SPONSOR: Sen. Katz & Sen. Bunting & Rep. Jaques & Rep. Brady

DELAWARE STATE SENATE
145th GENERAL ASSEMBLY

SENATE BILL NO. 225

AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE REGARDING ABSENTEE VOTING AND ASSOCIATED ISSUES.

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

WHEREAS, the Defense Authorization Act signed into law in October, 2009 included the Military and Overseas Voter Empowerment Act which made several significant changes in the Uniformed and Oversea Citizen Absentee Voter Act (UOCAVA);

WHEREAS, the Military and Overseas Voter Empowerment Act (MOVE) provides that there should be at least 45 days between the dates absentee ballots are first mailed to UOCAVA voters and the day of the election;

WHEREAS, there are consistently 35 days between the withdrawal deadline and the day of the Primary Election;

WHEREAS, there are 43 days between the day ballots are estimated available to be mailed and the General Election in 2010, 2020, and 2026; and

WHEREAS, the day of the Primary Election will be the Tuesday following Labor Day in 2020 and 2026; and

WHEREAS, certain voters have difficulty submitting applications for absentee ballots.

NOW, THEREFORE:

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

Section 1. Amend §1303, Title 15 of the Delaware Code by inserting as subsection (5) the following:

(e) The State's election officials shall use email addresses obtained through registration and absentee voting activities for official business only and these addresses shall not be subject to Freedom of Information requests and shall not be disseminated outside of the Departments of Elections on lists of registered voters or in any other manner.

Section 2. Amend §3101 (1), Title 15 of the Delaware Code by deleting "last Friday" where it first appears and replacing in lieu thereof "the second Tuesday" and by deleting the second sentence in its entirety..

Section 3. Amend §3101 (2), Title 15 of the Delaware Code by deleting the words "first Friday in August" wherever they appear in this subsection and substituting in lieu thereof the words "first Friday after the second Tuesday in July". Further amend this subsection by striking the words " 12:00 noon of" and substituting in lieu thereof the words "4:30 p.m. on".

Section 4. Amend §3101 (3), Title 15 of the Delaware Code by inserting the words “after the first Monday” after the words “second Tuesday”.

Section 5. Amend §5503, Title 15 of the Delaware Code by inserting the following as subsection (k):

(k) Notwithstanding any other provision of this title, a registered voter eligible to vote by absentee ballot for reasons stated in § 5502 (1), (2), (4), (7) or (8) may apply in writing to the department of elections for the county in which the voter is registered to vote for permanent absentee status. The respective departments of elections shall automatically send an absentee ballot to each person in permanent absentee status for each election in which the person is entitled to vote.

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

(2) Overseas citizen and military voters may apply for permanent absentee status by writing that request in the remarks section of the Federal Post Card Application or its’ successor.

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

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

(5) Each department of elections shall post a list of permanent absentee voters on their web site.

Section 6. Amend §5518 (a), Title 15 of the Delaware Code by striking the words following the word “during” and substituting in lieu thereof the words “the period from receipt of the application following the last general election and the next general election.”

Section 7. Amend Chapter 55, Title 15 of the Delaware Code by inserting as §5526 the following:

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

The State Election Commissioner in collaboration with the Departments of Elections shall establish a free access system accessible via the internet through which a person who applied for an absentee ballot can determine whether or not his/her application was received, when his/her ballot was transmitted, when his/her voted ballot was received by the appropriate Departments of Elections, and whether or not the ballot was counted.

Section 8. Amend Chapter 55, Title 15 of the Delaware Code by inserting as §5527 the following:

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

The State Election Commissioner in collaboration with the Departments of Elections shall implement those provisions of the Uniformed and Overseas Citizen Absentee Voters Act not specifically mandated by this chapter.

SYNOPSIS

This act would protect voters email addresses from being disseminated outside of the Departments of Elections and establish a permanent absentee status for disabled voters and individuals eligible to vote under the provisions of the Uniformed and Overseas Citizen Absentee Voters Act (UOCAVA). It would also permit the State to better comply with the provisions of the Military and Overseas Voter Empowerment Act by providing more time between the withdrawal deadline and the date of the Primary. The act would also mandate the creation of a free access internet accessible system for absentee voters to determine the status of their absentee ballots.

Author: Senator Katz