

Frequently Asked Questions

Delaware – General Election 2024

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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.

REGISTERING TO VOTE

ELECTION DAY

EARLY VOTE

VOTE BY MAIL

ABSENTEE

POLLING PLACE ISSUES

ACCESSIBILITY /ASSISTANCE

STATE SPECIFIC SUPPLEMENT

Table of Contents

REGISTERING TO VOTE

1. **ELIGIBILITY:** Can I register to vote?
2. **PRIMARY ELECTION:** Can I vote in the primary election? Do I need to be registered with a political party? Can I change my party registration to vote in another party's primary election? When I voted, the poll worker asked my party affiliation. Are they allowed to do that?
3. **STATUS:** Am I registered to vote?
4. **HOW:** How do I register to vote? Can I register online? Do I need a printer? Can I register to vote in person?
5. **IDENTIFICATION:** What ID is required to register to vote?
6. **DEADLINES:** When is/was the voter registration deadline? Are there different deadlines whether I register by mail, in-person, or online?
7. **SAME DAY:** Does my state have Same Day Registration? If so, what is the process?
8. **PERMANENT MOVE:** I have moved permanently and I didn't update my voter registration, can I vote?
9. **TEMPORARY MOVE:** I have moved temporarily. How can I vote?
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?

11. **LIVING ABROAD:** I am living abroad and/or serving in the military. How can I register and/or vote?
12. **CRIMINAL CONVICTION:** I have a felony criminal conviction. Can I register to vote? Does the type of conviction matter? Are there any restrictions after any misdemeanor convictions?
13. **INCARCERATED:** I am currently incarcerated. Can I register to vote? Can I vote from jail?
14. **REGISTRATION CHALLENGED:** My registration has been challenged, what should I do?

HOW TO VOTE: ELECTION DAY

15. **HOURS:** When do the polls open/close on Election Day?
16. **POLLING LOCATION:** Where do I vote on Election Day?
17. **TIME OFF WORK:** Is my employer required to give me time off to vote? Is it paid or unpaid?
18. **CLOSING:** What if the polls close when I am already in line?
19. **IDENTIFICATION:** What identification is required to vote?
20. **NO IDENTIFICATION:** Can I vote without providing identification?
21. **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?
22. **GIVEN PROVISIONAL BALLOT:** I am being told I have to vote provisionally, what does that mean?
23. **REQUESTING PROVISIONAL BALLOT:** I am being told I can't vote, can I vote provisionally?
24. **PROVISIONAL BALLOT NEXT STEPS:** I voted a provisional ballot, what now?

HOW TO VOTE: IN-PERSON EARLY VOTING

25. **AVAILABILITY:** Is there early voting in my state (whether called early voting or something else)?
26. **ELIGIBILITY:** Do I need to have a reason to vote early?
27. **WHEN:** When does early voting begin/end?
28. **WHERE:** Where do I vote during early voting?
29. **IDENTIFICATION:** What identification is required for early voting? What if I don't have an ID?
30. **ASSISTANCE:** What if I need assistance voting early in person?

HOW TO VOTE: VOTE BY MAIL

31. **AUTOMATIC MAIL BALLOT:** Will I automatically be sent a ballot in the mail?
32. **ELIGIBILITY:** Do I need a specific reason to vote by mail?
33. **APPLICATION DEADLINE:** What is the deadline for requesting a mail-in ballot?
34. **APPLICATION ASSISTANCE:** Can someone assist me with filling out the application?
35. **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?
36. **IDENTIFICATION:** Are there identification requirements when I return my mail-in ballot application and/or ballot?
37. **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?
38. **MISSED THE APPLICATION DEADLINE:** What if I have not requested a mail-in ballot by the deadline?
39. **STATUS OF APPLICATION AND/OR BALLOT:** How can I check the status of my application and/or ballot?
40. **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?
41. **COMPLETING BALLOT:** How do I complete the mail-in ballot?

