

CHAPTER 227  
FORMERLY  
HOUSE BILL NO. 245  
AS AMENDED BY  
HOUSE AMENDMENT NO. 1

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 Title 15 of the Delaware Code by striking the word “administrative” from the phrases “administrative director” and “deputy administrative director” wherever these phrases appear throughout the Title.

Section 2. Amend Title 15 of the Delaware Code by striking the words “commissioner of elections” in their entirety and substituting in lieu thereof the words “state election commissioner” wherever they appear within the title.

Section 3. Amend §207, Title 15 of the Delaware Code by striking said section in its entirety and substituting a new “§207” in lieu thereof as follows:

“§207. Compensation of members.

The compensation of board members shall be as provided in the Budget Act.”.

Section 4. Amend §208, Title 15 of the Delaware Code by striking said section in its entirety and substituting a new “§208” in lieu thereof as follows:

“§208. Organization meeting, officers.

(a) The board of elections for each county shall establish a schedule of meetings for the following calendar year at a regularly scheduled meeting of the board held between October 1 and December 31. Once established, the aforesaid schedule shall be subject to change by the respective board.

(b) The schedule shall include an organizational meeting that shall be held between February 1 and June 30 of each year at which time the members of the board of elections for a county shall meet and organize by electing one member to be president and one member to be secretary, whose function other than that of a member shall be to record the minutes of the meetings of the board. The terms of office for each officer shall be until the organizational meeting held in the following year or until a successor is elected.”.

Section 5. Amend §211, Title 15 of the Delaware Code by striking subsection (e) thereof in its entirety and substituting a new subsection “(e)” in lieu thereof as follows:

“(e) The salary of the director and deputy director shall be as provided in the Budget Act.”.

Section 6. Further Amend §211, Title 15 of the Delaware Code by inserting a new subsection “(f)” thereto as follows:

“(f) The director and deputy director, if in agreement, may authorize a person to vote whose application to register to vote at the division of motor vehicles was never completed as required elsewhere in this title. The person shall follow the procedures set forth by the state election commissioner prior to being permitted to vote.”.

Section 7. Amend §213(a), Title 15 of the Delaware Code by inserting a period “.” in place of the comma “,” that appears after the word “duties” and striking the balance of the subsection in its entirety.

Section 8. Further Amend §213, Title 15 of the Delaware Code by striking subsection (b) thereof in its entirety and re-designating subsections (c) and (d) as subsections “(b)” and “(c)” respectively.

Section 9. Amend §214, Title 15 of the Delaware Code by striking said section in its entirety.

Section 10. Amend §215, Title 15 of the Delaware Code by striking the words “, secretaries and assistants,” in their entirety and substituting in lieu thereof the words “and employees”.

Section 11. Amend §218, Title 15 of the Delaware Code inserting a period “.” after the second instance of the word “department” and striking the balance of the section in its entirety.

Section 12. Amend §301, Title 15 of the Delaware Code by striking subsection (b) thereof in its entirety and substituting a new subsection “(b)” in its place as follows:

“(b) The salary of the state election commissioner shall be as provided in the Budget Act.”.

Section 13. Amend §302(7), Title 15 of the Delaware Code by striking the fourth sentence thereof in its entirety and substituting a new sentence in its place as follows:

“The Commissioner shall collaborate with the departments of elections in developing these standards.”.

Section 14. Amend §302, Title 15 of the Delaware Code by striking paragraph (11) thereof in its entirety and substituting an new paragraph “(11)” in its place as follows:

“(11) To collect unofficial results for each primary, special and general election for each election district used in the said election and to tabulate, report and disseminate the results of the election as soon as possible to the public.”.

Section 15. Amend §304(a)(3), Title 15 of the Delaware Code by inserting “Upon request,” prior to the words “Up to” at the beginning of the first sentence thereof.

