

SPONSOR: Sen. Townsend & Sen. Delcollo & Rep. Bentz & Rep. Baumbach
Sens. Cloutier, Hansen, Hocker, Paradee, Poore, Richardson, Sokola; Reps. Jaques, K. Johnson, Kowalko, Osienski, Seigfried, D. Short, Michael Smith

DELAWARE STATE SENATE
150th GENERAL ASSEMBLY

SENATE BILL NO. 121
AS AMENDED BY
SENATE AMENDMENT NO. 1

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend § 101, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 101. Definitions.

As used in this title:

(9) "Election officers" means the inspector of election, the 2 judges of election and the clerks of election who are appointed for each election district under ~~§ 4701~~ § 4702 of this title.

Section 2. Amend § 2049, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2049. Change of party designation; procedure.

(a) Any duly registered voter may apply to change that registered voter's political affiliation by completing and submitting a voter registration application to the Department except in the year of a general election during the period from the last Saturday in May through the day of the primary election. The application shall be upon a form provided by the Commissioner and shall be signed by the registrant and returned by mail or delivered to the ~~office of the Department.~~ Department. An appropriately addressed envelope shall be supplied by the Department for return of the executed application. Upon receipt of the executed application, the Department shall cause the signature to be compared with the original registration record of such applicant, and if such signature appears to be the same, such change of affiliation shall be made ~~on the original and duplicate~~ in the voter registration records and the applicant shall be immediately ~~notified by mail of the change so made.~~ notified. If the Department is not satisfied as to the signature on the application, the applicant shall be notified by mail to appear at any office of the Department to answer under oath such questions as may be deemed necessary. ~~If the applicant fails to appear as notified, no such change of affiliation shall be made. If the application is made to the registration officers, they shall forward the completed application to the Department at the same time as they forward~~

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~~other registration records at the close of registration, and the Department shall cause appropriate notations thereof to be made upon the applicant's registration record in the applicable County Master File and the applicant's record in the Election System data base.~~

Section 3. Amend § 3002, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3002. Unaffiliated candidates.

(a) No person shall qualify to appear on the general election ballot of this State as a candidate unaffiliated with a political party unless such person fulfills the requirements of this chapter and is so certified by the ~~Department of Elections~~ State Election Commissioner, if a statewide candidate, or the Department ~~of Elections,~~ office for the county where the candidate resides, if not a statewide candidate.

(b) No individual shall be listed as an unaffiliated candidate on any general election ballot unless such individual shall have ~~filed,~~ filed on forms promulgated by the State Election Commissioner, on or before the close of the official business day on September 1 of the general election year, a sworn declaration with the State Election Commissioner, if a statewide candidate, or the ~~Department,~~ Department office for the county where the candidate resides, if a nonstatewide candidate, stating that the ~~nonstatewide candidate is an unaffiliated candidate and~~ candidate has not been affiliated with any political party for at least 3 months prior to the filing of the declaration, as required by this ~~title,~~ title. By September 1 of a general election year, the candidate ~~and shall have filed~~ shall file nominating petitions, as prescribed in this chapter, ~~and~~ signed by not less than ~~1 percent~~ 1% of the total number of voters registered, as of December 31 of the year immediately preceding the general election year in the State, or if a nonstatewide candidate, of those voters ~~eligible~~ registered to vote for that office which such individual seeks.

Section 4. Amend § 3106, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3106. Filing of candidacy for nomination at a primary election; withdrawal.

(a) Any person desiring to be a candidate shall give notice in the following manner:

(2) Candidates for all other offices:

a. All candidates for county or countywide office, members of the General ~~Assembly and/or~~ Assembly, or municipal office for any municipality holding its election at the time of the general election shall notify the county chair, or the county chair's designee, in ~~writing (or~~ writing, or the city chair, or the city chair's designee, if applicable for municipal ~~candidates)~~ candidates, of their respective political party in their county of residence on

forms prescribed by the State Election Commissioner on or before the deadline ~~set forth in~~ under § 3101(1) of this title.

b. At the time of giving notice as required ~~above,~~ under paragraph (a)(2) of this section, each candidate shall tender the required filing fee, if any, by giving a check to the ~~Department,~~ Department office for the county in which the candidate resides, payable to the county committee of the candidate's political ~~party (or~~ party, or city committee, if applicable for municipal ~~candidates),~~ candidates, together with a copy of the notice given to the party chair. At such time, the Department office shall receipt a ~~third~~ copy of the ~~notice, to be provided~~ notice to the candidate.

(b) If any of the filing fees mentioned in subsection (a) of this section are not required, each candidate shall still give notice to ~~the election agency having jurisdiction,~~ the Department office for the county in which the candidate resides, as specified in paragraphs (a)(1) and (2) of this section, and ~~shall receive a receipted copy of the prescribed form.~~ the Department office shall receipt a copy of the notice to the candidate.

(c) Any candidate who has filed for nomination ~~as required above~~ under subsection (a) or (b) of this section may withdraw ~~said~~ the filing by notifying the ~~respective elections agency with whom that~~ Department office with which the candidate filed on forms prescribed by the State Election Commissioner on or before the deadline ~~set forth in~~ under § 3101(2) of this title. ~~The elections agency having jurisdiction~~ The Department office for the county in which the candidate resides shall promptly notify the same political party chair who received the original notice of filing. The political party shall return the candidate's filing ~~fee of the candidate so withdrawing shall be returned to the candidate.~~ fee. ~~In the event~~ If a candidate withdraws after the deadline ~~set forth in~~ under § 3101(2) of this title, ~~such~~ the candidate shall forfeit the filing fee to the political party. ~~In cases where no filing fee was required, any candidate withdrawing after the deadline shall submit to the respective elections agency a check payable to the Treasurer of the State in the amount of $50.~~

Section 5. Amend § 3124, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3124. Ballots for voting ~~machines.~~ devices.

(a) The Department shall cause to be ~~printed~~ created the ballots to be used in any primary ~~election and shall cause the same to be placed in voting machines for the proper district prior to the delivery of the voting machines.~~ election.

(b) The names of all candidates for nomination for the same office ~~shall~~ must be placed under the title of ~~such~~ the office, the surname of candidates to be placed in alphabetical order, and ~~shall~~ may not be separated one from another by any other matter.

Section 6. Amend § 3125, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3125. Department to furnish voting ~~machines,~~ devices, flags, ~~supplies~~ supplies, and instructions for polling places.

For each polling place, the Department shall furnish all of the following:

(1) A flag or poster of suitable size for lettering thereon in at least 3-inch letters with the words POLLING ~~PLACE;~~ PLACE.

(2) A flag of the United States of America no smaller in size than the polling place flag ~~above described in~~ under paragraph (1) of this ~~section;~~ section.

