

SB 121 -- Redline

Bill Text to SA 1 to SB 121 -- AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO ELECTIONS.

Deletions ~~struck~~ · Insertions underlined

Townsend ~~&DELAWARE Sen.~~ STATE SENATE 150th GENERAL ASSEMBLY SENATE AMENDMENT NO.

~~Delcolle1~~ &TO Rep. SENATE BILL NO.

~~Bontz121~~ &AMEND Rep. Senate Bill No.

~~Baumbach121~~ Sens. on line 648 by deleting "or" and inserting in lieu thereof "and".

~~Cloutier,~~ FURTHER ~~Hanson,~~ AMEND ~~Hocker,~~ Senate ~~Paradee,~~ Bill ~~Poore,~~ No. ~~Richardson,~~ Sokola,
~~Reps. 121~~ on line 653 by deleting "or" and inserting in lieu thereof "and".

~~Jaques,~~ SYNOPSIS ~~K.~~ This Amendment makes a technical correction to make clear that the Department must use different election districts for each of the post-election audits required under the Act.

~~Johnson, Kowalko, Osienksi, Seigfried, D.~~

~~Short, Michael Smith DELAWARE STATE SENATE 150th GENERAL ASSEMBLY SENATE BILL NO.~~

~~121 AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO ELECTIONS.~~

~~BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):~~

~~Section 1.~~

~~Amend Sec. 101, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:~~

~~Sec. 101.~~

~~Definitions.~~

~~As used in this title:~~

~~(9) "Election officers" means the inspector of election, the 2 judges of election and the clerks of election who are appointed for each election district under Sec. 4701 Sec. 4702 of this title.~~

~~Section 2.~~

~~Amend Sec. 2049, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:~~

~~Sec. 2049.~~

~~Change of party designation;
procedure.~~

~~(a) Any duly registered voter may apply to change that registered voter's political affiliation by completing and submitting a voter registration application to the Department except in the year of a general election during the period from the last Saturday in May through the day of the primary election.~~

~~The application shall be upon a form provided by the Commissioner and shall be signed by the registrant and returned by mail or delivered to the office of the Department.~~

~~Department.~~

~~An appropriately addressed envelope shall be supplied by the Department for return of the executed application.~~

~~Upon receipt of the executed application, the Department shall cause the signature to be compared with the original registration record of such applicant, and if such signature appears to be the same, such change of affiliation shall be made on the original and duplicate in the voter registration records and the applicant shall be immediately notified by mail of the change so made.
notified.~~

~~If the Department is not satisfied as to the signature on the application, the applicant shall be notified by mail to appear at any office of the Department to answer under oath such questions as may be deemed necessary.~~

~~If the applicant fails to appear as notified, no such change of affiliation shall be made.~~

~~If the application is made to the registration officers, they shall forward the completed application to the Department at the same time as they forward LC.~~

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~~CM Page 1 of 27 Released:~~

~~05/29/2019 03:20 PM other registration records at the close of registration, and the Department shall cause appropriate notations thereof to be made upon the applicant's registration record in the applicable County Master File and the applicant's record in the Election System data base.~~

~~Section 3.~~

~~Amend Sec. 3002, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:~~

~~Sec. 3002.~~

~~Unaffiliated candidates.~~

~~(a) No person shall qualify to appear on the general election ballot of this State as a candidate unaffiliated with a political party unless such person fulfills the requirements of this chapter and is so certified by the Department of Elections State Election Commissioner, if a statewide candidate, or the Department of Elections, office for the county where the candidate resides, if not a statewide candidate.~~

~~(b) No individual shall be listed as an unaffiliated candidate on any general election ballot unless such individual shall have filed, filed on forms promulgated by the State Election Commissioner, on or before the close of the official business day on September 1 of the general election year, a sworn declaration with the State Election Commissioner, if a statewide candidate, or the Department, Department office for the county where the candidate resides, if a nonstatewide candidate, stating that the nonstatewide candidate is an unaffiliated candidate and candidate has not been affiliated with any political party for at least 3 months prior to the filing of the declaration, as required by this title, title.~~

~~By September 1 of a general election year, the candidate and shall have filed shall file nominating petitions, as prescribed in this chapter, and signed by not less than 1 percent 1% of the total number of voters registered, as of December 31 of the year immediately preceding the general election year in the State, or if a nonstatewide candidate, of those voters eligible registered to vote for that office which such individual seeks.~~

~~Section 4.~~

~~Amend Sec. 3106, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:~~

~~Sec. 3106.~~

~~Filing of candidacy for nomination at a primary election; withdrawal.~~

~~(a) Any person desiring to be a candidate shall give notice in the following manner:~~

~~(2) Candidates for all other offices:~~

~~a.~~

~~All candidates for county or countywide office, members of the General Assembly and/or Assembly, or municipal office for any municipality holding its election at the time of the general election shall notify the county chair, or the county chair's designee, in writing (or writing, or the city chair, or the city chair's designee, if applicable for municipal candidates) candidates, of their respective political party in their county of residence on LC :~~

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~~CM Page 2 of 27 Released:~~

~~05/20/2019 03:20 PM forms prescribed by the State Election Commissioner on or before the deadline set forth in under Sec. 3101(1) of this title.~~

~~b.~~

~~At the time of giving notice as required above, under paragraph (a)(2) of this section, each candidate shall tender the required filing fee, if any, by giving a check to the Department, Department office for the county in which the candidate resides, payable to the county committee of the candidate's political party (or party, or city committee, if applicable for municipal candidates), candidates, together with a copy of the notice given to the party chair.~~

~~At such time, the Department office shall receipt a third copy of the notice, to be provided notice to the candidate.~~

