Disclaimer: This guide is designed for informational purposes only. It is not legal advice and is not intended to create an attorney-client relationship. The Election Protection Coalition does not warrant any information contained in this guide, nor does the Coalition suggest that the information in this guide should be used as a basis to pursue legal advice or decision-making.

Note: This FAQ is not exhaustive. Situations or inquiries may arise that are not answered below. In those circumstances, contact your hotline captain or command center for assistance. Please make sure to record all of the voter’s contact information should follow-up be necessary.

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1. Am I registered to vote?

You can determine whether a voter is registered to vote in Delaware by visiting the State’s “Vote Delaware” website and entering their first name, last name, and date of birth (https://ivote.de.gov/voterlogin.aspx). A voter can also contact the Delaware Department of Elections (302-739-4277).

2. Where do I vote?

You can determine a voter’s proper polling place by logging in to the “Vote Delaware” website (https://ivote.de.gov/voterlogin.aspx) or by calling the Department of Elections (302-739-4277). Voters may also contact the election office of the county in which they reside. Contact information for the Department of Elections and each county election office may be found at http://elections.delaware.gov/locations.shtml. If a voter has moved recently and has not updated their voter registration, refer to Question #6.

3. When do the polls open and close?
The polls must be open from 7:00 a.m. to 8:00 p.m. Eastern Time on Election Day. If you are a hotline volunteer or a field volunteer and a polling place is not open at 7:00 a.m., advise voters to stay at the polling location and contact your hotline captain/command center. A voter waiting in line within the voting room (or outside of the voting room if the line extends outside) by 8:00 p.m. must be allowed to vote. If you are a hotline volunteer or a field volunteer and a polling place prohibits those in line to vote by 8:00 p.m. from voting, advise voters to stay at the polling location and contact your hotline captain/command center. See Question #16 for information about early voting and voting by absentee ballot.

4. When is/was the voter registration deadline?

Voters must apply to register to vote on or before the fourth Saturday before any presidential primary, primary or general election. In Delaware, for the Presidential primary on July 7, 2020, the deadline, will be Saturday, June 13, 2020. For the Gubernatorial Non-Presidential Primary on September 15, 2020, the deadline will be Saturday, August 22, 2020. For the General Election on November 3, 2020 the deadline will be Saturday, October 10, 2020. Mail-in applications postmarked on the deadline will be considered on time.

5. Can I vote without providing identification?

Photo identification is not required to vote in Delaware. When appearing to vote, voters are asked to present proof of identity, but if a voter does not have identification, they may sign an affidavit of affirmation that they are the person listed on the election district record, and will then be permitted to vote by regular ballot. If a person’s eligibility to vote at the applicable election district cannot be determined, the voter shall be permitted to vote by provisional ballot.

Forms of identification may include, among other documentation that individually or collectively can reasonably and commonly be accepted as a proof of identity and address:

- Delaware driver’s license or State ID
- U.S. Passport
- Signed Polling Place of Social Security Card
- Signed vehicle registration
- Signed credit card with photo
- Any similar document that identifies the person by photo or signature.

Note that if you are registering to vote by mail, and it is the first time that you voting in an election for federal office in Delaware, along with your application you must also submit a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows your name and address. If you do not provide one of the above forms of identification when you register, you must provide such identification when you go to your polling place the first time. Otherwise, you will only be permitted to vote by provisional ballot.

6. I have moved and I didn’t update my voter registration, can I vote?

Yes. A voter who moves within the state can try to vote at the location where their name appears on the voter roll. However, if their vote is challenged on the basis that they are not a resident of that election district, they may vote at the polling place for their new residence or address. It is advisable, however, to update voter registration information as soon as possible at https://ivote.de.gov/voterlogin.aspx.
7. **What should I do if there are equipment problems at my precinct?**

Voters should immediately notify the election officers if the voting machine becomes inoperative in whole or in part while the polls are open. The Department of Elections maintains extra voting machines in the case of a break down, and they must take reasonable steps to rapidly deliver new machines to the polling place.9

If you are a hotline volunteer and learn of equipment not working properly at a polling place, notify your hotline captain, who will notify a voting machine expert or speak with election officials.