(3) Poll list, ~~stationery~~ stationary, and other such supplies customary and necessary for the use of the officers conducting such primary ~~election;~~ election.

(4) Written instructions and excerpts from those parts of this title as the Department ~~shall deem~~ deems necessary and appropriate to assist the election officers in the proper performance of ~~their duties;~~ the officers' duties.

(5) A proper number of voting ~~machines~~ devices of the type used in general elections, which ~~machines shall~~ devices must be duly inspected, ~~prepared~~ prepared, and certified ~~in the same manner as provided for~~ under ~~Chapter 50~~ Chapter 50A of this title for general elections.

Section 7. Amend § 3126, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3126. Voting to be by voting ~~machines.~~ devices.

In every primary election district in which a primary election is to be held under this chapter, voting ~~machines~~ devices of the type used in general elections, as provided for in ~~Chapter 50 or~~ Chapter 50A of this title, ~~shall~~ must be used to record the votes, and the manner of voting ~~shall~~ must be the same as that set forth in Chapter 49 of this title.

Section 8. Amend § 3172, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3172. Calculation of votes; ties.

(a) The Department shall forthwith calculate the total number of votes cast for each candidate in any contest and certify the candidate or candidates receiving the highest number of votes. ~~In cases of statewide contests, the Department shall report the results to the State Election Commissioner.~~

(e) ~~In the event that~~ If the number of votes separating a candidate and the closest opposing candidate in a primary election is less than ~~1,000 (in~~ 1,000 votes, in the case of a statewide ~~contest) votes~~ contest, or 1/2 of ~~1 percent (in the case~~

~~of any contest)~~ 1% of all votes cast for the 2 candidates, in the case of any other contest, whichever is ~~less;~~ less, the Department shall recount the ~~absentee~~ ballots cast in that election at State expense as part of the canvass of the vote.

Section 9. Amend § 3301, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3301. Certificates of nomination.

(d) The presiding officer and secretary of the county committee of each political party eligible to place candidates on the ballot shall submit a certificate of nomination for candidates for the General ~~Assembly,~~ Assembly and county and municipal offices to the ~~Department:~~ Department office for the county in which the candidate resides, as follows:

(1) For any office for which no candidate has filed in accordance with § 3101 of this ~~title, or~~ title.

(2) For any office for which candidates are selected by the state nominating convention of a minor political party.

(e) ~~In the case of~~ For minor political parties not required to select candidates ~~pursuant to~~ under Chapter 31 of this title, each party shall select ~~their~~ its candidates at the party's state or county nominating convention held on or before August 1 in the year of a general election and shall file the certificates of nomination of the selected candidates within 10 business days of the nominating convention.

(h) The State Election Commissioner shall verify that the nominations of candidates submitted to the State Election Commissioner and the eligibility of each political party to make such nominations conform to the requirements ~~set forth in~~ under this title. The Department offices shall do the same concerning certificates of nomination submitted to ~~it.~~ the offices.

(i) The State Election Commissioner shall forthwith send a copy of each certificate of nomination submitted to the Commissioner to the ~~Department.~~ Department offices. The Department offices shall forthwith send a copy of each certificate of nomination submitted to ~~it~~ the offices to the State Election Commissioner.

Section 10. Amend § 3303, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3303. Time of filing certificates.

Certificates of nomination for statewide office to be filed with the State Election ~~Commissioner or the~~ ~~Department,~~ Commissioner, and certificates of nominations for nonstatewide offices to be filed with the Department office for the county where the nominee resides, as the case may be, ~~shall~~ must be filed before the close of the official business day on or before September 1 of the year of any general election, and if September 1 is a Sunday or legal holiday, then on the next official business day. Certificates of nomination ~~shall~~ must be on the form specified by the State Election Commissioner.

However, when there is a national nominating convention, the nominees from ~~said~~ the national nominating convention ~~shall~~ must be named on a certificate of nomination to be filed before 12:00 noon on the earlier ~~of:~~ of the following:

(1) The Tuesday following ~~said~~ the national nominating ~~convention; or,~~ convention.

(2) September 15 of ~~said~~ the election year.

Section 11. Amend § 3402, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3402. Write-in candidates for a general election.

(c) A person shall declare ~~himself or herself~~ as a write-in candidate for an office by filing a Write-in Candidate Declaration with the State Election Commissioner for a statewide office or ~~to~~ the Department ~~of Elections~~ office for the county in which the election is to be held for General Assembly, ~~county~~ county, or City of Wilmington offices no later than 4:30 p.m. on September ~~30~~ 20 in the year of a general election. If September ~~30~~ 20 is a Saturday, ~~Sunday~~ Sunday, or holiday, the declaration ~~shall~~ must be filed no later than 4:30 p.m. on the next day that is not a Saturday, ~~Sunday~~ Sunday, or holiday. If the boundary of a General Assembly office includes more than 1 county, the person shall file that person's Write-in Candidate Declaration with the Department ~~of Elections~~ office for the county in which that person is a registered voter.

(d) The State Election Commissioner or ~~the Department of Elections for a county~~ Department office for the county in which a person who has filed a Write-in Candidate Declaration is a registered voter shall determine whether ~~a~~ the person ~~who has filed a Write-in Candidate Declaration~~ is eligible to be a candidate for the office for which ~~that~~ the person has filed the ~~declaration.~~ Declaration.

Section 12. Amend § 3403, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3403. Forms.

The State Election ~~Commissioner~~ Commissioner, in collaboration with the ~~Departments of Elections for the counties~~ Department offices, shall promulgate the Write-in Candidate Declaration and the withdrawal form.

Section 13. Amend § 3404, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3404. Write-in candidate lists.

Each ~~department of elections~~ Department office shall issue at least 2 copies of the list of declared write-in candidates for each office on a ballot in the county to the election officers at each election district in the county. The election officers shall post 1 copy of the list in a conspicuous location in the polling place.

Section 14. Amend § 4502, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4502. Form and designation of ballots.

(a)(1) For each election, the party emblem adopted by each political party and its name shall appear on the ballot with the names of its candidates, arranged in line with the titles of the offices for which they are contesting, along with space for the voter to write in the name of any candidate of that voter's choice, as prescribed ~~in § 5005(b)~~ under § 5005A(b) of this title.

(2) In those years in which a President and ~~Vice-President~~ Vice President of the United States are to be ~~elected~~ elected, the ballot ~~shall~~ must be designated "Presidential, ~~Vice-Presidential~~ Vice Presidential, State, ~~County~~ County, and District Ballot"; in other ~~years~~ years, the ballot ~~shall~~ must be designated "State, ~~County~~ County, and District Ballot".

