



SPONSOR: Rep. Brady & Sen. Walsh
Reps. Baumbach, Chukwuocha, Dorsey Walker,
Heffernan, Jaques, K. Johnson, Kowalko, Longhurst,
Seigfried; Sens. Lockman, McDowell, Pardee, Sokola,
Sturgeon, Townsend

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE BILL NO. 175

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

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

Section 1. Amend § 4502(d), Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(d) Absentee ballots and mail ballots may be laid out with candidate names under an office title. If this form is used, party logos shall not be used and the political party of each candidate shall be listed beside or below the name of each candidate. The candidates shall be listed in the order specified in subsection (a) of this section above. Except, that in a primary election the candidates shall be listed in alphabetic order and the political party shall be listed for each office.

Section 2. Amend § 4503, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

The Department shall print or cause to be printed the ballots to be used in the voting machines and print or cause to have printed sufficient absentee ballots and mail ballots for any election conducted by the Department under the provisions of this title.

Section 3. 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 56. VOTE BY MAIL

§ 5601. 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.

§ 5402. Voting by mail. Process.

22 (a) The State Elections Commission shall create an application for a mail ballot to be released at least 45 days
23 prior to the election. Any qualified voter wanting to vote by mail may file this application or any other written request
24 evidencing a desire to vote by mail with the State Elections Commission by mail or in person. A voter's request other than
25 the application must be given the same effect as an application prescribed by the State Elections Commission.

26 (b) The State Elections Commission shall establish procedures for voting by mail. Such procedures must allow:

27 1. Processing and scanning of mail ballots sent to the State Elections Commission by mail ahead of Election
28 Day, but no tabulation until Election Day.

29 2. Dropping off mail ballots at any polling place on Election Day.

30 3. Dropping off mail ballots in a secure drop-box located on the publicly accessible premise of each county
31 Department of Elections office, both on Election Day and before Election Day.

32 Section 4. This Act takes effect January 1, 2022.

SYNOPSIS

 This Act allows any qualified voter evidencing a desire to vote by mail in writing to the State Elections Commission to vote by mail in primary, general, and special federal elections. The State Elections Commission shall administer the program, creating rules and regulations that allow processing and scanning of mail ballots ahead of Election Day without tabulation until Election Day, dropping off mail ballots at any polling place on Election Day and dropping off mail ballots in a secure drop box of each county Department of Elections office before and leading up to Election Day.