



## Frequently Asked Questions

### Delaware – General Election 2022

*Last Updated: September 14, 2022*

**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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# REGISTERING TO VOTE

### 1. **ELIGIBILITY:** Can I register to vote?

A person may register to vote in Delaware if the person (1) is a United States citizen; (2) is a resident of Delaware; AND (3) will be 18 years old on or before the date of the next General Election.

A person may **NOT** register to vote in Delaware if that person:

- (1) Has been adjudged mentally incompetent; OR
  - This refers to a specific finding in a judicial guardianship or equivalent proceeding, based on clear and convincing evidence that the individual has a severe cognitive impairment which precludes exercise of basic voting judgment.
- (2) Was convicted of a felony and has not fully discharged the sentence; OR
  - Payment of any fees, fines, costs, or restitution which a felony offender may be required to pay as part of the criminal sanctions imposed on such offender is not considered in determining discharge of sentence for purposes of voter registration eligibility
- (3) Was convicted of a *disqualifying* felony and has not been pardoned.
  - Disqualifying felonies include:
    - Murder or manslaughter (except vehicular homicide);
    - Any felony constituting an offense against public administration involving bribery or improper influence or abuse of office, or any like offense under the laws of any state or local jurisdiction, or of the United States, or of the District of Columbia; and
    - Any felony constituting a sexual offense, or any like offense under the laws of any state or local jurisdiction, or of the United States, or of the District of Columbia.

### 2. **PRIMARY ELECTION:** Can I vote in the primary election? Do I have to be a member of a party to vote in its primary?

A voter must register as a Democrat or Republican to vote in a primary. Only registered Democrats can vote in the Democratic Primary, and only registered Republicans vote in the Republican Primary. The last day to register to vote and select a party affiliation is the 4<sup>th</sup> Saturday before the primary.

3. **STATUS:** Am I registered to vote?

Voters can determine whether they are registered to vote in Delaware by visiting the [State's Department of Elections website](#) and entering their (a) First Name; (b) Last Name; (c) Date of Birth; and (d) Driver's License number or State ID Number. A voter may also contact the Delaware Department of Elections at (302) 739-4277.

4. **HOW:** How do I register to vote? Can I register online? Do I need a printer? Can I register to vote in person?

Voters may register to vote using the [National Voter Registration Form](#), which is accessible at the [U.S. Election Assistance Commission website](#). Voters using this form should follow the Delaware-specific instructions provided with the form.

Voters can also register to vote using Delaware's Online Registration System which can be accessed online by visiting the [State's Department of Elections website](#).

Voters may also register to vote by printing a form, completing it, and submitting it by mail, email, or fax, along with a copy of the individual's ID, to the Department of Elections Office for their County. The form is called the [State of Delaware All-In-One Form to Register to Vote or Update Your Information](#). Upon completion, the form can be mailed, emailed, or faxed with a copy of the individual's ID to the Department of Elections Office of their County. A valid form of ID includes either (1) a Delaware Driver's License or State ID Card, or (2) a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter. If the voter is unable to print the form, they may call the Department of Elections Office of their County and request that an application be mailed to them. Contact information for the Department of Elections Office of each County can be found at the [Department's website](#).

If a voter does not have access to a computer and/or printer, they can visit a mobile registration event. For information on upcoming scheduled mobile registration events, a voter may contact the State's Department of Elections at 302-739-4277, or the Department of Elections for each county (Kent County at 302-739-4498, New Castle County at 302-577-3464, and Sussex County at 302-856-5367).

Voters may also register to vote at the following governmental offices:

- Any office of the State's Department of Elections. The locations of such offices can be found at the [Department's website](#).
- At Division of Motor Vehicle offices when applying for, renewing, or updating a Driver's License or State ID Card.
- At State Service Centers (Department of Health and Social Services) when applying for services.
- At the Department of Labor: Division of Training and the Division of Vocational Rehabilitation.
- At WIC Program offices when applying for services or assistance.
- At Armed Forces Recruitment Offices when applying for services.
- At some Social Security offices.
- At the State Election Commissioner's Office.
- At institutions of higher education when you register for classes.

5. **IDENTIFICATION:** What ID is required to register to vote?

