



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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MEMORANDUM

DATE: January 30, 2014

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. 191 [Absentee Voting]

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. 191 which would have two effects regarding absentee voting. SCPD endorses the proposed legislation based on the following observations.

First, the bill expands one category of justification for using an absentee ballot as follows:

(3) Because of the nature of such person's business or occupation which may require such person to travel or work such hours which might preclude them from voting at their regular polling location, including the business or occupation of providing care to his or her parent spouse, or child who ~~is living at home and requires~~ may require constant care due to illness, disability, or injury; ...

This is a favorable change to the Code. The current law [Title 15 Del.C. §5502(5)] authorizes use of an absentee ballot if a person is away on vacation. It is anomalous to disallow an absentee ballot if the person is away on business. For example, a truck driver may be hauling goods in a distant state. Airline employees or train/rail employees may similarly be out of state due to the nature of their occupation. Deletion of the "constant" care provision also merits endorsement. It is a rather "brittle" standard which could be interpreted to preclude use of an absentee ballot if a dependent requires care 95% of the time.

Second, an applicant for an absentee ballot is required to submit an affidavit confirming certain information (e.g. name; address; birthdate). The affidavit does not have to be notarized under

the following circumstances:

A. the applicant completes the form at the Department of Elections office [Title 15 Del.C. §5503(d)(3)]; or

B. the basis for application is either: public service outside the State; service in the armed forces or merchant marine; the applicant's sickness or disability or need to care for dependant with illness or disability; or qualification under the federal Uniformed and Overseas Citizens Voting Act [15 Del.C. §5503(3)].

The legislation would simply allow the affidavit to be self-administered for all applications for an absentee ballot. Signing before a Notary Public would not be required. In effect, persons who expect to be away on vacation, unable to vote on a certain day for religious reasons, or otherwise authorized to vote by federal law could self-administer their affidavit. See Title 15 Del.C. §5502((3)(5)(6).

This is a benign change in the Code which should result in easier processing of applications and less confusion by applicants. All applications, rather than only some applications, could incorporate a self-administered affidavit.

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

cc: Ms. Elaine Manlove
Mr. Anthony J. Albence
Ms. Doris J. Young
Mr. Kenneth L. McDowell
Mr. Brian Hartman, Esq.
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council

hb 191 absentee voting 1-28-14