



SPONSOR: Rep. S. Moore

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 2
TO
SENATE BILL NO. 3

AMEND Senate Bill No. 3 by deleting lines 10 through 13 and inserting in lieu thereof the following:

~~“be counted in such election district.”~~ (a) A qualified voter of this State who is duly registered has the right to vote by absentee ballot without an excuse.

(b) When voting by absentee ballot, the following must occur:

(1)a. Except as provided in subsection (c) of this section, an absentee ballot must be requested once for each election cycle.

b. For purposes of paragraph (b)(1)a. of this Section, “election cycle” means the day after the date of the most recent general election through the date of the next general election.

(2) Each absentee ballot must contain an oath or affirmation that the qualified voter’s vote is free from improper influence.

(c)(1) A qualified voter may be granted permanent absentee status if any of the following apply to the qualified voter:

a. Because the qualified voter is in the public service of the United States or of this State, or is a citizen of the United States temporarily residing outside the territorial limits of the United States and the District of Columbia, or is the spouse or dependent of the qualified voter who is residing with or accompanying the qualified voter, or is absent from this State because of illness or injury received while serving in the armed forces of the United States.

b. Because the qualified voter is in the armed forces of the United States or the merchant marine of the United States, or attached to and serving with the armed forces of the United States in the American Red Cross or United Service Organizations.

c. Because the qualified voter is sick or physically disabled.

d. Because the qualified voter is otherwise authorized under the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), 52 U.S.C. § 20301 et seq., as amended, to vote by absentee ballot.

24 e. Because the qualified voter is otherwise authorized by federal law to vote by absentee ballot.

25 f. Because the qualified voter is providing care to the qualified voter's parent, spouse, or child who is
26 living at home and requires constant care due to illness, disability, or injury.

27 (2) For each election in which a qualified voter votes by absentee ballot under a permanent absentee status,
28 the qualified voter shall take an oath or affirmation that the qualified voter remains eligible for permanent absentee
29 status.

30 FURTHER AMEND Senate Bill No. 3 by inserting the following after line 32:

31 Section 3. Amend § 1, Article V of the Delaware Constitution by making deletions as shown by strike through and
32 insertions as shown by underline as follows:

33 § 1. Time and manner of holding general election.

34 Section 1. (a) The general election shall be held biennially on the Tuesday next after the first Monday in the month
35 of November, and shall be by ballot; but the General Assembly may by law prescribe the means, methods and instruments
36 of voting so as best to secure secrecy and the independence of the voter, preserve the freedom and purity of elections and
37 prevent fraud, corruption and intimidation thereat.

38 (b) Early, in-person voting is to occur on 10 calendar days before the date established by law for each of the
39 following elections, including on the Saturday and Sunday immediately before the following elections:

40 (1) The general election under subsection (a) of this Section.

41 (2) A primary election for an office to be decided at the general election under subsection (a) of this Section.

42 (3) A special election which fills a vacancy in the General Assembly.

SYNOPSIS

This Amendment does all of the following:

(1) Clarifies that a qualified voter who is duly registered has an absolute right to vote by absentee ballot without an excuse.

(2) Clarifies that a qualified voter who desires to cast an absentee ballot must request an absentee ballot from the Department of Elections for each election cycle, unless the qualified voter is granted permanent absentee status. This State's current absentee voting law authorizes permanent absentee status for various reasons (see § 5503(k) of Title 15 of the Delaware Code) and this Amendment adopts those reasons.

(3) Clarifies that early, in-person voting for the general election, a primary election, and a special election is to occur on 10 calendar days before the date of the general election, primary election, and special election, including the Saturday and Sunday immediately before the election.