



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
MARGARET M. O'NEILL BUILDING
410 FEDERAL STREET, SUITE 1
DOVER, DE 19901

VOICE: (302) 739-3620
TTY/TDD: (302) 739-3699
FAX: (302) 739-6704

MEMORANDUM

DATE: May 29, 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. 302 (State Board of Elections)

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. 302 which implements some of the recommendations contained in the March 31, 2014 Election Law Taskforce Report issued in conformity with SCR 20. The proposed legislation seeks to improve the elections process in several ways.

First, it consolidates county boards of election into a single State Board of Elections. The State Board would be comprised of ten (10) members appointed by the Governor selected from a list of nominees from the state chair of the respective political parties. Members would also be subject to Senate approval. The State Election Commissioner would be an ex officio eleventh (11th) member who would only vote in the event of a tie (lines 22-32, 233).

Second, county departments of election would continue to operate but subject to the single State Board of Elections. A director and deputy director of each county office would be appointed by the State Board of Elections subject to a protocol to ensure the director and deputy director are members of different political parties (lines 153-159).

Third, subject to the availability of funds, an Elections Counsel would be appointed by the State Election Commissioner with a variety of duties (assistance with preparation of manuals; investigation of violations of election laws; preparation of advisory opinions)(lines 196-224). If the Elections Counsel believes a violation may have occurred, a referral to the State Attorney General or United States Attorney is authorized if at least five (5) members of the State Board of Elections agree that reasonable grounds exist to believe a violation may have occurred (lines 203-207).

Fourth, the State Board of Elections would hear appeals when individuals are fined for failing to timely file campaign finance reports or include “paid by me” statements in campaign ads (lines 263-281).

Fifth, no member of the State Board of Elections or employee of the state or county departments of election may engage in political activities. Violations would result in a fine and loss of position or employment (lines 189-193).

Given statistics confirming disproportionately low voting rates by persons with disabilities, SCPD has historically promoted adoption of laws and policies to encourage voting and remove voting barriers. For example, Title 15 Del.C. §4512(b) authorizes the Council to report polling place accessibility issues to county departments of election to prompt review by the Architectural Accessibility Board. The Council is therefore interested in this reform legislation and endorses the proposed legislation. In a small state like Delaware, it makes sense to have a single statewide Board of Elections to coordinate and implement election laws. The State Department of Elections has been very proactive in developing manuals and publications addressing voting rights of individuals with disabilities. The legislation includes many safeguards to ensure the non-partisan operation of the State and county departments.

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 Markell
Mr. Brian Hartman, Esq.
Governor’s Advisory Council for Exceptional Citizens
Developmental Disabilities Council

HB 302 state board of elections 5-29-14