SPONSOR: Rep. Bentz & Rep. Schwartzkopf & Sen. Poore &
Sen. Hansen & Sen. Townsend
Reps. Baumbach, Briggs King, Bush, Chukwuocha,
Cooke, Heffernan, Jaques, Q. Johnson, Kowalko,
Matthews, Mitchell, Osienski, Seigfried, Viola,
K. Williams; Sens. Lockman, Sokola, Sturgeon, Walsh

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

# HOUSE BILL NO. 38

AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO EARLY VOTING.

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 Part IV, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Chapter 54. EARLY VOTING

§ 5401. Applicability.

This chapter applies to the following elections:

(1) A primary election.

(2) A general election.

(3) A special election to fill a vacancy in a statewide office, the General Assembly, or an office covered by Chapter 73 of this title.

(4) An election under Subchapter II of Chapter 75 of this title.

§ 5402. Early voting; designated locations.

The State Election Commissioner shall designate locations at which a qualified voter, duly registered, may vote in-person during at least 10 days before an election, up to and including the Saturday and Sunday immediately before an election.

§ 5403. Designation and publication of early voting locations.

(a) The State Election Commissioner shall designate and publish the early voting locations at least 30 days before an election.

(b) The State Election Commissioner shall only designate a location as an early voting location if it meets the requirements of § 4512 of this title.



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(c) In an election for a statewide office, at least 1 early voting location must be designated in each county, with an additional early voting location in the City of Wilmington.

§ 5404. Hours at designated early voting locations.

(a) The State Election Commissioner shall open the designated early voting locations for at least 8 hours on each day of early voting.

(b) The State Election Commissioner shall close the designated early voting locations no earlier than 7 p.m. on each day of early voting and shall open the designated early voting locations by 7 a.m. on at least 5 of the early voting days.

§ 5405. Procedure for conducting early voting.

Except as otherwise provided under this chapter, the procedure for early voting is as established under Chapter 49 of this title.

§ 5406. Method of early voting.

The State Election Commissioner shall determine whether early voting occurs by voting machine or paper ballot.

§ 5407. Tabulation of early voting ballots.

Early voting ballots must be tabulated at the same time as absentee ballots.

§ 5408. Daily updates of polling records.

The Department of Elections shall establish procedures for daily updates of polling records to ensure the integrity of each election.

Section 2. Amend § 7528, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7528. General provisions.

All of the provisions of this title pertaining to elections, including registration of voters, Chapters 11, 13, 17, 19, 20, 21, and 23, primary elections and nomination of candidates, Chapters 31 and 33, general elections, Chapters 41, 45, 47, 49, 51, 53, 54, 55, and 57, as well as Chapter 50 of this title, shall be applicable to the holding of elections in accordance with this subchapter.

Section 3. This Act takes effect January 1, 2022.

SYNOPSIS

This Act establishes in-person early voting in Delaware beginning January 1, 2022. Registered voters will be allowed to vote in-person during at least 10 days before an election, up to and including the Saturday and Sunday immediately before the election at locations determined by the State Election Commissioner.

This Act also charges the State Election Commissioner with determining whether such voting should occur by voting machine or paper ballot. All other procedures relating to conducting voting are the same as for general election voting. Further, this Act requires that for statewide elections there must be at least 1 in-person polling place in each county, and an additional location in the City of Wilmington.