



SPONSOR: Sen. Blevins & Rep. Smith;
Sen. Cook; Reps. Lavelle, Hall-Long

DELAWARE STATE SENATE
143rd GENERAL ASSEMBLY
SENATE BILL NO. 162

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:

1 Section 1. Amend §101(12), Title 15 of the Delaware Code by striking said subsection in its entirety and substituting in
2 lieu thereof the following:

3 “(12) ‘Mobile registration’ means any voter registration sponsored or conducted by a Department of Elections
4 outside of that Department’s office.”

5 Section 2. Amend §101, Title 15 of the Delaware Code by inserting new subsections (24) and (25) to read as follows:

6 “(24) ‘Election Management System’ refers to the computer programs and databases managed by the
7 Commissioner of Elections and used by the Commissioner of Elections and the Departments of Elections to
8 maintain voter registration records, to manage absentee voting, maintain election officer information, maintain
9 polling place information, structure elections and for other purposes.

10 (25) ‘Registration record’ means a voter’s registration record maintained in the State’s Election Management
11 System, the list or file of registered voters sent to each Election District for use by Election Officers on the day of
12 the election, and until determined obsolete, it also applies to a voter’s record maintained in the County Master
13 File.”

14 Section 3. Amend §303, Title 15 of the Delaware Code by striking said section in its entirety and substituting in lieu
15 thereof the following:

16 “§303. Duties upon receipt of a registration application.

17 (a) Upon receipt of a registration application from a Department of Elections, the Commissioner of Elections
18 shall have the registration application verified for completeness and accuracy. If the Commissioner’s staff
19 identifies a discrepancy with the application, the respective Department of Elections shall be notified and then
20 correct the discrepancy.

21 (b) The Commissioner of Elections shall use appropriate technology to maintain a permanent record of each
22 registration application. Paper applications shall be retained for a minimum of 24 months and then maintained in
23 accordance with the appropriate document retention schedule. A permanent copy of each electronic transaction
24 shall be retained.

25 (c) The Commissioner of Elections, in collaboration with the Departments of Elections, may establish a program
26 where the Departments create and archive an image of each paper registration application.”

27 Section 4. Amend §304, Title 15 of the Delaware Code by striking said section in its entirety and substituting in lieu
28 thereof the following:

29 “§304. Lists and files of registered voters.

30 (a) The Commissioner of Elections shall deliver or cause to be delivered to each major political party in the State
31 without charge the following:

32 (1) A file of all registered voters in the State once per month.

33 (2) A file of all registered voters in the State current as of the registration deadline before a primary or
34 general election no later than 7 working days following the registration deadline for a primary or general
35 election.

36 (3) Up to eight copies of the list of registered voters for each election district in the State current as of
37 the registration deadline before a primary or general election no later than 7 working days following the
38 registration deadline for a primary or general election. These lists shall contain, as a minimum, the name,
39 address, political party affiliation, and election district of each registered voter in each election district.

40 (b) The state chair of each major political party, or county chairs if there is no state chair, may designate in
41 writing other persons, not exceeding 2 in each county, to whom all or specified portions of the party’s lists are to
42 be made available from the Commissioner.

43 (c) Upon request but no more than once per month, the Commissioner of Elections shall provide a file of all
44 registered votes in the state to any minor political party eligible to place candidates on the ballot.

45 (d) The Commissioner of Elections, in collaboration with the Departments of Elections, shall prepare
46 Supplemental Poll Lists for each election district in the State that contain corrections and names of registered
47 voters who have updated their registration records between the registration deadline and a date or dates selected
48 by each Department of Elections. The Departments of Elections shall make available two copies of the

49 supplemental poll lists for the election districts within their jurisdiction to the principal political parties on the
50 Saturday before a primary or general election.

51 (e) The Commissioner of Elections shall, upon request, provide free of charge to any candidate for election who
52 has qualified to appear on an upcoming primary or general election ballot a file and/or list of registered voters for
53 the jurisdiction for which he/she has qualified as a candidate.

54 (1) The request for a file and/or lists may be made by the candidate or by a member of the candidate's
55 committee listed on the appropriate form filed in accordance with Chapter 80 of this title.

56 (2) The Commissioner of Elections shall designate the file and lists that shall be provided free of charge.

57 (3) Requests for files or lists in accordance with this section shall be made no later than the last day of
58 registration for an upcoming primary or general election. Requests made after this deadline will be
59 produced as soon as possible, but so as not to interfere with production of files or products required by
60 this title for the conduct of the election or those requested prior to the deadline stated above.

61 (f) The Commissioner of Elections shall, upon request, but no more frequently than once per month, provide files
62 of registered voters in the State to any State agency, county or local government for use in conducting State,
63 county or local government business.