(3) The names of all candidates of any party ~~shall~~ must be placed under the title and device of such party as designated in the certificate filed with the ~~department of elections by such~~ Department by the party's authorized agent ~~or agents~~ or, if none is designated, under some suitable title or device to be selected by the ~~department of elections.~~ Department.

(4) When a President and ~~Vice-President~~ Vice President are to be elected, the names of the candidates for those offices ~~shall~~ must be placed at the top of the list of candidates for all offices to be voted upon.

(5) The device named and chosen and the lists of candidates of the Democratic Party ~~shall~~ must be placed in the first column on the left-hand side of the ballot, of the Republican Party in the second column, and of any other party, and the space for the voter to write in the name of any candidate of that voter's choice for any office, in such order as the ~~department of elections shall decide.~~ Department decides.

(6) The names of unaffiliated candidates ~~shall~~ must appear in alphabetical order, under the heading "Unaffiliated Candidates", after the listing of various political parties.

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

§ 4503. ~~Printing~~ Creating ballots.

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

Section 16. Amend § 4505, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4505. Substitution of candidate's name after ~~printing~~ creation of ballots.

Whenever a supplemental certificate of nomination is filed naming a substitute candidate, as elsewhere provided in this title, the Department shall promptly provide new ~~ballots or, if necessary, pasters. If the new ballots or pasters are received by the Department too late to put them in the voting machines prior to the preparation, sealing and inspection of the machines, then the department shall deliver the necessary number of pasters to the inspectors of the appropriate election districts, who shall see to it that the pasters are placed and maintained on the voting machines and certificates of election.~~ ballots, if there is sufficient time before the election, or take other appropriate measures if there is insufficient time before the election to provide new ballots.

Section 17. Amend § 4506, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4506. Tally sheets.

~~The Department shall furnish 2 copies of write-in vote tally sheets for each election district.~~ [Repealed.]

Section 18. Amend Title 15 of the Delaware Code by transferring § 4516 of Title 15 to Chapter 80 of Title 15, redesignating § 4516 as Section 8045A of Title 15.

Section 19. Amend § 4701, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4701. Appointment; term.

~~(a) The county executive committee of each of the 2 principal political parties shall submit to the Department no later than February 1 of each general election year a list containing the names of 8 registered voters for each election district in the county. The Department shall appoint all election officers, including clerks, from these lists; provided, however, that if the lists are not filed with the Department by February 1 or if the number of names submitted are not sufficient, the Department shall select, notwithstanding paragraphs (b)(1) and (2) of this section, some qualified person or persons shown on its records to be registered to vote in the election district (or in the absence of such persons, the representative district), provided that no more than a bare majority of such persons are members of the same political party.~~

~~(1) The county executive committee of each of the 2 principal political parties may nominate Delaware citizens who are full-time students and who will be at least 16 years of age on or before November 1 in the year of a general election and who will be less than 18 years of age on or before the day of the general election to serve as clerks of election. Such nominations shall be accompanied by an authorization signed by the person's parent or guardian as~~

~~well as the principal of the school the student attends. The authorization shall be on a form promulgated by the State Election Commissioner. The Department may recruit United States citizens who are full-time students and who will be at least 16 years of age on or before November 1, in the year of a general election and who will be less than 18 years of age on or before the day of the general election to serve as clerks of election. Persons recruited by the Department shall present an authorization, on the form promulgated by the State Election Commissioner, to the Department prior to being appointed. Notwithstanding any law or regulation to the contrary, the Department may appoint no more than 2 persons under the age of 18 as clerks in any Election District where 2 or fewer voting machines are assigned. In Election Districts where 3 or more voting machines are assigned, 1 person under the age of 18 may be appointed as a clerk for each voting machine assigned. Persons nominated by a political party on or before February 1 in the year of a general election shall be given priority over persons recruited by the Department unless such persons demonstrate that they are unable or unwilling to perform election officer duties. The State Election Commissioner, after consultation and coordination with the Department, shall promulgate the nomination form for the purpose of this subsection no later than January 1, 2004.~~

~~(2) Notwithstanding any law or regulation to the contrary, the Department may appoint Delaware residents who are registered voters and who are enrolled as at least half-time students in colleges or universities within the respective county as election officers for that county. College or university students recruited by the Department and who will be less than 18 years of age on or before the day of the general election shall present an authorization signed by a faculty member or dean of the school they attend, on the form promulgated by the State Election Commissioner, to the Department prior to being appointed.~~

~~(b)(1) During the month of April in each general election year, the Department shall appoint for each election district in its county 1 inspector; 2 judges of election, 1 from each of the 2 principal political parties; and 2 clerks of election, 1 from each of the 2 principal political parties, provided that where the election district has fewer than 100 voters of a principal political party, the Department may appoint such party's clerk or clerks of election from a different election district within the same representative district. The terms of the inspectors, judges, and clerks of election shall extend from the day of their appointment to April 1 of the next general election year.~~

~~(2) Whenever an election district is to be provided more than 1 voting machine, 2 additional clerks, 1 from each principal political party, shall be appointed for each additional voting machine. These additional appointments shall be made in April whenever the number of additional voting machines is known to the department. Subsequent additional appointments shall be made as soon as practicable after the department determines the need for additional voting machines in an election district.~~ [Repealed.]

Section 20. Amend § 4702, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4702. Appointment of ~~additional~~ election officers.

The Department may appoint ~~such additional~~ election officers to serve ~~as machine operators, greeters or for other purposes deemed necessary to facilitate the operation of polling places.~~ in the polling places.

Section 21. Amend § 4902, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4902. Absence of election officer on election day; notice to ~~department.~~ Department.

If on the day of holding an election any election officer authorized by law to serve at the election in any election district ~~shall be~~ is absent from the place of election at 7:00 a.m., the inspector, if present, or, in the absence of the inspector, then any judge who may be present, shall immediately notify the Department office in that inspector's or judge's county of ~~such~~ the absence.

Section 22. Amend § 4910, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4910. Instruction sheets; sample ballots.

(a) The State Election Commissioner, in collaboration with the ~~Department,~~ Department offices, shall design a poster or posters that ~~will be~~ is uniform throughout the State. The poster or posters ~~shall~~ must be publicly displayed in each polling place on the day of the election. The poster or posters ~~shall~~ must contain all of the following information:

(1) Information stating the date and hours during which the polling place will be ~~open;~~ open.

(2) Instructions on how to vote, including how to cast a vote and how to cast a provisional ~~ballot;~~ ballot.

(3) A statement on the importance of verifying that the markings on the voting device-printed paper ballot reflect the voter's intended choices, and instructions on what steps to take if the paper ballot does not reflect the voter's actual choices.

