

## Advocacy Corps Active in 2013-14 Legislative Session

The LWVDE Advocacy Corps monitored, supported, opposed and or recommended amendments to a total of 141 bills during the very busy 147<sup>th</sup> Legislative session that ended in the early hours of July 1, 2014.

Key bills that were among our priorities included:

**Voting and Elections.** A huge disappointment was failure of the Senate to pass one of our highest priorities, HB 105 that would have allowed for same day registration (on Election Day). We had learned how well this works in other states by participating in a conference call with Election Commissioners from five other states, spoken at two press conferences, testified in both House and Senate, sent an urgent Action Alert to members, many of whom contacted their Representatives and Senators. This concept will be reintroduced in 2015 and will, once again, be among the top of our priorities.

We were also disappointed by the defeat in the House of HB 20, the first leg of a constitutional amendment that would have eliminated requirements as to when a person may vote by absentee ballot, providing that the General Assembly would enact general laws providing the circumstances, rules and procedures for absentee voting.

Among those that did pass were:

- HB 159 that prohibits a person from running as a candidate for more than one state, county or municipal office in the same election.
- HB 205 that requires school districts to schedule an in-service day for the day of any primary election in which district schools will be used as polling place, which provides better security for kids and better access to rooms for elections. (But HB 206 that would have required an in-service day on the day of school board elections died in the House Education Committee, reportedly due to objections from school officials.)
- HB 208 that establishes a procedure to assure that driver's license addresses and voter registration addresses are the same.
- HB 305 that consolidates existing County Election Departments and Boards of Elections into one State Elections Commission and Board with representation from each county and the city of Wilmington and makes several other amendments to election law.

Early in the session SCR 20 established a special task force to review Title 15 of the Delaware Code relating to voting and elections with an eye toward updating and reforming that law. Some of the bills mentioned were recommended by that Task Force. We were disappointed, however, that the Task Force failed to recommend, and the legislature failed to consider, changing Delaware's late primary (the second Tuesday of September) to August. This would have eased the ability to meet federal deadlines for military and overseas voting and would have meant that school districts would not need to have an in-service day since school would not be in session. A member of the Task Force told us that House members believed this would have given their opponents more time to campaign while incumbents were busy in the legislature from January to June 30.

**Campaign Finance.** Several bills were passed by the House and Senate, but two of the most important ones on our agenda died in committee, having been introduced by Rep. Deborah Hudson (R):

- HB 290 would have required that candidates request donors' occupation and employer.
- HB 394 would have banned donations from corporations including limited liability companies, many of whom do not keep records of their "beneficial owners" – the real people who own these companies – making it difficult or impossible to ensure that contribution limits are enforced.

Both of these proposals were among recommendations of former Chief Justice Norman Veasey, who was appointed as special prosecutor to investigate alleged campaign violations by state office holders.

Among bills the AC supported that did pass were:

- HB 170 that establishes June 30 as an additional mandatory reporting period for political campaign committees and requires that the June 30 and December 31 reports be filed within 20 days;
- HB 300 that protects whistleblowers;
- HB 306 that establishes a fee for lobbyists who fail to file quarterly expense reports in a timely manner; (but HB 305 that would have required paid lobbyists to pay a fee to help fund the Public Integrity Commission failed to get through the House even though it came out of Committee on April 10).
- SB 186 that requires entities that contribute more than \$100 to a political committee to disclose the name and address of a “responsible party”—someone who shares or exercises direction or control over the entity’s activities. (But, as mentioned above, the bill requiring the names of beneficial owners died.)

**Open Government.** Some of the bills we supported that passed included:

- HB 320 that requires drafts of minutes of infrequently meeting public bodies in the executive branch be made available in draft form within 10 days after the conclusion of the meeting.
- HB 321 that requires the Attorney General to publish a manual and engage in educational efforts aimed at FOIA coordinators for all public bodies in the State.
- HB 322 that clarifies that FOIA requests submitted via U.S. mail are valid, provided that the public records requested do not fall within the scope of the enumerated exceptions in the law.
- HB 331 that removes the exemption from FOIA and thus fully applies FOIA to the University of Delaware and Delaware State University. Previously, FOIA applied only to their Boards of Trustees and documents relating to the expenditure of public funds.

HCR 55, a Republican proposal that would have provided for the state legislative website to include roll call votes by legislator starting in Jan 2017 was withdrawn after Speaker Schwartzkopf promised that this information would be included on a revised website that is being developed.

**Public Safety.** In spite of our relatively progressive legislature, no significant gun control bills were enacted in the entire session. HB 88 was one major bill that was designed to create procedures in Delaware for making sure firearms are not in the hands of dangerous people while protecting due process and not creating a barrier to care for those suffering from mental illness. Although it passed the House in 2013 on a vote of 40-1, the Senate defeated it 13-8. A re-vote that we expected to be considered in the Senate in January of 2014 was cancelled when not enough Senators could be convinced to change their vote.

**Justice.** The big disappointment here was failure of SB 19 to repeal the death penalty that passed the Senate but died in the House Judiciary Committee. The Coalition to Repeal, of which the League is a member, remains active and will try again next year.

**Health Care.** Although we followed a couple of bills this past session, most of the health care “action” recently has not been legislative but has been focused on Delaware’s State Innovation Plan, a public-private effort to transform the delivery and payment systems. It will be a long process and the state is currently pursuing a federal implementation grant.

Two bills of significance were:

- HB 346 is a major update of Delaware’s civil commitment statutes for mental illness that passed both House and Senate.
  - HB 400 would have added a provision to the Health Care Decisions statute authorizing a Medical Order which is transportable, standardized and implements a patient’s end of life care preferences. It would have adjusted the existing advanced care directives statute and the statute governing Emergency medical services. It passed the House but was tabled in the Senate on June 30. The coalition which has been working on the issue will likely introduce it again next session.

**Manufactured Housing.** Four bills passed the House and the Senate this session:

- HB 233 was a “clean-up bill” to clarify the role and authority of DEMHRA (the Delaware Manufactured Housing Relocation Authority) which is charged with the oversight of the rent justification program.
- HB 106 (Right of First Offer changes/revisions), as amended, would have updated law regarding a manufactured housing home owners associations’ (HOA) right of first offer to purchase their community when the landowner announces plans to sell the community. It established specifics on how the process should work.
- House Substitute 1 for HB 234 clarified DEMHRA abilities to regulate their new responsibilities relating to how land rent market rate is determined and must be documented; allows DEMHRA to request a list of affected homeowners; sets procedures for scheduling a meeting with homeowners; and allows homeowners or a homeowners association on behalf of a homeowner to file for arbitration if no agreement is reached at the informal meeting.
- SB 238 was a “consensus bill” developed by members of the homeowners and the landowners groups to require disclosures by land owners to prospective tenants when the prospect obtains an application for tenancy in the community. Disclosures would include copies of the proposed rental agreement, the rules, standards and fee schedule of the community, the Manufactured Home Owners and Community Owners Act, and a summary of the Act written by the Attorney General.

**The following bills did not go through in this session:**

- SB 259 would have set a 50 cents assessment for deposit in the DEMHRA Trust Fund for each rented lot in a manufactured home community for a legal expenses fund for homeowners to be paid only by homeowners. NOTE: This was introduced the last week of session and needs work and clarification in order to make it feasible. This will be done and will be presented next year.
- HB 262 would have assisted the Attorney General’s office to determine what violations qualify as “Pattern and Practice” in homeowner complaints against the land owner. This bill was pulled by the AG’s office.