- 42. **ASSISTANCE COMPLETING BALLOT:** Can someone assist me in filling out my ballot?
- 43. **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?
- 44. **BALLOT DROP OFF LOCATIONS:** What are the locations for dropping off a ballot (instead of mailing it)?
- 45. **ASSISTANCE DROPPING OFF BALLOT:** Can someone else drop off my completed ballot for me?
- 46. **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?
- 47. **NON-RECEIPT OF BALLOT:** What if I requested a mail-in ballot but have not received it? What are my options for voting?
- 48. **IN PERSON OPTION:** What if I requested or received a mail-in ballot but I want to vote in person on Election Day?

HOW TO VOTE: ABSENTEE (In this state, defined as: absentee voting)

- 49. **ELIGIBILITY:** Am I eligible to request an absentee ballot?
- 50. **APPLICATION DEADLINE:** What is the deadline for requesting an absentee ballot?
- 51. **IDENTIFICATION:** Are there any identification requirements?
- 52. **EMERGENCY:** Is there an emergency absentee ballot? If so, am I eligible?
- 53. **APPLICATION RETURN:** Where and how can I return my absentee ballot application? Can someone return it for me?
- 54. **STATUS OF APPLICATION AND/OR BALLOT:** How can I check the status of my absentee ballot application and/or absentee ballot return?
- 55. **APPLICATION OR BALLOT REJECTED:** I learned my absentee ballot application or ballot was rejected. How can I confirm this and what can I do to fix any errors or get another one?
- 56. **COMPLETING BALLOT:** How do I complete the absentee ballot?
- 57. **ASSISTANCE COMPLETING BALLOT:** Can someone assist me filling out the ballot?
- 58. **BALLOT DEADLINES:** What is the deadline for the ballot to be postmarked and/or received by, including dropping it off in person?
- 59. **BALLOT DROP OFF LOCATIONS:** Where can I drop off a ballot (instead of mailing it)?
- 60. **ASSISTANCE DROPPING OFF:** Can someone else drop off my completed ballot for me?
- 61. **LOST OR SPOILED:** What if I lost my absentee ballot or it is spoiled or I received an incorrect one?
- 62. **NON-RECEIPT OF BALLOT:** What if I requested an absentee ballot but have not received it?
- 63. **IN PERSON OPTION:** What if I requested an absentee ballot but I want to vote in person on Election Day?
- 64. **IN PERSON ABSENTEE:** Where do I vote in-person absentee? When can I do this?

POLLING PLACE ISSUES

- 65. **POLLING PLACE NOT OPEN:** The polling place is not open. What should I do?
- 66. **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?
- 67. **EQUIPMENT FAILURE:** What should I do if there are equipment problems at my precinct?
- 68. **CAMPAIGNING:** What rules apply to people campaigning or "hanging around" my polling place? What counts as campaigning or electioneering? Can people approach me?
- 69. **VOTER CONDUCT:** What am I prohibited from wearing or doing in a polling place? Can I take photos inside?
- 70. **POLL WORKER CONDUCT:** What is a poll worker prohibited from wearing or doing in a polling place?

- 71. **INTIMIDATION:** Are there any other specific restrictions on conduct outside of a polling place? What should I do if I feel unsafe or uncomfortable outside the polling place?
- 72. **CHALLENGE:** Someone is formally challenging my vote. What should I do?
- 73. **POLICE/MILITARY PRESENCE:** There are police/military at the polling place. Is this okay? What should I do?
- 74. **THOUGHT WAS REGISTERED:** My name isn't on the voter registration roll but I thought I was registered. What should I do?
- 75. **PROVISIONAL BALLOT:** I have been offered a provisional ballot. What should I do? (Also see info in the [Election Day Voting](#) section above).

ACCESSIBILITY/ASSISTANCE

- 76. **EQUIPMENT ASSISTANCE:** I don't know how to use the voting equipment. Can I get help?
- 77. **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?
- 78. **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?
- 79. **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?
- 80. **CURBSIDE VOTING:** Is curbside voting available? How do I request it?
- 81. **VOTER GUIDE:** Can I bring a voting guide or reference notes with me into the voting booth?

STATE SPECIFIC SUPPLEMENT

- 82. **GUNS AT THE POLLING PLACE:** Am I permitted to bring a gun to a polling place?
- 83. **QUESTIONS:** Who should I contact if I have questions about any of the above?

