sheets for each election district provided by the Prothonotary and the ~~Department of Elections for its county~~, whose representatives shall sit as observers and assistants to the Court during said calculation of the vote.

§ 5702 Duties of Court.

(d) The Court shall also receive from the ~~department of election for its county~~ Department a report of the number of absentee ballots delivered to each election district, from which it shall determine and make certain that all these ballots are recorded on the absentee vote tally sheets for each election district receiving absentee ballots, either in the total number of ballots counted or in the number of ballots rejected.

Section 97. Amend Chapter 71, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7101 Vacancies in General Assembly; writs of election.

Whenever there is a vacancy in either house of the General Assembly, by reason of failure to elect, ineligibility, death, resignation or otherwise, within 10 days of the creation of the vacancy a writ of election shall be issued by the presiding officer of the house in which the vacancy exists, directed to the ~~department or departments of the county or counties in which such vacancy exists~~ Department or, in case of necessity, in such other manner as shall be provided by law. Whenever there is such vacancy in either house and the General Assembly is not in session, the Governor may issue a writ of election to fill such vacancy, which writ shall be executed as a writ issued by the presiding officer of either house in case of vacancy.

§ 7103 Candidates.

(a) The county committee for each political party eligible to place candidates on the general election ballot for the most recent past general election may nominate a candidate for the special election by submitting a nomination to the ~~department of elections for the county in which the election is to be held~~ Department no later than 25 days prior to the date of the special election. If the legislative district up for election includes the area of more than 1 county, the county committees for each county shall agree on 1 candidate and the committee for the county where the candidate resides shall submit the nomination to the ~~department of elections~~ Department.

(b) A person wishing to run as an unaffiliated candidate who is eligible to hold the office up for election must file a petition in support of that person's own candidacy containing the signatures of at least 1% of all voters who are registered in the legislative district as of the first day of the month preceding the month during which the vacancy was created. Such person must file the petition with the ~~department of elections in the county in which that person resides~~ Department no later than 25 days prior to the day of the special election.

(e) Notwithstanding any other subsection of this section, nominations or petitions for a special election to be held on the date of the general election under the provisions of § 7102(b) of this title shall be filed no later than September 1 or 5 days following the vacancy, whichever is later, if the office is on the general election ballot, or on the date set by the ~~department of elections conducting the election~~ Department if the election is to be held in December following the general election.

§ 7104 Notices.

~~Each department conducting the election~~ The Department shall provide notice of the special election as follows:

(1) On the next day after receiving a writ of election, unless the same shall be a Sunday or state holiday, and then on the next business day following, ~~each department conducting the election~~ the Department shall post a proclamation reciting the writ and appointing a day for holding a special election and the officer or officers to be chosen on the outside of the courthouse door of its county, the State's and the department's web site, and the state calendar; and

(2) On the fifth, third and last day prior to the special election, ~~each department conducting the election~~ the Department shall publish notice of the special election in a newspaper of general circulation that covers the legislative district up for election.

§ 7105 Election officers and polling places.

~~Each department conducting the election~~ The Department, upon receiving a writ of election, shall appoint sufficient election officers to conduct the election and contract with the usual polling places for the legislative district for which the ~~department~~ Department is conducting the special election. If a polling place is not available, ~~each department conducting the election~~ the Department shall combine the election district or districts in that polling place with the election district or districts in a nearby polling place or contract with another location. ~~Each department conducting the election~~ The Department shall notify voters if their polling place is moved to another building.

§ 7106 General election laws applicable.

(b) ~~Each department conducting the election~~ The Department may consolidate election districts within the same building.

§ 7109 Costs of special election.

All necessary costs and expenses incurred in carrying into effect a special election, unless otherwise provided by the laws of this State, including the compensation of election officers, shall be paid by funds transferred to the ~~respective department or departments~~ Department by the Office of Management and Budget.

Section 98. Amend Chapter 73, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7303 Writs of election.

The Governor shall issue writs of election to the ~~department of elections of the several counties~~ Department reciting the vacancy and commanding ~~each department~~ the Department to cause an election to be held in its county on the day mentioned in the writ, at the place by law prescribed for holding the general election in its county, for choosing a Representative in place of the Representative whose seat shall so have become vacant, which writ shall be delivered ~~each department~~ the Department at least 60 days before the day therein appointed for holding the election.

§ 7307 Polling places; voting machines; election officers.

~~The departments of elections~~ Department:

- (1) May combine all election districts voting at a location into a single voting district;
  - (2) May combine other election districts as necessary for the efficient conduct of the election;
  - (3) Shall assign a minimum of 2 voting machines and a maximum of 5 voting machines to a voting district;
- and
- (4) Shall assign a sufficient number of election officers to each voting district.

