

January 23, 2025

VIA EMAIL

To the Members of the 153rd General Assembly,

For over a century, the ACLU has defended and expanded the rights and liberties of all people to advance justice and equity in our society. As elected leaders you have the power to create a Delaware where every individual—regardless of their background, identity, or circumstances—can live with dignity, opportunity, and freedom.

In the face of growing threats to civil liberties at the federal level, Delaware must stand as a beacon of hope and protection. Today, it is even more critical to protect Delawareans and construct a firewall against a federal government that has promised to rollback protections and violate the rights of our most vulnerable communities. Together, we can ensure our most vulnerable communities are not only safeguarded but thrive. This year, we ask you to prioritize five key areas that will shape Delaware's future: privacy protections, immigrants' rights, reproductive freedom, voting rights, and justice reform.

Privacy Protections

The rapid expansion of digital surveillance and collection of sensitive personal information poses a serious threat to individual privacy and civil liberties. In Delaware, we must protect sensitive personal information and ensure it cannot be weaponized against our communities. What this means in practice:

- **Protect non-HIPAA covered, privately held health information** from being used in attacks on or prosecutions of health care, including reproductive and gender-affirming health care.
- **Expand the Shield Law** to explicitly protect individuals and providers from federal and out-of-state



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Delaware

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actions seeking to restrict reproductive or gender-affirming care.

- **Ban reverse warrants** that enable unconstitutional government surveillance of anyone in a certain location during a certain time or who sought certain information through online searches.
- **Close the data purchasing loophole** by prohibiting government entities, including law enforcement, from bypassing warrant requirements by purchasing personal data from data brokers or collectors.
- **Prohibit the use of state resources, information, and personnel to assist in anti-civil rights federal actions** to protect immigrants, abortion access, access to gender-affirming care and First Amendment-protected rights.



Delaware

Immigrants' Rights

The fundamental constitutional protections of due process and equal protection embodied in our Constitution apply to every person, regardless of immigration status. Steps Delaware should take:

- **Prohibit the arrest of people at sensitive places** such as courthouses, schools, hospitals, places of worship, etc. without a valid judicial warrant or court order to protect immigrant families.
- **Expand state-based assistance programs to cover undocumented and other immigrants** for critical services such as medical care and food assistance, so that all members of our community can live with dignity.

Reproductive Freedom

With the U.S. Supreme Court's decision to overturn *Roe v. Wade*, the landmark case securing abortion access, it is more important than ever for Delaware to ensure that we remain a haven for access to care – for Delawareans and those forced to leave their state to receive the care they need. Critical next

steps are to:

- **Create a Reproductive Care Equity Fund** so that providers and practical support organizations can ensure access to reproductive health care.

Voting Rights

The right to vote, and to have one's vote accurately and fairly counted, is a fundamental right of all American citizens — and one that underpins the rest of our civil liberties. That's why Delaware must bring the state into the 21st century and become a beacon of democracy. To achieve this, we must:

- **Restore voting rights after felony incarceration** and allow individuals to fully reintegrate into society.
- **Protect and expand early in-person voting and vote-by mail** to increase access and participation, particularly for working families, older adults, and people with disabilities.
- **Implement same-day voter registration** streamlining the voting process and easing the burden on voters to ensure no one is left out of the democratic process.
- **Enact a State Voting Rights Act** to prohibit discriminatory voting policies and practices and expand access for voters with disabilities and limited English proficiency.



Delaware

Justice Reform

Too many Delaware residents have been adversely affected by the justice system, a system that disproportionately impacts people of color. Reform is not just necessary—it is overdue.

Key priorities are to:

- **Reform probation** to end the revolving door to incarceration by implementing post-release policies that promote success after incarceration, including customizing probation terms to meet individual needs and ending incarcerations for rule violations.
- **Expand Access to Second Chances** by ensuring the

successful implementation of the automatic expungement process, eliminating fines and fees as a barrier to expungement, and creating an accessible pathway for Delawareans to access to or learn if their expunged record has been cleared.

We believe these legislative priorities align with our shared vision of justice, fairness, and opportunity. Your leadership in advancing these initiatives will have a lasting impact on the lives of thousands of people in our state. We are eager to discuss these priorities further and work alongside you to make these reforms a reality. Please do not hesitate to reach out to schedule a meeting or request additional information. Thank you for your commitment to a fairer and more equitable future.



Sincerely,

A handwritten signature in black ink that reads "Javonne Rich". The signature is written in a cursive, flowing style.

Javonne Rich
Policy & Advocacy Director