



Governor's Advisory Council for Exceptional Citizens (GACEC) 516 West Loockerman St., Dover, DE 19904
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MEMORANDUM

DATE: March 26, 2012

TO: The Honorable Members of the Delaware General Assembly

FROM: Robert D. Overmiller, Acting Chairperson
GACEC

RE: **Senate Bill No. 143 (Voting Amendments to Delaware Constitution)**

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed Senate Bill No. 143 which 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. Since it contemplates amending Delaware's Constitution, it must be enacted by a 2/3 vote of the 146th and 147th General Assemblies. The GACEC **endorses** the proposed bill and would like to share 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". This bill would remove limitations and simply allow the General Assembly to enact laws covering qualifications for use of absentee ballots.

Please feel free to contact me or Wendy Strauss should you have questions or concerns in regard to our observations.