If you are a field volunteer at a polling place and the equipment is not working properly, notify the command center, which will notify a voting machine expert.

8. **I am a registered voter who is not on the rolls at the precinct where I currently am. Can I vote where I am?**

A voter who moves within the state can try to vote at the location where their name appears on the voter roll. However, if their vote is challenged on the basis that they are not a resident of that election district, they may vote at the polling place for their new residence or address.10 If a voter believes that they are registered to vote in an election district, but the voter’s eligibility to vote in that district cannot be determined while at the polling place, the voter may vote a provisional ballot. A voter voting a provisional ballot must show proof of identity and address to the election officers at the polling place and fully complete the provisional ballot affidavit with the voter’s full name, complete address and date of birth, otherwise the provisional ballot will not be tallied.11

9. **My name isn’t popping up on the list of registered voters – could it have been removed?**

A voter’s name can be removed from the list of registered voters by the State Board of Elections if it finds that there is a valid reason to believe a person is no longer a duly qualified voter in the election district in which that person is registered12 or the Department of Elections determines that a registered voter has died.13 A person may be removed from the voter rolls as unqualified if such person, for example, is under 18 years old, is not a resident of the State of Delaware, is adjudicated mentally incompetent, was convicted of a felony or certain election-related crimes enumerated in the Delaware Constitution.14

If a voter wants to appeal their registration status, the voter should call the State of Delaware’s Department of Elections (302-739-4277) and ask for assistance.

A person erroneously removed from the voting rolls may be restored to the voting rolls if the Department of Elections’ county director and deputy county director in the applicable county find that such removal was in error.15

Note that you can take steps to help to determine why a voter’s name is not popping up on the list of registered voters:

- Check the voter’s registration status using the registration lookup tool to make sure he/she is registered to vote and at the right place. (see Question 1)
- Has the voter moved recently? Could they be registered at an old address? Check that address in the registration lookup tool. (see Question 1 and Question 6)
• Has the voter changed their name recently, or could they be registered under a different name? Check that name (and any variations of the voter’s name, especially for hyphenated names, which sometimes trip up databases) in the registration lookup tool. (see Question 1)
• When/where did the voter register to vote? Was that before the deadline?

10. I have a criminal conviction. Can I vote?

Except in the circumstances described below, a person who has been convicted of a felony is eligible to register (or re-register) to vote once the person has completed their required sentence (including imprisonment, parole, work release, early release, supervised custody, and probation and community supervision).  

If a person has been convicted of a disqualifying felony—that is, murder or manslaughter (except for vehicular homicide), sexual offenses, or crimes against public administration involving bribery or public corruption—and has not been pardoned, that person will not be able to register to vote.  

To determine whether a person is eligible to register to vote, call the Department of Elections at (302) 739-4277.

11. I have been offered a provisional ballot. What should I do?

A provisional ballot is a ballot of last resort. Poll workers will offer a voter a provisional ballot if they are unable to verify that the voter is eligible to vote in the Election District where the voter is attempting to vote or if the voter’s eligibility to vote is challenged and the vote is refused. In addition, if a court orders a polling place to be kept open beyond normal time for closing, any voters arriving to vote after the normal closing time will be required to vote by provisional ballot.

A person voting by provisional ballot must present proof of identity and address to the pollworkers. The type of identification shown will be annotated on the provisional ballot envelope. If the person voting by provisional ballot does not show proof of identity or address, the person will be permitted to complete their vote by provisional ballot and the fact that the person did not present proof of identity and/or address will be annotated on the provisional ballot envelope.

A provisional ballot will not be tallied if:

• The voter is not registered to vote in Delaware;
• The voter is voting in the wrong Election District; or
• The affidavit required to accompany the provisional ballot is incomplete (e.g., is missing any name, address, date of birth information).

Voters casting a vote by provisional ballot are able to determine whether or not the provisional ballot was counted, and if it was not counted, the reason or reasons why it was not counted, by visiting https://ivote.de.gov/provotestat.aspx.

