



STATE OF DELAWARE  
**STATE COUNCIL FOR PERSONS WITH DISABILITIES**  
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**MEMORANDUM**

DATE: May 18, 2015

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

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

RE: H.B. 105 (Absentee Ballots)

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. 105 which is the first leg of a constitutional amendment that would eliminate from the Delaware Constitution the limitations as to when a person may vote by absentee ballot. SCPD endorses the proposed legislation and has the following observations.

First, the Delaware Constitution is somewhat prescriptive in authorizing absentee ballots. For example, it contemplates use of absentee ballots based on "sickness or physical disability" but omits any reference to "mental disability". This bill would remove limitations and allow the General Assembly to enact laws covering qualifications for the use of absentee ballots.

Second, the bill is identical to H.B. 20 from the 147th General Assembly which did not pass. SCPD endorsed H.B. 20. Background is contained in the attached April 17, 2013 News Journal article. It quotes the prime sponsor's comment that "it's wrong that Delaware law currently allows a disabled person to vote absentee but could bar that person's full-time caregiver from doing the same." The article also notes that twenty-seven (27) states allow "no excuse" absentee voting.

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, Commissioner of Elections  
Mr. Brian Hartman  
Governor's Advisory Council for Exceptional Citizens  
Developmental Disabilities Council

HB 105 absentee ballots 5-18-15

STATE GOVERNMENT

# Mixed day for voting

## Felon limit eased; absentee rules upheld

By Doug Denison  
The News Journal

DOVER — Shortly after one chamber of the General Assembly voted Tuesday to enact a constitutional amendment expanding voting rights for convicted felons, the other chose to reject a proposed amendment that would have allowed more citizens to vote absentee.

Many felons in Delaware now will be able to vote immediately after discharging their criminal sentences, according

to an amendment passed by the Senate removing a constitutional provision barring felons from voting for five years after completing their punishments.

In the House, a Democratic bill to change constitutional limitations on absentee balloting failed by a single vote. The legislation sought to remove all qualifications for casting an absentee ballot, which currently is allowed only because of military service, family illness or disability, travel or religious objections.

Twenty-seven states allow so-called "no excuse" absentee voting.

Amendments to the state constitution require two-thirds majorities in both chambers of the General Assembly in two consecutive legislative sessions separated by a general election. They do not need the governor's signature.

The felon voting-rights measure, introduced last year, cleared its final hurdle in the Senate, 15-6.

Those convicted of murder, public corruption or sex crimes still would be barred from voting for life in Delaware —

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# Voting: Limits on absentee ballots will stay

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one of 12 states that revoke voting rights for certain criminals, according to the nonprofit ProCon.org.

Ben Jealous, president and CEO of the NAACP, was in the Senate for the vote and called the amendment a victory for civil rights.

"This law was one of the last pillars of Jim Crow voter-suppression legislation. In this time, in this country, where so many other states are suppressing the vote, it's heartening to see Delaware take the lead in restoring the vote to people who have made a mistake but paid their price for it and earned the right to have their vote restored," Jealous said.

The amendment was named the Hazel D. Plant Voter Restoration Act in honor of the late Wilmington state representative who pushed for its passage up to her death in 2010. Her husband, the late Rep. Al O. Plant, worked on the measure in the years before his death in 2000.

Wilmington Rep. Helene Keeley sponsored the latest version of the amendment.

"It's very emotional for me to know that Hazel and Al are up in heaven saying 'You know what, we finally got it done.' It was something she really wanted to have before she passed away, and it just never came to fruition," Keeley said.

Two Senate Republicans voted for the amendment Tuesday: Sen. Greg Lavelle, of Sharpley, and Sen. Catherine Cloutier, of Brandywine Hundred.

Sen. Colin Bonini, R-Dover South, voted no and said it is appropriate to bar felons from voting for five years after the fulfillment of their sentences.

"An immediate turnaround makes me a little uncomfortable," he said. "I thought five years was a reasonable waiting period," he said. "I don't see a particular reason to change that now."

## Absentee amendment

No Republicans voted for the absentee balloting amendment, which was



Rep. Helene Keeley

introduced for the first time this year. All 26 House Democrats voted for the measure, one short

of the required two-thirds majority.

Minority Leader Dan Short, of Seaford, said his caucus believed the proposed amendment would leave absentee voting rules too "open-ended" and raised the specter of voter fraud.

"Voting is a sacred right in this country, and I think that when we lose sight of the fact that Election Day is the day you go out and vote for candidates, the casting of that absentee ballot is something, I think, that has an opportunity not just for voter fraud, but for immense influence versus actual voting on that particular day," he said.

Majority Leader Valerie Longhurst charged the Republicans with playing politics and said there were at least seven GOP representatives who previously had agreed to vote yes but were told not to by their leaders.

"If you think it's not partisan, it is," she said. "I don't know why they want to suppress votes."

Bill sponsor Rep. Earl Jaques, D-Glasgow, said it's wrong that Delaware law currently allows a disabled person to vote absentee but could bar that person's full-time caregiver from doing the same.

"It's not a party thing; it's just allowing people the opportunity to vote," Jaques said. "We should encourage everybody in this country to vote and make it as easy and accessible as possible."

The only way the absentee voting amendment could be reconsidered this session is if a member of the prevailing side in the vote, in this case a Republican, asks for the roll call to be rescinded and retaken.

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