~~(3)~~ (4) Instructions for mail-in registrants who are first-time voters under § 303(b) of the Help America Vote Act of 2002 ~~[52 U.S.C. § 21083(b)];~~ [52 U.S.C. § 21083(b)].

~~(4)~~ (5) General information on voting rights under applicable federal and state laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been ~~violated; and~~ violated.

~~(5)~~ (6) General information on federal and state laws regarding prohibitions on acts of fraud and misrepresentation.

Section 23. Amend § 4912, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4912. Procedure prior to opening of polls.

(a) The election officers of each election district shall ~~attend~~ arrive at the polling place ~~three quarters of an~~ 1 hour before the time set for opening of the polls and shall ~~proceed to arrange the furniture, stationery and voting machine~~ prepare the polling place for the conduct of the election. ~~If not previously collected, the election officers shall collect from the department of elections a list of voters who have voted by absentee ballot and shall maintain the same at the polling place.~~ The election officers shall ~~cause to be posted~~ post conspicuously within the polling place an instruction poster and 2 sample ballots. ~~They shall see that the light for the voting machine is in good order and that it is lighted, if that is necessary, in order that the names upon the ballot shall be clearly visible. They shall inspect the screen, hood or curtain of the machine to make certain that it has not been damaged or tampered with so as in any manner to lessen or endanger the secrecy of voting. They shall see to it that no mirror is placed or allowed to remain in such a position so as to permit a view of any part of the front, sides or top of the voting machine.~~

(b) ~~The 2 voting machine certificates shall be delivered to the election officers at least three quarters of an hour before the time set for the opening of the polls. Section 1 of the voting machine certificates shall list the serial number, ballot number, machine case seal number, printer door number and the protective counter number for each voting machine assigned to the election district. Each election officer shall witness and verify that the numbers listed on the voting machine certificates are the same as the voting machine serial number, machine case seal number, printer door seal number, ballot number and protective counter number on the voting machine. If a number is different, the inspector shall strike through the number, enter the appropriate correction and initial the entry on each of the certificates. At the completion of this comparison, each election officer shall sign in the appropriate place in section 1 of each of the voting machine certificates.~~ The election officers shall verify that the correct devices are in the polling place and that the serial numbers match the numbers on the certificate provided by the Department. The election officers shall report any irregularities with the devices to the Department office in the county where the voting device is located.

(c) The election officers shall observe the opening of the polls procedure for each voting ~~machine assigned to the election district.~~ device and ensure that the public counts and the card counts are zero. ~~If the light in the polls ready to open box on the officer's control panel is in any other but the top position prior to the inspector pressing the open polls button, stop the procedure and contact the Department of Elections. The machine cannot be used. If, during the opening of the polls procedure, the paper tape shows "error all counters not zero," stop the procedure and contact the Department of Elections. The machine cannot be used. At the conclusion of the open polls procedure for each voting machine assigned to the election~~

~~district, each election officer signs the paper tape. After the last election officer signs the paper tape, the inspector will close the write-in window.~~

Section 24. Amend § 4932, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4932. Location of election officers within voting room; location and care of voting ~~machine.~~ device.

~~The election officer attending the machine shall inspect its face after each voter has cast a vote to make certain the ballots on the face of the machine are in proper condition and that the machine has not been harmed in any way. If it shall become necessary for a representative of the Department to open the printer door or to open the printer door and remove the ballot cover and/or ballot in order to repair a voting machine that cannot be repaired otherwise, a statement to that effect shall be entered on the reverse side of each copy of the voting machine certificate. The statement shall be signed by the inspector and the departmental representative. Upon completion of the repair, the inspector shall close and seal the printer door and record the new seal number on the reverse side of the voting machine certificate.~~ [Repealed.]

Section 25. Amend § 4972, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4972. Rules regarding what constitutes a legal vote.

(a) Votes cast on a ~~direct recording electronic~~ voting ~~machine shall be considered~~ device are legal votes once the voter has taken the necessary action or actions to cast a ballot. A voter who has cast a ballot on a ~~direct recording electronic~~ voting ~~machine shall~~ device may not be permitted to cast a second ballot under any circumstances. The paper ballot reflecting the voter's choices is the legal ballot of record.

(b) Votes cast at any election on voter-marked paper ballots ~~shall~~ must be counted for whom ~~they~~ the votes are intended as far as can be ascertained by the marks on the ballot. The following rules ~~shall~~ must be observed in determining those votes on paper ballots that ~~shall~~ must be counted:

(1) The voter shall mark the ballot for the voter's selections ~~by placing a distinct mark in the box at the right of the name of the candidate and or response to a question for which the voter wants to vote;~~ as instructed.

(2) Where a voter indicates the voter's own selections in a manner not in accordance with paragraph (b)(1) of this section, the election officers shall attempt to determine from the marks on the ballot the candidate or response that the voter intended to ~~select;~~ select.

(3) If it is not possible to determine a voter's choice for an office or response to a question, the ballot ~~shall~~ may not be counted for that office or question but ~~shall~~ must be counted for all other offices and questions on the ballot where the voter's intention can be ~~determined;~~ determined.

(4) A voter may only vote for 2 or more choices for any office or question when specifically instructed on the ballot that it is ~~allowable;~~ allowable.

(5) Where a voter is permitted to make more than 1 choice for candidates and or responses to a question, the voter may make fewer than the allowable number of ~~choices;~~ choices.

(6) If a ballot is marked for more names or responses than are permitted, it ~~shall~~ must not be counted for that office or question, but it ~~shall~~ must be counted for all other offices or questions on the ballot in accordance with ~~these rules;~~ the rules under this section.

(7) If a ballot has been defaced or torn so that it is impossible to determine the voter's choice for 1 or more offices or questions, it ~~shall~~ must not be counted for ~~such~~ the offices or questions but ~~shall~~ must be counted for all other offices and questions where the voter's choice or choices can be ~~determined;~~ determined.

(8) The misspelled, ~~incomplete~~ incomplete, or minor variation of the name of a declared write-in candidate for an office ~~shall~~ must be counted if the name as written bears a reasonable resemblance to the declared candidate's name and no other declared write-in candidate for the office has a name so similar to the name as written as to leave a reasonable doubt as to the voter's intention. Additionally, writing in the last name of a declared write-in candidate ~~shall constitute~~ constitutes a valid vote unless there are 2 or more candidates for that office with the same last ~~name; and~~ name.

(9) Writing in the name of either candidate for President or ~~Vice President shall constitute~~ Vice President constitutes a valid vote for the slate.

Section 26. Amend § 4975, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4975. Removing the results from the voting ~~machine~~ device or ~~machines~~ devices and dispatching the ~~memory cartridge or cartridges to the zone reporting station.~~ voted paper ballots in a secured container and the media containing the election results to the Department.

