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
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 felony 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.
Voting: Limits on absentee ballots will stay

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one of 12 states that re-
voke voting rights for cer-
tain criminals, according to
the nonprofit ProCo-

ior.

Ben Jealous, president
and CEO of the NAACP,
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 sup-
pressing the vote, it’s
heartbreaking to see Dela-
ware take the lead in re-

storing the vote to people
who have made a mistake
and earned the right to

have their vote restored,”
Jealous said.

The amendment was
introduced for the first
time this year. All
House Demo-

crats voted for the

Keeley measure, one short
of the required two-
thirds majority.

Minority Leader Den
Short, of Seaford, said
his caucus believed the

proposed amendment
would leave absentee
voting rules too “open-

ended” and raise the

apostle 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 Val-
erie 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
parisan, it is,” she said.

“I don’t know why they

want to suppress votes.”

Bill sponsor Rep. Earl
Jaggers, D-Glasgow, said

“It’s wrong that Delaware

law currently allows a
disabled person to vote
abstain but could bar

that person’s full-time
caregiver from doing

the same.

“Not a party thing;
It’s just allowing people
the opportunity to vote,”
Jaggers said. “We should

encourage everybody in
this country to vote and

make it as easy and ac-

cessible as possible.”

The only way the ab-

sentee voting amend-

ment could be consid-

ered this session is if a

member of the prevail-
ing side in the vote; in

this case a Republican,
asks for the roll call to be

rescinded and retaken.

Absentee amendment

No Republicans voted
for the absentee ballot-

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