

CHAPTER 134
FORMERLY
HOUSE BILL NO. 132

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

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

WHEREAS, many military and citizen voters are in locations where mail delivery service is problematic; and

WHEREAS, the General Assembly believes that such voters, despite their locations, should have the opportunity to return the ballots in a timely manner so that their votes may be counted.

NOW, THEREFORE:

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

Section 1. Amend §5518, Title 15 of the Delaware Code by striking the words “facsimile transmissions of the FCPA” as they appear in the section title and substituting in lieu thereof the words “electronic transmission of balloting materials”.

Section 2. Further Amend §5518, Title 15 of the Delaware Code by deleting subsection (c) thereof in its entirety and substituting a new subsection “(c)” in its place as follows:

“(c) A department may send and receive absentee ballot applications, FPCAs, absentee ballots and Federal write-in absentee ballots by electronic transmission.”.

Section 3. Amend §5521, Title 15 of the Delaware Code by inserting a new subsection “(c)” thereto as follows:

“(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 his or her ballot cannot be guaranteed.”.

Section 4. Amend §5525, Title 15 of the Delaware Code by striking subsections (d) and (e) in their entirety and substituting new subsections “(d)”, “(e)” and “(f)” in lieu thereof as follows:

“(d) An applicant who is sent a ballot electronically may return such ballot via postal mail, courier or electronic means in accordance with the instructions sent with the ballot. A voter who returns a ballot electronically is deemed to have acknowledged that there may be situations where the secrecy of his or her ballot cannot be guaranteed.

(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 Election to the voter.

(f) The State Election Commissioner, in collaboration with the county Departments of Elections, 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.”.

Approved July 08, 2009