64 (g) The Commissioner of Elections, in collaboration with the Departments of Elections, shall establish a
65 reasonable cost for files and lists of registered voters requested by persons or organizations not eligible to receive
66 lists in accordance with this section. These costs shall be reviewed at least once every two years and updated as
67 appropriate.

68 (h) Files or lists provided to political parties and in accordance with subsection (g) of this section shall not
69 include Social Security Numbers or driver's license numbers."

70 Section 5. Amend §305, Title 15 of the Delaware Code by striking said section in its entirety and substituting in lieu
71 thereof the following:

72 "§305. Duplicate registrations.

73 At least monthly and within 10 days following the last registration day for each primary and general election, the
74 Commissioner shall notify each Department of Elections of suspected duplicate registrations within such Department's
75 county. Each Department of Elections shall review the list of suspected duplicate registrations for their county and correct
76 the registration records as appropriate."

77 Section 6. Amend §306, Title 15 of the Delaware Code by striking said section in its entirety and substituting in lieu
78 thereof the following:

79 “§306. Coordination with state agencies.

80 The Commissioner of Elections, in collaboration with the Departments of Elections, shall implement as soon as practical
81 automated transfers or exchanges of voter registration information and information necessary to maintain an accurate list
82 of registered voters between the State’s Election Management System and other State databases.”

83 Section 7. Amend Chapter 11, Title 15 of the Delaware Code by inserting as §1102 the following:

84 “§1102. Voter registration drive standards.

85 (a) Persons and entities registering people to vote within the State of Delaware shall keep a log of all
86 voter registration applications solicited, deliver all applications for Delaware citizens and a copy of the
87 log covering those applications to the Commissioner of Elections or a Department of Elections within 5
88 days of soliciting the applications, deliver the applications for citizens of other states to the Chief
89 Election Official of those states, and list the person or group conducting the voter registration drive along
90 with the name of the solicitor on each application.

91 (b) Each voter registration application solicited during a voter registration drive shall include a
92 sequential application number for tracking purposes.

93 (c) The log required above shall include the name of the person or organization conducting the drive, the
94 inclusive dates that the applications listed thereon were collected, and a list of the full name of the
95 applicant and associated application number for each application collected.

96 (d) Persons and groups conducting voter registration drives within the State should register with the
97 Commissioner of Elections or a Department of Elections using a form promulgated by the Commissioner
98 of Elections.

99 (e) Persons collecting voter registration applications should have each applicant initial their party
100 affiliation selection.

101 (f) Persons collecting voter registration applications in order for a political party to obtain ballot status
102 shall clearly communicate to each applicant that by completing the voter registration application they
103 may be changing their political party affiliation.”

104 Section 8. Amend §1103, Title 15 of the Delaware Code by striking said section in its entirety and substituting in lieu
105 thereof the following:

106 “§1103. Disaster recovery and continuity of operations.

107 (a) If paper registration records are lost, destroyed, mutilated or defaced, the affected Department(s)
108 shall not replace the records but shall use the State’s Election Management System database as the
109 source of voter registration data for the persons whose records were so affected.

110 (b) The Commissioner of Elections, in collaboration with the Department of Technology and
111 Information, shall establish and maintain a disaster recovery program that would provide the
112 Commissioner of Elections and the Departments of Elections immediate access to a duplicate version of
113 the Election Management System and associated databases in event of a disaster that makes the
114 production system unavailable.

115 (c) The Commissioner of Elections and the Departments of Elections shall no later than January 1, 2008,
116 implement a continuity of operations plan that would permit any of the agencies to continue operations if
117 any of the agency’s are denied access to its offices during critical periods.”

118 Section 9. Amend §1304, Title 15 of the Delaware Code by striking said section in its entirety and substituting in lieu
119 thereof the following:

120 “§1304. Update of records when election district divided; procedure.

121 Upon splitting of an election district in accordance with this title, the Department having jurisdiction shall update the
122 records of the affected voters in the State’s Election Management System. The Department having jurisdiction shall then
123 determine whether or not to update the affected voters registration records in the County Master File. The registration of
124 any voter shall not be invalidated nor shall the right of any registered voter be prejudiced due to any error that occurred
125 during this process.”

126 Section 10. Amend §1305(b), Title 15 of the Delaware Code by striking paragraph (1) in its entirety.

127 Section 11. Amend §1305(b)(2), Title 15 of the Delaware Code by designating the remaining language found in paragraph
128 (2)(a), subsection (b).

129 Section 12. Amend §1306, Title 15 of the Delaware Code by striking that section in its entirety.

130 Section 13. Amend §1704(i), Title 15 of the Delaware Code by striking the last sentence in said subsection in its entirety.

131 Section 14. Amend §1705, Title 15 of the Delaware Code by striking said section in its entirety and substituting in lieu
132 thereof the following:

133 “§1705. Cancellation of registration of persons reported as deceased.

