



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

DATE: June 19, 2019

TO: The Honorable Members of the Delaware General Assembly

FROM: Ann C. Fisher, Chairperson
GACEC

RE: **Senate Bill No. 121 Delaware Election Laws**

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed **Senate Bill No.121**, which makes a number of changes to the Elections law to reflect upgrades to election technology- both the polling machines and the poll books. Council would like to share the following observations.

One of the more significant changes to the law relates to the inclusion of a verifiable "paper ballot" that is created under glass next to the screen on the voting device where ballot choices are made. The bill adds the requirement that posters required to be posted on Election Day by the Department of Elections have language informing voters of 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." (lines 279-281). The paper ballot under glass is the "legal ballot of record." (lines 336-337). These ballots are kept securely for 22 months in case of audit. There is both an electronic record and a paper ballot that is stored. There is no mention of how a person with a disability could seek assistance in verifying the paper ballot, should that be needed. There is no mention of accommodations for individuals with visual impairments such as magnification or audio in reviewing the paper ballot. Council would suggest adding language to the proposed changes addressing these concerns.

The bill simplifies the statute related to polling place procedures on Election Day, including security procedures for handling the paper ballots and electronic media containing results.

Council would suggest adding language to §3125 requiring the Department to furnish supplies to each polling place to provide adequate signage to the accessible entrance and signage and cones to demarcate accessible parking.

The bill deletes existing Chapter 50, Voting Machines, in its entirety and amends Chapter 50A, which relates to the use of electronic polling devices. Chapter 50, §2001(a)(13) required that voters be allowed to vote “independently and privately.” This language has been dropped in Chapter 50A. The language comes from the Help America Vote Act (HAVA), which requires that all voters be afforded the opportunity to vote independently and privately. The current statute does reference secrecy, but that is not the same. Council would suggest language that adds the requirement that voters be afforded the opportunity to vote both privately and independently as formerly noted in Chapter 50.

This legislation adds 5001A(c) which reiterates the requirement in 5001(d) that all voting devices selected by the Department of Elections be certified by the Election Assistance Commission (EAC) as meeting or exceeding voluntary voting systems standards or guidelines. Council would ask that language be included to indicate that the machines or devices comply with the most current guidelines at the time and that voting devices be fully accessible to individuals with disabilities.

Section 5004A covers how many devices must be provided at each polling place. HAVA requires that each polling place have at least one accessible polling device. This requirement should be stated in this section, even if the current devices are all accessible as this could change in the future.

Lastly, lines 53-58 do not mention filing fees for write-in candidates.

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