~~(b) If any of the filing fees mentioned in subsection (a) of this section are not required, each candidate shall still give notice to the election agency having jurisdiction, the Department office for the county in which the candidate resides, as specified in paragraphs (a)(1) and (2) of this section, and shall receive a receipted copy of the prescribed form.~~

~~the Department office shall receipt a copy of the notice to the candidate.~~

~~(c) Any candidate who has filed for nomination as required above under subsection (a) or (b) of this section may withdraw said the filing by notifying the respective elections agency with whom that Department office with which the candidate filed on forms prescribed by the State Election Commissioner on or before the deadline set forth in under Sec. 3101(2) of this title.~~

~~The elections agency having jurisdiction The Department office for the county in which the candidate resides shall promptly notify the same political party chair who received the original notice of filing. The political party shall return the candidate's filing fee of the candidate so withdrawing shall be returned to the candidate.~~

~~fee.~~

~~In the event If a candidate withdraws after the deadline set forth in under Sec. 3101(2) of this title, such the candidate shall forfeit the filing fee to the political party.~~

~~In cases where no filing fee was required, any candidate withdrawing after the deadline shall submit to the respective elections agency a check payable to the Treasurer of the State in the amount of \$50.~~

~~Section 5.~~

~~Amend Sec. 3124, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:~~

~~Sec. 3124.~~

~~Ballots for voting machines.
devices.~~

~~(a) The Department shall cause to be printed created the ballots to be used in any primary election and shall cause the same to be placed in voting machines for the proper district prior to the delivery of the voting machines.~~

~~election.~~

~~(b) The names of all candidates for nomination for the same office shall must be placed under the title of such the office, the surname of candidates to be placed in alphabetical order, and shall may not be separated one from another by any other matter.~~

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~~CM Page 3 of 27 Released:~~

~~05/29/2019 03:20 PM 80 Section 6.~~

~~Amend Sec. 3125, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:~~

~~Sec. 3125.~~

~~Department to furnish voting machines, devices, flags, supplies supplies, and instructions for polling places.~~

~~For each polling place, the Department shall furnish all of the following:~~

~~(1) A flag or poster of suitable size for lettering thereon in at least 3-inch letters with the words POLLING PLACE;~~

~~PLACE.~~

~~(2) A flag of the United States of America no smaller in size than the polling place flag above described in under paragraph (1) of this section;~~

~~section.~~

~~(3) Poll list, stationery stationary, and other such supplies customary and necessary for the use of the officers conducting such primary election;~~

~~election.~~

~~(4) Written instructions and excerpts from those parts of this title as the Department shall deem deems necessary and appropriate to assist the election officers in the proper performance of their duties; the officers' duties.~~

~~(5) A proper number of voting machines devices of the type used in general elections, which machines shall devices must be duly inspected, prepared prepared, and certified in the same manner as provided for under Chapter 50 Chapter 50A of this title for general elections.~~

~~Section 7.~~

~~Amend Sec. 3126, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:~~

~~Sec. 3126.~~

~~Voting to be by voting machines.
devices.~~

~~In every primary election district in which a primary election is to be held under this chapter, voting machines devices of the type used in general elections, as provided for in Chapter 50 or Chapter 50A of this title, shall must be used to record the votes, and the manner of voting shall must be the same as that set forth in Chapter 49 of this title.~~

~~Section 8.~~

~~Amend Sec. 3172, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:~~

~~Sec. 3172.~~

~~Calculation of votes;~~

~~ties.~~

~~(a) The Department shall forthwith calculate the total number of votes cast for each candidate in any contest and certify the candidate or candidates receiving the highest number of votes.~~

~~In cases of statewide contests, the Department shall report the results to the State Election Commissioner.~~

~~(e) In the event that If the number of votes separating a candidate and the closest opposing candidate in a primary election is less than 1,000 (in 1,000 votes, in the case of a statewide contest) votes contest, or 1/2 of 1 percent (in the case LC :~~

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~~CM Page 4 of 27 Released:~~

~~05/29/2019 03:20 PM of any contest) 1% of all votes cast for the 2 candidates, in the case of any other contest, whichever is less;~~

~~less, the Department shall recount the absentee ballots cast in that election at State expense as part of the canvass of the vote.~~

~~Section 9.~~

~~Amend Sec. 3301, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:~~

~~Sec. 3301.~~

~~Certificates of nomination.~~

~~(d) The presiding officer and secretary of the county committee of each political party eligible to place candidates on the ballot shall submit a certificate of nomination for candidates for the General Assembly, Assembly and county and municipal offices to the Department:~~

~~Department office for the county in which the candidate resides, as follows:~~

~~(1) For any office for which no candidate has filed in accordance with Sec. 3101 of this title, or title.~~

~~(2) For any office for which candidates are selected by the state nominating convention of a minor political party.~~

~~(e) In the case of For minor political parties not required to select candidates pursuant to under Chapter 31 of this title, each party shall select their its candidates at the party's state or county nominating convention held on or before August 1 in the year of a general election and shall file the certificates of nomination of the selected candidates within 10 business days of the nominating convention.~~

~~(h) The State Election Commissioner shall verify that the nominations of candidates submitted to the State Election Commissioner and the eligibility of each political party to make such nominations conform to the requirements set forth in under this title.~~

~~The Department offices shall do the same concerning certificates of nomination submitted to it. the offices.~~

~~(i) The State Election Commissioner shall forthwith send a copy of each certificate of nomination submitted to the Commissioner to the Department.~~

~~Department offices.~~

~~The Department offices shall forthwith send a copy of each certificate of nomination submitted to it the offices to the State Election Commissioner.~~