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.¹

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

- (1) Has been adjudged mentally incompetent;² OR

¹ 15 Del. Code § 1701(a), <https://elections.delaware.gov/voter/votereg.shtml>, <https://elections.delaware.gov/voter/eligibility.shtml>

² 15 Del. Code § 1701(a), <https://elections.delaware.gov/voter/votereg.shtml>, <https://elections.delaware.gov/voter/eligibility.shtml>.

- 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 non-disqualifying felony and has not fully discharged the sentence;³ 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.⁴
- (3) Was convicted of a *disqualifying* felony and has not been pardoned.⁵
 - Disqualifying felonies include:
 - Murder or manslaughter (except vehicular homicide);⁶
 - 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;⁷ 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.⁸

2. PRIMARY ELECTION: Can I vote in the primary election? Do I need to be registered with a political party? Can I change my party registration to vote in another party's primary election? When I voted, the poll worker asked my party affiliation. Are they allowed to do that?

The deadline to register to vote is the 4th Saturday before a primary and general election. The deadline for the September 10, 2024 state primary Election⁹ is August 17, 2024.¹⁰ The deadline for the November 5, 2024 general election is October 12, 2024.¹¹

A voter must register as a Democrat or Republican to vote in that party's primary election.¹² Only registered Democrats can vote in the Democratic primary, and only registered Republicans can vote in the Republican primary.¹³

³ 15 Del. Code §6103(c), <https://elections.delaware.gov/voter/votereg.shtml>, <https://elections.delaware.gov/voter/eligibility.shtml>.

⁴ 15 Del. Code § 6102(a)(3).

⁵ 15 Del. Code § 6103(b); Del. Const. Art. V, § 2(b) (regarding pardon).

⁶ 15 Del. Code § 6102(a)(1); Del Const. Art V, § 2(b)(1).

⁷ 15 Del. Code § 6102(a)(1); Del Const. Art V, § 2(b)(2).

⁸ 15 Del. Code § 6102(a)(1); Del Const. Art V, § 2(b)(3).

⁹ On March 19, 2024, the Delaware presidential primary election that had been scheduled for April 2, 2024 was canceled. https://elections.delaware.gov/voter/pdfs/20240402_PublicNotice_DelawarePresidentialPrimaryElection.pdf. The state primary election is still scheduled for September 10, 2024.

¹⁰ On July 22, 2022, Delaware Governor John Carney signed into law legislation that amended the state's election registration statute, 15 Delaware Code § 2036, to change the voter registration deadline from the fourth Saturday before a given election to same-day registration. *Albence v. Higgin*, 295 A.2d 1065, 1067 (Del. 2022). The state supreme court struck down the amended law as unconstitutional. *Id.* Although the court's decision did not expressly reinstate the previous version of the statute, the Delaware Department of Elections 2024 election calendar sets the deadline to register for the September 10, 2024 state primary as August 17, 2024, which is the fourth Saturday before that election. <https://elections.delaware.gov/public/calendar/pdfs/2024ElectionCalendar.pdf>.

¹¹ <https://elections.delaware.gov/public/calendar/pdfs/2024ElectionCalendar.pdf>.

¹² 15 Del. Code sec. 3110, <https://elections.delaware.gov/voter/votereg.shtml>.

¹³ 15 Del. Code § 3110; 15 Del. Code § 3161(a).

A voter may change party registration to vote in another party's Delaware presidential primary election until the 60th day before that primary election.¹⁴ A voter may change party registration to vote in another party's non-presidential primary election through the last Saturday in May until the primary in a primary year.¹⁵ For Delaware's non-presidential primary on September 10, 2024, that deadline was May 24, 2024.¹⁶ Voters who are automatically registered at the Department of Motor Vehicles by the state primary election deadline of August 17, 2024 and have their party listed as No Party-AVR may change their party affiliation up to and including the state primary election day of September 10, 2024.¹⁷

Because Delaware law prohibits a voter from voting in a primary of a party for which the voter is not registered, it is appropriate for poll workers to ask the voter's party affiliation.¹⁸

3. **STATUS:** [Am I registered to vote?](#)

Voters can determine whether they are registered to vote in Delaware by visiting the Delaware Department of Elections' [voter portal \(iVote\)](#) and entering their (a) First Name; (b) Last Name; (c) date of birth; and (d) Driver's License or State ID Number. A voter may also contact the Delaware Department of Elections at 302-739-4277 or the Department's county elections office for the county where they live.¹⁹

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 or change their voter registration in a number of ways:

- **Online:**
 - 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.
 - Using Delaware's Online Registration System which can be accessed online by visiting the [State's Department of Elections website at ivote.de.gov](#).
- **By Mail:**
 - Voters may also register to vote by printing [this 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.
 - 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.²⁰
 - 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](#).

