



SPONSOR: Rep. Yearick & Rep. K. Williams & Sen. Bushweller & Sen. Pettyjohn
Reps. Baumbach, Bentz, Dukes, Heffernan, Kowalko, Miro, Outten, Paradee, D. Short; Sens. Ennis, Henry, McDowell, Simpson, Walsh

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 47

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:

1 Section 1. Amend § 5503, Title 15 of the Delaware Code by making deletions as shown by strikethrough and
2 insertions as shown by underline as follows and redesignating accordingly:

3 § 5503. Request for ballot; affidavits for absentee ballots; delivery of absentee ballots.

4 (d) Affidavits filed pursuant to this section shall:

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

6 (2) Include at least the following information:

7 a. The elector's name;

8 b. The address of the elector's domicile in the State;

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

10 d. The elector's date of birth;

11 e. The elector's social security number (optional);

12 f. The elector's political party affiliation;

13 g. The elector's expected location on election day;

14 h. The reason that the elector cannot appear at the regular polling place for the elector's election district
15 on the day of the election, which shall identify at least 1 of the reasons set forth in § 5502 of this title;

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

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

18 k. The elector's signature;

19 (3) Be subscribed and sworn to by the elector, ~~before an officer authorized by law to administer oaths~~
20 ~~affirming that under penalty of perjury, the information on the affidavit is correct and true except that the affidavit for a~~

21 person voting in person at the Department shall not be notarized but shall be accepted upon the voter presenting a form
22 of ID acceptable by a notary;

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

28 (5) Be promulgated by the State Election Commissioner, in consultation with the Department, and personally
29 approved by the Attorney General of the State; provided however, that the Federal Post Card Application or its
30 successor as promulgated by the Federal Voting Assistance Program or its successor shall also be considered an
31 affidavit as used in this chapter.

32 ~~(e) Notwithstanding any other provision of this section to the contrary, the affidavit of any elector desiring to~~
33 ~~receive an absentee ballot because the person qualifies under any of the reasons set forth in § 5502(1), (2), (4) or (7) of this~~
34 ~~title or because a person's business or occupation is providing care to his or her parent, spouse, or child who is living at~~
35 ~~home and requires constant care due to illness, disability, or injury, may be self-administered.~~

SYNOPSIS

This bill removes the notary requirement for requests for absentee ballots. Delaware is the only state that requires a notary to authorize a voter's affidavit for an absentee ballot. In some cases, the potential voter may have to pay for the notary and Delaware essentially charges them to vote.