~~Section 10.~~

~~Amend Sec. 3303, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:~~

~~Sec. 3303.~~

~~Time of filing certificates.~~

~~Certificates of nomination for statewide office to be filed with the State Election Commissioner or the Department, Commissioner, and certificates of nominations for nonstatewide offices to be filed with the Department office for the county where the nominee resides, as the case may be, shall must be filed before the close of the official business day on or before September 1 of the year of any general election, and if September 1 is a Sunday or legal holiday, then on the next official business day. Certificates of nomination shall must be on the form specified by the State Election Commissioner.~~

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~~CM Page 5 of 27 Released:~~

~~05/29/2019 03:20 PM However, when there is a national nominating convention, the nominees from said the national nominating convention shall must be named on a certificate of nomination to be filed before 12:00 noon on the earlier of:~~

~~of the following:~~

~~(1) The Tuesday following said the national nominating convention; or, convention.~~

~~(2) September 15 of said the election year.~~

~~Section 11.~~

~~Amend Sec. 3402, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:~~

~~Sec. 3402.~~

~~Write-in candidates for a general election.~~

~~(c) A person shall declare himself or herself as a write-in candidate for an office by filing a Write-in Candidate Declaration with the State Election Commissioner for a statewide office or to the Department of Elections office for the county in which the election is to be held for General Assembly, county county, or City of Wilmington offices no later than 4:30 p.m.~~

~~on September 30 20 in the year of a general election.~~

~~If September 30 20 is a Saturday, Sunday Sunday, or holiday, the declaration shall must be filed no later than 4:30 p.m.~~

~~on the next day that is not a Saturday, Sunday Sunday, or holiday.~~

~~If the boundary of a General Assembly office includes more than 1 county, the person shall file that person's Write-in Candidate Declaration with the Department of Elections office for the county in which that person is a registered voter.~~

~~(d) The State Election Commissioner or the Department of Elections for a county Department office for the county in which a person who has filed a Write-in Candidate Declaration is a registered voter shall determine whether a the person who has filed a Write-in Candidate Declaration is eligible to be a candidate for the office for which that the person has filed the declaration.~~

~~Declaration.~~

~~Section 12.~~

~~Amend Sec. 3403, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:~~

~~Sec. 3403.~~

~~Forms.~~

~~The State Election Commissioner Commissioner, in collaboration with the Departments of Elections for the counties Department offices, shall promulgate the Write-in Candidate Declaration and the withdrawal form.~~

~~Section 13.~~

~~Amend Sec. 3404, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:~~

~~Sec. 3404.~~

~~Write-in candidate lists.~~

~~Each department of elections Department office shall issue at least 2 copies of the list of declared write-in candidates for each office on a ballot in the county to the election officers at each election district in the county.~~

~~The election officers shall post 1 copy of the list in a conspicuous location in the polling place.~~

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~~CM Page 6 of 27 Released:~~

~~05/29/2019 03:20 PM Section 14.~~

~~Amend Sec. 4502, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:~~

~~Sec. 4502.~~

~~Form and designation of ballots.~~

~~(a)(1) For each election, the party emblem adopted by each political party and its name shall appear on the ballot with the names of its candidates, arranged in line with the titles of the offices for which they are contesting, along with space for the voter to write in the name of any candidate of that voter's choice, as prescribed in Sec. 5005(b) under Sec. 5005A(b) of this title.~~

~~(2) In those years in which a President and Vice-President Vice President of the United States are to be elected elected, the ballot shall must be designated "Presidential, Vice-Presidential Vice Presidential, State, County County, and District Ballot";~~

~~in other years years, the ballot shall must be designated "State, County County, and District Ballot".~~

~~(3) The names of all candidates of any party shall must be placed under the title and device of such~~

~~party as designated in the certificate filed with the department of elections by such Department by the party's authorized agent or agents or, if none is designated, under some suitable title or device to be selected by the department of elections.~~

~~Department.~~

~~(4) When a President and Vice-President Vice President are to be elected, the names of the candidates for those offices shall must be placed at the top of the list of candidates for all offices to be voted upon.~~

~~(5) The device named and chosen and the lists of candidates of the Democratic Party shall must be placed in the first column on the left hand side of the ballot, of the Republican Party in the second column, and of any other party, and the space for the voter to write in the name of any candidate of that voter's choice for any office, in such order as the department of elections shall decide.~~

~~Department decides.~~

~~(6) The names of unaffiliated candidates shall must appear in alphabetical order, under the heading "Unaffiliated Candidates", after the listing of various political parties.~~

~~Section 15.~~

~~Amend Sec. 4503, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:~~

~~Sec. 4503.~~

~~Printing Creating ballots.~~

~~The Department shall print or cause to be printed create the ballots to be used in the voting machines devices and print or cause to have printed sufficient absentee ballots for any election conducted by the Department under the provisions of this title.~~

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~~CM Page 7 of 27 Released:~~

~~05/29/2019 03:20 PM Section 16.~~

~~Amend Sec. 4505, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:~~

~~Sec. 4505.~~

~~Substitution of candidate's name after printing creation of ballots.~~

~~Whenever a supplemental certificate of nomination is filed naming a substitute candidate, as elsewhere provided in this title, the Department shall promptly provide new ballots or, if necessary, pasters.~~

~~If the new ballots or pasters are received by the Department too late to put them in the voting machines prior to the preparation, sealing and inspection of the machines, then the department shall deliver the necessary number of pasters to the inspectors of the appropriate election districts, who shall see to it that the pasters are placed and maintained on the voting machines and certificates of election.~~

~~ballots, if there is sufficient time before the election, or take other appropriate measures if there is insufficient time before the election to provide new ballots.~~

