



**HOUSE OF REPRESENTATIVES
STATE OF DELAWARE
411 LEGISLATIVE AVENUE
DOVER, DELAWARE 19901**

COMMITTEES
Administration, Chair
Ethics, Chair
House Rules, Chair
Legislative Council
Manufactured Housing

**House Administration Committee Meeting Minutes
06.22.22**

This committee meeting has been recorded and may be accessed via legis.delaware.gov

Chair Longhurst called the meeting to order at 11:06 a.m. Members included Speaker Schwartzkopf and Reps. Dukes, Mitchell, and D. Short.

Chair Longhurst introduced **SB 302, AN ACT TO AMEND TITLE 10 AND TITLE 11 OF THE DELAWARE CODE RELATING TO FIREARMS.**

Rep. Bentz, additional sponsor of the bill, explained that the state provides substantial liability shields to gun manufacturers and firearms dealers, even in cases that may be considered reckless. This bill seeks to regulate the gun industry the same way as other industries in terms of recklessness. It prohibits firearm industry members from knowingly and recklessly acting regarding firearms. It requires the firearm industry to establish reasonable controls regarding firearms and it establishes a cause of action for any victims of the firearm industry regarding violations of these new provisions. This does not open the gun industry to high levels of liability as opposed to other industries. If someone is wronged in a reckless manner, the bill would allow restitution to be granted as appropriate.

Rep. D. Short asked for an example of holding a person liable under this law.

Rep. Bentz stated that if a person was acting recklessly, for example, in the instance of selling a firearm to an individual who should not have one.

Rep. D. Short asked where the emphasis lies in the bill.

Rep. Bentz provided a hypothetical situation of a straw purchase where a firearms dealer sells a gun to a person even though evidence was provided that they would pass the gun along to a person who legally cannot possess a gun, showing recklessness.

Rep. D. Short asked how the firearm dealer would know that it is straw purchase.

Rep. Bentz said in this case, it would be if they recognize a telltale sign of a straw purchase.

Rep. D. Short asked if the firearm dealer would be held liable if the buyer gave no evidence of a straw purchase during the interaction.

Rep. Bentz replied that they would not be held liable for that, as a high threshold of recklessness required. He also said there should be a high degree of integrity for those selling firearms. Currently, the industry enjoys blanket immunity and it is likely that there would be few instances of this occurring.

Rep. D. Short asked if he was insinuating that a firearm dealer would do that intentionally, which Rep. Bentz affirmed he was not.

Rep. D. Short said he is concerned about frivolous cases where a firearm dealer could be sued when they have not knowingly done anything wrong.

Rep. Bentz said the threshold to prove recklessness is high in this bill for that reason. Currently, the issue is that there is no ability for accountability for the gun industry, and state courts have ruled that the gun industry has full immunity regardless. He wants to find a middle ground where recklessness can be addressed reasonably, which this bill accomplishes. This bill is not intended to create frivolous lawsuits.

Rep. D. Short said he believes this bill will create have unintended consequences and frivolous lawsuits. He wants to call on an industry expert later in the committee meeting.

Chair Longhurst opened the committee to public comment.

Mara Gorman, volunteer state chapter lead for Delaware Moms Demand Action, spoke in support of SB 302. The bill is named for Keke Anderson, a 19-year-old girl who was shot and killed in 2016 by a gun obtained through a straw purchase. The firearm dealer was not held accountable even though the family sued them. The federal Protection of Lawful Commerce in Arms Act has shielded bad actor gun manufacturers and dealers from most lawsuits creating an unsafe environment and denying justice for victims.

Rep. D. Short stated that firearm issues are important and he believes that one minute is not sufficient for public comment. He is also glad that a building review committee is working, as he believe people attending the committee meeting should not have to stand outside of the hearing room.

Chair Longhurst said she would allow for two minute public comment for the bill.

Rev. RJ Chandler, volunteer with Delaware Moms Demand Action, the Interdenominational Ministerial Alliance, and Transformation African Methodist Episcopal Zion Church, spoke in support of SB 302. Keke Anderson was killed by a gun bought via straw purchase, which the legislature can take action to end.

Jeff Hague, President of Delaware State Sportsmen Association, spoke in opposition to SB 302. He said that gun manufacturers are some of the most regulated industry in the country and are not immune to lawsuits. This bill creates new laws only directed at the firearm industry. Straw purchases are already illegal and most gun shops he knows are attuned to straw purchases. He believes this legislation's intent is to put gun shops out of business.

Chair Longhurst opened the committee to virtual public comment.

Rep. Dukes asked Rep. Bentz about the bill's focus on straw purchases and asked what the current penalty is for a straw purchase.

Rep. Bentz said he would call on an attorney to answer that question, but noted that SB 302 covered a wider number of instances than just straw purchases.

Natalie Woloshin, House Attorney, said that penalties for straw purchases depend on whether one is charged federally or at the state level and if they are charged as an accomplice or as someone giving a firearm. She did not know the specifics of federal penalties but they are significantly higher than state penalties. The state penalties for providing a firearm to a person prohibited due to a violent felony, it's a Class C felony. With two prior violent felonies, the penalty is a minimum of 10 years in prison, with one prior violent felonies, it is a five-year prison sentence, and without prior violent felonies it is three years in prison. Providing to a person prohibited is a Class D felony with a penalty of 0-8 years in prison.

Tracey Murphy provided testimony on behalf of Keshia Bailey. Bailey's daughter, Keke Anderson, who the bill is named for, was killed at the age of 19 by an illegal gun bought through a straw purchase, leaving a young son behind. Bailey wanted to sue the store, but Delaware's laws prevented her from doing so. In 2021, 81 people have been killed by gun violence. The gun industry should not be shielded from the law and bad actor gun dealers should be stopped from selling guns that are used in this manner.

Rep. D. Short explained his vote against the bill. He said there are other ways to solve the issue of gun violence and he would be willing to introduce a bill to prohibit bail for those committing a felony using a firearm. He gave the example of a police officer killed by a person out on probation with a gun. He understands the intent of SB 302 but believes it will hurt gun manufacturers and sellers. He intends to follow up with a separate bill.

A motion was made by Speaker Schwartzkopf and seconded by Rep. Mitchell to release SB 302, from committee; the motion carried. Yes= 3 (Longhurst, Schwartzkopf, Mitchell): No= 2 (Dukes, D. Short). The bill was released from committee with a F=0, M=3, U=0 vote.

Chair Longhurst introduced SB 8 w/ SA 1, AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO DESTRUCTIVE WEAPONS.

Rep. Osienski, additional sponsor of the bill, stated that the bill classifies machine guns as they are defined under federal law and makes clear the types of weapons prohibited under Delaware law. It prohibits turning a semi-automatic weapon into a fully automatic machine gun. A gunman using a modified semi-automatic weapon turned into an automatic weapon shot three police officers in January and another gunman using a similar modified weapon killed six people in April. Over 40 members of US Congress signed a letter to the Bureau of Alcohol, Tobacco, Firearms, and Explosives asking them to update their guidelines on firearms and to place a limit on gun companies that are pushing legal limits. Instead of waiting for the federal government, he believes that Delaware should take steps. This would outlaw the possession and use of auto sears, Glock switches, or other devices that can modify a semi-automatic weapon to an automatic machine gun.

Chair Longhurst opened the committee to public comment.

Dennis Greenhouse, member of the Gifford's organization, spoke in support of SB 8 w/ SA 1. He stated that auto sears are the most common devices to transform a semi-automatic weapon into a fully automatic weapon, which have gained popularity in recent years. The ATF noted that there were 1,500 firearms modified by auto sears in 2021 as opposed to 300 in 2020. They can also be created using a 3D printer.

Anne McWalter, a member of Delaware Moms Demand Action and gun violence survivor, spoke in support of SB 8 w/ SA 1. She stated that there is a large black market for firearm conversion devices, allowing one to create a machine gun for as little as \$20. They can empty an entire magazine with the pull of a trigger. They are common in Glocks and their use is on the rise.

Karen Riordan, lead for the Newark chapter of Delaware Moms Demand Action, spoke in support of SB 8 w/ SA 1. She stated that conversion devices are increasingly prevalent and endanger the lives of law enforcement.

Jeff Hague, President of the Delaware State Sportsmen's Association, spoke in opposition to SB 8 w/ SA 1. He said he has no problem with the first part of the bill, but fully automatic weapons have never been legal, so the bill is not necessary. The amendment causes concern because it discusses modification to firearm triggers and says modifying triggers could bring legal action against people who are not creating an automatic weapon. He said the amendment was not discussed with stakeholders and believes it has unintended consequences.

Linda Barnett, on behalf of the League of Women Voters, spoke in support of SB 8 w/ SA 1, especially in the light of recent tragedies. She said Governor Carney has spoken in support of gun control measures.

Denise Clendenning spoke in opposition to SB 8 w/ SA 1. She also commented on SB 302, which she is opposed to, as she believes it will open the state to frivolous lawsuits with unsubstantiated claims. She feels that these measures are unconstitutional.

