HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

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:

1   Section 1. Amend § 4509, Title 15 of the Delaware Code by making deletions as shown by strike through and

2   insertions as shown by underline as follows:

3   § 4509. Materials and supplies necessary to conduct the election.

4   (a) ~~The Department~~ The County Director or Deputy County Director of each county office shall furnish the

5   necessary materials, voter information, and supplies ~~necessary to~~ expected to enable conduct of the election to each election

6   district. This shall include all of the following:

7   (1) ~~a~~ A map of the representative district in which the election district is located of sufficient size to clearly

8   show the boundaries of the election districts.

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

10   election.

11   (b) The Commissioner shall prepare a report within 30 days after the certification of each election detailing the

12   number of ballots supplied to each election district, the number of ballots used, and the number of remaining blank ballots.

13   The report shall be delivered to the Governor, the Chief Clerk of the House of Representatives, the Secretary of the Senate,

14   and the Attorney General and posted on the Department of Elections website.

15   Section 2. Amend Chapter 55, Title 15 of the Delaware Code by making deletions as shown by strike through and

16   insertions as shown by underline as follows:

17   ~~§ 5510. Counting procedure for absentee ballots.~~

18   ~~At any time between the Friday before the day of the election and the closing of the polls on an election day,~~

19   ~~absentee election judges within each county, selected by the administrators of the Department in that county, shall count~~

20   ~~absentee ballots at the Department's offices in the county as follows:~~

21   ~~(1) An absentee judge shall select the ballot envelopes in order of the election districts within the county;~~

22   (2) For each ballot envelope, the absentee judges shall ascertain whether a challenge has been made pursuant

23   to this chapter;

24   (3) If a challenge has been made, the BALLOT ENVELOPE shall be marked as "CHALLENGED" and shall

25   be set aside in a secure location for consideration at a later time as provided elsewhere in this title.

26   (4) If no challenge has been made, the absentee judges shall:

27   a. Open the ballot envelopes in such a manner as not to deface or destroy the statement thereon or the

28   absentee ballot enclosed;

29   b. Remove the ballots from the ballot envelopes;

30   c. Determine whether the ballots have been properly completed and/or whether the elector's intent can be

31   determined pursuant to § 4972 of this title;

32   d. Tally any absentee votes that were written-in, or that must be counted by hand pursuant to § 4972 of

33   this title, on absentee vote tally sheets for the election district with whose votes the absentee votes are to be

34   counted; and

35   e. Record the proper notations of such votes in the election records for the election district to which they

36   apply.

37   f. A ballot that a team determines cannot be read by the tabulating equipment or which the tabulating

38   equipment rejects, shall be duplicated as provided for in § 5510A of this title.

39   (5) Once absentee votes have been recorded, an absentee judge shall deposit the voted ballots, rejected ballots,

40   and any absentee vote tally sheet that may have been used, in a carrier envelope for the election district with whose

41   votes the absentee votes are counted; provided, however, that each carrier envelope shall contain absentee ballots,

42   rejected ballots, and tally sheets for no more than one election district and only one carrier envelope shall be filled at a

43   time.

44   (6) Once a carrier envelope is filled, it shall be sealed by an absentee judge. The absentee judge shall sign the

45   absentee judge's name on each sealed carrier envelope, affirming that the absentee judge sealed the envelope and that

46   the envelope contains ballots for the election district to which the envelope is assigned. Each sealed and signed carrier

47   envelope shall be placed in a secure location and held there until such time as it is destroyed or moved for further legal

48   process.

49   (7) The results of the absentee ballots shall not be extracted or reported before the polls have closed on the day

50   of the election.

51   § 5510A. Preparing absentee ballots for tabulation.

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52   (a) Notwithstanding any other provision of this chapter or regulations adopted by the Department, a Department of

53   Elections may open absentee ballots in public meetings beginning the Friday before the day of the election in order to

54   prepare them for tabulation. The Department shall notify each party on the ballot that they may have challengers at the

55   meetings during which the Department opens the absentee ballots. The challengers may challenge ballots as provided

56   elsewhere in this title.

57   (b) The Department shall appoint teams composed of an equal number of Democrats and Republicans to open and

58   duplicate ballots.

59   (c) The teams shall open ballots by election district, check them off against the list of absentee voters, duplicate

60   ballots that the team determines that the tabulating equipment cannot read and then secure the opened and duplicated ballots

61   along with the envelopes in a carrier envelope. The teams shall record the number of the carrier envelope and the election

62   district number on a log sheet that it shall also secure in the same carrier envelope.

