



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

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 189

AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO REQUESTING AN ABSENTEE BALLOT.

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

Section 1: Amend § 5503, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions shown by underline as follows:

§ 5503. Request for ballot; statements for absentee ballots; delivery of absentee ballots.

(a) An elector desiring to vote by absentee ballot in an election for which the elector is a qualified elector may request an absentee ballot from the Department by filing a handwritten or electronically prepared statement with the Department no later than 12:00 noon the day before the election.

(b) A statement may be filed pursuant to this section by mailing it, delivering it, or causing it to be delivered to the Department.

(c) [Repealed.]

(d) Statements filed pursuant to this section shall:

(1) Indicate the election or elections for which the elector is requesting an absentee ballot;

(2) Include at least the following information:

a. The elector's name;

b. The address of the elector's domicile in the State;

c. The address to which the elector requests that the absentee ballot be mailed;

d. The elector's date of birth;

e. The elector's Social Security number (optional);

f. The elector's political party affiliation;

g. The elector's expected location on election day;

h. The reason that the elector cannot appear at the regular polling place for the elector's election district on the day of the election, which shall identify at least 1 of the reasons set forth in § 5502 of this title;

- i. A telephone number, if available, to assist in resolving any challenge;
- j. An e-mail address, if available, to assist in resolving any challenge; and
- k. The elector's signature;

(3) Be subscribed and sworn to by the elector;

(4) Be accompanied by the following forms of valid identification:

- i. Delaware driver's license or state identification card issued by the Division of Motor Vehicles;
- ii. Any photo identification issued by the State of Delaware or its political subdivisions containing the first and last name of the elector;
- iii. A passport issued by the United States containing the first and last name of the elector;
- iv. A United States military photo identification card containing the first and last name of the elector;
- v. Any photo identification issued by a Delaware public school or school district; any private school; university, college, or technical school containing the first and last name of the elector;
- vi. Any photo identification issued by an employer based in Delaware containing the first and last name of the elector;

(5) (4) Be dated during the calendar year in which the election is to be held, provided that when a presidential primary election is scheduled and the date of the presidential primary election is less than 90 days before January 1 in the year in which a President of the United States is to be elected, the statement shall not be dated more than 90 days before the day of the presidential primary election, and further provided that, for special elections conducted pursuant to Chapter 71 of this title, the statement may be dated as of any date after a writ of election has issued; and

(6) (5) Be promulgated by the State Election Commissioner, in consultation with the Department, and personally approved by the Attorney General of the State; provided however, that the Federal Post Card Application or its successor as promulgated by the Federal Voting Assistance Program or its successor shall also be considered an a statement as used in this chapter.

(e) [Repealed.]

(f) If the statement is filed by the elector through mail or by causing it to be delivered to the Department, a clear, visible photocopy of a form of valid identification identified in § 5503(d)(4) must be submitted to accompany the statement. This photocopy will be treated as an original for the purposes of verifying the identity of the elector.

(g) In the event that valid identification identified in § 5503(d)(4) is not included with the statement requesting an absentee ballot, the Department shall make a reasonable attempt to contact the elector to confirm their identity. The Department shall verify an elector's identity by requesting the elector's name, date of birth, last address of record, and the

last four digits of the voter's Social Security number (if applicable). If the elector does not provide the requested information, their statement form shall not be processed, and an absentee ballot shall not be provided.

(h) ~~(f)~~ (1) If the elector does not indicate the election or elections for which the elector is requesting an absentee ballot, it shall be presumed that the statement for the next scheduled election in which the elector is eligible to vote; provided however, that a statement on which the person indicates that the reason the person is requesting to vote by absentee ballot is that the person is temporarily or permanently physically disabled or that the person qualifies under any of the reasons set forth in § 5502(1), (2), (4) or (7) of this title shall be presumed to be for all elections in a calendar year unless otherwise indicated on the statement.

(2) If the Department is unable to determine the election and/or elections for which a person is requesting an absentee ballot, it shall attempt to contact the person in order to determine the person's intent; provided however, that if time is of the essence and the Department is unable to contact the elector, the Department's county director and deputy county director in the county where such person has requested an absentee ballot shall confer and determine the proper course of action.

(i) ~~(g)~~ Statements filed pursuant to this section on which the elector's domicile is different than the address at which the person is registered to vote within the State shall be used to transfer the person's registration.

(j) ~~(h)~~ Statements filed pursuant to this section on which an elector indicates that the elector has legally changed the elector's name shall be taken as authorization to transfer the elector's previous registration information, including the elector's voting record to the new name. The Department shall then use the statement to make the change on the Department's records.

(k) ~~(i)~~ Statements filed pursuant to this section on which a person indicates a change in political party affiliation received during a period in which changes in political party affiliation are closed shall be used to change the person's political party affiliation when the period for changing political party affiliation re-opens.

(l) ~~(j)~~ The Department may adopt a printed or electronic statement form (or both), containing blanks associated with each item required by this section to be listed on a statement, which may be completed by any elector wishing to receive an absentee ballot pursuant to this section. An elector may submit a written or electronic request to the Department for the Department-prepared statement form, which the Department shall forward to the elector upon receipt of a request therefor.

(m) ~~(k)~~ Notwithstanding any other provision of this title, a registered voter eligible to vote by absentee ballot for reasons stated in § 5502 (1), (2), (4), (7) or (8) of this title or because a person's business or occupation is providing care to his or her parent, spouse or child who is living at home and requires constant care due to illness, disability, or injury may

82 apply in writing to the Department for permanent absentee status. The Department shall automatically send an absentee
83 ballot to each person in permanent absentee status for each election in which the person is entitled to vote.

84 (1) The State Election Commissioner shall promulgate instructions that people shall follow to apply for permanent
85 absentee status.

86 (2) Overseas citizen and military voters may apply for permanent absentee status by writing that request in the
87 remarks section of the federal post card application or its successor.

88 (3) The Department shall cancel a person's permanent absentee status upon the return of an absentee ballot or other
89 correspondence sent by first-class mail as undeliverable, the person's death or disqualification, the cancellation of the
90 person's voter registration, the receipt of a written request from the person, or receipt of written notification that the reason
91 that the person has stated for voting by absentee ballot is no longer valid.

92 (4) Persons in permanent absentee status shall keep the Department informed of changes in address, changes in
93 name or changes in the reason that the person has listed for voting by absentee ballot.

94 (5) The Department shall post a list of permanent absentee voters on its web site.

95 (n) ~~(4)~~ Upon request, a registered voter eligible to vote by absentee ballot for reasons stated in § 5502(4) of this
96 title may be sent and may return his or her absentee ballot by electronic transmission in accordance with § 5525 of this title.

SYNOPSIS

This Act codifies what valid forms of identification are to be included with the statement an elector must prepare to request an absentee ballot. It also allows for an elector submitting the statement by mail to include a clear photocopy of one of the valid identification forms with the statement. This Act also calls for the Department of Elections to make an additional attempt to verify the elector's identity if such identification is not included with the statement. If the elector does not provide the verifying information, the Department of Elections will not provide an absentee ballot to the elector.