(a)(1) After the polls have closed and the last voter has finished voting and exited the polling place, the inspector shall ~~verify that each voting machine has been deactivated.~~ close and secure each voting device as instructed and complete the required documentation. ~~The election officers shall then copy the protective counter number from each voting machine assigned to the election district onto section 3 of each of the voting machine certificate or certificates.~~

(2) After the polls have closed, the election officers shall produce a report of the write-in votes.

(b) After the polls have ~~been closed on a voting machine, the officers shall remove the paper tape containing the results and the memory cartridge from the voting machine.~~ closed, the election officers shall remove the ballot container and the media containing the election results from each voting device and deliver them to the Department as instructed.

(c) ~~After the memory cartridge or cartridges have been removed from each voting machine assigned to the election district, the inspector shall place said memory cartridge or cartridges into the envelope designated for the memory cartridge or cartridges and seal the envelope. The inspector shall give the envelope to the election officer assigned to deliver the memory cartridge or cartridges to the zone reporting station. The inspector shall then enter the date and time in section 2 of each of the voting machine certificates and direct the said election officer to sign section 2 of each of the voting machine certificates. The inspector shall then dispatch the said election officer with the envelope containing the memory cartridge or cartridges to the zone reporting station listed on the envelope containing the memory cartridge or cartridges. The election officer assigned to take the memory cartridge or cartridges to the zone reporting station shall depart the polling place immediately and go directly to the zone reporting station listed on the envelope containing the memory cartridge or cartridges. Upon arriving at the said zone reporting station, the said election officer shall give the envelope to a designated representative of the State Election Commissioner.~~ [Repealed.]

(d) ~~After the election officer assigned to deliver the memory cartridge or cartridges to the zone reporting station has departed the polling place, each remaining election officer shall sign each copy of every paper tape removed from a voting machine assigned to the election district.~~ [Repealed.]

(e) ~~After every copy of every paper tape has been signed, the inspector will separate the copies of each tape by cutting at the "cut here" line. The first copy of each paper tape (the copy with the zero count certification) shall be placed into the Prothonotary envelope and the first extra copy of each tape shall be placed into the Department of Elections envelope.~~ [Repealed.]

Section 27. Amend § 4976, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4976. Counting of write-in votes.

~~(a) After the paper tapes have been separated and placed in envelopes, the inspector shall remove the 1st copy paper tape or tapes (with zero count certification) from the Prothonotary envelope.~~

~~(b) The inspector shall then proceed to read distinctly each office voted for, starting from the top of each paper tape, and the names of the persons for whom votes were cast. If the name of the person voted for is not clear, the inspector and 2 judges shall examine the paper roll and determine, by majority vote, if necessary, the name to be entered on the write-~~

~~in vote tally sheet. The judge of the opposite political party shall stand or sit with the inspector while the inspector reads off the write-in votes to verify the votes cast.~~

~~(c) Two clerks shall account on separate Write-in Vote Tally Sheets for each write-in vote for an office for a candidate on the ballot for that office, a declared write-in candidate for the office or for all other write-in votes for the office as "Other Write-in Candidates."~~

~~(d) After the counting is completed, the clerks shall compare their tallies and add up the number of votes cast for each person in the presence of the inspector and judges. They shall then announce the names of the persons voted for and the total number of votes cast for each person. The first copy paper tape (with zero count certification) from each voting machine assigned to the election district shall be placed in the envelope and shall be delivered to the Prothonotary.~~ [Repealed.]

Section 28. Amend § 4978, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4978. Securing the voting ~~machine,~~ device, voting ~~machine certificates~~ device certificates, and tally sheets.

~~(a) After the write-in votes have been tallied, the inspector shall close the printer door and apply a seal to the printer door for each voting machine assigned to the election district. The inspector shall record the seal number on each of the voting machine certificates.~~

~~(b) After placing the curtain, absentee entry device and any other materials designated by the Department in the base of the voting machine, the inspector shall fold up the voting machine and apply a seal to the voting machine case. The inspector shall record the seal number on each of the voting machine certificates. The inspector shall repeat this procedure for each voting machine assigned to the election district.~~

~~(c) The election officers present shall sign all copies of the write-in vote tally sheets and section 3 of the voting machine certificates.~~

~~(d) The inspector shall place 1 copy of the voting machine certificate and write-in vote tally sheet in the envelope to be delivered to the Prothonotary and 1 copy of each of the said documents in the envelope to be delivered to the Department of Elections immediately following the closing of the polling place.~~ [Repealed.]

Section 29. Amend § 4979, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4979. Delivery of certificates, election records and supplies, voting ~~machines~~ devices, and absentee ballot boxes.

~~(a) After the close of the election, the inspector shall deliver an envelope containing the first copy of the paper tape (with "zero count" certification) from each voting machine in the election district, 1 copy of the voting machine certificate,~~

~~1 copy of the write-in vote tally sheet, if any, to the Prothonotary of the Superior Court for that inspector's county. The Prothonotary shall, on the second day following the election at 10 a.m. present said envelope to the Court. If the inspector of any election district dies or is prevented by sickness or accident from delivering the above-mentioned items to the Prothonotary the night of election day, the Prothonotary and/or the Department shall obtain the envelope from that inspector as soon as practical. The same shall apply to all envelopes, documents, poll lists, election records and supplies that the inspector is obligated to return to the Department following the close of the polls.~~

~~(b) At the end of the day of election, each inspector shall deliver to the office of the department of elections of the inspector's county these items:~~

~~(1) An envelope containing 1 copy of the paper tape with results from each voting machine in the election district, 1 copy of the voting machine certificate and 1 copy of the write-in vote tally sheet;~~

~~(2) Poll list;~~

~~(3) Oaths (or affirmations) signed by the election officers;~~

~~(4) The book, or books, of original permanent registration records provided as the Election District Record;~~

~~(5) All voter signature cards provided by the department;~~

~~(6) All tally sheets;~~

~~(7) All other supplies provided by the department, including the flag of the United States of America and the polling place flag.~~

~~(c) All certificates, poll lists, oaths (or affirmations), voter signature cards, tally sheets and other records of the election shall be filed in the department of elections for not less than 1 year following the election and shall be public records and, as such, admissible in evidence.~~ [Repealed.]

Section 30. Amend § 4980, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4980. Return and custody of voting ~~machines and keys.~~ devices, media containing election results, and ballot container.