¹⁴ 15 Del. Code § 3189.

¹⁵ 15 Del. Code § 2049(a), <https://elections.delaware.gov/voter/votereg.shtml>.

¹⁶ <https://elections.delaware.gov/public/calendar/pdfs/2024ElectionCalendar.pdf>

¹⁷ <https://elections.delaware.gov/public/calendar/pdfs/2024ElectionCalendar.pdf>

¹⁸ <https://elections.delaware.gov/voter/votereg.shtml>

¹⁹ <https://elections.delaware.gov/locations.shtml>.

²⁰ <https://elections.delaware.gov/voter/votereg.shtml> ("How do I register to vote or update my record?").

- **In Person:**
 - 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’s county offices (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:²¹
 - 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 registering for classes.

Automatic Voter Registration

Additionally, Delaware has Automatic Voter Registration at all Delaware Division of Motor Vehicles locations and online [here](#)²² with a myDMV account.

After June 21, 2023, any new Delaware voter that:

- completes an in-person or online application for the issuance or renewal of their Delaware driver license, learners permit, or identification card or completes an in-person or online application to change their name or address on these documents, and
- is not already registered to vote, is of sufficient age, and whose citizenship status has been confirmed by the DMV,²³

is automatically registered to vote by the Department of Elections (DOE).

Automatically Registered Voters (i.e., AVR Voters) are registered by DOE with no party affiliation (not affiliated with any party) and are registered as of the date of their DMV transaction. The Department of Elections will mail each automatically registered voter a “Notice of Automatic Voter Registration,” which includes a “Response to Automatic Voter Registration” form. AVR voters may use the form to update their voter registration, choose a party affiliation, or cancel their voter registration. AVR voters may choose a political party through the day of the first primary election following their automatic voter registration at DMV in order to vote in that primary election. Voters who do choose a political party in the first primary following their registration, they will be registered as “No Party” and will be eligible to change the party affiliation during standard change periods.²⁴

²¹ 15 Del. Code sec 2050, <https://elections.delaware.gov/voter/votereg.shtml>

²² <https://dmv.de.gov>

²³ 15 Del. C. § 2050A.

²⁴ 15 Del. Code sec. 2050A, <https://news.delaware.gov/2023/06/20/automatic-voter-registration-at-dmv/>

5. **IDENTIFICATION:** What ID is required to register to vote? Suggest reversing the order of the paragraphs for this question.

Voters registering using the [National Voter Registration Form](#) must include on the form the voter’s Delaware driver’s license number or nonoperating identification number. If the voter does not have a driver’s license or nonoperating identification number, the voter must include the last four digits of the voter’s Social Security number. If the voter has none of these ID numbers, the voter should write “NONE” on the form and the state will assign a unique identifying number.²⁵

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.²⁶

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?

Delaware does not have same-day registration, where a voter may register to vote on the day of the election.²⁷ Most voters can register to vote—by mail, in-person or online—at any time up until and including the fourth Saturday before a primary, presidential primary or general election, which for the September 10, 2024 state primary election is August 17, 2024, and for the November 5, 2024 general election is October 12, 2024.²⁸ Absent uniformed service members and overseas citizens have until the third Monday prior to an election to register, which is August 26, 2024, for the September 10, 2024 state primary, and is October 21, 2024 for the November 5, 2024 general election.²⁹ Online registration applications submitted via the [voter portal](#) by the deadline, or mail-in applications postmarked on or before the deadline and received by the deadline by the Department of Elections or other authorized agencies will be considered on time.³⁰

Any updates to registration deadlines can be found on the [Delaware Election Calendar](#), which is updated/revised to reflect any changes to election deadlines.³¹

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

No. Delaware does not have Same-Day Registration.³²

8. **PERMANENT MOVE:** I have moved permanently and I didn’t update my voter registration, can I vote?