Proof of identification is not necessary for voters registering using the [National Voter Registration Form](#).

However, when registering with the Delaware Department of Elections, a valid form of ID includes either (1) a Delaware Driver's License or State ID Card, or (2) a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter.

6. **DEADLINES:** [When is/was the voter registration deadline? Are there different deadlines whether I register by mail, in-person, online or on Election Day?](#)

Voters can register to vote at any time up until the fourth Saturday before a Primary or General Election through the day of the election.<sup>1</sup> For the General Election on November 8, 2022, the deadline for voters to register will be Saturday, October 15, 2022, and the deadline for uniformed service members and citizens living outside of the U.S. to register will be Monday, October 24, 2022.<sup>2</sup> Mail-in applications postmarked on or before the deadline will be considered on time. Applications taken by agencies on or before the deadline shall be considered on time.

Any updates to registration deadlines can be found on the Delaware Election Calendar which is updated/revised to reflect any update election deadlines. The [2022 State of Delaware Election Calendar](#).

7. **SAME DAY:** [Does my state have Same Day Registration? If so, what is the process?](#)

No. Delaware does not have Same Day Registration.

8. **PERMANENT MOVE:** [I have moved permanently and I didn't update my voter registration, can I vote?](#)

If the voter has moved within the State of Delaware, yes. A person registered to vote in Delaware who has moved between election districts within the State can vote at the polling place for that person's new residence or address.<sup>3</sup> If any person who resided in Delaware actually moves outside the State with the intention of remaining there for an indefinite time, the person loses their qualification, regardless of whether the person may eventually return to Delaware in the future.<sup>4</sup>

9. **TEMPORARY MOVE:** [I have moved temporarily. How can I vote?](#)

A person registered to vote in Delaware who has moved between election districts within the State can vote at the polling place for that person's new residence or address.<sup>5</sup> If any person who resided in Delaware actually moves outside the State with the intention of remaining there for an indefinite time, the person loses their qualification, regardless of whether the person may eventually return to Delaware in the future.<sup>6</sup>

10. **STUDENT:** [I am a college student. Can I register to vote where I go to school? What if I am taking classes remotely? Where can I vote?](#)

Yes, students from Delaware can register to vote at their school address, so long as they provide proof of the address at the school when registering to vote or updating their registration. A college student from

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<sup>1</sup> 15 Del. C. §§ 2036, 1902(c).

<sup>2</sup> 15 Del. C. §§ 2036, 1902(c).

<sup>3</sup> 15 Del. C. § 4941(2).

<sup>4</sup> 15 Del. C. § 4941(1).

<sup>5</sup> 15 Del. C. § 4941(2).

<sup>6</sup> 15 Del. C. § 4941(1).

*out-of-state* can register to vote in Delaware so long as they provide proof that their present intent is to make Delaware their permanent home or their home for the indefinite future.

In both circumstances, proof can include something that shows the voter's name and current address, such as:

- A Delaware Driver's License or State ID in the voter's name;
- A Delaware vehicle registration in the voter's name and with his/her address at;
- A current lease, utility bill, tuition bill, bank statement, paycheck stub, or credit card statement under the voter'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.

Students attending classes remotely *from* Delaware may register to vote at their school address as long as they can provide any of the forms of proof described above of their address at the school when registering to vote or updating their 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.

If a Delaware student who is registered to vote at their school address is attending classes remotely from *outside* Delaware, they may also vote by absentee ballot.

#### 11. **LIVING ABROAD:** [I am living abroad and/or serving in the military. How can I register and/or vote?](#)

If a voter is living abroad or serving in the military, the voter can still register to vote, provided that the voter has not established a domicile or registered to vote in another state. If the voter has a permanent address in Delaware, the voter may register to vote using that address. If the voter does not, the voter may register to vote at the address of their last place of permanent residence in Delaware prior to joining the military or moving overseas.<sup>7</sup>

#### 12. **CRIMINAL CONVICTION:** [I have a criminal conviction. Can I register to vote?](#)

A person who has been convicted of a felony is eligible to register or re-register to vote once the person has completed the entirety of their required sentence (including imprisonment, parole, work release, early release, supervised custody, and probation and community supervision).<sup>8</sup>

However, if a person has been convicted of a disqualifying felony (murder or manslaughter—but not vehicular homicide—sexual offenses, or crimes against public administration involving bribery or public corruption) and has not been pardoned, that person will not be eligible to register to vote.<sup>9</sup>

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

#### 13. **INCARCERATED:** [I am currently incarcerated. Can I register to vote?](#)

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<sup>7</sup> 15 Del. C. § 1901.