63   (d) Teams shall duplicate ballots by marking them according to the voter's intent as shown on the ballot marked by

64   the voter. If a team cannot determine a voter's intent, they consult the director and deputy director for advice and guidance.

65   (e) When duplicating ballots, the teams shall assign the same unique identifier to the ballot that they duplicate and

66   the duplicated ballot. After the team has duplicated ballots for an election district, the team shall put the ballots that the

67   team duplicated in a separate envelope and put it in the carrier envelope for the election district and the team shall put the

68   duplicated ballots with the ballots that the Department shall tabulate on the day of the election.

69   (f) The Department shall secure the carrier envelopes in locked cabinets until opened in a subsequent public

70   meeting to insert additional ballots or to tabulate the ballots on the day of the election.

71   § 5510. Opening and preparing absentee ballots for tabulation.

72   (a) The Department may open ballot envelopes and prepare the ballots for tabulation as set forth in this section in

73   public meetings beginning 30 days before the day of the election. The Department shall notify each party on the ballot that

74   they may have challengers present at the meetings. The challengers may challenge ballots as provided elsewhere in this

75   title.

76   (b) The Department shall appoint teams of election judges to fulfill the duties set forth in this section. No more

77   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

78   ballot envelopes for more than 1 election district at a time.

79   (c) The teams shall select ballot envelopes in order of election districts within the county and check them off

80   against the list of absentee voters. For each ballot envelope, the election judges shall ascertain whether a challenge has been

81   made pursuant to this chapter.

82   (d) Ballots that are not challenged shall then be separated from the ballot envelopes and the ballot envelopes shall

83   be separately stored in a secure location.

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

85   duplicate the ballot as follows:

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

87   b. The team shall duplicate the original ballot by marking the duplicate ballot according to the voter's

88   intent as shown on the ballot marked by the voter. If a team cannot determine a voter's intent, they shall consult

89   the County Director and Deputy County Director for advice and guidance.

90   c. After the team has duplicated any ballots necessary for an election district, the team shall put the

91   original ballots in a separate envelope to be securely stored. The duplicate ballot shall be placed with all other

92   ballots for the same election district for further processing.

93   (2) If a ballot contains a write-in vote, the team shall record the proper notations of such votes in the election

94   records for the election district in which an absentee voter is registered to vote.

95   (e) When a team has completed the steps set forth in subsections (c) and (d) of this section, a team shall scan the

96   ballots for tabulation using the ballot scanning devices located in the county elections office.

97   (f) (1) After the completion of the process set forth in this section, the teams shall secure the ballots in a carrier

98   envelope, seal the carrier envelope, and each member of the team shall sign the member's name on the outside of the carrier

99   envelope, affirming that the team sealed the envelope and that the envelope contains ballots for the election district to

100   which the envelope is assigned. Each carrier envelope must contain absentee ballots for no more than 1 election district and

101   only 1 carrier envelope may be filled at a time. Each signed and sealed envelope shall be placed in a secure location until

102   such time as it is required to be moved or destroyed under § 4980 of this title or other legal process.

103   (2) At the end of every day, and during any pause in the process set forth in this section, all ballots shall be

104   secured in carrier envelopes and be stored in locked cabinets until opened in a subsequent public meeting for the

105   completion of processing under this section.

106   (g) The results of the absentee ballots shall not be extracted or reported before the polls have closed on the day of

107   the election.

SYNOPSIS

This Act makes updates to Title 15 related to the efficient administration of elections.

Section 1 requires that ballots and sufficient materials essential for the administration for each election shall be provided to each polling location on Election Day.

Section 2 revises, consolidates, and clarifies the sections of the Code that address opening and preparing ballots for tabulation. Updates are made to the language to reflect the use of electronic scanning and tabulation machinery rather than written tally sheets. It also clarifies the process for creating a duplicate ballot that can be read by the machine in the event the original ballot is unreadable. For administrative efficiency, the Act extends the time when ballots may be opened and processed to begin 30 days before the election rather than the Friday before the election.Finally, instead of requiring the teams of election judges to be composed of half Democrats and half Republicans, the requirement would now be that no more than half of the members of the team may be registered with any one party. This allows independents or members of smaller parties to participate as election judges but prevents any one party from dominating a team, as a safeguard against fraud. The requirement that ballots may only be opened and processed in public meetings, with challengers present, and that the ballots at all times are securely stored is maintained. The results of the ballots are not permitted to be extracted or reported before the polls have closed on the day of the election