²⁵ [Delaware-specific instructions for the Federal Voter Registration Form](#), p. 5, updated 4/18/2018

(https://www.eac.gov/sites/default/files/eac_assets/1/6/Federal_Voter_Registration_ENG.pdf).

²⁶ <https://elections.delaware.gov/voter/votereg.shtml> (“How do I register to vote or update my record?”).

²⁷ See [question 2](#) above, footnote 10.

²⁸ See the discussion in [question 2](#) above, footnote 10 regarding the Delaware Supreme Court’s invalidation of the 2022 same-day registration law, and the state’s apparent current reliance on the previous version of 15 Del. Code §§ 2036, 1902(c).

²⁹ 15 Del. Code § 1902(c); <https://elections.delaware.gov/public/calendar/pdfs/2024ElectionCalendar.pdf>

³⁰ <https://elections.delaware.gov/voter/votereg.shtml>.

³¹ <https://elections.delaware.gov/public/calendar/calendars.shtml>

³² See [question 2](#) above, footnote 10.

If the voter has moved within the State of Delaware, the voter must vote at the polling place for the new residence or address.³³ Poll workers will assist the voter in completing a form to update the address in the voter's registration record.³⁴

If a voter has moved outside of Delaware with the intention of remaining outside of the state for a permanent or an indefinite period of time, the voter is disqualified from voting.³⁵

9. TEMPORARY MOVE: I have moved temporarily. How can I vote?

A voter who has moved temporarily to a new address inside or outside Delaware, with the intent to return to the prior Delaware permanent address, may vote in-person or by absentee ballot in the election district of the permanent Delaware address. A voter who has moved with the intent to live permanently or indefinitely at a new address in Delaware may vote at the polling place for the new address (see [question 8](#) above). A voter who has moved with the intent to live permanently or indefinitely at a new address outside Delaware is disqualified from voting (see [question 8](#) above).

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?

As with most voters,³⁶ College students may vote in Delaware elections only in the election district for the location of their Delaware residence. College students who attend college in Delaware—whether originally from Delaware or out-of-state—may register to vote at their school's location if they consider Delaware to be their home. For information regarding the ways a student can register to vote, or change their registration, see [Question 4](#) above.

For students who are residents of other states and wish to remain so, Delaware encourages them to vote by absentee ballot in their home state.³⁷

By registering to vote in Delaware, out-of-state students will be authorizing the cancellation of their prior voter registration in another state.³⁸ A Delaware resident who moves temporarily outside of Delaware to attend college may vote in Delaware elections in-person or by absentee ballot in the election district for their permanent Delaware address.³⁹

A student's taking of classes remotely should not affect where the student can vote. What matters is the location of the student's permanent residence.

11. LIVING ABROAD: I am living abroad and/or serving in the military. How can I register and/or vote?

Permanent Delaware residents who live abroad or serve in the military can register to vote in Delaware, provided that they have not established a domicile in or registered to vote in another state.⁴⁰ Voters

³³ 15 Del. Code §§ 2047 & 4941(2).

³⁴ 15 Del. Code § 2047(1)-(4).

³⁵ 15 Del. Code § 4941(1).

³⁶ But see [question 11](#) below regarding military members and overseas citizens.

³⁷ <https://elections.delaware.gov/voter/absentee/student.shtml> ("College students who are residents of other states").

³⁸ 15 Del. Code § 1707(d).