<sup>8</sup> 15 Del. C. §§ 6101–6104.

<sup>9</sup> Del. C. § 6102, Del. Const. Article V, § 2

Currently-incarcerated felons are not eligible to vote in Delaware.<sup>10</sup> However, persons incarcerated for a misdemeanor should check their voter registration status, register to vote if necessary, request, and complete an absentee ballot.

## HOW TO VOTE: ELECTION DAY

### 14. HOURS: When do the polls open/close on Election Day?

**\*Note to hotline volunteer:** If you learn that a polling place prohibits those who were in line by the time the polls closed from voting, advise voters to stay at the polling location, and contact your hotline captain immediately.

The polls are open from 7:00 a.m. to 8:00 p.m. Eastern Time on Election Day.<sup>11</sup> At 7:30 p.m., an officer of the election shall announce that the polls will close in thirty minutes.

### 15. POLLING LOCATION: Where do I vote on Election Day?

A voter's proper polling place can be determined by checking the state's [Polling Location Search](#).<sup>12</sup>

**\*Note to hotline volunteer:** Due to the COVID-19 Pandemic, many polling places have been moved or consolidated. Voters should be advised to check the polling place listed on the Voter Notification Card they received from the local election authority a few days before the election.

### 16. CLOSING: What if the polls close when I am already in line?

Any voter that is in line at the polls by 8:00 p.m. on Election Day must be permitted to vote a regular ballot.<sup>13</sup>

### 17. IDENTIFICATION: What identification is required to vote?

Photo identification is not required to vote on Election Day, though poll workers will ask voters to provide proof of identity because it helps expedite the voter check-in process. If a voter does not or is not able to show photo identification, the voter must fill out an affidavit of affirmation before being the voter is allowed to vote.<sup>14</sup>

Delaware does not have a defined list of acceptable forms of identification.

### 18. NO IDENTIFICATION: Can I vote without providing identification?

Yes. Poll workers will ask voters for proof of identity to speed up the voter check-in process. If a voter does not or is not able to show an ID, the voter must complete a form called "Affirmation of Voter Identity" prior to voting.

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<sup>10</sup> 15 Del. C. § 6102; Del. Const. Article V, § 2.

<sup>11</sup> 15 Del. C. §§ 4931, 4947; <https://elections.delaware.gov/information/faq/voting.shtml> ("When can I vote?").

<sup>12</sup> <https://elections.delaware.gov/information/faq/voting.shtml> ("Where do I vote?").

<sup>13</sup> 15 Del. C. § 4947.

<sup>14</sup> <https://elections.delaware.gov/information/faq/voting.shtml> ("Do I have to show ID to vote?").



**19. NOT ON ROLLS AT MY POLLING PLACE:** I am at my polling place but am not showing up on the voter registration roll. Can I vote where I am?

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. 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.<sup>15</sup>

**20. PROVISIONAL BALLOT:** If I don’t have an ID, can I request a provisional ballot? My name is not on the rolls at my polling place, can I request a provisional ballot?

Since an ID is not required to vote, a voter who does not present an ID can still submit a regular ballot rather than a provisional ballot so long as the voter completes a form called “Affirmation of Voter Identity” prior to voting.

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 home 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.<sup>16</sup>

## **HOW TO VOTE: EARLY VOTING** **(in some states called “in-person absentee”)**

**21. AVAILABILITY:** Is there early voting in my state (whether called early voting or in person absentee voting)?

Yes, Delaware will offer Early Voting for at least 10 days prior to Primary, General, and Special Elections at designated Early Voting sites called Vote Centers in each county.<sup>17</sup> Early Voting will be available up to and including the Sunday before Election Day. Times and locations are to be announced by the State Election Commissioner at least 30 days before an election. Check with the Department of Elections Office of each County, which can be found on the [Department’s website](#). Note that the Early Voting law is currently being challenged in court, but for now remains the law.<sup>18</sup>

**22. ELIGIBILITY:** Do I have to have a reason to vote early?

No. All qualified, duly registered voters may vote early in person.