~~Section 17.~~

~~Amend Sec. 4506, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:~~

~~Sec. 4506.~~

~~Tally sheets.~~

~~The Department shall furnish 2 copies of write-in vote tally sheets for each election district.~~

~~[Repealed.] Section 18.~~

~~Amend Title 15 of the Delaware Code by transferring Sec. 4516 of Title 15 to Chapter 80 of Title 15, redesignating Sec. 4516 as Section 8045A of Title 15.~~

~~Section 19.~~

~~Amend Sec. 4701, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:~~

~~Sec. 4701.~~

~~Appointment;~~

~~term.~~

~~(a) The county executive committee of each of the 2 principal political parties shall submit to the Department no later than February 1 of each general election year a list containing the names of 8 registered voters for each election district in the county.~~

~~The Department shall appoint all election officers, including clerks, from these lists;~~

~~provided, however, that if the lists are not filed with the Department by February 1 or if the number of names submitted are not sufficient, the Department shall select, notwithstanding paragraphs (b)(1) and~~

~~(2) of this section, some qualified person or persons shown on its records to be registered to vote in the election district (or in the absence of such persons, the representative district), provided that no more than a bare majority of such persons are members of the same political party.~~

~~(1) The county executive committee of each of the 2 principal political parties may nominate Delaware citizens who are full-time students and who will be at least 16 years of age on or before November 1 in the year of a general election and who will be less than 18 years of age on or before the day of the general election to serve as clerks of election.~~

~~Such nominations shall be accompanied by an authorization signed by the person's parent or guardian as LC-:~~

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~~CM Page 8 of 27 Released:~~

~~05/20/2019 03:20 PM well as the principal of the school the student attends.~~

~~The authorization shall be on a form promulgated by the State Election Commissioner.~~

~~The Department may recruit United States citizens who are full-time students and who will be at least 16 years of age on or before November 1, in the year of a general election and who will be less than 18 years of age on or before the day of the general election to serve as clerks of election.~~

~~Persons recruited by the Department shall present an authorization, on the form promulgated by the State Election Commissioner, to the Department prior to being appointed.~~

~~Notwithstanding any law or regulation to the contrary, the Department may appoint no more than 2 persons under the age of 18 as clerks in any Election District where 2 or fewer voting machines are assigned.~~

~~In Election Districts where 3 or more voting machines are assigned, 1 person under the age of 18 may be appointed as a clerk for each voting machine assigned.~~

~~Persons nominated by a political party on or before February 1 in the year of a general election shall be given priority over persons recruited by the Department unless such persons demonstrate that they are unable or unwilling to perform election officer duties.~~

~~The State Election Commissioner, after consultation and coordination with the Department, shall promulgate the nomination form for the purpose of this subsection no later than January 1, 2004.~~

~~(2) Notwithstanding any law or regulation to the contrary, the Department may appoint Delaware residents who are registered voters and who are enrolled as at least half-time students in colleges or universities within the respective county as election officers for that county.~~

~~College or university students recruited by the Department and who will be less than 18 years of age on or before the day of the general election shall present an authorization signed by a faculty member or dean of the school they attend, on the form promulgated by the State Election Commissioner, to the Department prior to being appointed.~~

~~(b)(1) During the month of April in each general election year, the Department shall appoint for each election district in its county 1 inspector;~~

~~2 judges of election, 1 from each of the 2 principal political parties;~~

~~and 2 clerks of election, 1 from each of the 2 principal political parties, provided that where the election district has fewer than 100 voters of a principal political party, the Department may appoint such party's clerk or clerks of election from a different election district within the same representative district.~~

~~The terms of the inspectors, judges, and clerks of election shall extend from the day of their appointment to April 1 of the next general election year.~~

~~(2) Whenever an election district is to be provided more than 1 voting machine, 2 additional clerks, 1 from each principal political party, shall be appointed for each additional voting machine.~~

~~These additional appointments shall be made in April whenever the number of additional voting machines is known to the department.~~

~~Subsequent additional appointments shall be made as soon as practicable after the department determines the need for additional voting machines in an election district.~~

~~[Repealed.] LC-:~~

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~~CM Page 9 of 27 Released:~~

~~05/20/2019 03:20 PM Section 20.~~

~~Amend Sec. 4702, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:~~

~~Sec. 4702.~~

~~Appointment of additional election officers.~~

~~The Department may appoint such additional election officers to serve as machine operators, greeters or for other purposes deemed necessary to facilitate the operation of polling places.~~

~~in the polling places.~~

~~Section 21.~~

~~Amend Sec. 4902, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:~~

~~Sec. 4902.~~

~~Absence of election officer on election day;
notice to department.~~

~~Department.~~

~~If on the day of holding an election any election officer authorized by law to serve at the election in any election district shall be is absent from the place of election at 7:00 a.m., the inspector, if present, or, in the absence of the inspector, then any judge who may be present, shall immediately notify the Department office in that inspector's or judge's county of such the absence.~~

~~Section 22.~~

~~Amend Sec. 4910, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:~~

~~Sec. 4910.~~

~~Instruction sheets;
sample ballots.~~

~~(a) The State Election Commissioner, in collaboration with the Department, Department offices, shall design a poster or posters that will be is uniform throughout the State.
The poster or posters shall must be publicly displayed in each polling place on the day of the election.
The poster or posters shall must contain all of the following information:~~

~~(1) Information stating the date and hours during which the polling place will be open;
open.~~

~~(2) Instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;
ballot.~~

~~(3) A statement on the importance of verifying that the markings on the voting device printed paper ballot reflect the voter's intended choices, and instructions on what steps to take if the paper ballot does not reflect the voter's actual choices.~~