(a) Immediately after the election, and within the 2 days immediately following the day of election, ~~the voting machines and absentee ballot boxes shall~~ all voting materials, including the voting devices, media containing the election results, and secured containers of voted paper ballots, must be stored in ~~some~~ a safe and secure place provided by the ~~department of elections.~~ Department. While the board of canvass is conducting its canvass of the vote, ~~the machines and ballot boxes shall~~ all voting materials must be in the custody of the Prothonotary. While in the Prothonotary's custody, ~~the~~

~~voting machines and the absentee ballot boxes~~ the voting materials may be ~~opened and~~ examined by order of the board of canvass or any other court of competent jurisdiction.

(b) After the board of canvass has completed its canvass of the vote, the Prothonotary shall turn custody of ~~the voting machine and absentee ballot boxes over to the department of elections.~~ the voting materials over to the Department. The ~~department~~ Department shall leave the ~~ballot boxes~~ voted paper ballots and all documentation extracted from the media containing the election results undisturbed and locked ~~until the following February 1.~~ for 22 months after the day of the election. During this period, the ~~ballot boxes may be opened for inspection~~ voted paper ballots and all documentation extracted from the media containing the election results may be inspected by any duly authorized member or agent of the General ~~Assembly or~~ Assembly, the Attorney ~~General.~~ General, or the Department for the purpose of conducting an audit under § 5012A of this title. ~~After February 1 the department shall be free to unlock, clean out, inspect and repair any absentee ballot box.~~

Section 31. Amend § 4981, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4981. Duties of ~~department of elections~~ Department and State Election Commissioner following an election.

(a) Immediately following an election, the ~~State Election Commissioner shall take each voter signature card and through electronic means, note that the voter participated in the election on the election district record.~~ Department shall upload all updated voter history from the electronic poll books to the State's voter registration system.

(b) ~~Voter signature cards and all other forms and records not of a permanent nature, which are used in the conduct of an election, shall be retained by the department for not less than 1 year following the election. The Commissioner may require that the department send the voter signature cards used in the election to the Commissioner to carry out the Commissioner's own duties under this section. In such event, the Commissioner shall return the voter signature cards to the department not more than 6 months following their delivery to the Commissioner.~~ [Repealed.]

Section 32. Amend § 4991, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4991. Process.

(a) The person making a complaint under this subchapter shall submit the complaint to the State Election ~~Commissioner or the Department.~~ Commissioner. The complaint ~~shall~~ must be in writing, ~~notarized~~ notarized, and signed and sworn to by the person making the complaint.

(b) If ~~the~~ a Department office receives ~~such~~ a complaint, it shall forward it to the State Election Commissioner on the same business day that it is received.

Section 33. Amend Title 15 of the Delaware Code by deleting Chapter 50 in its entirety.

Section 34. Amend § 5000A, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5000A. ~~Use in lieu of voting machines.~~ Electronic voting system use.

In any general, ~~special~~ special, or primary elections, an electronic voting system ~~may alternatively be used in lieu of a voting machine as required by Chapter 50 of this title so long as the voting system complies~~ must be used and must comply with the requirements of this chapter.

Section 35. Amend § 5001A, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5001A. Requirements.

(a) ~~Any~~ An electronic voting system may be adopted, ~~purchased~~ purchased, or used ~~which shall be so constructed as to fulfill~~ if it meets all of the following requirements:

(1) Each voting device ~~shall~~ must have a serial number permanently attached to or stamped to the ~~device;~~ device.

(2) ~~It shall secure~~ Secure to the voter secrecy in the act of voting for or against as many questions as may be ~~submitted;~~ submitted.

(3) ~~It shall permit~~ Permit the voter to vote for the candidates of 1 or more parties, or to write in the name or candidate of the voter's choice for any ~~office;~~ office.

(4) ~~It shall permit~~ Permit the voter to vote for as many persons for an office as the voter is lawfully entitled to vote for, and the automatic tabulating equipment used in such electronic voting systems shall reject choices recorded on any ballot card or any voting device if the number of such choices exceeds the number to which a voter is ~~entitled;~~ entitled.

(5) ~~It shall prevent~~ Prevent the voter from voting for the same person more than once for the same ~~office;~~ office.

(6) ~~It shall permit~~ Permit the voter to vote for or against any question the voter may have the right to vote upon, but no ~~other;~~ other.

(7) ~~It shall permit~~ Permit each voter in primary elections to vote only for the candidates of the party with which the voter has declared that voter's own affiliation, and preclude the voter from voting for any candidate seeking nomination by any other political ~~party;~~ party.

(8) ~~It shall correctly~~ Correctly record and accurately count all votes cast for any and all candidates of a political party, and for or against any and all questions, and correctly record the names of all candidates written in by ~~votes;~~ votes.

(9) ~~It shall be~~ Be provided with means for sealing the vote recording devices to prevent its use and to prevent tampering with ballot labels, both before and after the polls are open or before the operation of the vote recording device for any election is begun and immediately after the polls are closed or after the operation of the vote recording device for an election is ~~completed;~~ completed.

(10) ~~If individual paper ballots are used, the paper ballot shall include a serialized stub number for each ballot issued to a voter to be retained by the poll worker which will show at all times during any election a total number of persons who have voted.~~ [Repealed.]

(11) ~~It shall be~~ Be so equipped that it shall prevent the voter from voting for all the candidates of 1 party by the use of a single mark, punch or other action; however, it shall be provided with a device or method for each party, for voting for all presidential electors of that party by 1 mark, punch or other action.

(b) ~~Every voting device or booth shall be provided with a means of providing sufficient light to enable voters while in the voting booth to read the ballots or ballot labels.~~ All voting devices used in any election ~~shall~~ must be provided with side curtains and front shield to ~~insure~~ ensure that no person can see or know for whom any voter has voted or is voting.

(c) A voting device or system purchased by the State must be certified by the United States Election Assistance Commission, or designated federal authority, as meeting or exceeding the voluntary voting systems standards or guidelines as promulgated by the United States Election Assistance Commission, or designated federal authority, before delivery to and acceptance by the State.

(d) The Department shall prepare a plan that enables a voter to cast a ballot if every voting device in the polling place fails and consequently a voter is unable to vote on a voting device in the voter's polling place.

Section 36. Amend § 5004A, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5004A. Number of voting devices per election district.

(a) In general elections, ~~the polling place for every election district shall be supplied~~ the Department shall supply each polling place with at least 1 voting device for every ~~600~~ 650 registered voters or majority fraction thereof.

(b) In primary and special elections, ~~the polling place for every primary voting district or election district shall be provided~~ the Department shall supply each polling place with at least 1 voting ~~machine~~ device for every ~~750~~ 800 registered voters or majority fraction thereof.

Section 37. Amend § 5005A, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5005A. Printing of ballots; distribution of ballots.