134 (a) The State's Office of Vital Statistics shall send each month to the Departments of Elections and to
135 the Commissioner of Elections a complete and accurate file or list of each person 16 years of age or older
136 who has been reported to have died within the State since the previous report. The file or list shall
137 contain, as a minimum: the decedent's name, Social Security Number, residence at time of death, date of
138 birth, date of death, and death certificate number.

139 (b) The State's Office of Vital Statistics shall in January and July of each year send a file or list to the
140 Departments of Elections and the Commissioner of Elections containing the name, Social Security
141 Number, residence at time of death, state where died, date of birth, date of death, and death certificate
142 number for each Delaware citizen 16 years or age or older reported to that office as having died in
143 another state or country. Where complete data about a decedent is not available, the Office of Vital
144 Statistics shall provide as much information as is available in the file or on the list.

145 (c) Upon receipt of a file or list from the Office of Vital Statistics, each Department of Elections shall
146 cancel the registration of each registered voter from their county whose name is on the list.

147 (d) The Departments of Elections may cancel the registration of a person upon receipt of a copy of a
148 Death Certificate or a written notice from the decedent's spouse or a surviving child.

149 (e) The Departments of Elections may use an obituary from a Delaware newspaper as authority to
150 cancel the registration of a registered voter who died in another state or country."

151 Section 15. Amend §1706, Title 15 of the Delaware Code by striking said section in its entirety.

152 Section 16. Amend §1707, Title 15 of the Delaware Code by striking said section in its entirety and substituting in lieu
153 thereof the following:

154 "§1707. Cancellation of registration due to a registrant having moved to another state.

155 (a) The Departments of Elections shall consider notification from another state, election jurisdiction or
156 election official that a person registered to vote in Delaware has applied to register to vote or who has
157 registered to vote in another state as permission from that person to cancel his/her Delaware voter
158 registration.

159 (b) The Departments of Elections shall also consider a written notice from a parent that his/her child has
160 moved out of state as permission from that child to cancel his/her voter registration.

161 (c) The Board of Elections for a county may cancel the voter registrations for any person who has
162 moved out of state and given his/her permission in writing or as otherwise provided in this section.

163 (d) Upon registration of a person in Delaware who is registered to vote in another state, the respective
164 Department of Elections or Commissioner of Elections shall notify the other state that the person has
165 registered to vote in the State of Delaware.”

166 Section 17. Amend §1708, Title 15 of the Delaware Code by striking said section in its entirety and substituting in lieu
167 thereof the following:

168 “§1708. Correction of errors.

169 (a) Departments of Elections personnel, upon approval of the appropriate supervisor, may correct errors
170 on a person’s voter registration record as necessary to maintain a complete and accurate voter
171 registration list.

172 (b) The Boards of Elections shall approve any change in the year of birth of a registrant where there is a
173 difference between the year submitted on a previous registration application and the year submitted on
174 the most current registration application. A Board of Elections may, if deemed appropriate, refer such
175 discrepancies to the Attorney General for investigation.”

176 Section 18. Amend §1711, Title 15 of the Delaware Code by striking said section in its entirety.

177 Section 19. Amend Chapter 19, Title 15 of the Delaware Code by striking said chapter in its entirety and substituting in
178 lieu thereof the following:

179 “CHAPTER 19. REGISTRATION OF MEMBERS OF THE ARMED FORCES, RELATED ORGANIZATIONS AND
180 CITIZENS RESIDING OUTSIDE OF THE TERRITORIAL LIMITS OF THE UNITED STATES.

181 §1901. Eligibility.

182 (a) A Delaware citizen absent from the State, not registered to vote in another State and eligible to vote in
183 accordance with the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) as amended shall
184 be permitted to register to vote under the provisions of this chapter if he/she is a citizen and permanent resident of
185 the state. For purposes of this section, this includes:

186 (1) A citizen and permanent resident of the state who became ill or who was injured while a member of
187 a uniformed service;

188 (2) A citizen and permanent resident of the state who is a member of a service organization such as the
189 American Red Cross attached to and serving with a uniformed service; or

190 (3) A spouse or dependent of a person meeting the criteria in this section.

191 (b) Persons registering to vote in accordance with this chapter shall:

- 192 (1) Register to vote at the address of their permanent residence in the state;
- 193 (2) Register to vote at the address of their last place of permanent residence in the state prior to joining a
- 194 uniformed service or moving overseas; or
- 195 (3) In the case of persons who are permanently living outside of the United States, be registered to vote
- 196 at the address of the Department of Elections for the county in which they last resided before moving
- 197 overseas. These persons shall be permitted to vote for federal offices only.

198 (c) Citizens listed in §1901(a) above do not lose their domicile in the State unless they establish a domicile or

199 register to vote in another state.

200 §1902. Application by persons eligible to register to vote under the provisions of this chapter.

