



Legislative Update 5.13.25

Voting Rights

There are four constitutional amendments in the legislature this year that expand voter accessibility to the ballot box.

SB2 would put early voting into the Constitution. Right now, legislation that passed two years ago is on the books, but its constitutionality was challenged in a lawsuit that was dismissed only because of a standing issue – the parties who brought the suit didn't have a sufficient stake in the outcome for the courts to rule. Another suit could be brought and, if successful, we could lose the right (and convenience!) of early voting, unless that right becomes part of our Constitution.

SB3 permits absentee voting without an excuse. Currently, the Constitution outlines permissible reasons for absentee voting, such as vacation or military service. Other states permit this with no excuse. It is more commonly known as vote by mail. We used it during the pandemic and it increased voter turnout.

HB88 authorizes the Legislature to prescribe rules for voter registration. A statute permitting same day registration passed two years ago but was ruled unconstitutional.

SB2 and 3 passed the Senate and were assigned to committee in the House. Since they are constitutional amendments they require a 2/3 vote to pass and must be passed again in the next legislative session. We put out on the website a letter of support and links to ACLU activities that support expansion of voter rights this week.

HB88 was voted out of the House Administration Committee. There is no word yet on when these bills will get to the House floor.



WOMEN'S MARCH SUSSEX – DELAWARE

HB65 changes the primary day from September to the fourth Tuesday in April, when the presidential primary is held. There are pros and cons to support this, but the committee voted to support it and signed on to an ACLU letter of support. It passed the House and is in the Senate Elections & Governmental Affairs Committee.

HB180 removes felony disenfranchisement from the Constitution and cleans up outdated language such as literacy and durational residency requirements. The bill just dropped May 8 so the Committee has not yet discussed it.

HB112 would require presentation of photo ID in order to be able to vote. No Democrats have signed on to this bill. We have begun to review it and have concerns. First, it restricts the ability to vote only to those able to present the documents stated in the Bill, which seems designed to prevent immigrants and other minorities from voting. Second, the Bill fails to state what documents will have to be presented to the DMV in order for someone to receive a Nondriver Identification Card. Third, it eliminates the sentence in the original that provides: "In the event the voter does not have proof of identity with them, the voter shall sign an affidavit of affirmation that the voter is the person listed on the election district record."

SB126 give the Election Commission authority to consolidate polling places. Again, no Democrats have signed on. We also have concerns on this bill. First, it gives the Election Commission authority to consolidate polling places at a time when polling places should be expanded to encourage and enable more people to vote. Second, the only restriction on the Commission's authority to consolidate polling places into a "centrally located center" is that the consolidation "does not result in an undue burden on voters' access to polling places." However, the Bill does not define "centrally located" or "undue burden on voters' access." Does the Bill meets the alleged goal of "giving voters the ability to vote at the polling place . . . most convenient to them" when it provides for the Commission to close and consolidate polling places?

The committee has not officially discussed HB112 and SB126, but we have provided feedback to the Delaware Voting Rights Coalition.



WOMEN'S MARCH

SUSSEX – DELAWARE

Delaware is drafting its own version of the Federal Voting Rights Act and we are monitoring that to see when it is filed.

We also are monitoring the SAVE Act, a federal bill passed by the house that would require proof of citizenship to be able to vote. This would implicate the same concerns as HB112. It has been in the U.S. Senate for a while and has not advanced out of committee.

We will be attending a Lobby Day for SB2, 3 and HB88 on Thursday, May 15.

Immigration/Education

HB93, 94, 95 would restrict school districts ability to cooperate with immigration officials or to use school constables or SRO's to enforce immigration laws against students and would restrict disclosure of student records to immigration authorities without the consent of the Attorney General. The committee voted to support these bills. HB95 (student records) was voted out of the House Education Committee. HB93 and 94 are still in the Judiciary and Homeland Security Committees, respectively. We signed on to an ACLU letter to public officials calling on them to resist cooperation with immigration officials and act proactively to protect immigrants in this state.

Reproductive Rights

SB5 is a constitutional amendment guaranteeing reproductive freedom in Delaware. It passed the Senate and is in the House Administration Committee. HB14 is a constitutional amendment guaranteeing the right of privacy in Delaware. I passed the House Administration Committee, no word on the Senate committee assignment yet. The Legislative Advocacy Committee supports these bills.