Section 16. Amend §304(h), Title 15 of the Delaware Code by striking said subsection in its entirety and substituting a new subsection “(h)” in lieu thereof as follows:

“(h) Files and lists provided to members of the General Assembly and State agencies or county or local governments pursuant to subsection (f) of this section shall include voter names, addresses, political party affiliation, voting history, telephone numbers and dates of birth. Files and lists provided to major and minor political parties pursuant to subsections (a) through (d) of this section and to candidates for elective office pursuant to subsection (e) of this section shall be limited to voter names, addresses, political party affiliations, voting history, legislative district information, telephone numbers and years of birth. Files and lists provided to the public shall be limited to voter names, addresses, political party affiliations, voting history, legislative district information, and years of birth. The Delaware Freedom of Information Act, 29 Del. C. Ch. 100, shall not apply to information contained in voter lists and files created and maintained pursuant to Title 15.”.

Section 17. Further Amend §304, Title 15 of the Delaware Code by inserting a new subsection “(i)” thereto as follows:

“(i) The state election commissioner, in collaboration with the departments of elections, shall develop and implement policies and procedures for protecting the information about persons in the state’s election management system, and on records and electronic media in the possession of the state election commissioner’s office and the departments of elections.”.

Section 18. Amend Section 307, Title 15 of the Delaware Code by striking said section in its entirety.

Section 19. Amend §1101(b), Title 15 of the Delaware Code by striking the word “reregister” as it appears in the first sentence and substituting the words “update their voter registration record” in lieu thereof.

Section 20. Further Amend §1101(b), Title 15 of the Delaware Code by striking the second sentence thereof in its entirety.

Section 21. Amend §1705(d), Title 15 of the Delaware Code by striking the words “the decedent’s spouse or a surviving child” in their entirety and substituting in lieu thereof the words “the decedent’s spouse, adult child, sibling or parent”.

Section 22. Amend §1707, Title 15 of the Delaware Code by striking subsection “(b)” thereof in its entirety and substituting a new subsection “(b)” in its place as follows:

“(b) The departments of elections shall consider a written notice from a spouse, adult child, sibling or parent that a registered voter has moved out of state as permission from that person to cancel his/her voter registration. The notice shall be signed and the relationship to the previously mentioned voter stated.”.

Section 23. Amend §2011(a), Title 15 of the Delaware Code by striking the last sentence of said subsection in its entirety.

Section 24. Amend §2013(c), Title 15 of the Delaware Code by striking said subsection in its entirety.

Section 25. Amend §2014(a), Title 15 of the Delaware Code by striking paragraph (5) thereof in its entirety and substituting a new paragraph “(5)” in lieu thereof as follows:

“(5) The state election commissioner may suspend the provisions of subsection (a) during the 60 days prior to any primary, general or special election in order to facilitate the processing of voter registration applications, distribution of polling place cards and the production of poll lists and signature cards.”.

Section 26. Amend §2032 (d), Title 15 of the Delaware Code by striking said subsection in its entirety.

Section 27. Amend Chapter 20, Title 15 of the Delaware Code by striking the subchapter title “Subchapter VI. Transfer of Registration Between Districts; Change of Address or Name.” and substituting in its place the following:

“Subchapter VI. Transfer of registration; change of name; change of party affiliation

Section 29. Amend Subchapter VI, Chapter 20, Title 15 of the Delaware Code by striking §2043 and §2044 in their entirety.

Section 30. Amend §2048, Title 15 of the Delaware Code by striking said section in its entirety and substituting a new “§2048” in lieu thereof as follows:

“§2048. Change of name.

(a) A registered voter who has legally changed his/her name by marriage or other legal means should apply to update his/her voter registration record with the new information.

(b) Such registered voter may apply to update his/her record on the day of a primary, general or special election at the polling place for the election district where he/she is registered or at the polling place for the election district for his/her new address in accordance with procedures as set forth by the state election commissioner.

