



SPONSOR: Rep. Vanderwende & Sen. Wilson  
Reps. Briggs King, Bush, Collins, Dukes, Gray, Hensley,  
Morris, Postles, Ramone, D. Short, Shupe,  
Michael Smith, Smyk, Spiegelman, Yearick; Sens.  
Bonini, Hocker, Lawson, Pettyjohn, Richardson

HOUSE OF REPRESENTATIVES  
151st GENERAL ASSEMBLY

HOUSE BILL NO. 188

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

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

1 Section 1. Amend § 5128, Title 15 of the Delaware Code by making deletions as shown by strike through and  
2 insertions as shown by underline as follows:

3 § 5128. Fraudulent voting; penalty.

4 Whoever, at any general or special election:

5 (1) Falsely personates any elector or other person and votes or attempts or offers to vote in or upon the name  
6 of such elector or other person; or

7 (2) Votes or attempts to vote in or upon the name of any other person whether living or dead or in or upon any  
8 false, assumed or fictitious name; or

9 (3) Knowingly, wilfully or fraudulently votes more than once for any candidate at any election for the same  
10 office; or

11 (4) Votes or attempts or offers to vote in any election district without having a lawful right to vote therein, or  
12 to vote more than once or to vote in more than 1 election district; or

13 (5) Having once voted, votes or attempts or offers to vote again; or

14 (6) Fraudulently delivers or offers to an election officer more than a single ballot; or

15 (7) Knowingly, wilfully or fraudulently does any unlawful act to secure an opportunity for himself or herself  
16 or for any other person to vote, shall be ~~fined not less than \$50 or more than \$200, or imprisoned not less than 30 days~~  
17 ~~or more than 2 years, or both~~ guilty of a class G felony, and shall be fined not less than \$1,000 for a first offense, and  
18 not less than \$2,000 for any subsequent offense, and in addition to the penalty applicable to such felony, shall forfeit  
19 the right of suffrage for 5 years after the date of the conviction.

### SYNOPSIS

This Act makes fraudulent voting a class G felony level crime, with a fine of not less than \$1,000 for a first offense or not less than \$2,000 for a subsequent offense. Upon conviction, the person shall forfeit their right of suffrage for 5 years.

Fraudulent voting includes voting, or attempting to vote, more than once; falsely impersonating another and voting or attempting to vote in the name of such person; or voting or attempting to vote in the name of another person, whether living or dead.