

Governor Markell, Legislators Announce Legislation to Reform Election Laws

Include proposals for increased transparency in campaign finance system

Wilmington, DE – Governor Markell and members of the General Assembly today announced a package of legislative proposals to bring additional transparency to Delaware elections and create a more effective process to investigate wrongdoing.

“We have made significant progress in making our campaign finance system more transparent with more disclosure of the sources of campaign contributions than ever before,” said Markell, who worked with legislators on the package and voiced support for all of the bills presented today. “The proposed legislation makes additional progress by increasing transparency improving the efficiency of our elections system, and providing the tools necessary to investigate and prosecute possible violations of Delaware’s election laws.”

A bill sponsored by Rep. Earl Jaques and Sen. Margaret Rose Henry would create a more efficient structure for the administration of Delaware’s campaign finance laws, while also establishing mechanisms to report, investigate, and if necessary prosecute potential violations of those laws. Specifically, the bill would:

- Consolidate the 3 existing county Boards of Election into a single State Board of Elections, as recommended by the Title 15 Task Force. As is the case with the existing county Boards, members would be appointed by the Governor and confirmed by the Senate, and political balance would be required.
- Give the State Elections Commissioner the authority to

receive citizen reports of possible violations of Delaware's election laws, including anonymous reports of such potential violations.

- Establish the position of Elections Counsel, whose duties would include representing the State Election Commissioner and investigating possible violations of election laws.
- Authorize the Commissioner to refer possible violations to the Attorney General or United States Attorney for prosecution, if the State Board of Election determines there are reasonable grounds to believe a violation may have occurred.
- Authorize the Commissioner to prepare and publish manuals explaining the duties and responsibilities of individuals, political committees, and others covered by Delaware's campaign finance and other election laws.

Additional legislation will increase transparency and the ease of public access to campaign finance information by ensuring a responsible person is listed for all contributions from entities, ensuring protection for employee whistleblowers, requiring clearer attribution for contributions from people with joint bank accounts, and creating an additional campaign finance reporting period. Details of these bills are provided below.

"We had a lot of recommendations and ideas come forward in recent months from different sources," said House Speaker Rep. Pete Schwartzkopf, D-Rehoboth Beach. "While it would have been easy to file bills in piecemeal fashion, we felt it was better to build consensus between both chambers and the governor's office to put forth a package of bills that addresses a variety of areas. Crafting good, meaningful legislation is not a race; it's about doing it well and getting it right. We feel that that is what we are presenting today."

"This package of bills represents the best efforts of a lot of different people, both in and out of the Delaware General

Assembly,” said Senate President Pro Tempore Patricia M. Blevins, D-Elsmere. “Our election and campaign finance laws are generally good, but, as with everything else, there is room for improvement. The efforts of Justice Veasey and the legislative task force have shown us some areas where changes are needed. If enacted, these bills will address those areas and make our system even better.”

The bills unveiled today are a continuation of Governor Markell’s effort to improve Delaware’s campaign finance laws. In 2012, the Governor proposed and the General Assembly passed the Delaware Elections Disclosure Act which increased disclosure requirements and made other improvements closed a loophole in Delaware’s election laws, while increasing transparency and providing better and more timely information to voters. Additional legislation increased fines for campaign finance violations.

Campaign Finance Reform Legislative Package

HB 302 – State Board of Elections, Investigatory Resources and Anonymous Reporting

Sponsors: Re. Earl Jacques (D-Glasgow); Sen. Margaret Rose Henry (D-Wilmington East)

- Establishes a more efficient structure for the administration of Delaware’s campaign finance laws by consolidating the three County Boards of Election into a single State Board of Elections. It creates an 11-member board, appointed by the Governor and confirmed by the Senate, made up of 2 members from each county and the City of Wilmington, 2 at-large members and the Elections Commissioner. Political Balance is required
- Grants to the State Board of Elections additional authority to hear certain campaign finance-related disputes, such as when campaigns are fined for failing to include proper disclosure on their advertisements.

- Gives the State Election Commissioner resources and authority to investigate possible violations of election laws and determine whether reasonable grounds exist to recommend that possible violations of election laws be referred to the Attorney General or the United States Attorney.
- Allows individuals to make anonymous tips regarding possible violations of election laws.

SB 186 – Transparency of Entity Contributions

Sponsors: Sen. Margaret Rose Henry (D-Wilmington East); Rep. Michael Mulrooney (D-Penwood)

- Requires that entities must disclose name & address of one “responsible party”—someone who shares or exercises direction or control over entity’s activities
- Requires that Elections Commissioner adopt uniform summary of law governing attribution of entity contributions, including examples of how law applies in specific cases
 - This summary must be posted on the Elections Commissioner’s web site, and political committees must provide summary to any entity contributor that requests it

HB 300 – Whistleblower Protections

Sponsors: Rep. Paul Baumbach (D- Newark)

- Amends the Whistleblower Protection Act to ensure it protects employees who report and/or refuse to participate in violations of campaign finance laws, and who participate in an investigation, hearing, trial or inquiry of a campaign finance violation.

HB 170 – Additional Reporting Period

Sponsors: Rep. Dennis E. Williams (D- Talleyville); Sen. Bryan

Townsend (D-Newark)

- Establishes June 30 as an additional mandatory reporting period for political campaign committees. Under current law, campaigns must only file reports disclosing contributions at the end of a calendar year and 30 days and eight days before an election.

HB 301 – Clearer Attribution of Contributions from Joint Accounts

Sponsors: Rep. Trey Paradee (D-Cheswold); Sen. David Sokola (D-Newark)

- Provides that contributions from joint bank accounts shall be attributed to the person signing the check.
- Establishes procedures for reallocation of contributions from joint bank accounts.

SB 187 – Safe Harbor for Returned Contributions

Sponsors: Sen. Robert Marshall (D-Wilmington West); Rep. Ed Osienski (D-Newark)

Allows campaigns to return contributions mistakenly above legal limit