201 (a) A citizen and permanent resident of the state who maintains a residence in the state may submit a State of

202 Delaware Voter Registration Application or any registration application promulgated by the federal government.

203 (b) A citizen eligible to vote under the provisions of this chapter who does not maintain a residence within the

204 state may register to vote by submitting a Federal Post Card Application, Federal Write-In Absentee Ballot, or

205 any other registration application promulgated by the federal government under the provisions of the UOCAVA

206 as amended.

207 (c) The deadline for the Department to receive an application to register to vote under the provisions of this

208 chapter is the third Monday prior to a primary or general election. Applications received after a deadline shall be

209 held and processed on the first business day following that election.

210 (d) The Departments of Elections shall accept electronic transmissions of signed registration applications

211 specified in this section.

212 (e) The Departments of Elections shall immediately notify any person whose application to register to vote was

213 rejected and provide such person the reason(s) for rejection and information on how to appeal the rejection.

214 §1903. Late registration procedures for military and overseas citizens.

215 A citizen who has been discharged or separated from a Uniformed Service, the Merchant Marine or from employment

216 outside of the territorial limits of the United States too late to register to vote for a primary or general election but within

217 60 days of the date of a primary or general election, shall be entitled to register to vote for the purpose of voting in that and

218 ensuing primary or general elections after presenting documentation of that individual's discharge, separation or

219 termination of employment to the Department of Elections for the county in which that individual resides up to and

220 including the date of the election. This also applies to any accompanying family members who are otherwise eligible to
221 register to vote.

222 §1904. Special registration and other election services to uniformed service members.

223 (a) The Departments of Elections shall upon request from the appropriate authority assist members of the State's
224 National Guard and members of reserve units headquartered in the State to register to vote and to apply for absentee
225 ballots. The Departments shall also, where possible, assist any other member of a uniformed service present in the
226 State of Delaware to register to vote and to apply for an absentee ballot from their home state.

227 (b) Services to a person not eligible to register to vote in the State shall be limited to providing the appropriate
228 application, assisting in the completion of that application and advising the person on deadlines, his/her rights, and
229 points of contact in the state in which he/she is domiciled.

230 (c) Notwithstanding any other provision in this title, citizens of the State who are scheduled to be deployed within 7
231 days of the day of a primary or general election and who are registered voters in the state shall upon presentation of
232 military orders be issued an absentee ballot and be permitted to vote by absentee ballot at any Department of Elections
233 prior to closing of the polls on the day of the election. If it is not possible to issue the person the ballot for his/her
234 election district, a special ballot containing federal and statewide offices only shall be issued.

235 §1905. Law applicable.

236 All the provisions in this title relating to registration of voters in general, as provided by law, shall apply as far as pertinent
237 to this chapter.”

238 Section 20. Amend §2014(a), Title 15 of the Delaware Code by striking said subsection in its entirety and substituting in
239 lieu thereof the following:

240 “(a) A Department of Elections following receipt of a voter registration application for a person who is not
241 registered to vote shall, upon determination that the applicant is eligible to register to vote, create a pending registration
242 record. The Department shall then within five business days mail a non-forwardable notice by first-class mail that confirms
243 the voter's address to the voter.

244 (1) If this notice is returned to the Department as undeliverable by the U. S. Postal Service within 10
245 days of having been mailed, the Department shall not add the person's name to the list of registered
246 voters.

247 (2) The Department shall post the name and address of every person whose confirmation notice was
248 returned as undeliverable on its WEB Site for a period of two years.

249 (3) If the notice is not returned within 10 days after being mailed, the applicant’s pending registration
250 record shall be added to the State’s list of registered voters and the Department shall mail a non-
251 forwardable notice by first-class mail that informs the registrant of the location of his/her polling place.

252 (4) A person not added to the list of registered voters in accordance with subsection (1) above shall be
253 permitted to vote at the polling place for his/her address upon presentation of proof of identity and
254 address at the Polling Place, completion of a voter registration application at the Polling Place and the
255 approval of the respective Department’s Administrative Director and Deputy Administrative Director.

256 (5) This section shall be implemented no later than July 1, 2006.”

257 Section 21. Amend §2014(c), Title 15 of the Delaware Code by striking the first sentence in said subsection in its entirety
258 and substituting in lieu thereof the following:

259 “A Department of Elections upon completing a transfer of address, change of name and/or change of political party
260 affiliation for a registered voter shall mail a notice informing the registrant of his her polling place by non-forwardable first
261 class mail. If this notice or any correspondence sent by a state agency or state official using voter registration address data
262 is returned as undeliverable, the Department shall send an address verification request by forwardable first-class mail to the
263 person at the address on their permanent registration record or to the address indicated by the U.S. Postal Service on the
264 returned undeliverable notice or correspondence. “

265 Section 22. Amend §2014(f), Title 15 of the Delaware Code by striking the last sentence in said subsection in its entirety.