~~(3) (4) Instructions for mail-in registrants who are first-time voters under Sec. 303(b) of the Help America Vote Act of 2002 [52 U.S.C.~~

~~Sec. 21083(b)];~~

~~[52 U.S.C.~~

~~Sec. 21083(b)].~~

~~(4) (5) General information on voting rights under applicable federal and state laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated;
and violated.~~

~~(5) (6) General information on federal and state laws regarding prohibitions on acts of fraud and misrepresentation.~~

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~~CM Page 10 of 27 Released:~~

~~05/29/2019 03:20 PM Section 23.~~

~~Amend Sec. 4912, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:~~

~~Sec. 4912.~~

~~Procedure prior to opening of polls.~~

~~(a) The election officers of each election district shall attend arrive at the polling place three quarters of an 1 hour before the time set for opening of the polls and shall proceed to arrange the furniture, stationery and voting machine prepare the polling place for the conduct of the election.
If not previously collected, the election officers shall collect from the department of elections a list of voters who have voted by absentee ballot and shall maintain the same at the polling place.
The election officers shall cause to be posted post conspicuously within the polling place an instruction poster and 2 sample ballots.~~

~~They shall see that the light for the voting machine is in good order and that it is lighted, if that is necessary, in order that the names upon the ballot shall be clearly visible.~~

~~They shall inspect the screen, hood or curtain of the machine to make certain that it has not been damaged or tampered with so as in any manner to lessen or endanger the secrecy of voting.~~

~~They shall see to it that no mirror is placed or allowed to remain in such a position so as to permit a view of any part of the front, sides or top of the voting machine.~~

~~(b) The 2 voting machine certificates shall be delivered to the election officers at least three quarters of an hour before the time set for the opening of the polls.~~

~~Section 1 of the voting machine certificates shall list the serial number, ballot number, machine case seal number, printer door number and the protective counter number for each voting machine assigned to the election district.~~

~~Each election officer shall witness and verify that the numbers listed on the voting machine certificates are the same as the voting machine serial number, machine case seal number, printer door seal number, ballot number and protective counter number on the voting machine.~~

~~If a number is different, the inspector shall strike through the number, enter the appropriate correction and initial the entry on each of the certificates.~~

~~At the completion of this comparison, each election officer shall sign in the appropriate place in section 1 of each of the voting machine certificates.~~

~~The election officers shall verify that the correct devices are in the polling place and that the serial numbers match the numbers on the certificate provided by the Department.~~

~~The election officers shall report any irregularities with the devices to the Department office in the county where the voting device is located.~~

~~(c) The election officers shall observe the opening of the polls procedure for each voting machine assigned to the election district.~~

~~device and ensure that the public counts and the card counts are zero.~~

~~If the light in the polls ready to open box on the officer's control panel is in any other but the top position prior to the inspector pressing the open polls button, stop the procedure and contact the Department of Elections.~~

~~The machine cannot be used.~~

~~If, during the opening of the polls procedure, the paper tape shows "error all counters not zero," stop the procedure and contact the Department of Elections.~~

~~The machine cannot be used.~~

~~At the conclusion of the open polls procedure for each voting machine assigned to the election LC :~~

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~~CM Page 11 of 27 Released:~~

~~05/20/2010 03:20 PM district, each election officer signs the paper tape.~~

~~After the last election officer signs the paper tape, the inspector will close the write-in window.~~

~~Section 24.~~

~~Amend Sec. 4932, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:~~

~~Sec. 4932.~~

~~Location of election officers within voting room;~~

~~location and care of voting machine.~~

~~device.~~

~~The election officer attending the machine shall inspect its face after each voter has cast a vote to make certain the ballots on the face of the machine are in proper condition and that the machine has not been harmed in any way.~~

~~If it shall become necessary for a representative of the Department to open the printer door or to open the printer door and remove the ballot cover and/or ballot in order to repair a voting machine that cannot be repaired otherwise, a statement to that effect shall be entered on the reverse side of each copy of the voting machine certificate.~~

~~The statement shall be signed by the inspector and the departmental representative.~~

~~Upon completion of the repair, the inspector shall close and seal the printer door and record the new seal number on the reverse side of the voting machine certificate.~~

~~[Repealed.] Section 25.~~

~~Amend Sec. 4972, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:~~

~~Sec. 4972.~~

~~Rules regarding what constitutes a legal vote.~~

~~(a) Votes cast on a direct recording electronic voting machine shall be considered device are legal votes once the voter has taken the necessary action or actions to cast a ballot.~~

~~A voter who has cast a ballot on a direct recording electronic voting machine shall device may not be permitted to cast a second ballot under any circumstances.~~

~~The paper ballot reflecting the voter's choices is the legal ballot of record.~~

~~(b) Votes cast at any election on voter marked paper ballots shall must be counted for whom they the votes are intended as far as can be ascertained by the marks on the ballot.~~

~~The following rules shall must be observed in determining those votes on paper ballots that shall must be counted:~~

~~(1) The voter shall mark the ballot for the voter's selections by placing a distinct mark in the box at the right of the name of the candidate and or response to a question for which the voter wants to vote; as instructed.~~

~~(2) Where a voter indicates the voter's own selections in a manner not in accordance with paragraph (b)(1) of this section, the election officers shall attempt to determine from the marks on the ballot the candidate or response that the voter intended to select; select.~~

~~(3) If it is not possible to determine a voter's choice for an office or response to a question, the ballot shall may not be counted for that office or question but shall must be counted for all other offices and questions on the ballot where the voter's intention can be determined; determined.~~

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~~CM Page 12 of 27 Released:~~