Rep. Dukes asked Rep. Osienski if surrounding states have enacted similar legislation, as he is concerned about illegal gun trafficking.

Natalie Woloshin, House attorney, stated that under federal law, machine guns are prohibited regardless, meaning that the laws of surrounding states would not necessarily matter.

A motion was made by Speaker Schwartzkopf and seconded by Rep. Mitchell to release SB 302, from committee; the motion carried. Yes= 5 (Longhurst, Schwartzkopf, Mitchell, Dukes, D. Short): No= 0. The bill was released from committee with a F=0, M=5, U=0 vote.

Chair Longhurst introduced SB 323, AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO DEADLY WEAPONS.

Sen. Pettyjohn, sponsor of the bill, stated that SB 323 is identical to HA 1 to SB 6 which was passed almost a year ago. There is a firearm magazine manufacturing facility in Georgetown Delaware. The primary customer of the Georgetown facility is the military and police although they do currently sell

some to consumers also. SB 323 would stipulate that their magazines must be intended for sale outside of the state. It would not go into effect unless SS 1 to SB 6 is enacted.

Chair Longhurst opened the committee to public comment and virtual public comment.

A motion was made by Speaker Schwartzkopf and seconded by Rep. Mitchell to release SB 323, from committee; the motion carried. Yes= 5 (Longhurst, Schwartzkopf, Mitchell, Dukes, D. Short); No= 0. The bill was released from committee with a F=0, M=5, U=0 vote.

Chair Longhurst introduced **HB 358, AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO DECREASING THE REALTY TRANSFER TAX.**

Rep. Bush, sponsor of the bill, stated that HB 358 will help Delawareans and homebuyers. Currently, home interest rates are above 6.5% and home prices are steadily increasing. The realty transfer tax, which was increased in 2017, would be reduced by 1%. This bill would ease the financial burden for homebuyers. He recognized Rep. Ramone, who worked on the bill. He is open to revisions but wants the bill to be released so it can be heard in the House Appropriations Committee.

Chair Longhurst said making the decision to change the realty transfer tax rate several years was a difficult decision, but she supports a sunset on it.

Speaker Schwartzkopf said that the state budget was passed yesterday in Senate and will be heard in the House tomorrow. The 1% realty transfer tax decrease is equal to \$117 million that the state would have to find in the budget, possibly not able to spend it on other services. He will vote to release it but it will go to House Appropriations.

Chair Longhurst opened the committee to public comment.

Justin Olear, President of Builders and Remodelers Association of Delaware, which represents small and large businesses that build homes, spoke in support of HB 358. In Delaware, homebuilders are concerned with their ability to create affordable housing. Often, increases in cost are passed along to homebuyers across the state and this bill could help Delaware's economic outlook.

Beau Zebley, President of the Delaware Association of Realtors, spoke in support of HB 358. Rising prices creates lack of home affordability throughout the state. There are also fewer homes on the market. Currently, Delaware has the highest state realty transfer tax in the US and this places burden on homebuyers.

Rick Geisenberger, Delaware Secretary of Finance, stated that there need to be technical corrections, as the effective date must be August 1 instead of July 1. He also noted that the budget does not have this bill factored into it. The total cost would likely be slightly lower than fiscal note due to recent forecast for realty transfer taxes, but it would likely still be a nine figure cost.

A motion was made by D. Short and seconded by Rep. Mitchell to release HB 358, from committee; the motion carried. Yes= 5 (Longhurst, Schwartzkopf, Mitchell, Dukes, D. Short): No= 0. The bill was released from committee with a F=1, M=4, U=0 vote.

Chair Longhurst introduced **HS 1 for HB 478, AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO EMPLOYMENT OF PENSIONERS.**

Rep. Smith stated that this bill came from constituents. It would increase the annual earnings limit for pensioners in the state employee pension plan who return to work in a non-pension position. It increases their earnings to \$40,000 beginning in the current calendar year. There are work shortages around the state, especially in teaching, and this allows people to work as teachers. The Delaware Department of Finance and the Delaware Office of Pensions were involved in discussions.

Chair Longhurst opened the committee to public comment and virtual public comment.

Rep. Mitchell thanked Rep. Smith for this bill. He stated his support for workers who retired but can still provide a service to the state, and thinks this is a good investment.

A motion was made by Rep. Mitchell and seconded by ...to release HS 1 for HB 478, from committee; the motion carried. Yes= 4 (Longhurst, Mitchell, Dukes, D. Short): No= 0. Absent= 1 (Schwartzkopf). The bill was released from committee with a F=1, M=4, U=0 vote.

Chair Longhurst introduced **SB 297 w/ SA 1, AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO ATHLETE AGENTS.**

Rep. Baumbach, additional sponsor of the bill, stated that it came from Sen. Sokola and Rep. Smith also worked on the bill. This bill was first introduced in 2019. In 2021, NCAA policy changed and allowed athletes to benefit from their name and image and this would allow athletes' agents to be regulated. It is part of a national model bill and Delaware added a requirement that contracts are in the language of the family of the athlete so that they fully understand the contract.

Chair Longhurst opened the committee to public comment and virtual public comment.

Libby Snyder, Legislative Council at Uniform Law Commission, spoke in support of SB 297 w/ SA 1.

A motion was made by Rep. D. Short and seconded by Rep. Mitchell to release SA 1 for SB 297, from committee; the motion carried. Yes= 5 (Longhurst, Schwartzkopf, Mitchell, Dukes, D. Short): No= 0. The bill was released from committee with a F=0, M=5, U=0 vote.

Chair Longhurst introduced **SS 1 for SB 11, AN ACT PROPOSING AN AMENDMENT TO ARTICLE I, § 12 OF THE DELAWARE CONSTITUTION RELATING TO CRIMINAL PROCEDURES.**

Chair Longhurst, additional sponsor of the bill, stated that it would be the first leg of a constitutional amendment that would modernize the bail provision of the Delaware Constitution and would clarify the power of the General Assembly to determine circumstances in which pre-trial bail may not be available.

Rep. D. Short gave an example of an individual in Maryland with four warrants who was allowed out on probation and committed offenses, including owning a firearm. He asked about the intent if this bill passes.

Speaker Schwartzkopf stated that the instance is not related to pre-trial bail. This bill deals with the bond application and not the arrest.

Rep. D. Short asked if the bill has impact on that situation

House Attorney Natalie Woloshin said that the General Assembly will prescribe what crimes preventive detention would apply to. If they decided that this person's crime would allow for preventative detention, it would be the court's decision to decide that no condition other than detention would be appropriate. Actions would depend on what the General Assembly prescribes for certain crimes after this bill is passed.

Rep. D. Short referenced the example he brought up early and asked if the next General Assembly could prescribe crimes where probation before judgement is appropriate.

Natalie Woloshin doesn't know the Maryland law but said if this bill passes, the General Assembly will prescribe what crimes are eligible for preventative detention. The court would then determine if the available conditions were appropriate, and would have to be felony offenses.

Chair Longhurst opened the committee to public comment.

Lisa Minutola, Chief of Legal Services for the Delaware Office of Defense Services, noted that there is a need procedural safeguards if you are holding someone without bail for their entire pretrial period, which requires a high burden of proof and clear and convincing evidence. The framework must be fleshed out but her office looks forward to working on the issue.

Chair Longhurst noted that there is an amendment to this bill but it will not be discussed during committee.

A motion was made by Speaker Schwartzkopf and seconded by Rep. Mitchell to release SS 1 for SB 11 from committee; the motion carried. Yes= 5 (Longhurst, Schwartzkopf, Mitchell, Dukes, D. Short); No= 0. The bill was released from committee with a F=0, M=5, U=0 vote.

Chair Longhurst introduced **SB 295, AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO ATTORNEY GENERAL ACCESS TO STATE DOCUMENTS.**

Sen. Gay, sponsor of the bill, stated that SB 295 was developed in collaboration with the Delaware Department of Justice. It would clarify the discovery burden of the Department of Justice in litigation. As an example, if the DOJ engaged in litigation against a large internet company that provides products to the state, there have been inconsistent rulings regarding the burden for collecting party discovery for those cases. An opponent might say they want the DOJ to provide all information relating to the case and is a litigation tactic with inconsistent rulings. The DOJ has access to documents and the question revolves around if the documents can be garnered in public discovery. This does not prevent public discovery, but would create a third-party subpoena process for it. For the purpose of discovery, the Attorney General would not have the same level of access as if they were representing another agency.

Speaker Schwartzkopf asked for clarification on the bill. He said that it sounds as if the Attorney General's access to documents in civil actions is being limited.

Sen. Gay stated that this bill does not prevent the AG from procuring documents from an agency when they represent that agency as counsel. This bill covers situations where the AG has brought litigation against a third party or is defending litigation against a third party, where the other party is attempting to use the broad right of access in their discovery process. This has created inconsistency and a resource strain on the DOJ, where it is best sought from a third party.

Speaker Schwartzkopf asked if it provides the AG more or less authority than they currently have.