³⁹ 15 Del. Code. § 5502(3); https://elections.delaware.gov/voter/absentee/national_student.shtml

⁴⁰ 15 Del. Code § 1901.

who have a permanent address in Delaware may register to vote using that address.⁴¹ If they do not have a current permanent address in Delaware, they may register to vote at the address of their last place of permanent residence in Delaware prior to joining the military or moving overseas.⁴²

Persons who are permanently living outside the United States may register to vote—for federal offices only—at the address of the Elections Department office in the Delaware county where they last resided before moving overseas.⁴³

12. CRIMINAL CONVICTION: [I have a felony criminal conviction. Can I register to vote? Does the type of conviction matter? Are there any restrictions after any misdemeanor convictions?](#)

Check the resources at Campaign Legal Center’s [Restore Your Vote](#) for latest information.⁴⁴

A person who has been convicted of a non-disqualifying felony is eligible to register or re-register to vote once the person has fully discharged their sentence.⁴⁵ 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 eligibility to register to vote.⁴⁶

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.⁴⁷

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? Can I vote from jail?](#)

Check the resources at Campaign Legal Center’s [Restore Your Vote](#) for latest information.⁴⁸

Currently incarcerated felons are not eligible to vote in Delaware.⁴⁹ However, persons incarcerated for a misdemeanor or in pretrial detention who have never been convicted of a disqualifying felony should check their voter registration status, register to vote if necessary, request and complete an absentee ballot. Delaware Department of Correction residential facilities have information on-site regarding the means by which eligible individuals currently incarcerated may vote by absentee ballot. Incarceration is an acceptable reason for qualified individuals to vote by absentee ballot, per Delaware law.⁵⁰

⁴¹ 15 Del. Code. § 1901(b)(1).

⁴² 15 Del. Code § 1901(b)(2).

⁴³ 15 Del. Code. § 1901(b)(3).

⁴⁴ <https://campaignlegal.org/restoreyourvote>

⁴⁵ 15 Del. Code § 6103(c); <https://elections.delaware.gov/voter/felons.shtml>.

⁴⁶ 15 Del. Code § 6102(a)

⁴⁷ 15 Del. Code §§ 6102 & 6103, Del. Const. Article V, § 2

⁴⁸ <https://campaignlegal.org/restoreyourvote>

⁴⁹ Del. Code §§ 6102 & 6103; Del. Const. Article V, § 2.

⁵⁰ https://elections.delaware.gov/voter/absentee/pdfs/absentee_ballot_application.pdf(absentee ballot request form, reason 3, noting eligibility for “otherwise eligible persons who are incarcerated.”).

14. REGISTRATION CHALLENGED: *My registration has been challenged, what should I do?*

If a voter's vote is challenged at the polling place by an accredited challenger or election officer—for example based on false identity or residence—the challenge must be immediately decided. If the person's vote is refused, the voter must be offered the right to vote by provisional ballot.⁵¹

If a voter's registration is challenged on the basis of having been bribed or compensated for registering, the registration or election officer will provide an oath that the voter can sign denying the alleged bribery or compensation. The officer must accept the oath as conclusive evidence of its truth, although a false oath would constitute perjury.⁵²

HOW TO VOTE: ELECTION DAY

15. HOURS: *When do the polls open/close on Election Day?*

The polls must be open from 7:00 a.m. to 8:00 p.m. Eastern Time on Election Day.⁵³ At 7:30 p.m. an officer of the election shall announce that the polls will close in thirty minutes. Any voter that is in line at the polls by 8:00 p.m. must be permitted to vote a regular ballot.⁵⁴

16. POLLING LOCATION: *Where do I vote on Election Day?*

A voter's proper polling place can be determined by checking the state's [polling place locator website](#).⁵⁵

Voters should be advised to check the polling place listed on the Voter Notification Card they received.

17. TIME OFF WORK: *Is my employer required to give me time off to vote? Is it paid or unpaid?*

While Delaware law prohibits employers from interfering with their employees' right to vote,⁵⁶ neither Delaware law nor federal law mandate that Delaware employers provide paid or unpaid time off to vote.

18. 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.⁵⁷

19. IDENTIFICATION: *What identification is required to vote?*

⁵¹ 15 Del. Code §§ 4936, 4937(c) & (d), 4939, 4941.

⁵² 15 Del. Code §§ 2012 & 4940.

⁵³ 15 Del. Code §§ 4931, 4947; <https://elections.delaware.gov/elections/general/general.shtml> ("When is Delaware's General Election?"), .

⁵⁴ 15 Del. Code § 4947. <https://elections.delaware.gov/elections/primary/primary.shtml> ("When is Delaware's primary?")