(a) ~~Ballots shall be printed in black ink on white material of such size as will fit the ballot frame used for all elections and shall be secured in the ballot frame to make tampering or removal difficult.~~ [Repealed.]

(b)(1) ~~The party emblem which has been duly adopted by such party in accordance with law and the party name or other designation for each political party represented on the voting device shall appear on the ballot if space and layout permits.~~ The party emblem which has been duly adopted by a party in accordance with law and the party name or other designation for each political party represented on the device must appear on the ballot.

(2) The titles of offices may be arranged horizontally, with the names of candidates for an office arranged vertically under the title of the office, or the titles of offices may be arranged vertically, with the names of candidates for an office arranged horizontally opposite the title of the office, each office to occupy as many columns or rows on the voting device as the number of candidates to be elected to that office.

(3) Except as otherwise provided under this chapter, the names of all candidates nominated by a party for an office must always appear in the row or column containing generally the names of candidates nominated by the party for other offices.

Section 38. Amend § 5006A, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5006A. Number of official ballots to be furnished.

~~If required by the voting system, the department shall provide and furnish 110 official ballots per 100 registered voters.~~ [Repealed.]

Section 39. Amend § 5007A, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5007A. Substitute ballots.

~~If the official ballots for an election district are not delivered in time for use on election day or after delivery shall be lost, destroyed or stolen, the department shall cause other ballots to be prepared, printed or written as nearly as may be of~~

~~the form and description of the official ballots, and the department shall cause the ballots so substituted to be used at the election in the same manner, as nearly as may be, as the official ballots would have been.~~ [Repealed.]

Section 40. Amend § 5008A, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5008A. Preparation of voting devices.

(a)(1) The ~~department of elections~~ Department shall cause sufficient voting devices to be delivered to the proper polling places ~~prior to~~ before the time appointed for the election officers to report for duty.

(2) The Department shall certify that each voting device to be used in an election has been properly prepared and ~~inspected.~~ inspected by doing all of the following before each primary and general election:

a. Confirming that the most recent federally-approved software is installed.

b. Checking accuracy by doing the following:

1. Simulating voting by entering sample votes on the voting device.

2. Counting by hand the votes on each paper ballot from the voting device and comparing the paper ballot totals to the totals kept by the voting device electronically

(b) The Department shall mail written notices to the State Chairperson of each party with candidates listed on the ballot, stating the time and place at which the voting device will be inspected. The State Chairperson of each such political party may designate ~~one~~ 1 representative to be present during the inspection.

(c) The ~~board of elections~~ Department shall designate at least 2 representatives of opposite political affiliation, other than the person preparing the ~~devices:~~ voting devices, to do all of the following:

(1) ~~To inspect each device to make certain it is in good working order and that the proper ballot labels have been placed in it;~~ Certify the numbers on the voting devices and the election districts for which they are designated.

(2) ~~To examine and/or test each voting position for proper registration;~~ Certify that all voting devices are in proper working condition.

(3) ~~To certify such inspections and testing upon a record provided by the department.~~ Certify that the voting devices are properly sealed.

(d) ~~The Department shall cause all ballot cards, if used by the voting system, to be sealed in a metal transfer carrier and the seal number recorded. Two representatives of the Board of Elections, of opposite political affiliation, shall examine each voting device and insure that each voting device is sealed with the numbered seal as required. They shall:~~

~~(1) Certify the numbers on the voting devices and the election districts for which they are designated;~~

~~(2) Certify that all voting devices are in proper working condition;~~

~~(3) Certify that the voting devices are properly sealed; and~~

~~(4) Certify that the correct ballot has been properly secured in the voting device.~~ [Repealed.]

(e) The Department shall ~~have the automatic tabulating equipment used in mark sense or punch mark tabulation tested~~ test all voting systems to ascertain that ~~it~~ the voting systems will accurately count the votes cast for all offices and on all questions. Public notice of the time and place of the test ~~shall~~ of both the voting device system and the absentee ballot system must be published and a test must be conducted within ~~5~~ 10 days ~~of~~ before the election. ~~The tabulating equipment shall pass the same test at the conclusion of the count before the election returns are approved. Two representatives of the Board of Elections, of opposite political affiliation, shall certify that this has been done.~~

(f) The certification required by this section ~~shall be~~ is a public record ~~in the office of the department of elections.~~ and must be available at the Department.

(g) The ~~department~~ Department shall require that all persons with custody of the voting devices, either for delivery or storage before and after the election, shall ~~insure~~ ensure the voting devices' safety and protection.

Section 41. Amend § 5010A, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5010A. Inoperative voting devices.

If during the conduct of an election a ~~vote recording~~ voting device becomes inoperative, the election officers shall seal it in such manner as to prevent further voting thereon. The ~~department~~ Department shall maintain and hold in readiness a reasonable number of extra voting devices to be supplied to election districts where a voting device has become inoperative, and the ~~department~~ Department shall take reasonable steps to ~~insure~~ ensure rapid delivery in such event.

Section 42. Amend § 5011A, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5011A. Voting device curtains; absentee voting.

~~Side curtains on all voting devices shall be securely fastened before being used in any election. An electronic voting system providing a method of voting absentee utilizing a ballot card may be used for all absentee voting providing it meets all requirements of the law.~~ [Repealed.]

Section 43. Amend § 5012A, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5012A. Audits; audit discrepancy procedure.

(a) For purposes of this section, “audit” means counting by hand the votes on each paper ballot from a voting device and comparing the paper ballot totals to the totals kept by the voting device electronically.

(b) Within 48 hours of the certification of the results of the primary and general elections, and school board elections conducted under Title 14, the Department shall audit the results of 1 randomly selected voting device in each county and 1 randomly selected election district in the City of Wilmington.

(c) Within 60 days of the certification of the results of the primary and general elections, and school board elections conducted under Title 14, the Department shall conduct an audit of all such elections, as follows:

(1) The Department shall audit all results of 1 randomly selected election district in each county and 1 randomly selected election district in the City of Wilmington. An election district selected for audit under this paragraph (c)(1) of this section must be different than the election districts selected under subsection (b) and paragraph (c)(2) of this section.

(2) The Department shall audit the results of 1 randomly selected election district in each county and 1 randomly selected election district in the City of Wilmington in 1 randomly selected statewide race. An election district selected for audit under this paragraph (c)(2) of this section must be different than the election districts selected under subsection (b) and paragraph (c)(1) of this section.

(d) The Department shall conduct an audit under this section in public.

(e) Within 60 days of an audit under this section, the Department shall do all of the following:

(1) Publish a report containing the results of the audit conducted under this section.

(2) Post the report on the Department's website.

