

LAWS OF DELAWARE
VOLUME 84
CHAPTER 106
152nd GENERAL ASSEMBLY
FORMERLY
HOUSE BILL NO. 148

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 § 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.

(a) ~~The Department~~ The County Director or Deputy County Director of each county office shall furnish the necessary materials, voter information, and supplies ~~necessary to~~ expected to enable ~~conduct of~~ conduct of the election to each election district. This shall include all of the following:

(1) a ~~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.

(2) A sufficient number of ballots and other supplies expected to enable the efficient administration of the election.

(b) The Commissioner shall prepare a report within 30 days after the certification of each election detailing the number of ballots supplied to each election district, the number of ballots used, and the number of remaining blank ballots. The report shall be delivered to the Governor, the Chief Clerk of the House of Representatives, the Secretary of the Senate, and the Attorney General and posted on the Department of Elections website.

Section 2. 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:

§ 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 in 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 statement 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.~~

~~§ 5510A. Preparing absentee ballots for tabulation.~~

~~(a) Notwithstanding any other provision of this chapter or regulations adopted by the Department, a Department of Elections may open absentee ballots in public meetings beginning the Friday before the day of the election in order to prepare them for tabulation. The Department shall notify each party on the ballot that they may have challengers at the meetings during which the Department opens the absentee ballots. The challengers may challenge ballots as provided elsewhere in this title.~~

~~(b) The Department shall appoint teams composed of an equal number of Democrats and Republicans to open and duplicate ballots.~~

~~(c) The teams shall open ballots by election district, check them off against the list of absentee voters, duplicate ballots that the team determines that the tabulating equipment cannot read and then secure the opened and duplicated ballots along with the envelopes in a carrier envelope. The teams shall record the number of the carrier envelope and the election district number on a log sheet that it shall also secure in the same carrier envelope.~~

~~(d) Teams shall duplicate ballots by marking them according to the voter's intent as shown on the ballot marked by the voter. If a team cannot determine a voter's intent, they consult the director and deputy director for advice and guidance.~~

~~(e) When duplicating ballots, the teams shall assign the same unique identifier to the ballot that they duplicate and the duplicated ballot. After the team has duplicated ballots for an election district, the team shall put the ballots that the team duplicated in a separate envelope and put it in the carrier envelope for the election district and the team shall put the duplicated ballots with the ballots that the Department shall tabulate on the day of the election.~~

~~(f) The Department shall secure the carrier envelopes in locked cabinets until opened in a subsequent public meeting to insert additional ballots or to tabulate the ballots on the day of the election.~~

§ 5510. Opening and preparing absentee ballots for tabulation.

(a) The Department may open ballot envelopes and prepare the ballots for tabulation as set forth in this section in public meetings beginning 30 days before the day of the election. The Department shall notify each party on the ballot that they may have challengers present at the meetings. The challengers may challenge ballots as provided elsewhere in this title.

(b) The Department shall appoint teams of election judges to fulfill the duties set forth in this section. No more than half of the judges on a team may be registered with any 1 party. A single team may not handle or process ballots or ballot envelopes for more than 1 election district at a time.

(c) The teams shall select ballot envelopes in order of election districts within the county and check them off against the list of absentee voters. For each ballot envelope, the election judges shall ascertain whether a challenge has been made pursuant to this chapter.

(d) Ballots that are not challenged shall then be separated from the ballot envelopes and the ballot envelopes shall be separately stored in a secure location.

(1) If a team determines that an original ballot will not be readable by the tabulating equipment, it shall duplicate the ballot as follows:

a. The team shall assign the same unique identifier to the original ballot and the duplicate ballot.

b. The team shall duplicate the original ballot by marking the duplicate ballot according to the voter's intent as shown on the ballot marked by the voter. If a team cannot determine a voter's intent, they shall consult the County Director and Deputy County Director for advice and guidance.

c. After the team has duplicated any ballots necessary for an election district, the team shall put the original ballots in a separate envelope to be securely stored. The duplicate ballot shall be placed with all other ballots for the same election district for further processing.

(2) If a ballot contains a write-in vote, the team shall record the proper notations of such votes in the election records for the election district in which an absentee voter is registered to vote.

(e) When a team has completed the steps set forth in subsections (c) and (d) of this section, a team shall scan the ballots for tabulation using the ballot scanning devices located in the county elections office.

(f) (1) After the completion of the process set forth in this section, the teams shall secure the ballots in a carrier envelope, seal the carrier envelope, and each member of the team shall sign the member's name on the outside of the carrier envelope, affirming that the team sealed the envelope and that the envelope contains ballots for the election district to which the envelope is assigned. Each carrier envelope must contain absentee ballots for no more than 1 election district and only 1 carrier envelope may be filled at a time. Each signed and sealed envelope shall be placed in a secure location until such time as it is required to be moved or destroyed under § 4980 of this title or other legal process.

(2) At the end of every day, and during any pause in the process set forth in this section, all ballots shall be secured in carrier envelopes and be stored in locked cabinets until opened in a subsequent public meeting for the completion of processing under this section.

(g) 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 21, 2023