(c) The state election commissioner shall set forth the procedures to implement subsection (b) above in collaboration with the departments of elections for the counties.

(d) Deadlines for registering to vote shall not apply to changes of name.”.

Section 31. Amend §2050, Title 15 of the Delaware Code by striking the sentence appearing before subsection (a) thereof in its entirety.

Section 32. Amend §2050(b) by inserting a new paragraph “(4)” thereto as follows:

“(4) Notwithstanding the provisions of subsection §2050(b)(3), a voter registration agency may use an electronic tool developed by the state election commissioner to register clients to vote and to update their voter registration records.”.

Section 33. Amend §2060, Title 15 of the Delaware Code by striking subsections (3), (6) and (9) in their entirety and then by renumbering subsections (4), (5), (7) and (8) as subsections “(3)”, “(4)”, “(5)” and “(6)” respectively .

Section 34. Amend §2061(a), Title 15 of the Delaware Code by striking “1 year” as it appears in the third sentence thereof in its entirety and substituting “2 years” in its place.

Section 35. Further Amend §2061(a), Title 15 of the Delaware Code by striking the last sentence thereof in its entirety.

Section 36. Amend §2061(b), Title 15 of the Delaware Code by striking said subsection in its entirety.

Section 37. Amend §2062, Title 15 of the Delaware Code by striking paragraph (1) thereof in its entirety and re-numbering paragraphs (2) and (3) as paragraphs “(1)” and “(2)”.

Section 38. Amend §3001, Title 15 of the Delaware Code by striking the figure “5/100” and substituting the figure “10/100” in lieu thereof.

Section 39. Amend §3109, Title 15 of the Delaware Code by striking said section in its entirety and by substituting a new “§3109” in lieu thereof as follows:

“§3109. Public notice of time and place.

Notice of primary elections shall at a minimum be given by publication of a notice of election in a daily newspaper of general circulation during 3 of the 10 days prior to a primary election with the last publication being the day before the aforesaid primary, or in the last issue of a weekly newspaper printed in a county before the aforesaid primary. Such notice shall also be, posted on the State’s, the Commissioner of Elections’ and the Departments of Elections’ websites.”.

Section 40. Amend §3110, Title 15 of the Delaware Code by striking the language “and that the elector was registered 21 days prior to the day of the primary election” in their entirety.

Section 41. Amend §3125(1), Title 15 of the Delaware Code by striking the words “on both sides” in their entirety.

Section 42. Amend §3165, Title 15 of the Delaware Code by striking said section in its entirety.

Section 43. Amend §3301(e), Title 15 of the Delaware Code by striking said subsection in its entirety and substituting a new subsection “(e)” in lieu thereof as follows:

“(e) In the case of minor political parties not required to select candidates pursuant to Chapter 31 of this title, each party shall select their candidates at the party's state or county nominating convention held on or before August 1 in the year of a general election. No later than 4:30 p.m. on August 15 in the year of a general election, a minor party shall deliver a copy of each nominating resolution, which shall be certified as true and correct by the party's secretary, to the state election commissioner for each statewide office and to the respective Department of Elections for all other offices. The resolution shall include the name and address for the candidate and the office for which the candidate was nominated. When the resolution is for a legislative district whose boundaries includes territory in two or more counties, the resolution shall be delivered to the department of elections for the county in which the nominee is domiciled. The resolution shall be on the form specified by the state election commissioner. If August 15 is a Saturday, Sunday or holiday, the deadline shall be at 4:30 p.m. the first business day thereafter. This requirement is in addition to the nominating certificates required elsewhere in this title.”.

Section 44. Amend §3303, Title 15 of the Delaware Code by striking the second sentence thereof in its entirety and substituting a new sentence in lieu thereof as follows:

“Certificates of nomination shall be on the form specified by the state election commissioner.”.

Section 45. Amend §3307, Title 15 of the Delaware Code by striking the said section in its entirety.

