



SPONSOR: Rep. Briggs King & Rep. Jaques & Sen. Hansen &
Sen. Pettyjohn

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 446

AN ACT PROPOSING AN AMENDMENT TO ARTICLE V OF THE DELAWARE CONSTITUTION RELATING TO VOTING, QUALIFICATIONS FOR VOTING, AND FORFEITURE OF RIGHT TO VOTE.

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

1 Section 1. Amend Article V, § 2 of the Delaware Constitution by making deletions as shown by strike through
2 and insertions as shown by underline as follows:

3 § 2. Qualifications for voting; ~~members of the Armed Services of the United States stationed within State;~~ persons
4 disqualified; forfeiture of right.

5 Section 2. Every citizen of this State of the age of ~~twenty-one~~ 18 years on or before the date of the next General
6 Election and a citizen of the United States, ~~provided, however, who shall have been a resident thereof one year next~~
7 ~~preceding an election, and for the last three months a resident of the county, and for the last thirty days a resident of the~~
8 ~~hundred or election district in which he or she may offer to vote, and in which he or she shall have been duly registered as~~
9 ~~hereinafter provided for,~~ shall be entitled to vote at such election in the ~~hundred or election district of which he or she shall~~
10 at the time be a resident, and in which he or she shall be registered, for all officers that now are or hereafter may be elected
11 by the people and upon all questions which may be submitted to the vote of the people; provided, however, ~~that no person~~
12 ~~who shall attain the age of twenty-one years after the first day of January in the year of our Lord, nineteen hundred, or after~~
13 ~~that date shall become a citizen of the United States, shall have the right to vote unless he or she shall be able to read this~~
14 ~~Constitution in the English language and write his or her name; but these requirements shall not apply to any person who by~~
15 ~~reason of physical disability shall be unable to comply therewith; and provided also, that no person in the military, naval, or~~
16 ~~marine service of the United States shall be considered as acquiring a residence in this State, by being stationed in any~~
17 ~~garrison, barrack, or military or naval place or station within this State; and no person adjudged mentally incompetent or~~
18 person convicted of a crime deemed by law felony, or incapacitated under the provisions of this Constitution from voting,
19 shall enjoy the right of an elector; and the General Assembly may impose the forfeiture of the right of suffrage as a
20 punishment for crime. Any person who is disqualified as a voter because of a conviction of a crime deemed by law a felony
21 shall have such disqualification removed upon being pardoned, or after the expiration of the sentence, whichever may first

22 occur. The term "sentence" as used in this Section shall include all periods of modification of a sentence, such as, but not
23 limited to, probation, parole and suspension. The provision of this paragraph shall not apply to (1) those persons who were
24 convicted of any felony of murder or manslaughter, (except vehicular homicide); or (2) those persons who were convicted
25 of any felony constituting an offense against public administration involving bribery or improper influence or abuse of
26 office, or any like offense under the laws of any state or local jurisdiction, or of the United States, or of the District of
27 Columbia; or (3) those persons who were convicted of any felony constituting a sexual offense, or any like offense under
28 the laws of any state or local jurisdiction or of the United States or of the District of Columbia.

29 Section 2. Amend Article V, § 4A of the Delaware Constitution by making deletions as shown by strikethrough
30 and insertions as shown by underline as follows:

31 § 4A. General laws for absentee voting.

32 Section 4A. ~~The General Assembly shall enact general laws providing that any qualified elector of this State, duly~~
33 ~~registered, who shall be unable to appear to cast his or her ballot at any general election at the regular polling place of the~~
34 ~~election district in which he or she is registered, either because of being in the public service of the United States or of this~~
35 ~~State, or his or her spouse or dependents when residing with or accompanying him or her because of the nature of his or her~~
36 ~~business or occupation, because of his or her sickness or physical disability, because of his or her absence from the district~~
37 ~~while on vacation, or because of the tenets or teachings of his or her religion, may cast a ballot at such general election to~~
38 ~~be counted in such election district.~~ The General Assembly shall enact general laws providing the circumstances, rules, and
39 procedures by which registered voters may vote by absentee ballot.

SYNOPSIS

This constitutional amendment removes outdated constitutional language related to voter qualifications. The voting age has been 18 since the 1970's under federal law which superseded state law.

Additionally this constitutional amendment clarifies the General Assembly's authority to enact general laws relating to voting by absentee ballot.