



SPONSOR: Rep. Yearick

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 1
TO
HOUSE BILL NO. 403

1 AMEND House Bill No. 403 on line 3 by deleting "affidavits" after the semicolon and before "for" therein and
2 inserting in lieu thereof "~~affidavits~~ statement".

3 FURTHER AMEND House Bill No. 403 on line 5 by deleting "affidavit" after "written" and before "with" therein
4 and inserting in lieu thereof "~~affidavit~~ statement".

5 FURTHER AMEND House Bill No. 403 on line 7 by deleting "n" after "A" and before "affidavit" therein and
6 inserting in lieu thereof "n".

7 FURTHER AMEND House Bill No. 403 on line 7 by deleting "affidavit" after "An" and before "may" therein and
8 inserting in lieu thereof "~~affidavit~~ statement".

9 FURTHER AMEND House Bill No. 403 on line 9 by deleting "Affidavits" after ")" and before "filed" therein and
10 inserting in lieu thereof "~~Affidavits~~ Statements".

11 FURTHER AMEND House Bill No. 403 on line 30 by deleting "affidavit" after "absentee" and before "template"
12 therein and inserting in lieu thereof "~~affidavit~~ statement".

13 FURTHER AMEND House Bill No. 403 on line 31 by deleting "affidavit" after "absentee" and before "by"
14 therein and inserting in lieu thereof "~~affidavit~~ statement".

15 FURTHER AMEND House Bill No. 403 on line 34 by deleting "affidavit" after "electronic" and before "form"
16 therein and inserting in lieu thereof "~~affidavit~~ statement".

17 FURTHER AMEND House Bill No. 403 on line 37 by deleting "affidavit" after "prepared" and before "form"
18 therein and inserting in lieu thereof "~~affidavit~~ statement".

19 FURTHER AMEND House Bill No. 403 by inserting after line 38 the following:

20 "Section 2. Amend § 7573, Title 15 of the Delaware Code by making deletions as shown by strikethrough and
21 insertions as shown by underline as follow:

22 (a) Upon receipt of an ~~affidavit~~ statement from an elector pursuant to § 7572 of this title, the municipality shall
23 process the same and confirm that the elector qualifies for an absentee ballot pursuant to § 7571 of this title.

Section 3. Amend § 7578, Title 15 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follow:

c. Open each ballot envelope in such a manner as not to deface or destroy the self-administered ~~affidavit~~ statement thereon or the absentee ballot enclosed and then remove the ballot in such manner as to avoid seeing the markings thereon from the ballot envelope. If there is no ballot in the ballot envelope or if there is more than 1 ballot in a ballot envelope, an absentee election judge shall write the word "REJECTED" and the reason for the rejection on the front of the ballot envelope and then at least 2 absentee elections judges shall initial beside the entries. In the case where there was more than 1 ballot in a ballot envelope, the team shall put the ballots back into the ballot envelope.

Section 4. Amend § 7581, Title 15 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follow:

(a) The ballot of any elector choosing to vote by absentee ballot may be challenged for the same causes and in the same manner as provided in this title for other voters.

(b) In addition, the vote of an absentee voter may be challenged:

(1) On the ground that the ~~affidavit~~ statement filed by the voter in compliance with § 7572 of this title is false; or

(2) On the ground that the self-administered ~~affidavit~~ statement on the ballot envelope is not signed.

Section 5. Amend § 7582, Title 15 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follow:

(a) No vote shall be accepted or counted if:

(1) The ~~affidavit~~ statement of the absentee voter that appears on the front of the ballot envelope is found to have been altered or is not signed; or

(2) The absentee voter is not a duly qualified elector entitled to vote in the municipality;

(3) The ballot envelope is open; or

(4) It is evident that the ballot envelope has been opened and resealed;

(5) It is evident that the ballot envelope has been tampered with or altered.

Section 6. Amend § 7585, Title 15 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follow:

(a) The municipality 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:

(1) The name of elector;

- 54 (2) The address at which the elector establishes eligibility to vote;
- 55 (3) The address where ballot is to be mailed;
- 56 (4) The date the ~~affidavit~~ statement is received by the municipality;”.

SYNOPSIS

This amendment changes the word "affidavit" to "statement" as it appears in the chapter relating to absentee voting in municipal elections. This change is consistent with last year's changes for absentee ballots in state elections.