12. I am a college student. Can I register to vote where I go to school?

Yes.
Students from Delaware can register to vote at their school address as long as they provide proof of their address at the school when registering to vote or updating their registration. A college student from out-
of-state can register to vote in Delaware as long as they provide proof that their present intent is to make Delaware their permanent home or their home for the indefinite.

In both circumstances, proof can include:

- A Delaware Driver's License in the applicant's name;
- A Delaware vehicle registration in the applicant's name and with his/her address at school;
- A current lease, utility bill, tuition bill, bank statement, paycheck stub, or credit card statement under the student's name and with his/her address at school; or
- A Delaware resident income tax return for the most recent year for which a filing is required.

There is no requirement that a student (or any other eligible voter) has already lived in Delaware for a particular duration of time prior to registration. If a Delaware resident moves outside of Delaware to attend college, they may vote by absentee ballot. However, they will not qualify to vote in Delaware if they intend to remain outside the State for an indefinite period of time.

13. I am physically disabled and need assistance. Will my polling place be accessible?

Yes. All polling places must be accessible. Voters who need assistance can inform the Election Officers at the polls. Voters with special needs may also bring someone with them to help in the voting process. Voting machines can be lowered to accommodate voter needs.

14. I am blind, physically disabled, or cannot read and/or write English and require assistance in order to vote. Can I get assistance at the polls?

Yes. Any voter who needs assistance voting is entitled to have some person of their choice, other than the voter’s employer, an agent of the employer, or an officer or agent of the voter’s union, mark the voter’s choices or assist the voter in marking their choices on the ballot. Voters may also request that two poll workers (from different political parties) help them operate the voting machine.

Materials distributed by the Delaware Department of Elections in 2019 stated that Universal Voting Console (“UVC”) devices—which are headsets and handheld devices that assist visually impaired voters and voters with literacy issues—are available at all polling places in the State.

15. I don’t know how to use the voting equipment. Can I get help?

Yes. Any Election officer may provide instruction or information for a voter through use of one of the sample ballots posted in the voting room.

Whenever a voter requests further instructions in the manner of voting or the operation of the voting machine after having entered the voting machine booth, two election officers of opposite political parties shall jointly give such instructions. In doing so, the officers shall take care not to assist the voter in any manner that might influence the voter’s vote. After giving instructions, both officers must retire before the voter begins to register their vote.

16. Can I vote absentee or vote in person before Election Day?
Early voting is not currently available in Delaware (although a recently enacted law, H.B. 38, provides that early, in-person voting will be available commencing in 2022).

A registered voter may, however, vote by absentee ballot prior to Election Day if the voter is unable to appear at the polling place of the voter’s Election District because of one of the following reasons:

- The voter is a U.S. Citizen in public service of the United States or Delaware, including in the armed forces, merchant marines, or American Red Cross (or such person’s spouse or dependent residing with or accompanying such person), and the voter is absent from Delaware or injured due to their service;
- The nature of the voter’s business or occupation (including the business of providing care to their parent, spouse, or child who is living at home and requires constant care due to illness, disability or injury);
- The voter is sick or physically disabled;
- The voter is absent from the election district while on vacation;
- The voter is unable to vote at a certain time or on a certain day due to their religious beliefs; or
- The voter is otherwise authorized by federal law, including the federal Uniformed and Overseas Citizens Absentee Voting Act, to vote by absentee ballot.

Due to COVID-19, all registered Democrats and Republicans will be mailed an absentee ballot application for the Presidential Primary Election (check reason #3 “I am sick, or physically disabled”). Voters desiring to vote by absentee ballot may also request an absentee ballot online at https://ivote.de.gov/, or by filing a handwritten or electronically prepared affidavit with the Department no later than 12:00 noon on the day before Election Day.

The Department of Elections’ office in the county where the voter is registered must receive the voter’s absentee ballot by 8:00 p.m. on Election Day, in order for the ballot to be counted.

For more information on absentee ballot services and to complete a request for an absentee ballot and affidavit online, voters can visit the subpages of the Department of Elections website at https://elections.delaware.gov/services/voter/absentee/index.shtml and http://elections.delaware.gov/voter/absenteeballot.shtml. Voters may also contact the election office of the county in which the voter resides or review the information sheet at https://elections.delaware.gov/pubs/pdfs/AbsenteeVoting_CantGoToThePolls.pdf.

