

SPONSOR: Sen. Henry & Sen. Townsend & Rep. Keeley & Rep. Bolden & Rep. Lynn & Rep. Viola
Sens. Hall-Long, Marshall, McBride, McDowell, Peterson, Poore, Sokola; Reps. Bentz, Heffernan, J. Johnson, Kowalko, Longhurst, Matthews, Mitchell, Mulrooney, Osienski, Potter, Schwartzkopf, B. Short, M. Smith, K. Williams, Baumbach

DELAWARE STATE SENATE
148th GENERAL ASSEMBLY

SENATE BILL NO. 242

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:

Section 1. Amend § 6102, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 6102. Definitions.

(a) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them except where the context clearly indicates a different meaning:

(1) “Disqualifying felony” shall mean that type of felony set forth in § 2, article V of the Constitution of this State which permanently disqualifies any person convicted of such felony from voting.

~~(2) "Financial obligations" includes such fees, fines, costs and restitution which a felony offender may be required to pay as part of the criminal sanctions imposed upon such offender.~~

(3) “Full discharge” or “fully discharged” shall mean that a person convicted of a ~~criminal offense~~ felony which is not disqualifying has served the required sentence of imprisonment, parole, work release, early release, supervised custody, and probation and community supervision~~, and has also paid all financial obligations required by the sentence.~~

(4) “State Election Commissioner” shall mean the State Election Commissioner or the Commissioner's designee.

(b) For the purposes of § 2 of article V of the Constitution of this State and for the purposes of this chapter, no sentence shall be deemed to be expired until a person convicted of a ~~criminal offense~~ felony which is not disqualifying has served the required sentence of imprisonment, parole, work release, early release, ~~or~~ supervised custody ~~and~~ , and probation and community supervision ~~and has also paid all financial obligations and restitution required by the sentence~~.

Section 2. Amend § 6103, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 6103. Application for registration: felony conviction reviews.

(a) The county ~~department of elections~~ office of the Department of Elections shall not register any applicant as a qualified voter until it has been determined that such applicant is lawfully eligible to vote. The county ~~department~~ office shall, for each registration application, perform an electronic inquiry against the Criminal Justice Information System (CJIS) and other data to determine if the applicant has been convicted of a felony. If the applicant has not been convicted of a felony and is otherwise eligible to register to vote pursuant to the Delaware Constitution and this title, the applicant shall be registered.

(b) If a review by the county ~~department of elections~~ office of the Department of Elections shows that the applicant has been convicted of a disqualifying felony, the registration application shall be denied and the applicant shall not be permitted to register.

(c) If the applicant has been convicted of a felony which is not disqualifying but the ~~felony conviction occurred within 5 years preceding the date of the application~~ applicant has not served the required sentence of imprisonment, parole, work release, early release, supervised custody, and probation and community supervision, then the registration application shall be denied.

(d) If the results of the ~~(CJIS)~~ CJIS inquiry cannot determine the eligibility of the applicant, the respective county ~~department of elections~~ office of the Department of Elections shall forward the application to the State Election Commissioner.

Section 3. Amend § 6104, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 6104. Commissioner's review of application.

(a) If the applicant has ~~not~~ been convicted of a felony which is not disqualifying, ~~within the 5 years preceding the date of the application, the State Election Commissioner shall request that both the Office of State Court Collections Enforcement (OSCCE) and the Department of Correction separately conduct a review and data search of all records relating to the applicant~~ the State Election Commissioner shall request that the Department of Correction review its records to determine if all sentences of imprisonment and community supervision imposed upon the applicant have been fully discharged.

~~(b) Upon request by the State Election Commissioner, the OSCCE shall review its records to determine if the applicant has paid all financial obligations assessed against such applicant. Upon request by the State Election~~

~~Commissioner, the Department of Correction shall review its records to determine if all sentences of imprisonment and community supervision imposed upon the applicant have been fully discharged.~~

(c) Where it has been determined that the applicant was convicted of a felony which is not disqualifying, has fully discharged all imposed sentences, and otherwise meets all constitutional requirements, the applicant shall be permitted to register as a qualified voter. Each stage of the review process shall be completed within a reasonable time.

(d) Where the State Election Commissioner determines from information received from ~~OSCCE or from~~ the Department of Correction that ~~there are financial obligations which have not been paid; or that not all sentences have been~~ the applicant has not fully discharged~~; or~~ all sentences or that other questions or issues relating to the applicant's eligibility are still unresolved, the Commissioner shall deny the application for registration. Upon denial of an application under this section, the applicant shall be notified by mail.

SYNOPSIS

This Act eliminates the financial bar to voter registration and makes technical changes to bring the chapter into conformity with § 2, article V of the Constitution of this State, which no longer requires a 5 year waiting period before a person convicted of a non-disqualifying felony may register to vote.

This Act also makes technical corrections to conform existing law to the guidelines of the *Delaware Legislative Drafting Manual*.

Author: Senator Henry