~~05/29/2019 03:20 PM (4) A voter may only vote for 2 or more choices for any office or question when specifically instructed on the ballot that it is allowable; allowable.~~

~~(5) Where a voter is permitted to make more than 1 choice for candidates and or responses to a question, the voter may make fewer than the allowable number of choices; choices.~~

~~(6) If a ballot is marked for more names or responses than are permitted, it shall must not be counted for that office or question, but it shall must be counted for all other offices or questions on the ballot in accordance with these rules; the rules under this section.~~

~~(7) If a ballot has been defaced or torn so that it is impossible to determine the voter's choice for 1 or more offices or questions, it shall must not be counted for such the offices or questions but shall must be counted for all other offices and questions where the voter's choice or choices can be determined; determined.~~

~~(8) The misspelled, incomplete incomplete, or minor variation of the name of a declared write-in candidate for an office shall must be counted if the name as written bears a reasonable resemblance to the declared candidate's name and no other declared write-in candidate for the office has a name so similar to the name as written as to leave a reasonable doubt as to the voter's intention. Additionally, writing in the last name of a declared write-in candidate shall constitute constitutes a valid vote unless there are 2 or more candidates for that office with the same last name; and name.~~

~~(9) Writing in the name of either candidate for President or Vice President shall constitute Vice President constitutes a valid vote for the slate.~~

~~Section 26.~~

~~Amend Sec. 4975, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:~~

~~Sec. 4975.~~

~~Removing the results from the voting machine device or machines devices and dispatching the memory cartridge or cartridges to the zone reporting station.~~

~~voted paper ballots in a secured container and the media containing the election results to the Department.~~

~~(a)(1) After the polls have closed and the last voter has finished voting and exited the polling place, the inspector shall verify that each voting machine has been deactivated.~~

~~close and secure each voting device as instructed and complete the required documentation.~~

~~The election officers shall then copy the protective counter number from each voting machine assigned to the election district onto section 3 of each of the voting machine certificate or certificates.~~

~~(2) After the polls have closed, the election officers shall produce a report of the write-in votes.~~

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CM Page 13 of 27 Released:

~~05/29/2019 03:20 PM (b) After the polls have been closed on a voting machine, the officers shall remove the paper tape containing the results and the memory cartridge from the voting machine. closed, the election officers shall remove the ballot container and the media containing the election results from each voting device and deliver them to the Department as instructed.~~

~~(c) After the memory cartridge or cartridges have been removed from each voting machine assigned to the election district, the inspector shall place said memory cartridge or cartridges into the envelope designated for the memory cartridge or cartridges and seal the envelope.~~

~~The inspector shall give the envelope to the election officer assigned to deliver the memory cartridge or cartridges to the zone reporting station.~~

~~The inspector shall then enter the date and time in section 2 of each of the voting machine certificates and direct the said election officer to sign section 2 of each of the voting machine certificates.~~

~~The inspector shall then dispatch the said election officer with the envelope containing the memory cartridge or cartridges to the zone reporting station listed on the envelope containing the memory cartridge or cartridges.~~

~~The election officer assigned to take the memory cartridge or cartridges to the zone reporting station shall depart the polling place immediately and go directly to the zone reporting station listed on the envelope containing the memory cartridge or cartridges.~~

~~Upon arriving at the said zone reporting station, the said election officer shall give the envelope to a designated representative of the State Election Commissioner.~~

~~[Repealed.] (d) After the election officer assigned to deliver the memory cartridge or cartridges to the zone reporting station has departed the polling place, each remaining election officer shall sign each copy of every paper tape removed from a voting machine assigned to the election district.~~

~~[Repealed.] (e) After every copy of every paper tape has been signed, the inspector will separate the copies of each tape by cutting at the "cut here" line.~~

~~The first copy of each paper tape (the copy with the zero count certification) shall be placed into the Prothonotary envelope and the first extra copy of each tape shall be placed into the Department of Elections envelope.~~

~~[Repealed.] Section 27.~~

~~Amend Sec. 4976, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:~~

~~Sec. 4976.~~

~~Counting of write-in votes.~~

~~(a) After the paper tapes have been separated and placed in envelopes, the inspector shall remove the 1st copy paper tape or tapes (with zero count certification) from the Prothonotary envelope.~~

~~(b) The inspector shall then proceed to read distinctly each office voted for, starting from the top of each paper tape, and the names of the persons for whom votes were cast.~~

~~If the name of the person voted for is not clear, the inspector and 2 judges shall examine the paper roll and determine, by majority vote, if necessary, the name to be entered on the write- LC :~~

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CM Page 14 of 27 Released:

05/29/2019 03:20 PM in vote tally sheet.

~~The judge of the opposite political party shall stand or sit with the inspector while the inspector reads off the write-in votes to verify the votes cast.~~

~~(c) Two clerks shall account on separate Write-in Vote Tally Sheets for each write-in vote for an office for a candidate on the ballot for that office, a declared write-in candidate for the office or for all other write-in votes for the office as "Other Write-in Candidates." (d) After the counting is completed, the clerks shall compare their tallies and add up the number of votes cast for each person in the presence of the inspector and judges.~~

~~They shall then announce the names of the persons voted for and the total number of votes cast for each person.~~

~~The first copy paper tape (with zero count certification) from each voting machine assigned to the election district shall be placed in the envelope and shall be delivered to the Prothonotary.~~

~~[Repealed.] Section 28.~~

~~Amend Sec. 4978, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:~~

~~Sec. 4978.~~

~~Securing the voting machine, device, voting machine certificates device certificates, and tally sheets.~~

