

CHAPTER 304
FORMERLY
HOUSE BILL NO. 348

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

(23) "Signature" means both a written signature conforming to §302(23) of Title 1 and a digital or electronic signature that is an electronic sound, symbol or process attached to or logically associated with a document and executed or adopted by a person with the intent to sign the document as specified by the State Election Commissioner.

~~(234)~~ "State chair" means the highest executive officer of a political party of this State.

~~(245)~~ "State committee" means the regularly organized and constituted statewide governing authority of a political party in this State.

~~(256)~~ "Unaffiliated candidate" means any individual who files a declaration as a candidate for any office to be decided at the general election and who is not affiliated with any political party and has not been thus affiliated for at least 3 months prior to the filing of that individual's declaration.

Section 2. Amend §3181(b), Title 15 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

(b) The requirements of this subchapter shall not require a presidential primary election for a political party in any year in which such a primary election would otherwise be required under the provisions of this subchapter, if the chairperson of the political party notifies the State Election Commissioner in writing that such political party elects not to be governed by the provisions of this subchapter prior to the close of business on ~~August 1 of the year preceding any the earlier of the first business day in the~~ year in which a President of the United States is to be elected or 120 days before the day of the Presidential Primary ~~that such political party elects not to be governed by the provisions of this subchapter.~~

Section 3. Amend §3303, Title 15 of the Delaware Code by making deletions as shown by strike through as follows:

§ 3303. Time of filing certificates.

Certificates of nomination to be filed with the State Election Commissioner or the departments of election, 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 ~~or a contest in a primary election yet to be held~~, the nominees from said national nominating convention ~~or the winners of any such contests~~ 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 primary election~~; or,

(2) September 15 of said election year.

Section 4. Amend §4943, Title 15 of the Delaware Code in the title thereof by making insertions as shown by underlining and deletions as shown by strike through as follows:

~~§4943. Assistance for blind and physically disabled voters;~~ Voting assistance based on blindness, disability, or illiteracy; instructions for voters.

Section 5. Amend §4943 (a), Title 15 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

~~(a) Any qualified elector who is blind or otherwise physically unable to operate the voting machine or to reach the voting room alone with safety shall be permitted to bring into the voting room and the voting machine booth 1 elector or 2 electors, if necessary, of that elector's own choosing in order to receive whatever assistance the elector may need in order to vote. No voter shall receive any other assistance in voting than that authorized by this subsection.~~

(a) Any voter who requires assistance to vote by reason of blindness, disability, or inability to read or write may be given assistance by a person of the voter's choice, other than the voter's employer or agent of that employer or officer or agent of the voter's union.

Section 6. Amend §5004, Title 15 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

§ 5004. Number of voting machines ~~per~~ assigned to an election district.

(a) In general elections, the polling place for every election district shall be supplied with at least 1 voting machine for every ~~600~~650 registered voters or majority fraction thereof.

(b) In primary and special elections, the polling place for every primary voting district or election district shall be provided with at least 1 voting machine for every ~~750~~800 registered voters or majority fraction thereof.

Section 7. Amend §5503(d)(4), Title 15 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

(4) Be dated during the calendar year in which the election is to be held, provided that when a presidential primary election is scheduled and the date of the presidential primary election is less than 90 days before January 1 in the year in which a President of the United States is to be elected, the affidavit shall not be dated more than 90 days before the day of the presidential primary election ~~prior to August 15 of the year prior to the year in which a President of the United States is to be elected,~~ and further provided that, for special elections conducted pursuant to Chapter 71 of this title, the affidavit may be dated as of any date after a writ of election has issued; and

Section 8. Amend § 5510, Title 15 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

§ 5510. Counting procedure for absentee ballots.

At any time between ~~the opening~~ 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 that county, shall count absentee ballots at the department's offices in the county as follows:

(1) An absentee judge shall select the ballot envelopes in order of the election districts within the county;

(2) For each ballot envelope, the absentee judges shall ascertain whether a challenge has been made pursuant to this chapter;

(3) If a challenge has been made, the BALLOT ENVELOPE shall be marked as "CHALLENGED" and shall be set aside in a secure location for consideration at a later time as provided elsewhere in this title.

(4) If no challenge has been made, the absentee judges shall:

a. Open the ballot envelopes in such a manner as not to deface or destroy the self-administered affidavit thereon or the absentee ballot enclosed;

b. Remove the ballots from the ballot envelopes;

c. Determine whether the ballots have been properly completed and/or whether the elector's intent can be determined pursuant to § 4972 of this title;

d. Tally any absentee votes that were written-in, or that must be counted by hand pursuant to § 4972 of this title, on absentee vote tally sheets for the election district with whose votes the absentee votes are to be counted; and

e. Record the proper notations of such votes in the election records for the election district to which they apply.

f. A ballot that a team determines cannot be read by the tabulating equipment or which the tabulating equipment rejects, shall be duplicated as provided for in § 5510A of this title.

(5) Once absentee votes have been recorded, an absentee judge shall deposit the voted ballots, rejected ballots, and any absentee vote tally sheet that may have been used, in a carrier envelope for the election district with whose votes the absentee votes are counted; provided, however, that each carrier envelope shall

contain absentee ballots, rejected ballots, and tally sheets for no more than one election district and only one carrier envelope shall be filled at a time.

(6) Once a carrier envelope is filled, it shall be sealed by an absentee judge. The absentee judge shall sign the absentee judge's name on each sealed carrier envelope, affirming that the absentee judge sealed the envelope and that the envelope contains ballots for the election district to which the envelope is assigned. Each sealed and signed carrier envelope shall be placed in a secure location and held there until such time as it is destroyed or moved for further legal process

(7) The results of the absentee ballots shall not be extracted or reported before the polls have closed on the day of the election.

Approved July 05, 2012