266 Section 23. Amend §2015, Title 15 of the Delaware Code by striking that section in its entirety.

267 Section 24. Amend §2031(a), Title 15 of the Delaware Code by striking the last sentence of that subsection in its entirety.

268 Section 25. Amend §2031(d), Title 15 of the Delaware Code by striking the first sentence in that subsection in its entirety
269 and substituting in lieu thereof the following:

270 “The Departments of Elections shall accept any voter registration application, application for an absentee ballot, or any
271 federal write-in absentee ballot promulgated in accordance with federal law as an application to register to vote.”

272 Section 26. Amend §2033(d), Title 15 of the Delaware Code by striking the term “§5502(1) and (2)” in its entirety and
273 substituting in lieu thereof the term “§1901(a)”.

274 Section 27. Amend Chapter 20, Title 15 of the Delaware Code by inserting as Subchapter V to read as follows:

275 “Subchapter V. Registration deadlines.

276 §2036. Deadline to register to vote: primary and general elections.

277 The last date to register to vote for any presidential primary, primary and general election shall be the fourth Saturday prior
278 to the date of the election.

279 (i) Mail applications postmarked on or before the deadline shall be considered to be on-time and shall be
280 immediately processed by the Departments of Elections; and

281 (ii) Applications taken by agencies in accordance with Subchapter VII of this chapter on or before the deadline
282 shall be considered on-time and shall be processed by the Departments of Elections immediately upon receipt.

283 §2037. Deadline to register to vote: special elections.

284 The last day to register to vote for any special election shall be 10 days prior to the date of the special election.

285 §2038. Registration applications received after a deadline.

286 Registration applications received after a deadline and on or before the date of a primary or general election shall be held
287 and processed following that election.

288 §2039. Registration applications that update a registrant's record.

289 Notwithstanding any other provision in this title, the Departments of Elections may process registration applications that
290 change a registrant's address or name until the day prior to a primary or general election."

291 Section 28. Amend §2049(a), Title 15 of the Delaware Code by striking the first two sentences in said subsection in their
292 entirety and substituting in lieu thereof the following:

293 "Any duly registered voter may apply to change his/her political affiliation by completing and submitting a voter
294 registration application to the Department of Elections in the county in which he/she resides except in the year of a general
295 election during the period from March 31 through the day of the primary election and from the fourth Sunday prior to the
296 General Election through the day of the general election."

297 Section 29. Amend §2049(b), Title 15 of the Delaware Code by striking that subsection in its entirety.

298 Section 30. Amend §3102, Title 15 of the Delaware Code by striking the word "all" and substituting in lieu thereof the
299 word "major".

300 Section 31. Amend §3121(b), Title 15 of the Delaware Code by striking the word "books" as found therein, and
301 substituting in lieu thereof the word "records".

302 Section 32. Amend §3122, Title 15 of the Delaware Code by inserting as subsection (e) the following:

303 "(e) For the purposes of this section, the term 'registration records' means poll lists and signature cards, and/or an
304 electronic device that contains the names and addresses of the registered voters in the election district."

305 Section 33. Amend §3124(d), Title 15 of the Delaware Code by striking that subsection in its entirety.

306 Section 34. Amend §3172, Title 15 of the Delaware Code by inserting as subsection (e) the following.

307 “(e) In the event that the number of votes separating a candidate and the closest opposing candidate in a primary
308 election is less than 1,000 (in the case of a statewide contest) votes or one half of one percent (in the case of any
309 contest) of all votes cast for the two candidates, whichever is less; the Department(s) of Elections shall recount
310 the absentee ballots cast in that election at State expense as part of the canvass of the vote.”

311 Section 35. Amend §3183(a), Title 15 of the Delaware Code by striking the said subsection in its entirety and substituting
312 in lieu thereof the following:

313 “Notification of candidacy shall be no later than December 10th in the year preceding the year in which the President of the
314 United States is elected. If the filing deadline is a Saturday, Sunday or legal holiday, the last day to give notification shall
315 be the next day that is not a Saturday, Sunday or a legal holiday.”

316 Section 36. Amend §3183(b), Title 15 of the Delaware Code by striking the number “15” as it appears therein and
317 substituting in lieu thereof the phrase “7 working days”.

318 Section 37. Amend §3181(a), Title 15 of the Delaware Code by striking the word “all” as found therein, and substituting
319 in lieu thereof the word “major”.

320 Section 38. Amend §3189, Title 15 of the Delaware Code by striking the last sentence in its entirety and substituting in
321 lieu thereof the following:

322 “A duly registered voter may not change his/her political party affiliation during the period from November 1 immediately
323 preceding the day of the presidential primary election through the day of the presidential primary election.”

324 Section 39. Amend §3301, Title 15 of the Delaware Code by striking said section in its entirety and substituting in lieu
325 thereof the following:

326 “§3301. Certificates of nomination.

