



STATE OF DELAWARE
OFFICE OF THE STATE ELECTION COMMISSIONER

ELAINE MANLOVE, STATE ELECTION COMMISSIONER

Title 15 Taskforce Meeting
January 15, 2014
Minutes

Taskforce Members in Attendance: Sen. Margaret Rose Henry, Sen. Colin Bonini, Rep. Earl Jaques, Rep. Deborah Hudson, Andrew Lippstone, Ann Woolfolk, Elaine Manlove,

Taskforce Members Not in Attendance: None

Invited Parties in Attendance: Elizabeth Maron, Richard Forsten, Richard Dillard, Norman Veasey

Invited Parties Not In Attendance: William Bush

Public in Attendance: Ken McDowell, Sussex County Elections; Celia Cohen, Delaware Grapevine; Dave Humes, private citizen; Jeff Raffel, Common Cause of DE; Letty Diswood, LWV; Sandy Spence, LWV; Mary Pat McVay, public; Rep. Danny Short, House of Representatives; Douglas Greig, Kent County Elections; Doris Young, Kent County Elections; Joseph Fulgham, House of Representatives; Rep. Paul Baumbach, House of Representatives; Kathleen MacRae, ACLU; Laura Waterland, CLASI; Deborah Moreau, Public Integrity Commission; Jan Konesey, public; James Browning, Common Cause of DE; Dee Durham, Common Cause of DE; John Flaherty, Delaware Coalition for Open Government; as well as others who did not sign in

The meeting was called to order at approximately 10:15 am. The topics on the agenda were: Campaign Finance and Disaster Recovery

Old Business

- Rewrite of Title 15 Sections 7101 and 3306 will be discussed at a later meeting.
- Legislation that has been introduced will not be discussed at the Taskforce meetings.

New Business

- Campaign Finance – Norman Veasey, Independent Council and Special Deputy Attorney General, was invited to discuss his *Report of Independent Council on Investigation of Violations of Delaware Campaign Finance and Related State Laws*. He highlighted his recommendations:
 - **Disclosure of Contributor’s Employer and Occupation**
 - **Ban Entity Contributions** – either clarify the statute or ban entirely
 - **Address Attribution of Contributions from Joint Accounts**
 - **Mandate that All Reportable Information is on File before a Political Committee May Deposit a Contribution**
 - **Amend Safe Harbor Provisions of Section 8043(b)** – Rather than give funds back to the wrongdoer, donate to an organization, for instance, Law Enforcement Foundation, or the General Fund
 - **Anonymous Reporting of Violations and Protection from Retaliation** – “whistleblowers” should be welcomed

Questions:

Rep. Deborah Hudson: Asked about contributions from entities that were returned after the election. She believes they should have to be returned before the election. Veasey indicated that candidates often do not know that the contributions are tainted but agreed that statute should have a timeline.

She also asked if all candidates listed in the report as accepting Tigani contributions were notified. He responded that they were all interviewed.

She then inquired about gifts to candidates should be multiplied if they are received gifts or tickets that cover more than one person and suggested that this should be looked at going forward.

She asked if there should be a fine for “wrong reporting” regarding entities. He believes there should be a civil penalty but would be better to eliminate entities.

Rep. Earl Jaques asked if Mr. Veasey felt that the system was working with the exception of this report or he stopped due to time or money constraints. He said he was concerned if candidates or staff knew about reimbursement schemes. He found no others were involved.

Rep. Jaques also asked about the low threshold for contribution and asked if contributors were confused about 2 year election cycle vs. annual contributions. He thought there could be some confusion but the laws were clear.

Elaine Manlove asked if he had recommendations about raising the limits. He suggested researching to determine what would be appropriate. Delaware has one of the lowest thresholds.

Rep. Jaques said that it is often difficult to determine ownership percentage of entities. Mr. Veasey said that it would be good to eliminate the entity contributions.

Andrew Lippstone asked how many other states require disclosure of employers. He responded that according to the Pew report (2004), over half of states require this disclosure.

Rep. Jaques asked about Public Integrity Commission and if they needed more resources. Mr. Veasey believes they do.

Rep. Hudson asked if the State Election Commission had followed up on late filings since the new law moved the fine from \$50/month to \$50/day. The Commissioner explained that letters had been sent and a list of those who were not in compliance had been sent to the Attorney General's Office. She also said that the new electronic filing system will automate this.

Andrew Lippstone asked if there was any consideration to giving additional resources to the State Election Commissioner's Office. Mrs. Manlove said that when she needs investigators, she refers the issue to the Attorney General's Office.

Sen. Bonini agreed that more transparency is better. He was, however, concerned about logging volunteer hours. He does not believe that there is a culture of "pay to play" in Delaware.