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<sup>15</sup> 15 Del. C. § 4948

<sup>16</sup> 15 Del. C. § 4948

<sup>17</sup> 15 Del. C. §§ 5401-08.

<sup>18</sup> <https://publicinterestlegal.org/wp-content/uploads/2022/02/Final-Complaint-Stamped.pdf>

**23. WHEN:** When does early voting begin/end?

Early voting begins 10 days prior to the Primary, General, and Special Elections.

**24. WHERE:** Where do I vote during early voting?

Early voting times and locations will be announced by the State Election Commissioner at least 30 days before an election. Check with the Department of Elections Office of each County, which can be found on the [Department's website](#).

**25. IDENTIFICATION:** What identification is required for early voting? What if I don't have an ID?

Delaware does not require a photo ID to vote in Federal or State Elections. It is recommended that voters bring a valid form of ID — such as a state-issued driver's license, a U.S. passport or a signed vehicle registration form — to speed up the voter check-in process. If a voter does not show ID but is present in their correct polling place and appears on the voter roll, the voter must fill out a form called an "Affirmation of Voter Identity" prior to voting.<sup>19</sup>

## HOW TO VOTE: VOTE BY MAIL

**26. AUTOMATIC MAIL BALLOT:** Will I automatically be sent a ballot in the mail?

Delaware does not offer voting by mail since the measure was repealed, effective January 21, 2021.<sup>20</sup> There are three options for voting in Delaware: Early Voting (in-person), Election Day Voting (in-person), and Absentee Voting. See Questions 43-58 for more information on Absentee Voting.

**27. ELIGIBILITY:** Do I need a specific reason to vote by mail?

Not Applicable, Delaware does not have vote by mail.

**28. APPLICATION DEADLINE:** What is the deadline for requesting a mail-in ballot?

Not Applicable, Delaware does not have vote by mail.

**29. APPLICATION RETURN:** How do I submit my mail-in ballot application? Can someone return it for me? Does it have to be postmarked by a specific date?

Not Applicable, Delaware does not have vote by mail.

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<sup>19</sup> 15 Del. C. § 4937; <https://elections.delaware.gov/pubs/pdfs/Voting%20FAQs.pdf>

<sup>20</sup> 15 Del. C. §§ 5601-21.

30. **IDENTIFICATION:** Are there identification requirements when I return my absentee ballot application and/or ballot?

Not Applicable, Delaware does not have vote by mail.

31. **RECEIVING MAIL BALLOT:** Does the ballot have to be sent to my home, or can I have it sent somewhere else? What if I don't have a home address or my address is a PO Box?

Not Applicable, Delaware does not have vote by mail.

32. **MISSED THE APPLICATION DEADLINE:** What if I have not requested a mail-in ballot by the deadline?

Not Applicable, Delaware does not have vote by mail.

33. **STATUS OF APPLICATION AND/OR BALLOT:** How can I check the status of my application and/or mail-in ballot?

Not Applicable, Delaware does not have vote by mail.

34. **APPLICATION OR BALLOT REJECTED:** I learned my mail-in ballot application and/or ballot was rejected. What can I do to fix any errors or get another one?

Not Applicable, Delaware does not have vote by mail.

35. **COMPLETING BALLOT:** How do I complete the mail-in ballot?

Not Applicable, Delaware does not have vote by mail.

36. **ASSISTANCE COMPLETING BALLOT:** Can someone assist me in filling out my ballot?

Not Applicable, Delaware does not have vote by mail.

37. **DEADLINE TO RETURN BALLOT:** What is the deadline for the ballot to be received? Does it have to be postmarked by a specific date? Can I drop it off in person?

Not Applicable, Delaware does not have vote by mail.

38. **BALLOT DROP OF LOCATIONS:** What are the locations for dropping off a ballot (instead of mailing it)?

Not Applicable, Delaware does not have vote by mail.