Section 46. Amend §4502 (a), Title 15 of the Delaware Code by striking the last sentence thereof in its entirety.

Section 47. Amend §4502(c), Title 15 of the Delaware Code by striking the said subsection in its entirety and substituting a new subsection “(c)” thereto as follows:

“(c) The ballots prepared in accordance with this chapter shall conform as far as possible to the following design except that the write-in column may be placed on either side of the ballot.

OFFICIAL BALLOT

Presidential, Vice-Presidential, State,  
County and District Ballot

PARTY PARTY PARTY

EMBLEM EMBLEM EMBLEM

WRITE IN

Name of Party Name of Party Name of Party

For President JOHN DOE JOHN DOE JOHN DOE

For Vice-President JOHN DOE JOHN DOE JOHN DOE

For United States Senator JOHN DOE JOHN DOE JOHN DOE

For Representative in Congress JOHN DOE JOHN DOE JOHN DOE

For Governor JOHN DOE JOHN DOE JOHN DOE

For Lieutenant Governor JOHN DOE JOHN DOE JOHN DOE.”

Section 48. Amend §4502(d), Title 15 of the Delaware Code by striking said subsection in its entirety and inserting a new subsection “(d)” in lieu thereof as follows:

“(d) Absentee ballots may be laid out with candidate names under an office title. If this form is used, party logos shall not be used and the political party of each candidate shall be listed beside or below the name of each candidate. The candidates shall be listed in the order specified in subsection (a) above. Except, that in a Primary Election the candidates shall be listed in alphabetic order and the political party shall be listed for each office.”.

Section 49. Amend §4503, Title 15 of the Delaware Code by striking the said section in its entirety and substituting a new “§4503” in lieu thereof the following:

“§4503. Printing ballots.

The departments of elections shall print or cause to be printed the ballots to be used in the voting machines and print or cause to have printed sufficient absentee ballots for any election conducted by the said departments under the provisions of this title.”.

Section 50. Amend §4504, Title 15 of the Delaware Code by striking said section in its entirety.

Section 51. Amend §4506, Title 15 of the Delaware Code by striking said section in its entirety and substituting a new section “§4506” in lieu thereof as follows:

“§4506. Tally sheets.

The departments of elections shall furnish two copies of write-in vote tally sheets for each election district.

Section 52. Amend §4507, Title 15 of the Delaware Code by striking said section in its entirety.

Section 53. Amend §4508, Title 15 of the Delaware Code by striking subsections (b) and (c) thereof in their entirety.

Section 54. Amend §4509, Title 15 of the Delaware Code by striking said section in its entirety and substituting a new section “§4509” in lieu thereof as follows:

“§4509. Materials and supplies necessary to conduct the election.

Each department of elections shall furnish the necessary materials, voter information, and supplies necessary to conduct the election to each election district. This shall include a map of the representative district in which the election district is located of sufficient size to clearly show the boundaries of the election districts.”.

Section 55. Further Amend Chapter 45, Title 15 of the Delaware Code by striking §4510 and §4511 in their entirety.

Section 56. Amend §4512(a) by inserting a period “.” after the words “polling place” and striking the balance of the subsection in its entirety.

Section 57. Amend §4514, Title 15 of the Delaware Code by striking the second sentence thereof in its entirety.

Section 58. Amend §4912(a), Title 15 of the Delaware Code by striking the words “the 2 instruction cards” in their entirety and substituting in lieu thereof the words “an instruction poster”.

Section 59. Amend §4938, Title 15 of the Delaware Code by striking said section in its entirety and substituting a new “§4938” in lieu thereof as follows:

“§4938. Grounds for admitting a person to a voting machine.

The election officers shall only admit to a voting machine a person whose name appears on the poll list, who is authorized to vote by the department of elections or who is authorized to vote by court order.”.