~~(a) After the write-in votes have been tallied, the inspector shall close the printer door and apply a seal to the printer door for each voting machine assigned to the election district.~~

~~The inspector shall record the seal number on each of the voting machine certificates.~~

~~(b) After placing the curtain, absentee entry device and any other materials designated by the Department in the base of the voting machine, the inspector shall fold up the voting machine and apply a seal to the voting machine case.~~

~~The inspector shall record the seal number on each of the voting machine certificates.~~

~~The inspector shall repeat this procedure for each voting machine assigned to the election district.~~

~~(c) The election officers present shall sign all copies of the write-in vote tally sheets and section 3 of the voting machine certificates.~~

~~(d) The inspector shall place 1 copy of the voting machine certificate and write-in vote tally sheet in the envelope to be delivered to the Prothonotary and 1 copy of each of the said documents in the envelope to be delivered to the Department of Elections immediately following the closing of the polling place.~~

~~[Repealed.] Section 29.~~

~~Amend Sec. 4970, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:~~

~~Sec. 4970.~~

~~Delivery of certificates, election records and supplies, voting machines devices, and absentee ballot boxes.~~

~~(a) After the close of the election, the inspector shall deliver an envelope containing the first copy of the paper tape (with "zero count" certification) from each voting machine in the election district, 1 copy of the voting machine certificate, LC :~~

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~~CM Page 15 of 27 Released:~~

~~05/29/2019 03:20 PM 1 copy of the write-in vote tally sheet, if any, to the Prothonotary of the Superior Court for that inspector's county.~~

~~The Prothonotary shall, on the second day following the election at 10 a.m. present said envelope to the Court.~~

~~If the inspector of any election district dies or is prevented by sickness or accident from delivering the above-mentioned items to the Prothonotary the night of election day, the Prothonotary and/or the Department shall obtain the envelope from that inspector as soon as practical.~~

~~The same shall apply to all envelopes, documents, poll lists, election records and supplies that the inspector is obligated to return to the Department following the close of the polls.~~

~~(b) At the end of the day of election, each inspector shall deliver to the office of the department of elections of the inspector's county these items:~~

~~(1) An envelope containing 1 copy of the paper tape with results from each voting machine in the election district, 1 copy of the voting machine certificate and 1 copy of the write-in vote tally sheet;~~

~~(2) Poll list;~~

~~(3) Oaths (or affirmations) signed by the election officers;~~

~~(4) The book, or books, of original permanent registration records provided as the Election District Record;~~

~~(5) All voter signature cards provided by the department;~~

~~(6) All tally sheets;~~

~~(7) All other supplies provided by the department, including the flag of the United States of America and the polling place flag.~~

~~(c) All certificates, poll lists, oaths (or affirmations), voter signature cards, tally sheets and other records of the election shall be filed in the department of elections for not less than 1 year following the election and shall be public records and, as such, admissible in evidence.~~

~~[Repealed.] Section 30.~~

~~Amend Sec. 4980, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:~~

~~Sec. 4980.~~

~~Return and custody of voting machines and keys.~~

~~devices, media containing election results, and ballot container.~~

~~(a) Immediately after the election, and within the 2 days immediately following the day of election, the voting machines and absentee ballot boxes shall all voting materials, including the voting devices, media containing the election results, and secured containers of voted paper ballots, must be stored in some a safe and secure place provided by the department of elections.~~

~~Department.~~

~~While the board of canvass is conducting its canvass of the vote, the machines and ballot boxes shall~~

~~all voting materials must be in the custody of the Prothonotary.~~

~~While in the Prothonotary's custody, the LC :~~

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~~CM Page 16 of 27 Released:~~

~~05/29/2019 03:20 PM voting machines and the absentee ballot boxes the voting materials may be opened and examined by order of the board of canvass or any other court of competent jurisdiction.~~

~~(b) After the board of canvass has completed its canvass of the vote, the Prothonotary shall turn custody of the voting machine and absentee ballot boxes over to the department of elections. the voting materials over to the Department.~~

~~The department Department shall leave the ballot boxes voted paper ballots and all documentation extracted from the media containing the election results undisturbed and locked until the following February 1.~~

~~for 22 months after the day of the election.~~

~~During this period, the ballot boxes may be opened for inspection voted paper ballots and all documentation extracted from the media containing the election results may be inspected by any duly authorized member or agent of the General Assembly or Assembly, the Attorney General.~~

~~General, or the Department for the purpose of conducting an audit under Sec. 5012A of this title.~~

~~After February 1 the department shall be free to unlock, clean out, inspect and repair any absentee ballot box.~~

~~Section 31.~~

~~Amend Sec. 4081, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:~~

~~Sec. 4081.~~

~~Duties of department of elections Department and State Election Commissioner following an election.~~

~~(a) Immediately following an election, the State Election Commissioner shall take each voter signature card and through electronic means, note that the voter participated in the election on the election district record.~~

~~Department shall upload all updated voter history from the electronic poll books to the State's voter registration system.~~

~~(b) Voter signature cards and all other forms and records not of a permanent nature, which are used in the conduct of an election, shall be retained by the department for not less than 1 year following the election.~~

~~The Commissioner may require that the department send the voter signature cards used in the election to the Commissioner to carry out the Commissioner's own duties under this section.~~

~~In such event, the Commissioner shall return the voter signature cards to the department not more than 6 months following their delivery to the Commissioner.~~

~~[Repealed.] Section 32.~~

~~Amend Sec. 4091, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:~~

~~Sec. 4091.~~

~~Process.~~

~~(a) The person making a complaint under this subchapter shall submit the complaint to the State Election Commissioner or the Department.~~