Sen. Gay stated that it does not give the AG more or less authority, but protects state agencies from being pulled into litigation because the AG is a party in the litigation.

Speaker Schwartzkopf said he will speak to attorney about the details of the bill.

Chair Longhurst opened the committee to public comment and virtual public comment.

Rep. D. Short asked if the Attorney General's Office approves of this legislation.

Sen. Gay said the legislation was brought up by the Attorney General's Office.

Speaker Schwartzkopf said that he will vote to release the bill though he is confused on the details, as it is late in the session.

A motion was made by Speaker Schwartzkopf and seconded by Rep. Mitchell to release SB 295 from committee; the motion carried. Yes= 5 (Longhurst, Schwartzkopf, Mitchell, Dukes, D. Short): No= 0. The bill was released from committee with a F=0, M=5, U=0 vote.

Chair Longhurst introduced SB 320 w/ SA 2, SA 27, AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO ELECTIONS.

Sen. Gay, sponsor of the bill, explained that it established mail-in voting in Delaware for any registered voter. She noted that 2020 saw increased voter participation due to absentee ballots and mail-in ballots.

There are differences between the absentee ballot process and the mail-in ballot process. One difference is that the mail ballot program would be an opt-in program for each election that the voter wishes to participate in, rather than applications being automatically mailed to registered voters as they were in 2020. If someone opts in to mail-in balloting, they would receive a ballot between 30 and 7 days prior to an election, and for it to be counted, the Department of Elections would have to receive it before closing on Election Day. A person can return a mail-in ballot via mail with a pre-stamped envelope, they can hand it to the Department of Elections at any in-person site, or at Department of Elections drop boxes that are monitored by video. The tabulation and preparation of ballots are similar to past procedures for tabulating remote ballots, allowing it to be feasible for the Department of Elections and for ballot judges. This bill allows for convenience and quality of voting, as well as expanding the electorate. It can aid the democratic process and encourage people to participate in elections without compromising the security of elections. She stated that she is open to discussing the amendments attached to the bill.

Rep. Dukes asked if the request for mail-in ballots is sent to Department of Elections or if it is automatic.

Sen. Gay said the voter must contact the Department of Elections and request a mail-in ballot, either by paper application or the iVote online system, which requires identifying documents.

Rep. Dukes asked if it is automatic process for mail-in ballots.

Sen. Gay said it is intentionally made so that a voter must request a mail-in ballot, due to mail-in voting being new and more procedures can be developed later.

Rep. Dukes asked if this bill removes the absentee ballot process.

Sen. Gay affirmed that this does not remove the absentee ballot process, especially because the processes are different and should remain separate.

Rep. D. Short asked House Attorney Ron Smith about the constitutionality and practicality of this bill.

House Attorney Ron Smith stated that Article 5, Section 4a and 4b of the Delaware Constitution discuss military and absentee voting. He stated that there has been pending legislation to change 4a to make it “no excuse” and to authorize actions by the General Assembly. He said that in 1972, section 4a was reviewed by the Supreme Court and they held the enumerated classifications of eligible persons for absentee ballot and said the section implied that it excluded all other classifications as excuses for the request of an absentee ballot. Mail-in ballots are the same as absentee ballots, without excuses and with a different timeline. Therefore, SB 320 allows for an application for mail-in ballots without any excuses and ignores sections 4a and potentially 4b of the Delaware Constitution, attempting to make it legal indirectly. Mail-in voting without excuses would thereby be unconstitutional. If enacted, the Delaware courts could decide its constitutionality. In the past, the courts said the constitution requires excuses for absentee voting.

Rep. D. Short echoed the sentiments of Ron Smith as his reasoning for voting against the bill.

Sen. Gay stated that the question of constitutionality can be determined by the Supreme Court if challenged. She said that 1972 opinions of the Supreme Court do not necessarily have the same value as if transcribed to a vote by mail system. It is within the General Assembly's ability to legislate on voting processes. Absentee voting helps individuals outside of the district at the time of voting. The process of vote by mail is not in the constitution and she believes this is constitutional but can be addressed in court. This bill meets a need of Delawareans currently. She appreciates Rep. D. Short's comments.

Chair Longhurst opened the committee to public comment.

Claire Synder- Hall, member of Common Cause Delaware, spoke in support of SB 320. She stated that government only works well if all citizens vote, and this bill would allow people to vote freely from their homes. Voting by mail in 2020 allowed for record breaking voter turnout and 34 other states have mail-in voting, allowing more people to participate in government.

Kristine Ianelli, Policy Director for the Delaware Department of Justice, spoke in support of SB 320. Voting is a fundamental right and it is important for all registered voters to be able to vote. This bill would allow for more representation regardless of circumstances. Mail-in ballots have been proven to be a safe and effective method of voting.

Javonne Rich, member of the ACLU of Delaware, spoke in support of SB 320. It allows for voter access and helps those who may find it difficult to make it to the polls. It allows people to study those on the ballot, decreases long lines and wait times. It is constitutional, just like early voting and automatic registration are constitutional.

Denise Clendenning spoke in opposition to SB 320. She believes there are other options to vote and this will invite voting fraud.

Donna Hatcher, Executive Director of the Methodist Action Program, spoke in support of SB 320. Vote by mail is efficient and increases voter turnout. 34 other states have vote by mail.

Mara Linden, on behalf of the ACLU of Delaware Legal Department, spoke in support of SB 320. She thanked Rep. Longhurst, Mitchell and Schwartzkopf for their commitment to the bill and said there is a strong constitutional interpretation that makes voting by mail legal.

Mira Devotta, member of Delaware Voting Rights Coalition, spoke in support of SB 320. She thanked Rep. Longhurst, Rep. Mitchell and Speaker Schwartzkopf for their commitment to the bill. SB 320 will help people who speak English as a second language, people of color, and young people.

Evelyn Brady, Alpha Kappa Alpha Sorority Incorporated, spoke in support of SB 320. It eliminates barriers to the election process.

Rep. Dukes asked if, for both mail in ballots and absentee ballots, a person must request the ballot from the Department of Elections.

Sen. Gay said this is not always the case. The absentee ballot process has a permanent absentee balloting list, but if they use it sporadically, they must apply.

Rep. Dukes asked if this legislation would create a permanent mail-in ballot list.

Sen. Gay said one must send in a request for each individual election.

Rep. Dukes asked if the largest difference between the two is that absentee voting requires an excuse and mail in voting does not.

Sen. Gay said there are several differences between the two. Absentee balloting has a number of ways to secure absentee ballots, but the mail-in ballot process is more narrow. They are fundamentally different processes although that is one difference.

Rep. Dukes asked if the mail-in ballot requires no excuse.

Sen. Gay said that is true, but mail-in ballots do not require someone to fall into any category before voting, except that they must be registered voters. Absentee voting requires certain excuses. One example of the use of mail-in voting is when she was 9 months pregnant in 2018. She may not have been able to vote if she went into labor as she did not fall under a category to qualify for an absentee ballot. If mail-in voting was allowed in that instance, she would have been allowed to vote and made a plan that would accommodate her situation. There are many ways in which people need mail-in voting for numerous reasons and creates equity.

Rep. Dukes asked why this bill did not simply add boxes to the absentee ballot voting process instead.

Sen. Gay said she believes this bill is the simplest way to implement mail in ballots and feels this is a measured approach to a new system.

Speaker Schwartzkopf drew attention to SA 27, which helps prevent fraud in the mail-in voting process. He thanked Sen. Gay for her conversation with him the day before which alleviated his concerns about the bill's constitutionality. He reviewed the Delaware Constitution and no longer has concerns, prompting him to sign on as a co-sponsor.

A motion was made by Speaker Schwartzkopf and seconded by Rep. Mitchell to release SB 320 w/ SA 2, SA 27 from committee; the motion carried. Yes= 3 (Longhurst, Schwartzkopf, Mitchell): No= 2 (Dukes, D. Short). The bill was released from committee with a F=0, M=3, U=0 vote.

Chair Longhurst introduced SB 233 w/ SA 1, AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO MUNICIPAL ELECTIONS.

Rep. Shupe, additional sponsor of the bill, explained that the bill deals with municipal elections in Delaware. He and Sen. Lockman partnered on the bill. The bill passed through Senate. As the former Mayor of Milford, he saw people that were turned away from municipal elections on election day because

they were not registered with municipal elections even though they were registered in the state of Delaware. After researching, he discovered that 45 out of 57 municipalities required a second registration even when one was registered in the state of Delaware and verified by the Department of Elections. The NAACP challenged the City of Dover in the 1980s, alleging that the double registration process for municipal elections was deterring allowing black voters from voting. The NAACP won the case in Superior Court and Dover removed the double registration. This bill would clean up voter rolls in municipalities where its instituted, and would created a partnership between municipalities and state election authorities. It allows for local control of municipalities, such as some that allow business owners with property in their name to vote if desired. It would eliminate the double registration requirement, allowing those registered to vote in the state of Delaware to also vote in all municipal elections.

Chair Longhurst asked how many municipalities are currently covered by the double registration.

