



SPONSOR: Rep. Hensley & Sen. Wilson
Reps. Baumbach, Briggs King, Collins, Dukes, Gray,
Longhurst, Ramone, D. Short, Michael Smith, Yearick;
Sens. Hocker, Lawson

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 183
AS AMENDED BY
HOUSE AMENDMENT NO. 2
AND
SENATE AMENDMENT NO. 2

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

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

Section 1. 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.

(e) Any notice of candidacy or withdrawal of candidacy required by this section shall include the signature of each candidate, together with the candidate's proper and correct name typed or printed, and the address from which the candidate is registered to vote at the time of filing. Additionally, each candidate shall provide the Commissioner of Elections with proof of their primary residential address in accordance with § 3114 of this subchapter.

Section 2. Amend Chapter 31, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3114. Candidate Residency Requirements.

(a) Each candidate shall provide the Commissioner of Elections with the following information and documentation:

1. A notarized affidavit, in a form approved by the Commissioner signed by the candidate, verifying the candidate's primary residential address. This affidavit shall state it is being signed by the candidate under penalty of perjury.

2. Proof of home ownership as evidenced by:

a. a copy of a deed to the candidate's primary residence,

b. a mortgage payment billing statement verifying the address, or

c. any other document verifying home ownership for the candidate's primary residence.

d. If the home ownership is in the name of a person other than the candidate, or in the name of a legal entity, such as a trust, partnership, or corporation, the candidate must submit an affidavit signed by the homeowner or authorized legal representative of the owner entity verifying that the candidate is living in the home.

3.a. If the candidate's primary residence is rented or leased by the candidate, the candidate must provide proof of residency by providing a signed copy of a current and legally enforceable lease or rental agreement. If the lease or rental agreement expiration date is less than 90 days from the date of filing their notice of candidacy, the candidate must provide a letter, dated within 30 days of filing the notice of candidacy from the property manager or property owner verifying that the candidate is continuing to reside in the residence.

b. If a candidate is primarily residing at a residence without a lease or rental agreement and the candidate's name does not otherwise appear in the proof of home ownership, the candidate must have the property manager, or property owner sign an affidavit, in a form approved by the Commissioner of Elections, verifying the candidate's residency in the property.

4.a. A copy of any currently valid Delaware motor vehicle registration in the candidate's name showing the candidate's address.

b. A copy of a current valid Delaware drivers license in the candidate's name showing the candidate's address.

c. If the residential address on either the drivers license or the motor vehicle registration is different from the candidate's primary residential address, the candidate must provide documentation from the Delaware Division of Motor Vehicles that the drivers license or motor vehicle registration is in the process of being changed to the candidate's primary residential address.

d. If a candidate does not own a motor vehicle or does not have a currently valid Delaware drivers license, the candidate must submit any other State of Delaware issued identification showing the address on the identification is consistent with the address of the candidate's primary residence.

e. If the candidate has no documentation required under this paragraph, the candidate must submit a utility bill in the candidate's name showing the candidate's address.

(b).1. Failure to provide the documents required by this section on or before the deadline to file a notice of candidacy will disqualify a candidate from meeting the residency requirement to be a candidate.

2. Willfully submitting false, forged, or altered documents; or coercing, or unduly influencing persons providing affidavit documents will, in addition to any other legal remedy available for such fraudulent act, disqualify a candidate from being a candidate.

(c).1. The Commissioner shall, within 7 calendar days from the filing of a notice of candidacy and submission of documents, review and verify all documents submitted under this section to confirm the candidate's primary residential address and that the address is located in the area the candidate seeks to represent. The Commissioner shall advise the candidate in writing of the results of this review.

2. If the Commissioner determines that there are deficiencies in the documents or that there are missing documents, the Commissioner shall advise the candidate in writing what the deficiencies are or what documents are missing. The candidate will have until the closing date for filing a notice of candidacy or 7 calendar days from the Commissioner's letter, whichever is later, to cure the deficiencies or submit missing documents.

3. If the candidate fails to cure the deficiencies or submit the missing documents within the time limits of this section, the Commissioner will provide a letter to the candidate advising him or her of the failure to meet the requirements of this section and their ineligibility to be a candidate.

4. If the candidate cures the deficiencies and submits any missing documents, the Commissioner shall advise the candidate in writing that the requirements of this section have been met.

(d). An incumbent elected official who wants to be a candidate for reelection and who has not relocated to a new primary residence after previously complying with this section, shall comply with this section by providing a copy of their current Delaware drivers license or Delaware identification card and an affidavit stating they have not relocated and all previously supplied documents and information remain true and correct.

(e). For the purposes of this section:

1. "Commissioner" means the Commissioner of Elections.

2. "Primary residence" or "primary residential address" means the candidate resides at that address.

§ 3115. Elected official, primary residency.

(a) If an elected official relocated to a new primary residential address in the district they represent, they must, within 60 days of relocating, advise the Commissioner of Elections of the new address and provide the documents required by § 3114 of this chapter.

(b) Failure to provide the documents required by this section shall subject the elected official to a civil penalty of \$100.

(c) Willfully submitting false, forged, or altered documents; or coercing or unduly influencing persons providing affidavit documents will be an act of fraud.

§ 3116. Fraud prosecution.

Any allegation of fraud relating to a candidate or an elected official's primary residence shall be submitted to the Attorney General for investigation and possible prosecution.