327 (a) Candidates for political parties who must file for election in accordance with §3101 of this title, and who
328 either receive the majority vote at the subsequent primary election or are unopposed in the party for the office for
329 which he/she has filed shall be considered nominated.

330 (b) The presiding officer and secretary of the state convention or committee of each political party eligible to
331 place candidates on the ballot shall submit certificates of nomination for electors of President and Vice-President
332 of the United States together with the name of the candidates for President and Vice-President to the State
333 Commissioner of Elections.

334 (c) The presiding officer and secretary of the state convention or committee of each political party eligible to
335 place candidates on the ballot may submit a candidate for federal and statewide offices by submitting a certificate
336 of nomination to the Commissioner of Elections:

337 (1) For any office for which no candidate has filed in accordance with §3101, or

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

340 (d) The presiding officer and secretary of the county committee of each political party eligible to place candidates
341 on the ballot shall submit a certificate of nomination for candidates for the General Assembly, county and
342 municipal offices to the Department of Elections in the county in which the contests are to be held:

343 (1) For any office for which no candidate has filed in accordance with § 3101, or

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

346 (e) In the case of minor political parties not required to select candidates pursuant to Chapter 31 of this title,
347 candidates shall be selected at each party's state or county nominating convention as appropriate.

348 (f) Nominating certificates shall be in writing and, in each case, shall contain the name of each person nominated,
349 the person's residence and the office for which the person is nominated, other than the names of the candidates for
350 President and Vice-President for which no residence need be given. The persons making such certificates shall
351 add to their signatures their respective places of residence and shall acknowledge such certificate before an officer
352 duly authorized to take acknowledgments of deeds, and a certificate of such acknowledgment shall be fixed to the
353 instrument.

354 (g) No such state nominating convention shall have completed its business relative to such nominations until
355 such time as 1 nominee for each of the aforesaid offices shall have received a vote greater than 50% of the total
356 number of eligible delegate votes at such convention, which polled vote shall be considered final.

357 (h) The Commissioner or Elections shall verify that the nominations of candidates submitted to him or her and
358 the eligibility of each political party to make such nominations conform to the requirements set forth in this title.
359 Each Department of Elections shall do the same concerning certificates of nomination submitted to it.

360 (i) The Commissioner of Elections shall forthwith send a copy of each certificate of nomination submitted to
361 him/her to each Department of Elections. Each Department of Elections shall forthwith send a copy of each
362 certificate of nomination submitted to it to the Commissioner of Elections.”

363 Section 40. Amend §3303, Title 15 of the Delaware Code by striking the words “form provided by the State Election
364 Commissioner and stipulated in §3107” and substituting in lieu thereof the words “candidate filing form promulgated by the
365 Commissioner of Elections”.

366 Section 41. Amend §3303, Title 15 of the Delaware Code by striking the last sentence in its entirety.

367 Section 42. Amend §3307, Title 15 of the Delaware Code by striking said section in its entirety and substituting in lieu
368 thereof the following:

369 “§3307. Publication of candidates.

370 The Department of Elections for each county, at least 10 days before an election to fill any public office, except special
371 elections, shall cause to be published in a daily newspaper with countywide distribution a list of the candidates for office in
372 that election. The Departments of Elections shall make no fewer than 2 publications of the list before the election. The list
373 shall include each office on the ballot, and the name and party affiliation of each candidate for the office in the order that
374 the names shall appear on the ballot. The Departments of Elections shall not include on the list any person who has
375 withdrawn his/her candidacy in accordance with this title.”

376 Section 43. Amend Part IV, Title 15 of the Delaware Code by striking Chapter 44 in its entirety.

377 Section 44. Amend §4515, Title 15 of the Delaware Code by striking said section in its entirety and substituting in lieu
378 thereof the following:

379 “§4515. Payment procedures.

380 The Departments of Elections following an election conducted under this title shall ascertain the amount due to each
381 election officer for his/her service and promptly pay them. The Departments may combine the pay for a primary and a
382 general election. Election Officers shall be paid no later than December 15 in the year of a general election.”

383 Section 45. Amend §4701(b)(1), Title 15 of the Delaware Code by striking the last sentence in said subsection in its
384 entirety.

385 Section 46. Amend §4702, Title 15 of the Delaware Code by striking said section in its entirety and substituting in lieu
386 thereof the following:

387 “§4702. Appointment of additional Election Officers.

388 The Departments of Elections may appoint such additional Election Officers to serve as machine operators, greeters or for
389 other purposes deemed necessary to facilitate the operation of polling places.”

390 Section 47. Amend §4703 and §4704, Title 15 of the Delaware Code by striking said sections in their entirety.

391 Section 48. Amend §4706, Title 15 of the Delaware Code by striking said section in its entirety and substituting in lieu
392 thereof the following:

393 “§4706. Vacancies; alternates.

