



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

DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE CONCURRENT RESOLUTION NO. 47

PROPOSING THE FORMATION OF A TASK FORCE TO EXAMINE CURRENT PRACTICES OF COMPILING AND MAINTAINING DELAWARE'S LIST OF REGISTERED VOTERS; EXPLORING OPPORTUNITIES TO INCREASE ACCURACY; AND DELIVERING SUGGESTIONS FOR ACTIONABLE IMPROVEMENTS.

1 WHEREAS, the State of Delaware maintains a list of all registered voters (a.k.a. – voter rolls); and

2 WHEREAS, the accuracy of the voter rolls is essential to ensuring voting rights can be properly exercised; and

3 WHEREAS, improving the accuracy of the voter rolls reduces state costs and improves the efficiency and efficacy
4 of the Delaware Department of Elections; and

5 WHEREAS, the state list of registered voters is often used by state lawmakers, state agencies, and other parties for
6 the purposes of conducting mailings and other public outreach; and

7 WHEREAS, the accuracy of the state's voter rolls has often been found to be lacking, with many mass mailings
8 suffering a high return rate; and

9 WHEREAS, the accuracy of the registered voter list was illustrated last year leading up to the vote-by-mail
10 presidential primary held on July 7, 2020. State Election Commissioner Anthony J. Albence told the House of
11 Representatives on June 18 that his agency had received the return of approximately 55,000 undeliverable ballots of the
12 nearly 544,000 ballots distributed to Delaware voters; and

13 WHEREAS, it is unknown how many mailings using the flawed registered voter list are incorrectly delivered, but
14 not returned; and

15 WHEREAS, the federal National Voter Registration Act (NRVA) contains basic rules and guidelines for
16 maintaining state voter list rolls; and

17 WHEREAS, the NVRA allows states to institute other provisions for the maintenance of voter rolls exceeding the
18 NVRA's requirements, as long as they are uniform and non-discriminatory; and

19 WHEREAS, the State of Delaware has an obligation to maintain the most accurate list of registered voters
20 possible; and

21 WHEREAS, it is prudent to reassess all ongoing state operations periodically to determine if current practices
22 represent the best protocols and to consider any alternatives that may further enhance operational effectiveness.

23 NOW, THEREFORE:

24 BE IT RESOLVED by the Senate of the 151st General Assembly of the State of Delaware, the House of
25 Representatives concurring therein, that the Registered Voter List Improvement Task Force (task force) be formed.

26 BE IT FURTHER RESOLVED that the task force shall consist of the following members:

- 27 1. The State Election Commissioner, or the designee of the person serving in this position.
- 28 2. The director of each county Department of Elections, or the designee of the person serving in each of
29 these positions.
- 30 3. The Director of the General Assembly's Division of Research, or the designee of the person serving in
31 this position.
- 32 4. One member from each caucus of the General Assembly as appointed by the leader of each caucus.
- 33 5. An appointee made by the Director of the Office of Management and Budget familiar with both the state
34 mail system and U.S. Postal Service operations.

35 BE IT FURTHER RESOLVED that the Director of the General Assembly's Division of Research, or the designee
36 of the person serving in this position, will serve as the task force chairperson.

37 BE IT FURTHER RESOLVED that, by majority vote of the 10 members, as previously defined in this resolution,
38 the task force may add ad hoc, non-voting members as needed to provide the expertise needed to complete its task.

39 BE IT FURTHER RESOLVED that ad hoc task force members shall not exceed a total of 4 and that these
40 members shall not be counted in the calculation of a quorum.

41 BE IT FURTHER RESOLVED that 7 members of the task force's 10 members, as previously defined in this
42 resolution, shall constitute a quorum.

43 BE IT FURTHER RESOLVED that, by a simple majority vote of the task force's 10 members, as previously
44 defined in this resolution, the task force may adopt rules to govern its proceedings. If the task force members are unwilling
45 or unable to adopt such rules, or if the rules adopted do not address a situation confronting the task force, Mason's Manual
46 of Legislative Procedure shall be followed.