⁵⁵ <https://ivote.de.gov/VoterView>

⁵⁶ 15 Del. Code § 5162.

⁵⁷ 15 Del. Code § 4947.

Photo identification is not required to vote on Election Day, though poll workers will ask voters to provide proof of identity because it helps to speed up the voter check-in process. If a voter does not or is not able to show photo identification, and the voter appears in the pollbook at their assigned polling place and the voter's address is current in their registration record, the voter must fill out an affidavit of affirmation before being the voter is allowed to vote.⁵⁸

Forms of identification that may be used include:⁵⁹

- Delaware Driver's License or State ID
- U.S. Passport
- Signed Polling Place or Social Security Card
- Signed vehicle registration
- Signed credit card with photo
- A similar document that identifies the person by photo or signature

20. NO IDENTIFICATION: *Can I vote without providing identification?*

If a voter does not or is not able to show photo identification, and the voter appears in the pollbook at their assigned polling place and the voter's address is current in their registration record, the voter must fill out an affidavit of affirmation before being the voter is allowed to vote.⁶⁰

21. 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 registered voter who moves within the state is permitted to vote at their polling place for the address where they reside.⁶¹ A voter must update their address on or before Election Day, and may do so at their polling place on Election Day. The voter may complete the update at the polling place for their former or current address but may only vote at the polling place for their new address.⁶² 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, election officers at the polling place will attempt to verify the voter's registration information. If a voter's registration information cannot be confirmed, the voter may vote a provisional ballot.⁶³ 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. If the voter does not provide proof or identity or address, that will be notes on the ballot envelope.⁶⁴

22. GIVEN PROVISIONAL BALLOT: *I am being told I have to vote provisionally, what does that mean?*

⁵⁸ 15 Del. Code § 4937(a); <https://delaware.gov/guides/voting-in-delaware/>

⁵⁹ <https://delaware.gov/guides/voting-in-delaware/>.

⁶⁰ 15 Del. Code § 4937(a); <https://delaware.gov/guides/voting-in-delaware/>

⁶¹ 15 Del. Code § 4941(2).

⁶² 15 Del. Code § 2047(1)-(4).

⁶³ 15 Del. Code §§ 4936, 4948(b).

⁶⁴ 15 Del. Code § 4948(c) & (h).

A provisional ballot is a last-chance, paper ballot for voters whose eligibility to vote in a particular election district cannot be determined on Election Day at the polling place; they are also provided to all voters who vote pursuant to a federal or state court order extending the normal statutory 8 p.m. poll closing time. It is mandated by federal law for federal elections only, and valid only in the voter's proper election district.⁶⁵ Provisional ballots are examined by the Elections Department after Election Day to determine whether the votes can be tallied.⁶⁶

23. REQUESTING PROVISIONAL BALLOT: I am being told I can't vote, can I vote provisionally?

If a voter's registration information cannot be confirmed, 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.⁶⁷

24. PROVISIONAL BALLOT NEXT STEPS: I voted a provisional ballot, what now?

The Department of Elections for each county meets the day after the election to determine which provisional ballots are valid and can be tallied.⁶⁸ Voters can check the results of this review for their ballots on the [ivote.de.gov website](https://ivote.de.gov).

HOW TO VOTE: IN-PERSON EARLY VOTING

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

Yes, Delaware offers Early Voting for at least 10 days prior to primary, general, and special elections at designated Early Voting Sites in each county.⁶⁹ For the September 10, 2024 state primary, the early voting period runs from August 28 - September 8, 2024.⁷⁰ For the November 5, 2024 general election, the early voting period runs from October 25 – November 3, 2024.⁷¹ Times and locations will be made available by the Elections Department at least 30 days before the election⁷² on its website [here](#), and voters can also call the department at 302-739.4277.

⁶⁵ <https://elections.delaware.gov/voter/provisional.shtml>; 15 Del. Code § 4948(e).

⁶⁶ 15 Del. Code § 4936; 15 Del. Code § 4948(b) & (h).

⁶⁷ 15 Del. Code § 4948(h)(5)-(6).

⁶⁸ 15 Del. Code § 4948(h).