39. **ASSISTANCE DROPPING OFF BALLOT:** Can someone else drop off my completed ballot for me?

Not Applicable, Delaware does not have vote by mail.

40. **LOST OR SPOILED BALLOT:** What if I lost my mail-in ballot, made a mistake on it (spoiled it), or I received an incorrect ballot?

Not Applicable, Delaware does not have vote by mail.

41. **NON-RECEIPT OF BALLOT:** What if I requested a mail-in ballot but have not received it? What are my options for voting?

Not Applicable, Delaware does not have vote by mail.

42. **IN PERSON OPTION:** What if I requested or received a mail-in ballot but I want to vote in person on Election Day?

Not Applicable, Delaware does not have vote by mail.

## HOW TO VOTE: ABSENTEE

43. **ELIGIBILITY:** Am I eligible to request an absentee ballot?

In order to vote by absentee ballot, the voter must be registered to vote in Delaware and unable to go to his or her polling place on Election Day for one of the following reasons:<sup>21</sup>

- The voter is in public service of the United States or Delaware, including in the armed forces, merchant marines, or American Red Cross (or is a spouse or dependent residing with or accompanying such person);
- Due to 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), students, and otherwise eligible persons who are incarcerated;
- The voter is sick or physically disabled;
- The voter is absent from the election district while on vacation; or
- The voter is unable to vote at a certain time or on a certain day due to their religious beliefs.

When applying for an absentee ballot, the voter must select the applicable reason for requesting an absentee ballot on the request form, which can be found [here](#).

Members of the Uniformed Services, the Merchant Marine, their eligible family members and other U.S. citizens residing outside of the U.S. (collectively referred to as “UOCAVA citizens”) should use the Federal Post Card Application instead of the Delaware absentee ballot request form. Visit the [Federal Voting Assistance Program’s \(FVAP’s\) Delaware page](#).

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<sup>21</sup> 15 Del. C. §§ 5502, 5503

The Federal Write-in Absentee Ballot (FWAB) is a back-up ballot that can be used by voters who are UOCAVA citizens. You can use this FWAB whether you are located inside or outside the United States (including APO and FPO addresses), provided that you are away from your voting residence for service-related activities. For specific instructions, visit the [Federal Voting Assistance Program's \(FVAP's\) Delaware page](#).

**44. APPLICATION DEADLINE:** What is the deadline for requesting an absentee ballot?

Handwritten or electronically-prepared applications for absentee ballots must be filed with the Department of Elections by no later than 12:00 pm on the day *prior to* Election Day.<sup>22</sup>

**45. IDENTIFICATION:** Are there any identification requirements?

No, there are no specific identification requirements to participate in absentee voting.

**46. EMERGENCY:** Is there an emergency absentee ballot? If so, am I eligible?

No, Delaware does not have an emergency absentee ballot.

**47. APPLICATION RETURN:** Where and how can I return my absentee ballot application? Can someone return it for me?

Voters may complete an absentee ballot application online [here](#) by looking up their voter record and clicking "Request an Absentee Ballot." Alternatively, voters can download the [form](#), complete it, and return it to the [Department's office in the voter's county](#). Voters may email, fax, or mail the completed application for absentee voting to the Department of Elections' Office in the County where the voter lives. A voter may have someone else return their completed absentee application to the Department's office in the voter's county.

**48. STATUS OF APPLICATION AND/OR BALLOT:** How can I check the status of my absentee ballot application and/or absentee ballot return?

Voters can check the status of their absentee ballot by:

- Searching [Delaware's online voter portal](#) (NOTE: requires voter to enter first name, last name, DOB and driver's license or state ID number);
- Calling, e-mailing, or faxing the Department's office in the voter's county (see a list of offices and contact information [here](#)); or
- Visiting the Department's office in the voter's county (see the list of offices and contact information at the link above).

**49. APPLICATION OR BALLOT REJECTED:** I learned my absentee ballot application and/or ballot was rejected. How can I confirm this and what can I do to fix any errors or get another one?

Delaware does not require election officials to contact a voter before rejecting your ballot due to issues like a missing signature. Delaware also does not provide post-election notice and cure opportunities for defects on an absentee-ballot envelope, including signature mismatch or missing signatures.