47 BE IT FURTHER RESOLVED that the task force may meet in a virtual environment, but that all meetings, virtual
48 or actual, be promoted to the public in accordance with the Delaware Freedom of Information Act (Title 29, Chapter 100, §
49 10004).

50 BE IT FURTHER RESOLVED that all task force meetings shall be open to members of the media and the public,
51 in accordance with the Delaware Freedom of Information Act.

52 BE IT FURTHER RESOLVED that the task force should receive staff support from the Division of Research, and
53 other such support as may be needed and requested from among the members of the working group.

54 BE IT FURTHER RESOLVED that that the Division of Research shall guide the task force by doing, at a
55 minimum, all of the following:

56 (1) Setting a date, time, and place for the initial meeting.

57 (2) Notifying the task force members.

58 (3) Supervising the preparation and distribution of task force meeting notices, agendas, minutes, correspondence,
59 and reports. The Division of Research may share these tasks with other support as provided by members of the task force.

60 BE IT FURTHER RESOLVED that the work of the task force should include, but not be limited to, the following:

61 1. Review current practices for compiling the state's registered voter list.

62 2. Examine what information is collected and maintained by the Department of Elections when a citizen
63 registers to vote.

64 3. Review how new voter information, and changes to the information of existing voters, is transmitted from
65 the Delaware Division of Motor Vehicles to the Department of Elections.

66 4. Review how updated information on newly incarcerated felons, and released prisoners, is transmitted
67 from the Department of Correction to the Department of Elections.

68 5. Review how information on deceased voters is transmitted from the Delaware Office of Vital Statistics to
69 the Department of Elections.

70 6. Review any other sources of information shared by state agencies with the Delaware Department of
71 Elections for the maintenance of the state's voter rolls.

72 7. Review the measures the Department of Elections employs to audit its list of registered voters for
73 accuracy, including what data is audited and how often audits are conducted.

74 8. Review the current accuracy of the registered voter mailing list and what metrics are used to determine
75 accuracy, including the percentage of mailings conducted by the Department of Elections that are returned as undeliverable.

76 9. Review the restrictions imposed by state and federal laws regarding the removal of inactive or inaccurate
77 names from the voting rolls.

78 BE IT FURTHER RESOLVED that the task force shall, as its main objective, seek ways to maximize the accuracy
79 of Delaware's register voter list, while observing all federal and state statutes and case law.

80 BE IT FURTHER RESOLVED that the task force shall compile a list of actionable steps that can be taken to
81 maximize registered voter list accuracy.

82 BE IT FURTHER RESOLVED that in instances where the aforementioned actions require legislation to
83 implement, the task force shall draft bills as part of its report that can be circulated for sponsorship and introduced in the
84 Delaware General Assembly.

85 BE IT FURTHER RESOLVED that the task force shall hold its first meeting the month following the passage of
86 this resolution and then meet on an as-needed basis, as determined by the Director of the Division of Research and a
87 majority vote of the quorum of task force's members.

88 BE IT FURTHER RESOLVED that following the completion of the task force report, finalizing and releasing the
89 report shall be contingent on a majority vote of the 10 task force members, as previously defined in this resolution.

90 BE IT FURTHER RESOLVED that the task force shall deliver its report to every member of the General
91 Assembly no later than March 15, 2022.

SYNOPSIS

This concurrent resolution proposes the formation of the Registered Voter List Improvement Task Force. This 10-member group will review current laws and practices associated with compiling and maintaining Delaware's registered voter list. The main objective of the task force will be to suggest methods for improving the accuracy of the list. The task force shall deliver a report containing its findings and recommendations to every member of the General Assembly no later than March 15, 2022. In instances where improvement recommendations will require legislation to implement, the task force shall draft bills that will be included as part of its report.

Author: Senator Wilson