Section 60. Amend §4941(2), Title 15 of the Delaware Code by striking all the words appearing after “polling place” and substituting in lieu thereof the words: “where he/she is registered to vote or at the polling place for his/her new residence or address.”.

Section 61. Amend §4948(e), Title 15 of the Delaware by striking the second and third sentences thereof in their entirety and substituting new sentences in lieu thereof as follows:

“For general and special elections, the departments shall provide a minimum of 10 blank provisional ballots to each election district, a minimum of 20 blank provisional ballots to election districts with 3 or more assigned voting machines, and a minimum of 30 blank provisional ballots to election district with 4 or more assigned voting machines. For a primary election, each department shall develop a standard appropriate for the respective primary.”

Section 62. Amend Subchapter III, Chapter 49, Title 15 of the Delaware Code by striking sections §4971, §4973 and §4974 in their entirety.

Section 63. Amend §4975, Title 15 of the Delaware Code by striking subsections (b) and (c) thereof in their entirety and re-designating the remaining subsections accordingly.

Section 64. Amend §4978(c), Title 15 of the Delaware Code by striking the words “absentee vote tally sheets,” and the comma between the words “sheets” and “and” in their entirety.

Section 65. Amend §4978(d), Title 15 of the Delaware Code by striking “, absentee vote tally sheet” in their entirety.

Section 66. Amend §4979, Title 15 of the Delaware Code by striking subsection (a) thereof in its entirety and substituting a new subsection “(a)” in lieu thereof as follows:

“(a) After the close of the election, the inspector shall deliver an envelope containing the 1st copy of the paper tape (with "zero count" certification) from each voting machine in the election district, 1 copy of the voting machine certificate, 1 copy of the write-in vote tally sheet, if any, to the Prothonotary of the Superior Court for that inspector's county. The Prothonotary shall, on the 2nd day following the election at 10 a.m. present said envelope to the court. If the inspector of any election district dies or is prevented by sickness or accident from delivering the above-mentioned items to the Prothonotary the night of election day, the Prothonotary and/or the respective Department of Elections shall obtain the envelope from that inspector as soon as practical. The same shall apply to all envelopes, documents, poll lists, election records and supplies that the inspector is obligated to return to the Department of Elections following the close of the polls.”.

Section 67. Amend §4979(b), Title 15 of the Delaware Code by striking paragraph (1) thereof in its entirety and substituting a new paragraph “(1)” in its place as follows:

“(1) An envelope containing 1 copy of the paper tape with results from each voting machine in the election district, 1 copy of the voting machine certificate and 1 copy of the write-in vote tally sheet.”.

Section 68. Amend §5005A, Title 15 of the Delaware Code by striking subsections (a), (b) and (c) thereof in their entirety and substituting new subsections “(a)”, “(b)” and “(c)” thereto as follows:

“(a) Ballots shall be printed in black ink on white material of such size as will fit the ballot frame used for all elections and shall be secured in the ballot frame to make tampering or removal difficult.

(b) The party emblem which has been duly adopted by such party in accordance with law and the party name or other designation for each political party represented on the voting device shall appear on the ballot if space and layout permits.

(c) Official ballots for voting devices shall be prepared and furnished by the department for each county in the same manner as provided by law.”.

Section 69. Amend §5006A, Title 15 of the Delaware Code by inserting a period “.” after the word “voters” and striking the balance of the section in its entirety.

Section 70. Amend §5502, Title 15 of the Delaware Code by striking paragraphs (3) and (4) thereof in their entirety and substituting new paragraphs “(3)” and “(4)” in lieu thereof as follows:

“(3) Because of the nature of such person's business or occupation, including the business or occupation of providing constant care to a parent, spouse or that person's child who is living at home and requires constant care due to illness or injury; or

(4) Because such person is sick or physically disabled; or”.

Section 71. Amend §5502(8), Title 15 of the Delaware Code by striking the word “authorize” and substituting in lieu thereof the word “authorized”.

Approved February 01, 2010