Rep. Shupe said that 45 municipalities had double registration but Seaford, Laurel, and Milford have changed their charters.

Chair Longhurst asked if he received verification from these municipalities that they support the bill.

Rep. Shupe said he spoke to the Delaware League of Local Governments and other organizations, which are neutral on the bill. Some towns do not support it but many do. Some of those opposed are from coastal communities and he would be open to hearing their opposition. This bill still allows for local control. Some opposing the bill have a concern with the voter list aspect of the bill, but the list of voters would essentially remain the same, and would only require out of state voters to register separately.

Chair Longhurst asked if he has reached out to all of municipalities.

Rep. Shupe said he reached out to organizations that have reached out to the municipalities. He only knows of five that are opposed to the bill and others are supportive or neutral.

Speaker Schwartzkopf said that some municipalities are already in agreement to use the state's voter registration system if they chose to do so and 12 have an agreement with the state currently.

Rep. Shupe affirmed that a state can change their charter if they would like to use the state's voter registration system.

Speaker Schwartzkopf said this would force municipalities that do not want to join the state's voter registration system into taking part regardless.

Rep. Shupe stated that the bill allows anyone who is registered to vote in the state of Delaware to also vote in local elections without a second burden.

Speaker Schwartzkopf stated that this bill forces towns to join that do not want to.

Rep. Shupe said he believes it is a simply bill that stands with voters.

Speaker Schwartzkopf said that towns do not have autonomy through this bill. He noted that there is another identical bill that failed and Rep. Shupe would not agree to an amendment. This bill was run on the Senate side first and that Rep. Shupe should not expect a different result without an amendment. Speaker Schwartzkopf said he has asked for an amendment for municipalities to opt out. He doesn't believe they should have to submit to this.

Rep. Shupe said he disagreed with this sentiment. He believes If one is registered to vote with the state, they should be able to vote in local elections.

Rep. D. Short said you do not have to register to vote in a school board election, you just must show your identification and that school boards are a different discussion.

A House Attorney affirmed that you only have to have an address in the municipality to vote in a school board election and do not have to register to vote with the municipality.

Chair Longhurst opened the committee to public comment.

Claire Snyder Hall, member of Common Cause Delaware, supports SB 233. It would eliminate redundant requirement in municipal elections. Unless people have been informed, they would not realize this requirement exists and it may then be too late to register to vote, creating barriers to voting.

Rosemary Hardiman, Major of Bethany Beach, spoke in opposition SB 233. She feels that Bethany's current system is working. Currently, 17 municipalities have voluntarily elected to use the state's list. She believes in an easy voting process but does not agree with unnecessary burdens on municipalities. It would force small municipalities like Bethany Beach to abandon working systems and does not solve an existing problem. In Bethany Beach, anyone who owns property on their tax assessment list is eligible to vote and they have a provision for those who do not own property and must register separately.

Stan Mills, Mayor of Rehoboth Beach, spoke in opposition to SB 233. It will impact their staff who have an efficient process. It would force them to create two different voter registration lists, creating administrative problems. SB 233 would force his staff to call each person and determine their status. Rehoboth Beach's voting requirements are more stringent than the state requirements because many people live there seasonally, meaning this bill would create more problems.

Javonne Rich, member of the ACLU of Delaware, spoke in support of SB 233. It would remove barriers to voting. Many people may be unaware of the current requirements and can become disenfranchised.

Chair Longhurst opened the committee to virtual public comment.

Marsha Scott, Executive Director of the Delaware League of Local Government, spoke in opposition to SB 233. The current state law already allows municipalities to work in tandem with the state Department of Elections, and only 12 have engaged with the state system. The legislation is unnecessary.

Vincent White, spoke in opposition to SB 233. It has no opt-out provision and creates unnecessary barriers for municipalities.

Rep. Dukes stated that when this was a House bill he was opposed to it. He stated that towns can enact this process and he does not want to usurp the rights of the towns.

Rep. Mitchell said that after hearing the concerns of the municipalities, he believes more work needs to be done on the bill.

Rep. Shupe appreciated concerns and he said that the Department of Elections does have a process in place to check voter registration street by street and match them with municipalities.

Speaker Schwartzkopf stated that towns can opt in without this legislation, but this bill does not allow towns to opt out.

A motion was made by Speaker Schwartzkopf and seconded by Rep. Mitchell to release SB 233, from committee; the motion carried. Yes= 5 (Longhurst, Schwartzkopf, Mitchell, Dukes, D. Short): No= 0. The bill was tabled in committee.

Chair Longhurst recommended to Rep. Shupe that he discuss the bill with other municipalities.

Chair Longhurst adjourned the meeting at 1:18 p.m.

Respectfully submitted by:

Hannah Rigoglioso

Speaker's List

Mara Gorman, Delaware Mom's Demand Action

Rev. RJ Chandler, Delaware Mom's Demand Action

Jeff Hague, President Delaware State Sportman's association

Tracey Murphy, Delaware Mom's Demand Action

Dennis Greenhouse, Delaware Coalition against gun violence

Anne McWalter, Delaware Mom's Demand Action

Karen Riordan, Delaware Mom's Demand Action

Linda Barnett, Delaware League of Women Voters

Denise Clendenning

Justin Olear, Builders and Remodelers of Delaware

Beau Zebley, Delaware Association of Realtors

Rick Geisenberg, Delaware Department of Finance

Libby Snyder, Legislative Council of Uniform Law Commission

Lisa Minutola, Chief of Legal Services Delaware Office of Defense services

Kristie Ianelli, Delaware Department of Justice

Javonne Rich, ACLU Delaware

Donna Hitchner, Methodist Action Program

Mara Linda, ACLU Delaware

Mira Devotta, Delaware Voting rights coalition

Evelyn Brady, Alpha Kappa Alpha Sorority Inc

Claire Snyder-Hall, Common Cause Delaware

Rosemary Hardiman, Mayor Bethany Beach

Stan Mills, Mayor Rehoboth Beach

Marsha Scott, Delaware League of Local Governments

Vincent White

Support for SB8

NANCY HANNIGAN <njhannigan@yahoo.com>

Wed 6/22/2022 10:22 AM

To:

- HouseCommitteeComment (Mailbox Resources) <HouseCommitteeComment@delaware.gov>

I am writing to support passage of SB8 with SA1 relating to destructive weapons, It is critically important that we protect our citizens from these weapons. There is no place for them in our communities

Nancy Hannigan

SB 8

Tracey Crook <tacrook@swbell.net>

Mon 6/20/2022 8:38 PM

To:

- HouseCommitteeComment (Mailbox Resources) <HouseCommitteeComment@delaware.gov>

My name is Tracey Crook. I am a volunteer with Moms Demand Action because I am a citizen who is appalled and angry at the proliferation of gun violence in our country. I support SB 8.

I support all legislation which will make our communities safer from gun violence . SB 8 will help to make us all safer.

This bill will help tighten Delaware law to ensure that certain common conversion devices that have the capability of converting semi automatic firearms into machine guns, are prohibited in Delaware.

I have never owned a gun and I have never been a gun enthusiast. But I don't have to be to see the trauma, the devastation and the gruesome deaths that gun violence causes in our neighborhoods, our schools, our places of worship, our grocery stores, our dance clubs, our homes and our communities.

Please pass this SB 8 to make all Delawareans safer.

Thank you

Tracey Crook

48 Shenandoah Dr

Newark, DE. 19711

Sent from my iPhone

Testimony on SB 8

Linda Barnett <advocacylwvde@gmail.com>

Tue 6/21/2022 11:35 AM

To:

- HouseCommitteeComment (Mailbox Resources) <HouseCommitteeComment@delaware.gov>

Cc:

- Lori Yadin <4hoping@gmail.com>;
- Marjorie Green <marjoriebgreen@gmail.com>

Greetings. Enclosed for the record is our testimony on SB 8, as amended. We do plan to present it orally at the hearing tomorrow, if nothing unexpected happens.

Many thanks,

Linda Barnett / League of Women Voters of DE



TOWN OF BETHANY BEACH

P.O. Box 109

214 GARFIELD PARKWAY

BETHANY BEACH, DE 19930

OFFICE (302) 539-8011

FAX (302) 539-8149

EMAIL: admin@townofbethanybeach.com

House Administration Committee

June 21, 2022

Via email: HouseCommitteeComment@delaware.gov

Bethany Beach comments in opposition to Senate Bill No. 233, *An Act to Amend Title 15 of the Delaware Code Relating to Municipal Elections.*

SB 233 would require **ALL** municipalities in Delaware to use the State's Voter Registration System to determine if a resident of the municipality is eligible to vote in a municipal election. Bethany Beach opposes it for three reasons.

First, the current voluntary use of the State Voter Registration System is working.

According to the Synopsis included with SB 233, there are currently 17 municipalities that have voluntarily elected to use the State's list. Five have opted in since June 2021 and more are considering it. It should be noted that the municipalities that have voluntarily elected to adopt the State Voter Registration List all have populations in excess of 1600, according to the 2020 Decennial Census taken from the U.S. Census Bureau's website.

