



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

DATE: March 29, 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: S.B. 143 [Voting Amendments to Delaware Constitution]

The State Council for Persons with Disabilities (SCPD) has reviewed S.B. 143 which is the first leg of a constitutional amendment that would change the voting age as stated in the constitution to 18 as provided in the 26th Amendment of the U.S. Constitution. It is designed to achieve conformity with federal law, modernize language, and remove the reasons for which a person may vote by absentee ballot from the Constitution. SCPD endorses the proposed legislation and has the following observations.

First, federal law authorizes voting at age 18. The Delaware Constitution authorizes voting only at age 21.

Second, federal law disallows literacy tests and allows persons to vote who may be illiterate. See, e.g. 42 U.S.C. 1973aa. The Delaware Constitution requires a voter to “be able to read this Constitution in the English language”.

Third, 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 absence due to “mental disability”. The bill would remove limitations and simply allow the General Assembly to enact laws covering qualifications for use of absentee ballots.

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

cc: The Honorable Jack A. Markell  
Mr. Brian Hartman, Esq.  
Governor's Advisory Council for Exceptional Citizens  
Developmental Disabilities Council

Sb143 voting 3-29-12