(f) The Department shall promulgate regulations to govern the procedure to be used if an audit reveals a discrepancy, including all of the following:

(1) The thresholds that trigger the Department or others to take a specific action.

(2) The specific actions to be taken by the Department or others once a threshold is triggered.

(3) The corrective actions that must be taken by the Department or others to avoid the discrepancy in the future.

Section 44. Amend § 5503, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as 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~~ Department no later than 12:00 noon the day before the election.

Section 45. Amend § 5508, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5508. Time limit for return of ballot; late ballots.

(b) For an absentee ballot to be counted ~~pursuant to~~ under this chapter, an elector voting by absentee ballot shall return the elector marked ballot to the Department office of the county in which the voter resides before the polls close on the day of the election.

Section 46. Amend § 5523, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5523. Logic and accuracy testing of absentee ballot tabulating equipment; authority of the State Election Commissioner.

(a) The State Election Commissioner, in consultation with the ~~Department,~~ Department offices, shall promulgate rules and regulations relating to logic and accuracy testing of absentee ballot tabulating machines.

Section 47. Amend § 5525, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5525. Electronic delivery of absentee ballots.

(f) The State Election Commissioner, in collaboration with the ~~Department,~~ Department offices, shall establish procedures for electronically delivering an absentee ~~ballots~~ ballot to ~~the voters~~ a voter with instructions for the ~~voters~~ voter to follow in voting and electronically returning ~~their ballots~~ the voter's ballot to the ~~respective department of elections.~~ Department office in the county in which the voter resides.

Section 48. Amend § 5526, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5526. System for voters to determine status of their absentee ballots.

The State Election Commissioner, in collaboration with the ~~Department,~~ Department offices, shall establish a free access system accessible via the ~~internet~~ Internet through which a person who applied for an absentee ballot can determine whether or not the ballot application was received, when the ballot was transmitted, when the voted ballot was received by the Department, and whether or not the ballot was counted.

Section 49. Amend § 5527, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5527. Authority to implement provisions of the Uniformed and Overseas Citizens Absentee Voters Act.

The State Election Commissioner, in collaboration with the ~~Department,~~ Department offices, shall implement those provisions of the Uniformed and Overseas Citizens Absentee Voters Act (52 U.S.C. § 20301 et seq.) not specifically mandated by this chapter.

Section 50. Amend § 5702, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5702. Duties of Court.

(e) ~~In the event that~~ If the number of votes separating a candidate and the closest opposing candidate in an election for State Senator, State ~~Representative~~ Representative, or county office is less than 1,000 votes or 1/2 of ~~1 percent~~ 1% of all votes cast for the 2 candidates, whichever is less, the Court shall recount the ~~absentee~~ ballots cast in that election at State expense.

Section 51. Amend § 7103, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7103. Candidates.

(a) The county committee for each political party eligible to place candidates on the general election ballot for the most recent past general election may nominate a candidate for the special election by submitting a nomination to the Department office conducting the special election no later than 25 days ~~prior to~~ before the date of the special election. If the legislative district up for election includes the area of more than 1 county, the county committees for each county shall agree on 1 candidate and the committee for the county where the candidate resides shall submit the nomination to the ~~Department.~~ Department office conducting the special election.

(b) A person wishing to run as an unaffiliated candidate who is eligible to hold the office up for election must file a petition in support of that person's own candidacy containing the signatures of at least 1% of all voters who are registered in the legislative district as of the first day of the month preceding the month during which the vacancy was created. ~~Such~~ The person must file the petition with the Department office conducting the special election no later than 25 days ~~prior to~~ before the day of the special election.

Section 52. Amend § 7525, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7525 Ballots.

The names of the candidates for the Mayor, ~~Council~~ Council, and other officers of the City of Wilmington ~~shall~~ must be printed on the single ballot as prescribed by § 4501 of this title and to meet the requirements of ~~§§ 5001-5011~~ §§ 5000A through 5012A of this title.

Section 53. Amend § 7528, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7528 General provisions.

All of the provisions of this title pertaining to elections, including registration of voters, Chapters 11, 13, 17, 19, 20, 21, and 23, primary elections and nomination of candidates, Chapters 31 and 33, general elections, Chapters 41, 45, 47, 49, 51, 53, 55, and 57, as well as ~~Chapter 50~~ Chapter 50A of this title, ~~shall be~~ are applicable to the holding of elections in accordance with this subchapter.

Section 54. Amend § 7550, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7550. General.

(j) The State Election Commissioner, in collaboration with the Departments of ~~Elections,~~ Elections county offices, shall promulgate the documents, ~~forms~~ forms, and envelopes required by subchapters IV and V of this chapter.

(k) A municipality shall contract with the Department ~~of Elections~~ office in the county where the municipality is located to conduct an election to elect members of the municipality's government at least 60 days prior to the date of the election.

(n) The State Election ~~Commissioner~~ Commissioner, in ~~the~~ collaboration with the ~~departments of elections~~ Department offices, shall establish reasonable fees to cover the costs of services provided to municipalities. The initial schedule of fees ~~shall~~ must be established and published no later than December 31, 2010. The schedule ~~shall~~ must be reviewed, modified as ~~necessary~~ necessary, and published anew no later than December 31 in every odd-numbered year.

Section 55. Amend § 7551, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7551. Boards of Election; appointment, authority.

(k) A municipality shall notify the State Election Commissioner ~~and the Department of Elections~~ of the members of its Board of Elections when such members are installed.

Section 56. Amend § 7555, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7555. Candidates; eligibility; declaration of candidacy.

(k) The State Election Commissioner shall prepare a package of Municipal Candidate Forms required by this section and instructions for completing and filing the forms. The Commissioner shall provide each municipality copies of the Municipal Candidate Forms package and publish the package on the State Election Commissioner's website.

Municipalities and the ~~Departments of Elections~~ Department offices shall publish the Municipal Candidate Forms package on their websites, should such websites exist. Municipalities shall maintain a sufficient supply of Municipal Candidate Forms packages to meet demand.

(*l*) A municipality shall submit the names of candidates for each office up for election to the Department ~~of Elections~~ office conducting the municipality's election no later than 1 business day following the filing deadlines for the elected position.

Section 57. Amend § 7558, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7558. Election results; recounts; contests.

(c) The municipal Board of Elections shall recount the ~~absentee~~ ballots if the difference between the top 2 candidates is 1/2 of 1% or less than the total votes cast for the office. Where electors vote for more than 1 candidate for an office, the municipal Board of Elections shall recount ~~absentee~~ the ballots if the difference between the last candidate elected and the next closest candidate is 1/2 of 1% or less than the total votes cast for the office.

Section 58. Section 43 of this Act takes effect on January 1, 2020. The remainder of this Act takes effect upon enactment.