



SPONSOR: Rep. Shupe
Sen. Lockman

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 93

AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO MUNICIPAL ELECTIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend § 7554, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7554. Voter eligibility.

~~(a)(1) Voter eligibility shall be as specified within the town charter; provided however, that in no event shall a municipality impose a durational residency requirement in excess of 30 days. Except as provided under this section, a person's eligibility to vote in a municipality's election is as specified in the municipality's charter.~~

(2) A municipality may not impose a durational residency requirement in excess of 30 days. A municipality that imposes a durational residency requirement in excess of 30 days is deemed to have a 30 day residency requirement.

(3) A resident of a municipality registered to vote for state elections is registered to vote for the municipality's elections.

~~(b) A municipality that uses~~ shall use the State's Voter Registration System as the source of ~~its~~ the municipality's list of registered ~~voters must~~ resident voters. The municipality shall enter into a written agreement with the Department of Elections that specifies the responsibilities of each party relating to registering voters, maintaining voter records, ~~records,~~ and providing Election Day support. The deadline for voter registration ~~shall~~ must be no more than 30 days ~~prior to any~~ before a scheduled municipal election, and timeliness shall be determined in accordance with election. ~~The timeliness of a registration under this subsection is determined under § 2036(1) and (2) of this title.~~

(c) If a municipality permits voting by nonresidents, the municipality shall maintain the municipality's own voter registration system as the source of the municipality's list of registered nonresident voters. A municipality that maintains its own voter registration system shall publish and post a schedule of when eligible citizens nonresident voters may register to vote. The deadline for voter registration shall must be no more than 30 days prior to any before a scheduled municipal election, and timeliness shall be determined in accordance with election. The timeliness of a registration under this

subsection is determined under § 2036(1) and (2) of this title. The municipality shall provide eligible ~~citizens~~ nonresident voters a reasonable opportunity to register to vote.

(d) ~~Persons~~ A person appearing to vote shall present proof of identity and address. ~~The~~ Except as provided under subsection (e) of this section, the identification ~~shall~~ must be 1 or more of the following items that individually or together show the identity and address of the person:

(1) A current State of Delaware driver's license or ID ~~card~~; card.

(2) A uniformed service ID ~~card~~; card.

(3) Another current photo ID issued by the State of Delaware; U.S. Government; or the voter's person's employer, high ~~school~~ school, or higher education ~~institution~~; institution.

(4) A current utility bill, bank statement, credit card statement, a paycheck or pay advice, or another type of bill or ~~statement~~; statement.

(5) A lease or sales ~~agreement~~; and/or agreement.

(6) Any other documentation that a person can reasonably and commonly accept as proof of identity and address.

(e) Personal recognition by a majority of the Election Officers in the polling place can attest to a voter's identity and address.

Section 2. This Act takes effect immediately and is to be implemented for municipal elections held on or after July 1, 2024.

SYNOPSIS

In January 2021, of the 57 incorporated municipalities in this State, the following 12 municipalities had an agreement with the Department of Elections to use the State's Voter Registration System to determine if a resident of the municipality is eligible to vote in a municipal election: Camden, Delaware City, Dover, Elsmere, Georgetown, Harrington, New Castle, Newark, Smyrna, Townsend, Wilmington, and Wyoming. Since January 2021, the General Assembly has adopted charter changes authorizing Laurel, Lewes, Milton, and Seaford to use the State's Voter Registration System, and Milford adopted an ordinance to do so. The residents of the remaining municipalities are required to register with the municipality before voting in a municipal election.

While some municipalities are exploring ending municipal voter registration requirements, and the General Assembly has authorized some to do so by changing their charter, this Act would do so for all municipalities as it relates to resident voters. A municipality would continue to be required to maintain municipal voter registration requirements for nonresident voters, as those voters would not be included in the State's Voter Registration System.

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.