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Sens. Cloutier, Delcollo, Hansen, Hocker, Lawson, Poore,  
Sokola, Sturgeon, Walsh, Wilson; Reps. Brady,  
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DELAWARE STATE SENATE  
150th GENERAL ASSEMBLY

SENATE BILL NO. 10

AN ACT TO AMEND TITLE 15 RELATING TO VOTER REGISTRATION.

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

Section 1. Amend § 1701, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1701. Qualifications for registration as qualified voter.

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

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

SYNOPSIS

This Act is identical to Senate Bill No. 127 from the 149th General Assembly, which was passed by the Senate and reported out of the House Administration Committee. This Act 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