



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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MEMORANDUM

DATE: June 7, 2012

TO: All Members of the Delaware State Senate
and House of Representatives

FROM: Ms. Daniese McMullin-Powell, Chairperson
State Council for Persons with Disabilities

RE: H.B. 348 [Elections]

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. 348 which effects some discrete changes to election standards. SCPD endorses the proposed legislation and has the following observations.

The most significant feature for individuals with disabilities is the “long-overdue” removal of a restriction on voting assistance (line 40) and substitution of the federal standard. As background, effective January 1, 1984, the federal Voting Rights Act of 1965 was amended to authorize voter assistance in federal elections [42 U.S.C. §1973aa-6]. Voters requiring assistance due to blindness, disability, or illiteracy may opt for such assistance from an individual of their choice who is not affiliated with their employer or union. Current Delaware law [Title 15 Del.C. §4943(a)] is more restrictive (e.g. it disallows assistance based on illiteracy and only permits another adult voter to provide accompaniment). In practice, the State Commissioner of Elections has promoted compliance with the federal law. The bill conforms the Delaware statute to the federal law.

Second, the bill incorporates a definition of “signature” which encompasses traditional, digital and electronic signatures (lines 3-5). The definition is based on that used in other sections of the Delaware Code. See, e.g., Title 1 Del.C. §302(23), Title 6 Del.C. §12A-102(9), and Title 25 Del.C. §181(e).

Third, the bill changes the time frame for political parties to opt out of a Presidential Primary election (lines 16-20).

Fourth, it modestly changes the number of voting machines per polling place from 1 machine per 600 registered voters to 1 machine per 650 registered voters in a general election. For a primary

election, the number of voting machines per polling place is changed from 1 machine per 750 registered voters to 1 machine per 800 registered voters. See lines 49-54.

Fifth, it revises the date that citizens can first apply for an absentee ballot before a Presidential Primary (lines 53-58).

Sixth, it permits local departments of election to run absentee ballots through tabulators beginning the Friday before an election but bars them from extracting or reporting results before the polls have closed (lines 62, 89-90).

Thank you for your consideration and please contact SCPD if you have any questions regarding our observations or recommendation on the proposed legislation.

cc: Ms. Elaine Manlove
Mr. Brian Hartman, Esq.
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council

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