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<sup>22</sup> 15 Del. C. § 5503.

To minimize the risk of having their application or ballot rejected, voters should carefully read the application and ballot instructions, **sign** the ballot, and meet the submission deadlines.

**50. COMPLETING BALLOT:** *How do I complete the absentee ballot?*

Voters should do the following when completing an absentee ballot:

- Follow the instructions marked on the ballot as “INSTRUCTIONS FOR COMPLETING AND RETURNING AN ABSENTEE BALLOT.”
- Fill in the ovals on the ballot with blue or black ink. Do not use any other mark. Do not write on the ballot except to make your selections or correct a mistake.
- Only vote for one candidate for each office.
- Once you have voted your ballot, place it in the postage-paid envelope provided, seal the envelope, read the oath, and **sign and date** the ballot envelope.

**51. ASSISTANCE COMPLETING BALLOT:** *Can someone assist me filling out the ballot?*

The Department of Elections resources for voters do not address whether a voter may have someone else assist them in filling out their absentee ballot. But, the absentee voting process is made available specifically to voters who may be sick or disabled (ie. have trouble filling out their ballot independently), so it is likely that necessary assistance in marking your ballot is allowed.

**52. BALLOT DEADLINES:** *What is the deadline for the ballot to be postmarked and/or received by, including dropping it off in person?*

To be counted, the voted absentee ballot must be received by the Elections Office for the voter’s county no later than 8:00 pm on Election Day.

**53. BALLOT DROP OFF LOCATIONS:** *Where can I drop off a ballot (instead of mailing it)?*

The voter may drop off the completed ballot at the Department of Elections Office in the county where the voter lives. Absentee ballots must be received by the Elections Office for the voter’s county no later than 8:00 pm on Election Day.

**54. ASSISTANCE DROPPING OFF:** *Can someone else drop off my completed ballot for me?*

Yes, the voter may have someone else take the voted absentee ballot to the Department’s office in the voter’s county.

**55. LOST OR SPOILED:** *What if I lost my absentee ballot or it is spoiled or I received an incorrect one?*

If a ballot is lost or spoiled (e.g., the voter makes a mistake or it’s incorrect), then the voter has a right to receive a replacement ballot. The voter should contact the Department of Elections in their county, which can be found [here](#). The voter also has the option to vote in person at their local polling place instead.

**56. NON-RECEIPT OF BALLOT:** *What if I requested an absentee ballot but have not received it? Can I do anything?*

If a voter does not receive their absentee ballot, the voter should contact the Department of Elections' office in their county. Alternatively, if the voter is (1) on active duty in the Uniformed Services or Merchant Marine, (2) an eligible spouse or dependent of a Uniformed Services member, or (3) a U.S. citizen living outside the United States, the voter may fill out and send in a [Federal Write-in Absentee Ballot \(FWAB\)](#).

In addition, if the voter does not receive their absentee ballot prior to Election Day, they can visit their local polling station on Election Day. They should notify a poll worker upon arrival, and the poll worker will be able to check their voting status. If their completed absentee ballot was never returned to the Department of Elections, then the voter will be able to vote in person.

**57. IN PERSON OPTION:** *What if I requested an absentee ballot but I want to vote in person on Election Day?*

If it is before Election Day, the voter should contact the local Elections office and request to cancel the absentee ballot.

When the voter arrives at their assigned polling place, the voter should inform the poll worker of the prior request for an absentee ballot. The poll worker will look up the voter on the poll book and verify the voter's voting status.

- If the voter requested an absentee ballot but have not returned it, a poll worker will contact the Department to cancel the voter's absentee ballot, and the voter can vote at the polling place
- If the voter's ballot has already been returned to the Department and is being prepared to be counted, the voter will not be permitted to vote at the polling place.

**58. IN PERSON ABSENTEE:** *Where do I vote in-person absentee? When can I do this?*

Voters may participate in either Absentee Voting—which requires the voter to mail in or drop off their completed absentee ballot, or via the in-person Early Voting process (see questions 21-25 for more information). Delaware does not have an in-person absentee voting process other than that described in Question 57.