17. What if I requested an absentee ballot but I want to vote in person on Election Day?

A voter eligible to vote absentee (see Question #16) may vote in person by delivering their completed absentee ballot to the Department of Elections office of the county in which they reside before they close on Election Day. Voters can look up their county Department of Elections office here: https://elections.delaware.gov/locations.shtml.

18. Does my state have Same Day Registration? If so, what is the process?

No, Delaware does not currently have Same Day Registration.

19. What rules apply to people campaigning or “hanging around” my polling place? Can people approach me?
People campaigning around a polling place are not permitted inside the building or within 50 feet of any entrance to the building used by voters. People who are otherwise authorized to be inside the building or inside the 50-foot exclusion zone (such as election officials and persons who work at a polling location, such as a school) are also not permitted to “electioneer.” “Electioneering” includes political discussion of issues, candidates or partisan topics, the wearing of any button, banner or other object referring to issues, candidates or partisan topics, the display, distribution or other handling of literature or any writing or drawing referring to issues, candidates or partisan topics, the deliberate projection of sound referring to issues, candidates or partisan topics from loudspeakers or otherwise into the polling place or the area within 50 feet of the entrance to the building in which the voting room is located. Media and people conducting exit polls are also not permitted inside the building, but may be within the 50-foot exclusion zone, as long as they do not talk to people who have not yet voted. Outside of the exclusion zone, a voter may be approached. Voters are not permitted to use their cell phones in the polling place.

20. Someone is formally challenging my right to vote. What do I do?

When checking in at a polling place, a voter can be challenged as to their identity or as to their residency by an election official or a challenger officially appointed by a political party. The voter should request that the challenge be voted on and decided upon by the inspector of the election and two judges of the election. A majority vote of the inspector of the election and two judges of the election determines a voter’s eligibility. If a challenge is not decided in a voter’s favor and the voter is not permitted to vote a regular ballot, the voter shall be offered a provisional ballot. If a challenge is decided in a voter’s favor, a voter shall be permitted to vote.

21. Can I vote in the primary election?

Primary elections in Delaware are “closed”, meaning that voters must be registered members of the party holding the primary to vote in the primary. Unaffiliated and “independent” voters cannot participate in primary elections. Changes in voter affiliation cannot be processed from the 59th day before a presidential primary through the day of the election, and from the last Saturday in May through the day of any other (non-presidential) primary election. As a result, the deadline for registered voters to change party affiliations for the July 7, 2020 Presidential Primary Election is May 8, 2020 and the deadline for registered voters to change party affiliations for the September 15, 2020 Gubernatorial/Non-Presidential Election is May 29, 2020.
1 15 Del. C. §§ 3104, 4931, 4947.
2 15 Del. C. § 4947.
3 15 Del. C. § 2036.
4 15 Del. C. § 4937.
5 15 Del. C. § 4948.
7 15 Del. C. § 2033.
8 15 Del. C. § 4941.
9 15 Del. C. § 5010A.
10 15 Del. C. § 4941.
11 15 Del. C. § 4948.
12 15 Del. C. § 1702.
13 15 Del. C. § 1705.
15 15 Del. C. §§ 1704(i), 2014(g).
18 15 Del. C. §§ 4936, 4948.
19 15 Del. C. § 4948.
20 15 Del. C. § 4948(c).
21 15 Del. C. § 4948(h)(5), (7).
23 15 Del. C. § 4941(1).
25 15 Del. C. § 4941(1).
28 15 Del. C. § 4943(a).
30 15 Del. C. § 4943(b).
31 15 Del. C. § 4943(c).
32 15 Del. C. §§ 5502, 5503.
33 15 Del. C. § 5503.
34 15 Del. C. § 5508(b).
35 15 Del. C. §§ 5507, 5508(b).
36 15 Del. C. § 4942.
37 15 Del. C. § 4933.
39 15 Del. C. §§ 4936, 4934.
40 15 Del. C. § 4936.
41 15 Del. C. §§ 4937, 4948.