~~Commissioner.~~

~~The complaint shall must be in writing, notarized notarized, and signed and sworn to by the person making the complaint.~~

~~(b) If the a Department office receives such a complaint, it shall forward it to the State Election Commissioner on the same business day that it is received.~~

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~~CM Page 17 of 27 Released:~~

~~05/29/2019 03:20 PM Section 33.~~

~~Amend Title 15 of the Delaware Code by deleting Chapter 50 in its entirety.~~

~~Section 34.~~

~~Amend Sec. 5000A, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:~~

~~Sec. 5000A.~~

~~Use in lieu of voting machines.~~

~~Electronic voting system use.~~

~~In any general, special special, or primary elections, an electronic voting system may alternatively be used in lieu of a voting machine as required by Chapter 50 of this title so long as the voting system complies must be used and must comply with the requirements of this chapter.~~

~~Section 35.~~

~~Amend Sec. 5001A, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:~~

~~Sec. 5001A.~~

~~Requirements.~~

~~(a) Any An electronic voting system may be adopted, purchased purchased, or used which shall be so constructed as to fulfill if it meets all of the following requirements:~~

~~(1) Each voting device shall must have a serial number permanently attached to or stamped to the device; device.~~

~~(2) It shall secure Secure to the voter secrecy in the act of voting for or against as many questions as may be submitted; submitted.~~

~~(3) It shall permit Permit the voter to vote for the candidates of 1 or more parties, or to write in the name or candidate of the voter's choice for any office; office.~~

~~(4) It shall permit Permit the voter to vote for as many persons for an office as the voter is lawfully entitled to vote for, and the automatic tabulating equipment used in such electronic voting systems shall reject choices recorded on any ballot card or any voting device if the number of such choices exceeds the number to which a voter is entitled; entitled.~~

~~(5) It shall prevent Prevent the voter from voting for the same person more than once for the same office; office.~~

~~(6) It shall permit Permit the voter to vote for or against any question the voter may have the right to vote upon, but no other; other.~~

~~(7) It shall permit Permit each voter in primary elections to vote only for the candidates of the party with which the voter has declared that voter's own affiliation, and preclude the voter from voting for any candidate seeking nomination by any other political party; party.~~

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~~CM Page 18 of 27 Released:~~

~~05/29/2019 03:20 PM (8) It shall correctly Correctly record and accurately count all votes cast for any and all candidates of a political party, and for or against any and all questions, and correctly record the names of all candidates written in by votes; votes.~~

~~(9) It shall be Be provided with means for sealing the vote recording devices to prevent its use and to prevent tampering with ballot labels, both before and after the polls are open or before the operation of the vote recording device for any election is begun and immediately after the polls are closed or after the operation of the vote recording device for an election is completed; completed.~~

~~(10) If individual paper ballots are used, the paper ballot shall include a serialized stub number for each ballot issued to a voter to be retained by the poll worker which will show at all times during any election a total number of persons who have voted.~~

~~[Repealed.] (11) It shall be Be so equipped that it shall prevent the voter from voting for all the candidates of 1 party by the use of a single mark, punch or other action;~~

~~however, it shall be provided with a device or method for each party, for voting for all presidential electors of that party by 1 mark, punch or other action.~~

~~(b) Every voting device or booth shall be provided with a means of providing sufficient light to enable voters while in the voting booth to read the ballots or ballot labels.~~

~~All voting devices used in any election shall must be provided with side curtains and front shield to insure ensure that no person can see or know for whom any voter has voted or is voting.~~

~~(c) A voting device or system purchased by the State must be certified by the United States Election Assistance Commission, or designated federal authority, as meeting or exceeding the voluntary voting~~

~~systems standards or guidelines as promulgated by the United States Election Assistance Commission, or designated federal authority, before delivery to and acceptance by the State.~~

~~(d) The Department shall prepare a plan that enables a voter to cast a ballot if every voting device in the polling place fails and consequently a voter is unable to vote on a voting device in the voter's polling place.~~

~~Section 36.~~

~~Amend Sec. 5004A, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:~~

~~Sec. 5004A.~~

~~Number of voting devices per election district.~~

~~(a) In general elections, the polling place for every election district shall be supplied the Department shall supply each polling place with at least 1 voting device for every 600 650 registered voters or majority fraction thereof.~~

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~~CM Page 10 of 27 Released:~~

~~05/29/2019 03:20 PM (b) In primary and special elections, the polling place for every primary voting district or election district shall be provided the Department shall supply each polling place with at least 1 voting machine device for every 750 800 registered voters or majority fraction thereof.~~

~~Section 37.~~

~~Amend Sec. 5005A, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:~~

~~Sec. 5005A.~~

~~Printing of ballots;~~

~~distribution of ballots.~~

~~(a) Ballots shall be printed in black ink on white material of such size as will fit the ballot frame used for all elections and shall be secured in the ballot frame to make tampering or removal difficult.~~

~~[Repealed.] (b)(1) The party emblem which has been duly adopted by such party in accordance with law and the party name or other designation for each political party represented on the voting device shall appear on the ballot if space and layout permits.~~

~~The party emblem which has been duly adopted by a party in accordance with law and the party name or other designation for each political party represented on the device must appear on the ballot.~~

~~(2) The titles of offices may be arranged horizontally, with the names of candidates for an office arranged vertically under the title of the office, or the titles of offices may be arranged vertically, with the names of candidates for an office arranged horizontally opposite the title of the office, each office to occupy as many columns or rows on the voting device as the number of candidates to be elected to that office.~~

~~(3) Except as otherwise provided under this chapter, the names of all candidates nominated by a party for an office must always appear in the row or column containing generally the names of candidates nominated by the party for other offices.~~