## POLLING PLACE ISSUES

**59. POLLING PLACE NOT OPEN:** The polling place is not open. What should I do?

**\*Note to hotline volunteer:** If you learn of a polling place not opening on time or is closed, notify your hotline captain immediately.

The voter (or the hotline volunteer on their behalf) should then call the Department of Elections at (302) 577-3464.

**60. LONG LINES:** There are long lines at the polling place. What should I do? What if the polls are closing while I'm in line?

The voter (or the hotline volunteer on their behalf) should then call the Delaware Department of Elections at (302) 577-3464. There are not otherwise specified procedures in place for the voter to follow to report long lines at polling places.

**\*Note to hotline volunteer:** If you learn of long lines, notify your hotline captain immediately.

61. **EQUIPMENT FAILURE:** What should I do if there are equipment problems at my precinct?

Voters should immediately notify the election officers if the electronic voting devices become inoperative in whole or in part while the polls are open. The Department of Elections maintains extra voting devices in the case of a breakdown, and they must take reasonable steps to rapidly deliver new voting devices to the polling place. The polling place is required to have an alternative means of voting in the event that all voting devices at the polling place fail.<sup>23</sup>

**\*Note to field volunteer:** If you learn of equipment not working properly at a polling place, notify the command center, which will notify a voting machine expert.

62. **EQUIPMENT ASSISTANCE:** 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.<sup>24</sup> Whenever a voter requests further instruction 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.<sup>25</sup>

63. **PHYSICAL DISABILITY:** I have a physical disability and need assistance. Is my polling place ADA compliant? Does my voting location have an accessible voting system?

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.

64. **READING/LANGUAGE ASSISTANCE:** I am blind, have a physical disability, or cannot read 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.<sup>26</sup> 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.

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<sup>23</sup> 15 Del. C. § 5001A(d)

<sup>24</sup> 15 Del. C. § 4943(b).

<sup>25</sup> 15 Del. C. § 4943(c).

<sup>26</sup> 15 Del. C. § 4943(c).



65. **CAMPAIGNING:** 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.<sup>27</sup>

Media and people conducting exit polls are also not permitted inside the building. They may be within the 50-foot exclusion zone, but may not talk to people who have not yet voted. Outside of the exclusion zone, a voter may be approached.<sup>28</sup>

66. **CHALLENGE:** Someone is formally challenging my vote. What should 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.<sup>29</sup> 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.<sup>30</sup> If a challenge is decided in a voter’s favor, a voter shall be permitted to vote.<sup>31</sup>

67. **POLICE/MILITARY PRESENCE:** There are police/members of the military at the polling place. Is this okay? What should I do?

This might be okay provided they are not inhibiting a voter’s ability to vote, campaigning, or intimidating voters. Nevertheless, voters should alert the poll workers and vote as they normally would.

In general, a police officer who is on duty at a polling place shall obey the order of a poll worker for that polling place. A police officer is permitted to make an arrest under an order of a poll worker. A police officer who is on duty at a polling place shall protect a challenger or watcher in the discharge of the duties of the challenger or watcher.

**\*Note to hotline volunteer:** If you learn of police/members of the military at the polling place, notify your hotline captain immediately.

68. **THOUGHT WAS REGISTERED:** My name isn’t on the voter registration roll but I thought I was registered. What should I do?

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<sup>27</sup> 15 Del. C. § 4942.

<sup>28</sup> 15 Del. C. § 4933.

<sup>29</sup> 15 Del. C. §§ 4936, 4934.

<sup>30</sup> 15 Del. C. § 4936.

<sup>31</sup> 15 Del. C. §§ 4937, 4948.

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 home 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

69. **PROVISIONAL BALLOT:** 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.<sup>32</sup> 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.<sup>33</sup>

A person voting by provisional ballot must present proof of identity and address to the poll workers. 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.<sup>34</sup>

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).<sup>35</sup>

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 the state’s [Registration Lookup & Absentee Request site](#).

## ACCESSIBILITY/ASSISTANCE

70. **LANGUAGE ACCESS:** I am not an English speaker. What language resources are available? Can I bring someone in the booth to help me understand the ballot?

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, assist them in completing their ballot.