We can all agree that the opportunity to vote in any election should be made as easy and convenient as possible for eligible voters while at the same time not imposing any unnecessary burdens on municipalities. However, this bill does not do that. It would force some 30 smaller municipalities, like Bethany Beach, with fewer than 1500 residents, to abandon voting systems that have worked effectively and have protected the rights of voters for years and impose unnecessary burdens on them.

Second, SB 233 is a solution in search of a uniform problem that does not exist.

While the state has uniform eligibility requirements to vote in state and national elections, the municipalities within the state do not have uniform voter eligibility requirements for municipal elections. They differ in significant ways.

In addition, the synopsis to SB 233 states that the residents of the municipalities that do not use the State Voter Registration System are required to register with the municipality before voting in a municipal election. This is not a general requirement in Bethany Beach.

Bethany Beach does not require voter registration for any property owner, resident or non-resident whose names appear on our tax assessment list. That is our voter registration list for municipal elections. It's an easy and straightforward system and it's worked well for years. We have over 2800 properties listed. Most have more than one owner.

The Town Charter also provides that residents who don't own property in Town are eligible to vote. Since they are not on the tax assessment list, they must register. That list has approximately 20 people because there are so few in that category. They may be older parents who have moved to Bethany to live with their children, adult children who are living with their parents or residents who own property in an LLC. Turning people away from voting has not been an issue in Bethany Beach. We and other municipalities like ours believe that SB 233 is a solution in search of a uniform problem that doesn't exist.

Third, the bill would place unnecessary administrative and staffing burdens on municipalities. For example, in a Zoom meeting earlier this year with Rep. Shupe regarding HB 146, one municipality that had recently entered into an agreement with the Department of Elections to use the State Voter Registration list described the administrative work involved as "overwhelming." The municipality has a population in excess of 10,000 and a staff of over 100 people. The individual said that the work involved the Town Clerk, Town IT person and Town Engineer, and using GIS mapping services.

Why so much work? It's because the Dept. of Elections provides a list of all those registered to vote in a zip code and it is up to the municipality to go through the list and determine which addresses fall within its corporate boundaries. For example, in our case, if we chose to use the State's system, we would receive a list of every registered voter within the Bethany Beach 19930 zip code. However, the Town of Bethany Beach is only one square mile while the zip code area is approximately six square miles. It would be up to our small Bethany Beach staff to go through the zip code list to identify those in our Town boundaries. This is why the person described the work as "overwhelming." Once we've identified Bethany Beach residents, this same limited staff would have to go through the list of 2800 plus properties and delete those names from the list, thus creating separate lists of resident and non-resident property owners who can vote in Town elections.

We've been told that the Department of Elections staff could help. An easy promise to make, but as a practical matter we are doubtful. It would require the limited Department staff to assist about 40 remaining municipalities to accomplish this Herculean task for any election held after January 1, 2024. That's less than 18 months away.

We do not believe that the system that would be imposed by SB 233 is necessary. I could find no justification for the need of this one size fits all mandate. Municipalities have developed their own systems to try to make it as easy as possible for eligible voters to vote in their elections without unduly burdening limited staff. They should be allowed to keep those systems that work for them and their residents.

Those municipalities that believe that using the state system addresses their needs, should voluntarily use it, as they are now, in growing numbers.

Accordingly, based on the facts presented on behalf of Bethany Beach, I urge the Committee to reject SB 233 as currently drafted or to amend it to keep it voluntary and protect our Town and voters and all similarly situated municipalities.

Thank you for this opportunity to comment.

A handwritten signature in cursive script that reads "Rosemary Hardiman".

Rosemary Hardiman

Mayor

(302) 258-4780 (c)

rhardiman@townofbethanybeach.com



DELAWARE LEAGUE OF LOCAL GOVERNMENTS

P.O. BOX 484, DOVER, DE 19903-0484
Phone: 302-678-0991 | Email: msscott@udel.edu

President Lew Killmer

Executive Director Marcia S. Scott

Dear Representative Longhurst and members of the House Administration Committee -

In March, 2022, the Delaware League of Local Governments met with sponsors of HB 146 /SB 233 and sought input from Delaware municipalities via a poll. Input from the 22 municipalities that responded were as follows:

- No position: 2
- **Support: 5** – Lewes has concerns about the handling of voters on the state list who have Lewes addresses, but are not within City limits or may not be full time residents.
- **Oppose: 9** – Many submitted comments; 5 submitted Letters of Opposition
- Already on state voter registration rolls: 6

Drilling down to the tally of 22 municipalities, there are **9 coastal municipalities that are clearly opposed to the legislation and several submitted Letters of Opposition to the bill sponsors**. Input from Delaware municipalities is provided in the below table. Municipalities that are opposed to this legislation contend:

- **Municipal elections should remain a civic service of a municipality.** The current state of the law already provides that a municipality may engage with Department of Elections for such service, should the municipality chose to do so.
- **There seems to be little support for inclusion in the state system.** While State legislation has enabling language for such voter registration, only 12 of the 57 municipalities have engaged the State system.
- **The proposed legislation is unnecessary and would create significant problems.** At the present time, any municipality that wishes to use the State's Voter Registration List may voluntarily do so. We do not see any problem here that needs to be fixed and no reason to require every municipality to use the State's list. Moreover, the proposed legislation would create confusion and significant additional unnecessary work for the small staffs in municipalities, which by Charter allow non-resident property owners to vote in municipal elections.
- **There is no "opt-out" provision for municipalities that would choose to do their own registrations.**

On behalf of DLLG's members that are opposed to this legislation, we ask that State legislators please uphold the current law and allow municipalities to continue their right to govern and not have local elections be State mandated.

Warm regards, Marcia Scott
DLLG Executive Director



DELAWARE LEAGUE OF LOCAL GOVERNMENTS

P.O. BOX 484, DOVER, DE 19903-0484
Phone: 302-678-0991 | Email: msscott@udel.edu

President Lew Killmer

Executive Director Marcia S. Scott

Table – Summary of Input from Delaware Municipalities on
HB 146 / SB 233 - Municipal Elections

Municipality	Contact	Position	Comments
Blades	N/A	No position	
Bellefonte	President Scott MacKenzie	No opposition per se, but...	<p>Bellefonte does not have opposition to HB 146, per se, however the exact naming of municipalities is troubling for us. We hold elections EVERY year for Town Commission and EVERY year we have registered with the NCC BOE/now State BOE to use their rolls and election equipment (although we haven't needed an election for 20 years or more. I am troubled that Bellefonte is not listed among the municipalities that have an agreement with State BOE. We do not maintain our own voter registration rolls and do not have the capability. The synopsis names specific towns - could the language just say either "agreement with State BOE OR maintain their own"?</p> <p>After looking into it, I find that the State BOE sent an email DIRECTLY to Bellefonte's BOE chair from 2021 - if this is the reason we are not registered as a user, this is very troubling as we NEVER received an email or USmail notice at our Town Hall address (which is our official email address). We never had this happen under NCC BOE although I understand Barbara Lippincott retired. So an administrative gaff leaves the Town of Bellefonte out of compliance for this year? Unforgivable.</p> <p>I have read the concerns from towns that have specific borders that might include voters that aren't actually residents. I am not going to join that fray because it is the State BOE's JOB to parse</p>

Table – Summary of Input from Delaware Municipalities on
[HB 146](#) / [SB 233](#) - Municipal Elections

Municipality	Contact	Position	Comments
			out the rolls to include only residents. With the State's handling of BOE registration thus far, I am comforted somewhat that we have not had a contested election in some time and haven't needed the BOE's help. I hope this continues as my confidence in accuracy is shaken.
Bethany Beach	Mayor Rosemary Hardiman rhardiman@townofbethanybeach.com	Oppose	<p><u>Submitted Letter of Opposition</u> - Additional Comments: ...While we applaud the intent of H.B. 146, there are unanswered questions as well as possible unintended consequences. For example, what is the composition of the State's Voter Registration List that will be provided? Is it everyone in the 19930 zip code? If so, the 19930 zip code includes a far greater area than just the corporate limits of Bethany Beach. There are people who live outside of Town limits who believe they live in Bethany Beach and should be able to vote here. This may add to the confusion. What if we have people on our resident voter registration list who do not appear on the State's Voter Registration list for whatever reason?</p> <p>Without knowing more details, we do not know what effect H.B. 146 will have on staff workload. If it will require a change to our current procedures, for example, by now requiring non-residents to register to vote? Given the current emotion surrounding any change in voter registration or election procedures in different states, depending on the nature of the change, this unintentionally may create a negative perception in some municipalities.</p>
Cheswold	Shadina Jones shadina.jones@townofcheswold.org	Support	
Dewey Beach	Mayor Bill Stevens wstevens@townofdeweybeach.com	Oppose	<u>Submitted Letter of Opposition</u> - Additional Comments:

**Table – Summary of Input from Delaware Municipalities on
[HB 146](#) / [SB 233](#) - Municipal Elections**

Municipality	Contact	Position	Comments
			<p>The Town of Dewey Beach does not support H.B. 146. Our current system has worked successfully for decades for our citizens and Town. In our view, the proposed legislation is unnecessary and would create significant problems. At the present time, any municipality that wishes to use the State’s Voter Registration List may voluntarily do so. We do not see any issue within our municipality that needs to be modified, and no reason to require every municipality to use the State’s list. Furthermore, the proposed legislation would create confusion and be cumbersome for the limited staff in municipalities like Dewey Beach, that by our own municipal legislation allows non-resident property owners to vote in municipal elections...</p>
Elsmere	<p>Elmere Mayor Eric Thompson ethompson@townofelsmere.com</p>	N/A – Already on State voter registration rolls	
Fenwick Island	<p>Town Manager Pat Schuchman Pschuchman@fenwickisland.org</p>	Oppose	<p>Please note that the Town of Fenwick Island is in agreement that some Delaware towns have a voting system which is not congruent with the State's proposed bills. For Fenwick in particular, these changes will further complicate an already complex system, and may require major changes to our municipal codes.</p> <p>For example, the Town allows non-resident property owners and legal artificial entity groups a limited vote in Town elections, which usually involves permitting each special property group one vote. Under the proposed voting changes, because these same non-resident or LLC property owner groups may now legally be considered individual Delaware voters due to full time residency elsewhere, they could thus be entitled to multiple votes in a Fenwick election. Our municipality consists of approximately 817 properties with about 300 residents whose</p>

Table – Summary of Input from Delaware Municipalities on
[HB 146](#) / [SB 233](#) - Municipal Elections

Municipality	Contact	Position	Comments
			<p>permanent residence is Fenwick Island. The non-resident Fenwick voters are tracked by one clerk on a separate list.</p> <p>As such, we believe these bills could create more work than necessary for a system that works for us as it is. Thank you.</p>
Frankford		Support	<p>Frankford Town Council has voted to support the passage of House Bill 146 at our last council meeting. The Town supports the State voter registration to be used as the municipal voter registration. Comment from 3/2/22 session with Rep. Shupe – The State’s use of zip code to identify residents within a municipality is not accurate. It requires a municipality to manually cross out many individuals that reside within a zip code but are not municipal residents.</p>
Georgetown		N/A – Already on State voter registration rolls	
Henlopen Acres		Oppose	<p>Proposed law imposes additional burdens to municipalities. Henlopen Acres receives voter registration rolls from Sussex County and still needs to manually remove non-Henlopen Acres residents that reside within the City of Rehoboth Beach’s zip code. In addition, Henlopen Acres has many non-state residents that are eligible to vote in Henlopen Acres, and that are not on the State’s voter registration rolls.</p>
Lewes		Generally Supports	<p>Supports the proposal generally, but has concerns about the handling of voters on the state list who have Lewes addresses, but are not within City limits or may not be full time residents.</p>
Milford		Already on State voter registration rolls, but believes process is burdensome to municipal staff	<p>Milford’s Municipal Clerk described the process as “overwhelming.” She said that it involved not only her, but the City’s IT person, engineer, and GIS mapping specialists. Milford has a population of over 11,000 and has over 100 employees. While the State may be providing some support, the burden of the work seems to be falling on the City’s</p>

Table – Summary of Input from Delaware Municipalities on
HB 146 / SB 233 - Municipal Elections

Municipality	Contact	Position	Comments
			<p>employees. While Rep. Shupe said that he would see if the State could do more of the work, given that the State, like other employers, is short staffed, this is likely not an option, especially if help would have to be provided to 40 some municipalities of all sizes. If Milford is finding the process “overwhelming” how will smaller municipalities handle it?</p> <p>Concerned that the process has been presented as more simplified than it actually is and that all steps need to be addressed with help coming from other state agencies (possibly including GIS services). Also concerned that there was not an effort to meet with DMCA about the bill to work through these issues and was not the way a bill would be handled if the police or other occupations were involved.</p>
Millsboro	Town Manager Sheldon Hudson sheldonth@millsboro.org	Oppose	
Milton	Town Manager Kristy Rogers krogers@ci.milton.de.us	Oppose	<p><u>Submitted Letter of Opposition</u>. Additional Comments: Milton’s position remains the same that HB146 and now SB233 should be opposed as voter registration should remain a civic service of a municipality. The current state of the law already provides that a municipality may engage with Department of Elections for such service, should the municipality chose to do so. I think it speaks volumes that State legislation has enabling language for such voter registration yet only 12 of the 57 municipalities have engaged the State system.</p> <p>Please uphold the current law and allow municipalities to continue their right to govern and not be State mandated.</p>
Newport	Administrator Wendy King wendyking99@yahoo.com	Support	

Table – Summary of Input from Delaware Municipalities on
[HB 146](#) / [SB 233](#) - Municipal Elections

Municipality	Contact	Position	Comments
Ocean View	<p>Donna M. Schwartz, CMC Town Clerk / FOIA Coordinator dschwartz@oceanviewde.com and</p> <p>Dennis Schrader, Esq., Solicitor dschrader@morrisjames.com</p>	Oppose	<p><u>Submitted Letter of Opposition</u>. Excerpt below -</p> <ul style="list-style-type: none"> • There seems to be little support for inclusion in the state system. Since the original enactment of the included option to adopt the state registration system, only a handful (12 of 59) have done so. • The Sponsor never clearly identified what problem this bill solved. • Different eligibility voter requirements [of municipalities, which are often stipulated in City Charters] are not resolved by a uniform system. Resolving all these issues fall on local clerks. • There also is no opt out provision for municipalities that would choose to do their own registrations.
Rehoboth Beach	<p>Mayor Stan Mills smills@cityofrehoboth.com</p>	Oppose	<p><u>Submitted Letter of Opposition</u>. <i>Additional staff comments below:</i></p> <ul style="list-style-type: none"> • Voter registration list – a final voter registration list from the board of elections will not be completed until Friday afternoon. Our timeline is to send a list to the board of elections two (2) days prior to election day. The board of elections will return the completed list to us Friday afternoon for the election to be held the next day. Q - If a resident sells his property the week of or the day before the election will their names be removed from the final list we receive from the board of elections, if not and they are on the list and we know they sold the property can we deny them from voting?? • Last year, a sample of the spreadsheet that the Board of Elections was requested. The list had 13,095 voters in the 19971-zip code area. This means we would have to sort by address to downsize the voter list. Q - If we were to delete

**Table – Summary of Input from Delaware Municipalities on
[HB 146](#) / [SB 233](#) - Municipal Elections**

Municipality	Contact	Position	Comments
			<p>an address when reviewing the list, by mistake and a resident comes in to vote, do will allow them to vote?</p> <ul style="list-style-type: none"> • When registering to vote, the Board of Elections allows the person registering to present a utility bill or other mail for proof of residency. That person may not be a full-time resident in the city, but have mail sent to a Rehoboth Beach address. Our policy is to have the person registering present a DE driver's license (with Rehoboth address) to show proof of residency.
Seaford	Municipal Clerk Ashley Heinicke aheinicke@seafordde.com	N/A - Already in process of moving to state voter registration rolls	
Slaughter Beach	Mayor Kathy Lock mayor@slaughterbeachde.com	Support	
Smyrna	Smyrna Asst. Manager/Clerk Valerie Heritage vheritage@smyrna.delaware.gov	N/A – Already on State voter registration rolls	
South Bethany	Mayor Saxton Mayor@southbethany.org Town Manager Maureen Hartman townmanager@southbethany.org	Oppose	The South Bethany Mayor and Town Council is opposed to this bill and has numerous concerns about it. They believe that it will cause additional workload for our small staff. Additionally, after 2 years of intensive work, legislation just approved changes to our election charter. This bill would force us to go through a charter change all over again.
Milton	Kristy Rogers kr Rogers@ci.milton.de.us	Oppose	Municipalities must maintain the right to provide this civic service of voter registration to its citizens and not be mandated by the State to utilize State registration. Voter registration at the municipal level is part of public service to our citizens and frequently affords an opportunity to communicate with a new resident; to require a citizen to

Table – Summary of Input from Delaware Municipalities on
[HB 146](#) / [SB 233](#) - **Municipal Elections**

Municipality	Contact	Position	Comments
			travel outside the relatively small jurisdictional boundaries to register to vote could be perceived by some Town residents as a hindrance to registration and, thus, voting. We support the current state of the law: that voter registration methods are the choice of the municipality. If an individual municipality deems it best for its residents, that municipality may request use of the State’s Voter Registration System.
Camden	Town Clerk, Sarah Cahall Sarah.cahall@townofcamden.com	N/A – Already on State voter registration rolls	

City of Rehoboth Beach

Stan Mills
Mayor

smills@cityofrehoboth.com



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302-227-6181
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June 21, 2022

House Administration Committee

Via email: HouseCommitteeComment@delaware.gov

This urgent correspondence is to notify you that the City of Rehoboth Beach does not support Senate Bill No. 233.