Rep. Hudson suggested expanding the Title 15 Taskforce due to the Veasey Report. Rep. Jaques responded that this would have to be done through legislation. Rep. Henry would not like to see the work of the Taskforce stop and delay them from completing their report due the end of March.

Jeff Raffel from Common Cause said his organization supports the Veasey recommendations. He asked if public financing were discussed. Mr. Veasey said that was a legislative decision.

Sandy Spence, League of Women Voters, suggested creating a Campaign Finance Taskforce in addition to the Title 15 Taskforce. She believes there should be transparency of LLC ownership which would go beyond only campaign finance.

John Flaherty, Delaware Coalition for Open Government, advocated for instantaneous reporting of campaign contributions and expenditures. On the Public Integrity side, he would like gift to

legislators from lobbyists to be \$0. He would also like Public Integrity Commission reports available online.

Deborah Moreau who represents Public Integrity said that reports are available if you complete an online FOIA request. Reports will be emailed within 30 minutes.

David Humes, a private citizen, suggests that only individuals who are can vote for a candidate should be allowed to contribute to that candidate's campaign. Mr. Humes also left information which is attached to these minutes.

Rep. Paul Baumbach agrees with all recommendations and believes that they should be the default solutions. We should accept them all and change only those that are not workable.

Elizabeth Maron asked Mr. Veasey to comment on the mandate of providing occupation. He felt that in the Tigani case it would have helped to know that employees who were making large donations were not wealthy people.

- Disaster Recover – all four election offices are part of the states COOP (Continuity of Operations Project). In addition, the Commissioner was part of the National Association of Secretaries of State (NASS) Taskforce on Emergency Preparation. She will provide copies of this report to the Taskforce members.

Public Comment

- Laura Waterland asked if the NASS plan was specific to Delaware. It is not. Delaware's plan would be the COOP Plan.
- There was a question about power outages and the Commissioner explained that our voting machines will work on battery for many hours. Also, technicians are readily available.
- Rep. Hudson mentioned reading about schools not being polling places. The Commissioner responded that it is a state as well as a national issue. In some states, schools are refusing to be polling places due to security issues. In Delaware, schools are closed for the General Election; however, schools are in session on Primary Election days.
- There was a question about identification at the polling place. Voters are asked for identification. If their name is on the poll list and they do not have identification, they may complete an affidavit affirming they are who they say they are.
- There was a comment about voters being delayed because of waiting for a response to a polling place from a phone call to the Dept. of Elections for

Sussex Count. The Commissioner acknowledged that there were phone delays in two of our County offices in the last election. Both offices now have new, more robust phone systems.

**NEXT MEETING
6:00 PM
HOUSE CHAMBER
LEGISLATIVE HALL**

- Elaine Manlove

State of Delaware

**Office of the State Election Commissioner
Elaine Manlove, State Election Commissioner**

Title 15 Taskforce Meeting

January 15, 2014

**Public Comment
David C. Humes – private citizen**

CAMPAIGN FINANCE REFORM

I have only been a citizen of the State of Delaware since December 2007. I am not a member of any political party. I am not a lawyer.

My interest in campaign finance is that I believe there should be a level playing field when it comes to any elective office. The enormous sums of money involved can often leave the average citizen's voice out of the process. I believe this to be possible at all levels of government. I admit to having never read the Delaware Constitution. I would think that in many ways it would mirror the United States Constitution.

I have read about the United States Supreme Court in its decision "Citizens United v. The Federal Election Commission". The decision, in essence declares that collective groups can be considered as people and have the same rights as individual citizens.

I believe that had the founding fathers desired for collective groups to be protected by the Bill of Rights, they would have done so and enumerated the groups that they wished to protect. The framers of the constitution were well aware of collective groups such as trade guilds, businesses, companies and other institutions. Had they chosen to protect those groups and give them the same rights as individual citizens, they would have done so. In fact the founding fathers did chose to protect a group. The founding fathers chose to protect "the press", as stated in Amendment I. I don't believe any groups other than those enumerated in the United States Constitution have the same rights as individual citizens.

If I called up "The News Journal" or WDEL and told them that I would like to exercise my constitutional right of free speech and have them air my opinions I don't think that they would honor my request. They may offer to allow me to print a full page add or have an hour long program if I was able to pay for that access. Once a fee is paid, once money changes hands, the transaction becomes commerce. I believe that the federal government has the right to regulate commerce "among the several States" (Article I, Section 8). The State of Delaware probably has been empowered under its constitution to regulate commerce within the state.

I would like to see election laws that would 1) only allow contributions by a Delaware citizen (or possibly registered voter) to a candidate that the citizen is eligible to vote for and 2) regulate commerce, the

amount that could be contributed to a candidate, including the candidate her or himself. I don't want elections for my Delaware officials influenced by residents of New York, Florida, California, Texas or any other state. I don't want elected offices in the State of Delaware to only be available to individuals with vast amounts of personal wealth to influence the election process and their election.