Additionally, 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. For more information on the devices, voters can check out this [Accessible Voting](#) video.

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<sup>32</sup> 15 Del. C. §§ 4936, 4948

<sup>33</sup> 15 Del. C. § 4948.

<sup>34</sup> 15 Del. C. § 4948(c).

<sup>35</sup> 15 Del. C. § 4948(h)(5), (7).

**71. CURBSIDE VOTING:** Is curbside voting available? How do I request it?

Delaware does not have an applicable law on curbside voting. If the polling place is inaccessible and in violation of the Americans with Disabilities Act (“ADA”), the polling location must provide people with disabilities an alternate way to vote. This includes curbside voting where voters use a portable machine to cast their ballots

**72. VOTER GUIDE:** Can I bring a voting guide or reference notes with me into the voting booth?

There is nothing on the Department of Elections site that suggests the voter cannot bring written materials about candidates or the election into the voting booth. However, the voter is not allowed to use their cell phone in the polling place because the noise interferes with poll workers and distracts voters. Additionally, the voter’s time in the voting booth is limited to 3 minutes. If a poll worker thinks the voter is taking too long, the poll worker may ask if the voter needs assistance.

## QUESTIONS

**73. QUESTIONS:** Who should I contact if I have questions about any of the above?

Voters with questions should visit the Department of Elections website or contact their local office of the State Election Commissioner. See below for contact details.

***Delaware Department of Elections***

<https://elections.delaware.gov/locations.shtml>

***Office of the State Election Commissioner***

State Election Commissioner: Anthony J. Albence ([Anthony.Albence@delaware.gov](mailto:Anthony.Albence@delaware.gov))

905 S. Governors Ave Ste 170

Phone: (302) 739-4277

Fax: (302) 739-6794

Email (General Info): [coe\\_vote@delaware.gov](mailto:coe_vote@delaware.gov)

***New Castle County Office***

County Director: Tracey N. Dixon ([Tracey.Dixon@delaware.gov](mailto:Tracey.Dixon@delaware.gov))

County Deputy Director: David Gilefski ([David.Gilefski@delaware.gov](mailto:David.Gilefski@delaware.gov))

**Office Address:**

Carvel State Office Building

820 North French St, Suite 400

Wilmington, DE 19801

**Mailing Address:**

PO BOX 7079

Wilmington, DE 19803-0079

Phone: (302) 577-3464

Fax: (302) 577-6545

Email (General Info): [votencc@delaware.gov](mailto:votencc@delaware.gov)  
Email (Absentee Voting): [absentee@delaware.gov](mailto:absentee@delaware.gov)  
Email (Working at the Polls): [electionofficer@delaware.gov](mailto:electionofficer@delaware.gov)

*Kent County Office*

County Director: Doris Young ([doris.young@delaware.gov](mailto:doris.young@delaware.gov))  
County Deputy Director: Ralph Artigliere ([ralph.artigliere@delaware.gov](mailto:ralph.artigliere@delaware.gov))

Office Address:  
100 Enterprise Pl, Ste 5  
Dover, DE 19904

Mailing Address:  
PO BOX 699  
Dover DE 19903-0699

Phone: (302) 739-4498  
Fax: (302) 739-4515  
Email (General Info): [votekc@delaware.gov](mailto:votekc@delaware.gov)  
Email (Absentee Voting): [absenteekc@delaware.gov](mailto:absenteekc@delaware.gov)

*Sussex County Office*

County Director: Kenneth A. McDowell ([kennetha.mcdowell@delaware.gov](mailto:kennetha.mcdowell@delaware.gov))  
County Deputy Director: Tracey L. Wilkerson ([tracey.wilkerson@delaware.gov](mailto:tracey.wilkerson@delaware.gov))

Office Address:  
119 N. Race St  
P.O. Box 457  
Georgetown, DE 19947

Mailing Address:  
PO BOX 457  
Georgetown, DE 19947-0457

Phone: (302) 856-5367  
Fax: (302) 856-5082  
Email (General Info): [votesc@delaware.gov](mailto:votesc@delaware.gov)  
Email (Absentee Voting): [absenteesc@delaware.gov](mailto:absenteesc@delaware.gov)