§ 7308 Costs of the special election.

The Office of Management and Budget shall transfer sufficient funds to cover the cost of the special election to the State Election Commissioner, the ~~departments of elections~~ Department and Superior Court not later than 5 business days following issuance of the writ.

Section 99. Amend Chapter 75, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7521 Elections.

Registration and elections in the City of Wilmington for the Mayor, Council and other officers of the City of Wilmington shall in all respects be conducted in conformity with the provisions governing general elections as provided under this title, except that the canvass of the vote shall be conducted by the Department ~~of Elections for New Castle County~~, which shall certify those candidates elected to office.

§ 7522 Definition of political party.

A political party existing only within the City of Wilmington shall be qualified to nominate candidates for the municipal election if it is a bona fide organization of registered voters of the City of Wilmington who:

(3) Not later than August 15 of the year of the municipal election, file with the Department ~~of Elections for New Castle County~~ petitions certifying that the party exists and desires to have its candidates placed on the ballot for the forthcoming election. These petitions shall be signed by a number of registered voters of the City of Wilmington not less than 5 percent of the total number of registered voters within the City as of December 31 of the year immediately preceding the municipal election. These petitions shall be prepared between January 1 and August 15 of the year of the election. They shall include the signature, printed name, address at which registered and social security number of each qualified voter signing the petition.

§ 7523 Certificates of nomination.

The nominations made under this subchapter for the various offices of the City of Wilmington, together with the name of the party and its device, shall be certified to the Department ~~of Elections for New Castle County~~ by the presiding officer and secretary of each political party on the date and in the manner prescribed for other nominations for the general election made under this title.

§ 7524 Title and device of party.

No party shall use the name of another party appearing anywhere on the ballot either in whole or in part, or any variation thereof, in its own title. The words "Independent" or "Decline," being terms employed in this title, or any variation thereof, shall not be used as the title, or part of the title, of any party. Each party shall select an appropriate figure or device to designate that party, but the coat of arms, seal or flag of the United States, this State or the City of Wilmington, or any part or variation thereof, shall not be used as such figure or device.

In case of a division in any party qualified under this subchapter and a claim by 2 or more factions to the same party name or title, figure or device, the State Board of Elections ~~for New Castle County~~ shall determine to which faction the name and device properly belong. If, within 5 days thereafter, the other faction fails to present and certify some other party title and/or device, the Board shall select some suitable title and/or device to represent that party upon the ballot.

Section 100. Amend § 7543, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(b) Not less than 14 days prior to the special election, the Clerk of the Peace shall prepare from the books and records of the county Board of Assessment a list of the real estate owners of each parcel of the territory for which the special election is to be held. In addition, not less than 21 days prior to the special election the Department of Elections ~~for the County~~ shall provide the Clerk of the Peace with a current list of registered voters in the election district or districts in which the territory is located, who reside in the territory. From the 2 lists prepared pursuant to this subsection the Clerk of the Peace shall compile the voting list of the qualified voters for the special election.

Section 101. Amend § 7550, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(m) The term Department of Elections as used in subchapters IV and V of this chapter refers to the State Department of Elections ~~for the county in which a municipality is located~~.

(o) Except as expressly stated otherwise, the term Board of Elections as used in subchapters IV and V of this chapter refers to the applicable municipal board of elections.

Section 102. Amend Chapter 77, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7706 Qualifications of delegates; nomination by petition.

Candidates for the office of delegate to the convention shall be citizens and qualified voters of this State. Nominations shall be by petition and not otherwise. A single petition may nominate any number of candidates not exceeding the total number of delegates to be elected from each county, and all candidates on any such petition shall be residents of the same county and shall reside in the county which said candidates propose to represent at such convention and every such petition shall be signed by not less than 100 persons who are qualified voters of the county wherein such candidates reside. Nominating petitions shall be filed with the ~~department of elections of the county which such candidates propose to represent~~ Department. Nominations shall be without party or political designation, but the nominating petitions shall contain a statement as to each nominee to the effect that the nominee favors ratification or that the nominee opposes ratification or that the nominee remains uncommitted to either ratification or rejection of the proposed amendment to the Constitution of the United States, and no nominating petition shall contain the name of any nominee whose position as stated therein is inconsistent with that of the position of any other nominee as stated therein.

§ 7707 Determination of nominations.

