



SPONSOR: Sen. Townsend & Rep. Viola & Rep. Jaques

DELAWARE STATE SENATE  
149th GENERAL ASSEMBLY

SENATE BILL NO. 127

AN ACT TO AMEND TITLE 15 RELATING TO VOTER REGISTRATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Chapter 17, Title 15 of the Delaware Code by making deletions as shown by strike through and  
2 insertions as shown by underline as follows:

3 § 1701. Qualifications for registration as qualified voter.

4 (a) Every applicant for registration shall be a qualified voter in a general or primary election if such applicant is a  
5 citizen of this State of the age of 18 years and upwards, or who will be 18 years old on or before the day of the general  
6 election next succeeding the applicant's registration, and is a bona fide resident of this State. An applicant shall be a  
7 qualified voter in a special election if such applicant is a citizen of this State of the age of 18 years and upwards on the date  
8 of the special election. No person in the military, naval or marine service of the United States shall become a resident of  
9 this State by being stationed in any garrison, barrack or military or naval place or station within this State; and no person  
10 adjudged mentally incompetent, person convicted of a crime deemed by law a felony, or person who shall have been  
11 rendered incapable of voting by reason of violating § 7 of Article V of the Constitution of this State for 10 years next  
12 following that person's conviction and sentence thereunder, shall be a qualified voter. For purposes of this chapter, the term  
13 "adjudged mentally incompetent" refers to a specific finding in a judicial guardianship or equivalent proceeding, based on  
14 clear and convincing evidence that the individual has a severe cognitive impairment which precludes exercise of basic  
15 voting judgment.

16 (b) The Department shall permit registration of any citizen and bona fide resident of this State 16 years of age or  
17 older through the Division of Motor Vehicles as set forth in § 2050(a) of this title, provided that such applicant shall not be  
18 a qualified voter unless qualified under subsection (a) of this section. ~~the person will be 18 years of age or older on or~~  
19 ~~before the day of the general election next succeeding the applicant's registration.~~

SYNOPSIS

This legislation corrects an inadvertent error in Delaware law that has permitted people younger than 18 years of age to vote in final-stage elections. People must be 18 years of age or older to be eligible to vote in a final-stage election such as general elections, special elections, school board elections, and school district referendums. However, people younger than 18 years of age can vote in any preliminary election, such as primary elections, if they will be 18 years of age at the time of the final-stage election.

Author: Senator Townsend