



Governor's Advisory Council for Exceptional Citizens (GACEC)
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MEMORANDUM

DATE: May 14, 2014

TO: The Honorable Members of the Delaware General Assembly

FROM: Terri Hancharick, Chairperson
GACEC

RE: **House Bill No. 302 (State Board of Elections)**

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed House Bill No. 302 which will implement some of the recommendations contained in the March 31, 2014 Election Law Taskforce Report issued in conformity with Senate Concurrent Resolution (SCR) No. 20. The GACEC **endorses** the proposed legislation since it 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 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 be 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 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 file campaign finance reports in a timely manner or fail to 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).

It is logical to have a single statewide Board of Elections to coordinate and implement election laws in a small state like Delaware. The State Department of Elections has been very proactive in developing manuals and publications addressing the voting rights of individuals with disabilities. Also, this legislation includes safeguards to ensure the non-partisan operation of the State and county departments. For these reasons, Council sees this as a bill that merits our endorsement.

Thank you for your time and consideration of our position and observations. Please feel free to contact me or Wendy Strauss should you have questions.