394 The Departments of Elections shall appoint replacements for Election Officers who are unable to perform their duties due
395 to illness, disability or for any other reason.”

396 Section 49. Amend §4707, Title 15 of the Delaware Code by striking said section in its entirety and substituting in lieu
397 thereof the following:

398 “§4707. Compensation.

399 (a) The compensation for Election Officers is set at the rates in effect as of January 1, 2005. These rates may be
400 adjusted periodically as authorized in the State’s Budget Act.

401 (b) Election Officers shall be paid \$15 for each day’s service in performing any duty required on a day other than
402 a day of an election except as otherwise provided in this title.

403 (c) Election Officers required to attend an additional training session other than that required in § 4741 of this
404 chapter shall be paid \$25 for that training.”

405 Section 50. Amend §4741, Title 15 of the Delaware Code by striking said section in its entirety and substituting in lieu
406 thereof the following:

407 “§4741. Training election officers.

408 (a) The Departments of Elections shall train the appointed election officers on their duties for each election
409 conducted in accordance with this title. This training shall include instruction on applicable election law, the
410 proper conduct of the election and operation of the voting machines.

411 (b) The Departments of Elections shall prior to the day of the election file a report with the Commissioner of
412 Elections stating the number of election officers who were trained for the election. This report shall be a public
413 record.”

414 Section 51. Amend §4903, Title 15 of the Delaware Code by striking said section in its entirety and substituting in lieu
415 thereof the following:

416 “§4903. Reading of election law provisions to election officers.

417 Before reading and subscribing of the oath, the inspector shall read §§5123, 5124 and 5125 to the assembled election
418 officers.”

419 Section 52. Amend §4904, Title 15 of the Delaware Code by striking said section in its entirety and substituting in lieu
420 thereof the following:

421 “§4904. Oath at polling place before opening an election.

422 Before opening the election, the inspector, judges, clerks and any other appointed election officers shall subscribe to the
423 following oath: ‘I do solemnly swear (or affirm) that in the election to be held on the day of A. D.

424 I will not knowingly or willfully receive or consent to the receiving of the vote of any alien, and also that I will not receive
425 or consent to the receiving of the vote of any person whom I shall believe not entitled to vote, unless my associates shall
426 adjudge such person to be entitled to vote. That I will not receive or reject, nor concur in receiving or rejecting any vote

427 through partiality or under bias, and that I will determine every matter that shall come before me and perform every act and
428 duty by law required of me, touching the primary election, truly, faithfully and impartially, according to the best of my
429 skill and judgment; that I will cause the ballots that shall be taken at such election to be fully read and ascertained, and a

430 true statement thereof to be made, according to the best of my knowledge and ability; that I have not received, nor will I
431 receive directly or indirectly from or through any candidate to be voted for at such election, or any other person, any
432 money, pay or other valuable thing or reward; that I have not been promised, or in any manner been led to believe that I

433 will at any time directly or indirectly receive any money, pay or other valuable thing or reward from such candidate or
434 other person other than that provided by law and if I shall discover any partiality, unfairness or corruption in the conduct of
435 the election, I shall disclose the same the Department of Elections that is conducting the election and to the Attorney

436 General to the end that the subject may be investigated, so help me God (or so I solemnly affirm).”

437 Section 53. Amend Chapter 49, Title 15 of the Delaware Code by striking §§4905, 4906, 4907 and 4908 in their entirety.

438 Section 54. Amend §4909, Title 15 of the Delaware Code by striking said section in its entirety and substituting in lieu
439 thereof the following:

440 “§4909. Administering and signing the oath.

441 (a) The oath required in §4904 of this chapter shall be administered by the Inspector to the Judges, Clerks and
442 other election officers appointed in the election district. A judge shall then administer the oath to the Inspector.

443 (b) All election officers who are subscribing to the oath shall sign the Oath of Office. The inspector shall
444 administer the oath to any election officer who was not present when the oath was administered to the other
445 election officers. The election officer shall then sign the Oath of Office.”

446 Section 55. Amend §4910(b), Title 15 of the Delaware Code by striking the words “The department” in their entirety and
447 substituting in lieu thereof the words “The Departments of Elections”.

448 Section 56. Amend §4910(c), Title 15 of the Delaware Code by striking said subsection in its entirety and substituting in
449 lieu thereof the following:

450 “(c) The Departments of Elections shall deliver sample ballots free of charge for each unique ballot in the county
451 to the county chairperson or the agent for the county chairperson for each party on the ballot at least 10 days prior
452 to the date of the election.

453 (1) Major political parties shall be given 15 sample ballots unless the party chairperson requests fewer or
454 more.

455 (2) Minor political parties shall be sent one sample ballot showing each office on the ballot unless they
456 request more. Minor parties may receive up to 15 sample ballots without charge.

