



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

DATE: May 24, 2017

TO: The Honorable Members of the Delaware General Assembly

FROM: Dafne A. Carnright, Chairperson
GACEC

RE: **House Bill No. 79 (Motor Voter Program)**

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed House Bill No. 79 which will update the existing Delaware Motor Voter Program in order to adopt an automatic voter registration process. Currently, when Delawareans apply for, renew, or replace a driver's license or identification card, they must choose to register to vote, update an existing registration or decline registration. This bill would require eligible voters to instead opt out of having their information automatically shared with the Delaware Department of Elections for registration. The legislation is part of a package of bills intended to encourage participation in the electoral process. Council **endorses** the proposed legislation since it is intended to facilitate voter registration and update references to State agencies serving persons with disabilities; however Council would suggest the sponsors consider one amendment in reference to registration services to State agency clients.

House Bill No. 79 amends the statutory authorization to register to vote through some State agencies, including the Division of Social Services (DSS) and the Division of Vocational Rehabilitation (DVR). Consistent with the synopsis, amendments are intended to conform to the Delaware Legislative Drafting Manual "with no intent to change the substance of these sections". The bill also updates some outdated references. For example, line 106 substitutes a reference to the Division of Social Services for the former Division of Economic Services.

Council asks that the sponsor consider amending the following section of the proposed legislation. Under current law, authorized State agencies can only provide voter registration services to their employees and agency clients (individuals served by the agency) (lines 102, 112,

and 122). It would facilitate voter registration if authorized State agencies were not limited to offering registration to only agency clients. For example, if a couple appears at a State agency seeking services only for one of the spouses, the agency could apparently register only the individual applying for services. This is arguably unduly brittle. Consistent with 42 U.S.C. 1973gg-5 of the National Voter Registration Act of 1993, states are not limited to authorizing state agencies to offer voter registration services only to agency clients.

Thank you for your time and consideration of our endorsement and request for an amendment. Please feel free to contact me or Wendy Strauss at the GACEC office should you have any questions.

CC: Elaine Manlove, State Election Commissioner
Jill Fuchs, League of Women Voters of Delaware
Kathleen MacRae, ACLU of Delaware