- The bill will impact our diligent staff who are responsible for maintaining the city's voting registration list and have been doing so efficiently for over 25 years.
- The bill will force city staff to create two different voter registration lists – one for residents and one for non-residents -- that would be an administrative nightmare to compile and manage. Having two lists creates confusion for the poll workers and voters on election day especially for many voters who say they are a resident if they only live here six months of the year. Also having two voter lists promotes accusations on maintaining two voter lists.
- The City of Rehoboth Beach zip code, 19971, encompasses approximately 13,095 potential voters, with only approximately 12% of these actually residing within the city limits. If SB233 passes, it would be necessary for staff to cull through each of the names on the 13,095-list mentioned here to ascertain their residence status.
- The City of Rehoboth Beach Charter has definitive times schedules whereby city staff must notify the Board of Elections in preparation for the city-wide vote; these time frames are extremely tight and will become more challenging to meet.
- The State Board of Elections criteria for proof of residency when registering to vote is less stringent than city criteria and can inadvertently facilitate registrations by persons not qualified to vote in a City of Rehoboth Beach election. By example, because we are a seasonal resort, we require a driver's license. Summer vacationers or anyone can have mail sent to their summer or vacation address while they are staying here in Rehoboth Beach – doing so does not qualify them to vote. We also challenge that a mere lease in hand is adequate to validate voting qualifications – we require a 10-year lease recorded in Georgetown, Sussex County Courthouse for LLC/Partnerships.
- Enactment of SB233 will negatively impact the current efficiency of our present system for furnishing election candidates with accurate, timely and frequently updated lists of registered voters.
- Ponderable: If a resident is not registered with the State Department of Elections, will we be able to allow them to vote?

For these reasons and others, the City of Rehoboth Beach cannot support SB233 but endorses the ability to opt in/opt out as desired.

Thank you for taking our comments and perspective under consideration.

Respectfully

June 21, 2022

Dear Committee Members,

Since the 2020 election, anti-voter extremists have been mobilizing all over the country to erect barriers to voting, but that has not happened here in Delaware. Indeed, in some respects, the First State is moving in the opposite direction with, for example, the passage of automatic voter registration last year.

Common Cause Delaware applauds the introduction of SB 233, a bipartisan bill that would remove barriers to voting. That is, the bill would eliminate the unnecessary and redundant requirement in over 40 Delaware municipalities that voters register separately for municipal elections. It is our position that people registered to vote in Delaware should not have to register twice to have their voices heard in local elections.

Unless a person has been explicitly informed about the double registration requirement, any reasonable person would expect that being registered to vote with the state of Delaware would qualify them to vote in their own town's election. That person would likely be shocked to discover the opposite, when arriving to vote in a municipal election. And by then it would be too late to register.

That double registration requirement is an excellent example of a *barrier to voting*. Since we believe that people should have the freedom to vote regardless of zip code, we urge the committee to approve this bill and hope it will get a speedy hearing on the Senate floor.

Sincerely,

Claire Snyder-Hall
Executive Director
Common Cause Delaware
CSnyder-Hall@commoncause.org
(302) 604-1647



Testimony of Tanya Schardt, Counsel & Director, State & Federal Policy
Support for SB 302
Before the Delaware House Administration Committee
June 22, 2022

RE: Support for SB 302 – The “Keshall ‘KeKe’ Anderson Safe Firearm Sales Act”

Chair Valerie Longhurst and Distinguished Members of the Delaware House Administration Committee,

Founded in 1974, Brady United Against Gun Violence works across Congress, courts, and communities, uniting gun owners and non-gun owners alike, to take action, not sides, and end America’s gun violence epidemic. **Brady is proud to sponsor and endorse Senate Bill 302, the “Keshall ‘KeKe’ Anderson Safe Firearm Sales Act.”**

In 2016, KeKe Anderson was killed as an innocent bystander in a shooting involving a gun purchased through a straw purchase. KeKe’s family subsequently filed suit against the dealer of the firearm involved in her death, but the Delaware Supreme Court affirmed the Superior Court’s decision that granted firearms dealers full immunity from liability based upon a state law, *even if the firearm dealer is negligent in selling a firearm to a straw purchaser*. SB 302 creates a path for gun industry members to be held accountable for dangerous, unlawful, negligent and unsafe business practices that impact Delaware residents and removes barriers that currently prevent victims and survivors—like KeKe and her family—from obtaining justice in the courtroom by repealing that law and creating a predicate exception to PLCAA.

The Gun Industry has been Afforded Special Protections that Harm Delawareans

A top priority of the gun industry, the Protection of Lawful Commerce in Arms Act (PLCAA) was signed into law by then-President George W. Bush in 2005.¹ PLCAA provides gun manufacturers, distributors, and gun dealers with special protections from civil liability that no other U.S. industry is currently afforded. Although PLCAA does not provide complete immunity from all civil lawsuits, some courts have interpreted the law to effectively bar victims and survivors of gun violence from holding firearms businesses liable for injuries caused by negligence, defective products, or unreasonably dangerous conduct that would otherwise be actionable under civil justice principles. Enabling the gun industry to evade accountability at the expense of victims of gun violence significantly contributes to the gun violence epidemic by removing key incentives for the gun industry to adopt life-saving business practices.² Moreover, PLCAA has had a chilling effect on civil cases against the gun industry and has worked to prevent victims and survivors from recovering damages they are owed after tragic injuries or deaths. SB 302 would ensure that the gun industry would no longer be shielded from accountability for their dangerous, irresponsible, or illegal practices that endanger the lives of Delawareans.

PLCAA Denies Justice to Victims and Survivors

Victims should have recourse for the gun industry's negligence and dangerous practices, but PLCAA currently protects gun dealers and manufacturers from being held responsible. Gun dealers and manufacturers should be held responsible for negligent and irresponsible sales practices that are the proximate cause of an individual's injuries or death, and for selling to someone who is likely to harm themselves or others. Manufacturers who design firearms without life-saving safety features, such as chamber-loaded indicators and magazine disconnect safeties, or sell to someone who is clearly likely to harm themselves should be held liable for their design failures and malpractice.³

PLCAA Perpetuates the Flow of Crime Guns into Communities of Color

The latest available data from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) reveals that just 2.7 percent of dealers accounted for over 71 percent of crime gun traces.⁴ While this small minority of gun dealers are the sources of crime guns recovered in communities of color, these gun dealers typically sit outside those communities in less diverse and more affluent suburbs.⁵ Residents of these communities suffer from the chronic stress of daily interpersonal gun violence and the negative impacts on their community's economic prosperity, without recourse or

¹ 15 U.S.C. § 7901 (2005).

² Brady Campaign & Brady Center, "What is PLCAA?", Brady, available at <https://www.bradyunited.org/factsheets/what-is-plcaa>.

³ Vernick, J., Meisel, Z., Teret, S., Milne, J. and Hargarten, S., 1999. "I Didn't Know the Gun Was Loaded": An Examination of Two Safety Devices That Can Reduce the Risk of Unintentional Firearm Injuries," Journal of Public Health Policy, 20(4), pp.427-440, available at <https://www.jstor.org/stable/3343129?seq=1>.

⁴ Department of the Treasury, "Commerce in Firearms in the United States," Bureau of ATF (Feb. 2000), available at http://www.joebrower.com/RKBA/RKBA_FILES/GOV_DOCS/BATF_report_020400.pdf.

⁵ Brady Campaign and Brady Center, "Crime Guns in Impacted Communities," Brady, available at <https://www.bradyunited.org/reports/crime-guns-in-impacted-communities>.

compensation, while irresponsible gun dealers face no consequences. The implications of this lack of accountability cannot be overstated. While gun violence touches Americans across the country, it disproportionately impacts communities of color. Approximately 80 percent of America's gun deaths occur in urban areas with large minority populations.⁶ Black Americans are 11 times more likely than their white peers to be the victim of a firearm homicide, and this problem is exacerbated for Black males, who lose four years in life expectancy on the basis of gun violence alone.⁷

PLCAA Disincentivizes Responsible Business Practices

The mere threat of civil liability motivates companies to adopt safe business practices that prevent future injuries and death.⁸ For example, car manufacturers made numerous safety improvements that have cut automobile-related deaths by 50 percent since the 1960s, primarily because of technological advancements spurred by fear of liability.⁹ PLCAA effectively removed this motivation for the gun industry, disincentivizing gun dealers from adopting safe sales practices and gun manufacturers from incorporating affordable life-saving safety devices into their products and monitoring their distribution practices.¹⁰ While the gun industry claims that mental health and violent video games are to blame for gun violence, it's actually common industry practices that create the conditions that enable most gun violence to occur.¹¹ The limitations on the ability to hold the industry accountable prevent public awareness and deter regulatory changes, as well as disincentivize independent action by the industry to avoid liability, all of which would reduce gun violence and save lives.