As a possible unintended consequence, the federal law now stands funding to PACs and Super PACs is not transparent. This runs the risk that at some time in the future funds from foreign individuals, organizations or even governments will "buy" an elective office. This won't start at the national level, but would more than likely start at a more local level on a "trial" basis.

Thank you.

Respectfully,

A handwritten signature in cursive script that reads "David C. Humes".

David C. Humes
252 Sloan Ct.
Wilmington, DE 19808
302-234-6935

Don't use tax dollars on primaries if all can't vote

I am a new resident of Delaware and have registered to vote as an Independent.

As with many other states, Delaware has a closed primary. The Democratic and Republican parties' argument is that if a voter wants to choose someone to represent the party, they should be a member of the party. I have no problem with that.

However, if primary elections are purely a party function, the cost of the primary elections should be born by the party. My tax dollars should not be spent on an election process that I am not permitted to participate in.

I am going to request that state Rep. Joseph E. Miro and/or state Sen. David P. Sokola introduce legislation to open the primary process.

The benefit to opening up the primary process would be more candidates with moderate views.

A majority of voters fall slightly left of center or slightly right of center. Yet, we currently only get candidates in the general elections who are far more left of center or right of center.

Dave Humes
Wilmington

Pick a party if you want to vote in their primary

A letter lamenting the writer's inability to participate in the primaries displays a lack of knowledge of what the primary system is designed to do.

No one is elected to a public office in the primary system. The primaries are designed to select the candidate that is going to represent a party in a general election.

Therefore, only the voters of the respective party should have a vote in that primary. Part of being a registered "Independent" is a recognition that you are not going to participate in the selection of a party's candidate.

If you wish to participate in candidate selection make a choice and register as a party member. Failure to make that declaration leaves you only the choice to participate in the general election and no room to complain about who the candidates are.

Frank A. Newton
Dover

OPINION

The NewsJournal ...

Howard L. Griffin,
President and Publisher
David F. Ledford,
Executive Editor
John Sweeney,
Editorial Page Editor

QUOTE OF THE DAY

"What matters most in the education of a student is the teacher in the classroom ... the most important thing is to love and care for your students every day."

— AMBER AUGUSTUS, Delaware's Teacher of the Year

A12

THURSDAY, OCT. 20, 2011

Political system thwarts voters' will

I have to say that I can't completely agree with Rhonda Graham's Thursday column about the Occupy demonstrations: "Protests are fine but the ballot box is where change resides."

This is coming from someone who votes in every general election. The only thing that general elections end up doing is causing a wave that switches power from one party to the other.

The real process begins with the primary elections, where the candidates are chosen. Unfortunately I am unable to participate

because I am an independent voter. The parties who won't allow me to participate are all too happy to spend my tax dollars to fund their party election.

Change will only occur when all voters are allowed to participate fully in the process. Until then we will only be offered candidates from the more extreme left and right. Not much of a choice.

The most important thing in changing the system would be to revisit the extremely flawed decision by the U.S. Supreme Court in *Citizens United v. FEC*. This ruling allows for the secret purchase of our government by wealthy interests - domestic and foreign.

The real change that is needed is to pass a law that only allows political contributions to candidates that an individual can vote for. And those contributions must have a limit.

I don't want money from California and/or Texas to determine who my congressman or senators are here in Delaware.

Dave Humes
Wilmington

OPINION

The NewsJournal ...

Howard L. Griffin,
President and Publisher
David F. Ledford,
Executive Editor
John Sweeney,
Editorial Page Editor

QUOTE OF THE DAY

"The Constitution recognizes that there is such a thing as state borders and a state can police their borders."

— SUPREME COURT JUSTICE ANTONIN SCALIA, on questioning the government's position in the Arizona immigration law case

THURSDAY, APRIL 26, 2012

A14

Independents unfairly shut out of primaries

I moved to Delaware over four years ago from another state. One of the first things I did was register to vote – as an Independent. I contacted my elected representatives, respectfully requesting that they introduce legislation to permit independent voters to participate in primary elections. My letters and emails stated the elected officials didn't have to vote for the legislation, but to merely represent me and introduce it.

My current state representative replied in an email, "Here in De. the Parties do not want to change the system."

It was interesting for me to find out that Delaware operated differently than the state I came from. Elected officials don't represent the citizens but rather the "parties." I have also worked with two different state senators. Each told me they would look to propose such legislation. This has not happened. Another primary election rolls around and I can't participate. I am under the belief that my tax dollars pay for the primary elections and the "parties" do not fund primary elections.

I now need some help in finding out where I go to get my tax dollars back, as I am not represented. Back in 1776 folks had a little of a problem with "taxation without representation," I seem to recall.

Dave Humes
Wilmington