

CHAPTER 311  
FORMERLY  
SENATE BILL NO. 242

AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO ELECTIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 6102, Title 15 of the Delaware Code as follows:

§ 6102. Definitions.

(a) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them except where the context clearly indicates a different meaning:

(1) “Disqualifying felony” shall mean that type of felony set forth in § 2, article V of the Constitution of this State which permanently disqualifies any person convicted of such felony from voting.

(2) [Repealed.]

(3) “Full discharge” or “fully discharged” shall mean that a person convicted of a felony which is not disqualifying has served the required sentence of imprisonment, parole, work release, early release, supervised custody, and probation and community supervision.

(4) “State Election Commissioner” shall mean the State Election Commissioner or the Commissioner's designee.

(b) For the purposes of § 2 of article V of the Constitution of this State and for the purposes of this chapter, no sentence shall be deemed to be expired until a person convicted of a felony which is not disqualifying has served the required sentence of imprisonment, parole, work release, early release, ~~or~~ supervised custody, and probation and community supervision.

Section 2. Amend § 6103, Title 15 of the Delaware Code as follows:

§ 6103. Application for registration: felony conviction reviews.

(a) The county office of the Department of Elections shall not register any applicant as a qualified voter until it has been determined that such applicant is lawfully eligible to vote. The county office shall, for each registration application, perform an electronic inquiry against the Criminal Justice Information System (CJIS) and other data to determine if the applicant has been convicted of a felony. If the applicant has not been convicted of a felony and is otherwise eligible to register to vote pursuant to the Delaware Constitution and this title, the applicant shall be registered.

(b) If a review by the county office of the Department of Elections shows that the applicant has been convicted of a disqualifying felony, the registration application shall be denied and the applicant shall not be permitted to register.

(c) If the applicant has been convicted of a felony which is not disqualifying but the applicant has not served the required sentence of imprisonment, parole, work release, early release, supervised custody, and probation and community supervision, then the registration application shall be denied.

(d) If the results of the CJIS inquiry cannot determine the eligibility of the applicant, the respective county office of the Department of Elections shall forward the application to the State Election Commissioner.

Section 3. Amend § 6104, Title 15 of the Delaware Code as follows:

§ 6104. Commissioner's review of application.

(a) If the applicant has been convicted of a felony which is not disqualifying, the State Election Commissioner shall request that the Department of Correction review its records to determine if all sentences of imprisonment and community supervision imposed upon the applicant have been fully discharged.

(b) [Repealed.]

(c) Where it has been determined that the applicant was convicted of a felony which is not disqualifying, has fully discharged all imposed sentences, and otherwise meets all constitutional requirements, the applicant shall be permitted to register as a qualified voter. Each stage of the review process shall be completed within a reasonable time.

(d) Where the State Election Commissioner determines from information received from the Department of Correction that the applicant has not fully discharged all sentences or that other questions or issues relating to the applicant's eligibility are still unresolved, the Commissioner shall deny the application for registration. Upon denial of an application under this section, the applicant shall be notified by mail.

Approved July 13, 2016