The sixteenth day before the day fixed for the holding of the election of delegates shall be the last day for the filing of nominating petitions with the ~~respective departments of election~~ Department or, if such sixteenth day falls upon a Sunday or a legal holiday, the day following shall be the last day for the filing of such nominating petitions, and thereafter nominations for the office of delegate to such convention shall be closed. After the closing of such nominations, the ~~respective departments of election~~ Department shall forthwith count and determine the number of signatures which each candidate for nomination as delegate to such convention has obtained upon the candidate's or the ~~departments' respective~~ Department's nominating petition or petitions. In making such count and determination, the ~~respective departments of election~~ Department shall only count the signatures of those persons who are qualified voters of the county which the candidates propose to represent at such convention. A signature to such nominating petition shall be prima facie evidence that the person purporting to sign the same did actually sign the same and that such person is a qualified voter of the same county as the county of residence of the candidate or candidates whose names appear in such nominating petition, and all signatures to such nominating petitions shall be counted by the ~~respective departments of election~~ Department, unless, within 5 days after the closing of nominations, evidence satisfactory to the ~~department of elections~~ Department shall have been produced before him or her that a person whose name purports to have been signed to a nominating petition is either a fictitious person or not a qualified voter of the county of residence of the candidate or candidates whose nominating petition the person purports to have signed. After the closing of nominations all nominating petitions shall be open to the inspection of any qualified voter of the county in which such petitions have been filed.

§ 7708 What nominations shall be effective.

No nominations shall be effective except those of the 7 candidates from New Castle County in favor of ratification, the 7 candidates from New Castle County against ratification and the 7 candidates from New Castle County not committed to either ratification or rejection of the proposed amendment, the 5 candidates from Kent County in favor of ratification, the 5 candidates from Kent County against ratification and the 5 candidates from Kent County not committed to either ratification or rejection of the proposed amendment, the 5 candidates from Sussex County in favor of ratification, the 5 candidates from Sussex County against ratification and the 5 candidates from Sussex County not committed to either ratification or rejection of the proposed amendment, whose nomination petitions have respectively been signed by the largest number of qualified persons, ties to be decided by lot drawn by the ~~respective departments of election~~ Department.

~~§ 7709 Certification of nominations.~~

~~After the nominees for delegates to the convention are determined by the departments of election, each department of elections shall certify to the other departments of election in this State the names of the nominees from their respective counties to such convention and shall further certify which nominees from their respective counties were nominated as in favor of ratification, which nominees from their respective counties were nominated as opposed to ratification and which nominees from their respective counties were nominated as uncommitted either to ratification or rejection of the proposed amendment. [Repealed.]~~

§ 7710 Alternates.

Candidates for nomination not nominated as provided in §§ ~~7706-7709~~ 7708 of this title shall be deemed to be alternates to the nominees in their respective groups in the order of the number of signatures which they have respectively received upon their nominating petitions and in the event of the death, resignation or removal of any nominee, the first alternate shall take his or her place as nominee, and so on, ties to be decided by lot drawn by the ~~respective departments of election~~ Department. ~~In the event of such death, resignation or removal, the department of elections of the county from which such nominee was nominated shall forthwith certify to the other departments of election the fact of such death, resignation or removal, together with the name of the new nominee.~~ In the event of the death, resignation or removal of any nominee after the printing of the ballots for such election, the ~~departments of election~~ Department shall provide the election officers of each election district with a number of pasters containing only the name of such nominee, at least equal to the number of ballots provided for each election district and the clerks of election shall put 1 of such pasters in a careful and proper manner in the proper place on each ballot before they shall deliver the same to voters.

§ 7711 Printing of ballots; to whom delivered; additional ballots.

The ~~department of elections of each county~~ Department shall cause to be printed and distributed the ballots for the election of delegates in the quantity and in the manner provided by law for general elections; provided that such ballots as are required under the election laws to be delivered to the chairs of the various political parties shall, in lieu thereof, be distributed to the various nominees as equally as possible, and provided further that the ~~department of elections in each county~~ Department, in addition to the ballots mentioned in this section, shall cause to be printed such further number of ballots as shall be directed by any nominee in any county; provided, however, that the ~~department of elections~~ Department shall not have printed any ballots upon the order or request of any nominee, unless the request shall have been made to him or her in writing at least 10 days prior to the holding of the election at which the ballots are to be used, nor unless a deposit sufficient to cover the cost of the ballots be made at the time they are ordered. The ballots so ordered by the nominees shall be delivered to the nominees or to their agents upon their request or order at least 5 days before the election at which the ballots are to be used.

Section 103. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application; and, to that end, the provisions of this Act are declared to be severable.

Section 104. Section 3 of this Act shall become effective immediately. The remaining provisions of this Act shall become effective on July 1, 2015.

Approved June 26, 2014