457 (3) Each Department of Elections shall establish the cost for additional sample ballots beyond the
458 number specified in sections (1) and (2) above.”

459 Section 57. Amend §4910(e), Title 15 of the Delaware Code by striking said subsection in its entirety.

460 Section 58. Amend §4912(a), Title 15 of the Delaware Code by striking the third and fourth sentences in said subsection
461 in their entirety.

462 Section 59. Amend §4933, Title 15 of the Delaware Code by striking said section in its entirety and substituting in lieu
463 thereof the following:

464 “§4933. Persons permitted in the voting room.

465 (a) The following persons shall be admitted to the voting room:

466 (1) Members and employees of the Departments of Elections identified by a badge or written
467 authorization;

468 (2) The Commissioner of Elections and his/her employees identified by a badge or written authorization;

469 (3) Persons voting and waiting to vote, or a child lawfully accompanying such a person pursuant to
470 §4937(e) of this title;

471 (4) One challenger from a political party with a candidate on the ballot as provided in § 4933 of this
472 chapter;

473 (5) Any people accompanied by persons listed in subsections (1) and (2) above.

474 (6) Persons with business in the building that is not connected to the election. For example: an athletic
475 team picking up or dropping off equipment at their school. Such persons shall remain outside of the
476 voting room except to pass through or by the voting room in the conduct of their business.

477 (7) A person or persons deemed necessary to the conduct of the election by majority vote of the
478 Inspector and Judges.

479 (b) No other person except as noted below shall be permitted within 50 feet of any entrance to the building used
480 by voters.

481 (c) Media and persons conducting exit polls shall be permitted within the 50 foot exclusion zone, but may not
482 talk to persons who have not voted while in the 50 foot exclusion zone.”

483 Section 60. Amend §4935, Title 15 of the Delaware Code by striking said section in its entirety.

484 Section 61. Amend §4936, Title 15 of the Delaware Code by striking everything after the first sentence and substituting in
485 lieu thereof the following:

486 “If any person offering to vote is challenged by one of the challengers or by any one of the election officers, such person's
487 right to vote shall be immediately determined in accordance with this title. If such person’s vote is refused, he/she shall be
488 offered the right to vote by Provisional Ballot. If the person refuses to vote by Provisional Ballot, he or she shall
489 immediately stand aside, give place to the person next in line and leave the polling place.”

490 Section 62. Amend §4977, Title 15 of the Delaware Code by striking the second sentence in said section in its entirety and
491 substituting in lieu thereof the following:

492 “Such persons shall be afforded the full opportunity to examine the ballot, results tapes from each voting machine, voting
493 machine certificates and the tally sheets.”

494 Section 63. Amend §4980(b), Title 15 of the Delaware Code by striking the words “machines and” wherever they appear
495 in the second and third sentences.

496 Section 64. Amend §4980(b), Title 15 of the Delaware Code by striking the words “voting machine or” in the fourth
497 sentence.

498 Section 65. Amend §5702, Title 15 of the Delaware Code by inserting as subsection (e) the following:

499 “(e) In the event that the number of votes separating a candidate and the closest opposing candidate in an election for state
500 senator, state representative or county office is less than 1,000 votes or one half of one percent of all votes cast for the two
501 candidates, whichever is less, the Court shall recount the absentee ballots cast in that election at State expense.”

SYNOPSIS

This act updates language and procedures as well as makes the following changes:

- Modifies the criteria by which Commissioner provides lists and/or files of registered voters to parties and other entities.
- Establishes standards for voter registration drives within the State.
- Gives overseas citizens and military voters more flexibility to register and establishes the deadline for these applicants to register as the third Monday before a primary or general election.

- Establishes requirements for disaster recovery and continuity of operations.
- Gives the Departments more flexibility in canceling the registrations of persons who moved out of state and who are deceased.
- Establishes the requirement that the Departments mail an address confirmation notice to each new registrant and to not register a person when a confirmation notice is returned as undeliverable within 10 days of the date of the mailing.
- Establishes the registration deadline as the 4th Saturday prior to the date of primary or general election.
- Establishes the registration deadline as 10 days prior to the date of a special election.
- Establishes March 31 in the year of a general election as the last day for a person to change his/her political party affiliation prior to the Primary Election.
- Establishes automatic recounts of absentee ballots in the event of a close primary or general election.
- Revises the timeline for candidacy for the State's Presidential Primary to insure that there is sufficient time to meet the deadlines for mailing absentee ballots to military and overseas voters.
- Establishes October 31 in the year prior to a Presidential Election as the last day for a person to change his/her political party affiliation prior to the Presidential Primary.
- Modifies the nomination process so that filed candidates without an opponent and winners of primary elections are considered nominated.
- Eliminates the obsolete Chapter 44.
- Revises procedures following appointment of Election Officers and for the oath of office at the General Election.

Author: Senator Blevins