Delaware Law has been interpreted to provides even more protection to the gun industry

In Keke's case, the court held that the Delaware legislature, in 11 Del. C. § 1448A and 1448B, provided gun dealers a "complete defense" from any liability, so long as they conducted a background check, even if they acted negligently or sold to a knowing straw purchaser.¹²

⁶ *Id.*

⁷ CDC, "*Injury Prevention & Control*," available at <https://www.cdc.gov/injury/wisqars/fatal.html>; Kalesan, B., Vyliparambil, M., Zuo, Y., Siracuse, J., Fagan, J., Branas, C. and Galea, S., 2018. "Cross-sectional study of loss of life expectancy at different ages related to firearm deaths among black and white Americans," *BMJ Evidence-Based Medicine*, 24(2), pp.55-58, available at <https://ebm.bmj.com/content/24/2/55>.

⁸ Vernick, J. et al., 2003. "Role of Litigation in Preventing Product-related Injuries," *Epidemiologic Reviews*, 25(1), pp.90-98, available at <https://academic.oup.com/epirev/article/25/1/90/718671>.

⁹ LaFrance, Adrienne, "Why Haven't Gunmakers Improved Safety Technology the Way Automakers Did?," *The Atlantic* (Jan. 21, 2016), available at <https://www.theatlantic.com/technology/archive/2016/01/guns-cars/424878/>.

¹⁰ Sampson, Kelly, "Tobacco Kills People. Opioids Kill People. But Guns Don't?," *Brady* (Sept. 4, 2019), available at <https://bradyunited.medium.com/tobacco-kills-people-opioids-kill-people-but-guns-dont-7852c288d496>.

¹¹ Zeballos-Roig, Joseph, "The NRA Issued a Statement Supporting Trump's Call to Focus on Mental Illness to Reduce Gun Violence after the Shootings in El Paso and Dayton," *Insider* (Aug. 5, 2019), available at <https://www.businessinsider.com/nra-statement-backing-trump-el-paso-dayton-shootings-mental-illness-2019-8>; Hudson, Laura, "The NRA Solution to Gun Violence: More Guns, Fewer Video Games," *Wired* (Dec. 21, 2012), available at <https://www.wired.com/2012/12/nra-video-games/>; Gluck, A., Nabavi-Noori, A. and Wang, S., 2021. Gun Violence in Court. *The Journal of Law, Medicine & Ethics*, 48(S4), pp.90-97, available at <https://journals.sagepub.com/doi/abs/10.1177/1073110520979406>.

¹² *Summers v. Cabela's*, Del. Super. C.A. No. N18C-07-234 VLM, Medinilla, J. (Mar. 29, 2019) (Mem. Op.).

According to the court's ruling, Delaware law requires that even if a dealer knows or has reason to know that a customer is illegally buying a gun for someone else – and thereby violates federal law – the dealer cannot be liable so long as he submits the buyer's name for a background check.

This decision puts Delaware law as an outlier, one of the states most protective of negligent gun companies in the nation, more restrictive than NRA-strongholds like Alabama, Florida, Idaho, Kansas, Mississippi and South Carolina. As interpreted this statute provides dangerous immunity to gun dealers, and must be repealed.

What SB 302 Will Do

SB 302 will repeal that dangerous state law that has been interpreted to provide almost blanket immunity to gun dealers and will function as an exception to PLCAA, ensuring that valid civil claims can be brought against the gun industry for their dangerous, negligent, and even unlawful actions. The possibility of civil liability will not only provide civil justice to victims and survivors but also encourage the gun industry to act responsibly to help stem the tide of crime guns that harm residents of Delaware, particularly in urban areas where communities of color are disproportionately harmed. Having operated with special protections for years, the industry has had no financial incentive to curb irresponsible conduct and instead puts profits over people. The prospect of civil liability can lead to safer products and better conduct that the industry has resisted for years.

Conclusion

SB 302 must be enacted because no industry should be above the law, especially not one that makes and sells lethal weapons. SB 302 will make sure that bad actors in the gun industry are held accountable and will make sure victims of gun violence, like KeKe, and their families are able to access justice through the law. **For these reasons, and to honor Keshall 'KeKe' Anderson's memory, Brady is proud to sponsor SB 302.**

COMMON CAUSE DELAWARE TESTIMONY

House Administration Committee
Claire Snyder-Hall, Executive Director
June 22, 2022

Our democracy is stronger when everyone participates. That is why expanding access to the ballot box has always been one of Common Cause Delaware's top priorities.

SB 320 would lead us closer to that ideal by allowing every voter the option to vote safely from home, if they so choose.

Common Cause Delaware applauds the Delaware General Assembly for considering this bill to establish Vote by Mail in the First State, so that people can vote safely from home.

We've seen how strong vote-by-mail programs lead to more participation -- just look at 2020, where we saw record-breaking turnout thanks to added accessibility protections.

And establishing Vote by Mail is clearly within the power of the General Assembly. That is, Article V, Section 1 of the Delaware Constitution provides that "the General Assembly may by law prescribe the means, methods and instruments of voting." Thus, we urge the state legislature to pass this bill, and use its constitutional authority to provide a Vote by Mail option for voters to cast our ballots and have our voices heard.

Passing Vote by Mail would place us alongside the other 34 states that currently allow voters to cast ballots by mail.

Vote-by-mail programs have been under attack in the past year -- by anti-voter zealots who want to make voting harder, in order to advance their extremist agenda. But for a strong, healthy democracy, we need to remove unnecessary barriers to participation and make sure every voter has the option to vote safely and securely by mail.

Vote by Mail is tried and tested -- and it's a safe and secure option that's critical to ensuring the health and safety of every eligible voter, especially during this pandemic. With the election process starting up again in just a few months, it is vitally important for the General Assembly to act now, so people can vote safely and smoothly in the upcoming elections.

Adding Vote by Mail to early voting and in-person election day voting will greatly enhance the freedom to vote for all Delawareans and so strengthen democracy in the First State. We urge all legislators to vote yes on SB 320.



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June 16th, 2022

Dear Legislators:

On behalf of AARP's 188,000 members in Delaware, we urge you to vote "yes" on SB 320, which will allow Delaware voters to vote by mail.

AARP has been fighting to protect the rights of all Americans 50+ to vote freely, easily and safely, without unnecessary barriers for more than 35 years. We have a long history of non-partisan voter education and engagement, providing voters with information on the voting process as well as where the candidates stand on issues important to Americans 50+ and their families, so they can make informed decisions on Election Day.

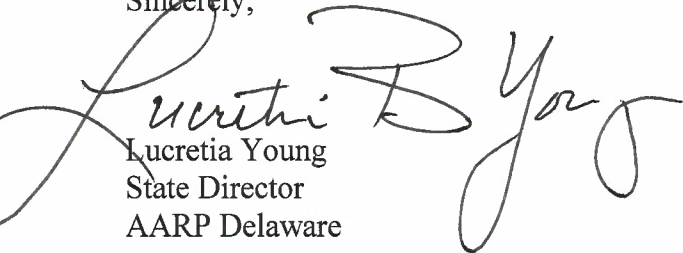
We support voter registration and voting systems and procedures that expand the range of voting options, including:

- Allowing voting by mail,
- Allowing early voting,
- Allowing same day voter registration, and
- Expanding the range of voting times, locations and options.

Our voter engagement efforts for 2022, which have already begun, will have a heavy focus on ensuring that voters 50-plus know where, when, and how to vote.

We urge you to ensure that all Delaware voters have the option to vote by mail – Please vote "yes" on SB 320.

Sincerely,

A handwritten signature in black ink, appearing to read "Lucretia Young".

Lucretia Young
State Director
AARP Delaware



June 20, 2022

Dear Delaware House Administration Committee,

We are writing to ask you to support [Senate Bill 320](#), a bill that would establish an option for Delawareans to vote by mail. During the 2020 campaign cycle, our Voter Protection Hotline fielded calls from voters who appreciated the flexibility and convenience of mailing in their absentee ballots. In the 2020 General Election, roughly 1/3rd of all votes were cast through the expanded absentee system, which allowed any voter to mail in their ballot. Thanks to the uniquely difficult circumstances of 2020, Delaware voters have already had the opportunity to prove vote by mail's practicality and they did so convincingly. Now is the time to make those unique circumstances somewhat ordinary by enacting a true vote-by-mail system in Delaware.

With the addition of the new in-person Early Voting option this year, Delaware has already acknowledged one of the core reasons why a vote-by-mail option is so necessary. Every potential voter's calendar does not revolve around Election Day or even an early vote window. Whether due to working long hours or irregular shifts, or caring for their young family or relatives, it can be difficult for many would-be voters to appear in person during the hours that polls are open. Delawareans deserve the flexibility to vote in the way which works best for them, their families, and their schedules. We applaud the legislature's determination to broaden access to the electoral process by allowing for early voting and urge the committee to further enfranchise working Delawareans by moving forward on SB 320.

We believe it is essential to continue to make the electoral process accessible for all Delawareans. We hope that you will continue to work towards the State Party platform goal of ensuring access to the democratic process.

Sincerely,

Coby Owens
1st Vice-Chair
Delaware Democratic Party, Voter Protection Committee

Nick Beard
Delaware Democratic Party, Voter Protection Committee

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