



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

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The Honorable John Carney  
Governor

John McNeal  
SCPD Director

**MEMORANDUM**

DATE: May 28, 2020

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

FROM: Mr. J. Todd Webb, Chairperson *JTW*  
State Council for Persons with Disabilities

RE: H.B. 175 (An Act to Amend Title 15 of the Delaware Code Relating to Voting By  
Mail)

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. 175 which, in a nutshell, allows voting by mail. SCPD has the following observations and recommendations.

Specifically, the bill would allow any qualified voter the option to vote by mail in primary, general, and special federal elections. The heart of the bill describes the process for voting by mail. The bill tasks the State Elections Commission (Commission) to create an application for a mail ballot, which must be released at least 45 days prior to the election. This application can then be filed by mail or in person with the Commission by any qualified voter who wants to vote by mail. A voter does not have to file the specific application, rather they can file any written request "evidencing a desire to vote by mail" with the Commission. The bill further requires the Commission to establish procedures that must allow processing and scanning of mail ballots sent by mail ahead of Election Day without tabulation until Election Day, dropping off mail ballots at any polling place on Election Day and dropping off mail ballots in a secure drop box of each county Department of Elections on Election Day and before Election Day.

"Five states currently conduct all elections entirely by mail: Colorado, Hawaii, Oregon, Washington and Utah. At least 21 other states have laws that allow certain smaller elections, such as school board contests, to be conducted by mail." See All-Mail Elections (aka Vote-By-

Mail) Ncs1.org, <https://www.ncsl.org/research/elections-and-campaigns/all-mail-elections.aspx> (last visited Apr 13, 2020). Voting by mail has many possible advantages including convenience and accessibility. The process could allow more access to the electoral process for those who find it difficult to vote in person. Since citizens would be voting at home, they can have the time they need to study the issues. Voting by mail could help protect the health and safety of voters and elections personnel during times of emergencies, such as the current Covid-19 outbreak, where “the closure of polling places due to contamination, travel restrictions, or voters’ reluctance to enter crowded environments could all restrict the ability to vote in-person.” See VOTE AT HOME SCALE PLAN (National Vote at Home Institute) (2020), [https://www.voteathome.org/wp-content/uploads/2020/03/VAHScale\\_StrategyPlan.pdf](https://www.voteathome.org/wp-content/uploads/2020/03/VAHScale_StrategyPlan.pdf) (last visited Apr 13, 2020).

Currently, the Department of Elections has a secure system in place that allows certain absentee voters the option to receive their absentee ballots electronically and submit them via a secure online platform. As of now, the system is only available to absentee voters who choose either of the following reasons for voting absentee: they are sick, or temporarily or permanently physically disabled, they are in public service of the U.S. or the State of Delaware, or they are a spouse or dependent residing with or accompanying him or her (this reason also applies to members of the Uniformed Services). Expanding the use of this system for all mail in voters would provide voters with another option of returning their ballots and provide greater accessibility, including persons with disabilities.

SCPD endorses this legislation but recommends that other accessible options (such as electronic submission) be included. In addition, all options should be accessible to persons with disabilities in accordance with the Americans with Disabilities Act (ADA), for example, ballots need to be in plain language and in large print.

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

cc: Ms. Laura Waterland, Esq.  
Delaware Commissioner of Elections  
Governor’s Advisory Council for Exceptional Citizens  
Developmental Disabilities Council

HB 175 voting by mail 5-28-20