⁶⁹ 15 Del. Code §§ 5401-08. On June 28, 2024, the Delaware Supreme Court issued an opinion in *Albence v. Manella*, No. 120, 2024 (C.A. No. S23C-03-014) dismissing a challenge to the state's early voting and permanent absentee voter statutes for plaintiffs' lack of standing.

⁷⁰ <https://elections.delaware.gov/elections/votinglocations.shtml>;

<https://elections.delaware.gov/public/calendar/pdfs/2024ElectionCalendar.pdf>.

⁷¹ <https://elections.delaware.gov/public/calendar/pdfs/2024ElectionCalendar.pdf>.

⁷² 15 Del. Code § 5403(a).

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

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

27. WHEN: When does early voting begin/end?

Early voting times and locations will be announced by the State Election Commissioner at least 30 days before an election. For the September 10, 2024 state primary, the early voting period runs from August 28 – September 8, 2024.⁷³ For the November 5, 2024 general election, the early voting period runs from October 25 – November 3, 2024.⁷⁴ Check with the Department of Elections Office of each County, which can be found on the [Department’s website](#).

28. 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. Times and locations will be made available by the Elections Department at least 30 days before the election⁷⁵ on its website [here](#), and voters can also call the department at 302-739-4277 or the Elections Office of each County, which can be found on the [Department’s website](#).

29. 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 to bring a valid form of ID — such as a state-issued driver’s license, a U.S. passport, signed vehicle registration form, copy of utility bill, bank statement, government check, paycheck or other government document that displays the voter’s address — to speed up the voter check-in process.⁷⁶ 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,” and then may be permitted to vote.⁷⁷

30. ASSISTANCE: What if I need assistance voting early in person?

The Delaware Elections Department has committed itself to providing voters who require assistance with accessible polling places, accessible voting machines, voting by absentee ballot and assistance when requested.⁷⁸

Voters who require assistance to vote early due to blindness, disability or inability to read or write may be assisted by anyone of the voter’s choice other than the voter’s employer, employer’s agent, or officer or agent of the voter’s labor union.⁷⁹ An election officer may also provide a voter instruction or information using a sample ballot posted in the voting room.⁸⁰ Once the voter has entered the voting machine and requests further assistance in the manner of voting or the operation of the machine, two

⁷³ <https://elections.delaware.gov/public/calendar/pdfs/2024ElectionCalendar.pdf>.

⁷⁴ <https://elections.delaware.gov/public/calendar/pdfs/2024ElectionCalendar.pdf>.

⁷⁵ 15 Del. Code § 5403(a).

⁷⁶ <https://delaware.gov/guides/voting-in-delaware/>.

⁷⁷ 15 Del. Code § 4937; <https://elections.delaware.gov/voter/specialneeds.shtml>

⁷⁸ https://elections.delaware.gov/voter/pdfs/special_needs.pdfoter/specialneeds.shtml

⁷⁹ 15 Del. Code. § 4943(a).

⁸⁰ 15 Del. Code § 4943(b).

election officers of opposite political parties are required jointly to give such instructions, and must vacate the voting machine before the voter records their vote, which must be done in secret.⁸¹ If the assistance requested relates to the marking of a provisional ballot, two election officers of opposite political parties must provide that assistance.⁸²

HOW TO VOTE: VOTE BY MAIL

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

Delaware does not offer regular, no-excuse voting by mail since the state Supreme Court declared a vote-by-mail statute unconstitutional and the measure was repealed, effective October 7, 2022.⁸³ Voters who qualify may vote by absentee ballot (see [Questions 49-64](#) below).

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

Yes. For information about eligibility for absentee voting, see [question 49](#) below regarding absentee voting.

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

See [question 50](#) below regarding absentee voting.

34. **APPLICATION ASSISTANCE:** Can someone assist me with filling out the application?

See [question 57](#) below regarding absentee voting.

35. **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?

See [question 53](#) below regarding absentee voting.

36. **IDENTIFICATION:** Are there identification requirements when I return my mail-in ballot application and/or ballot?

See [question 51](#) below regarding absentee voting.

⁸¹ 15 Del. Code § 4943(c).

⁸² 15 Del. Code § 4948(f).

⁸³ *Albence v. Higgin*, 295 A.2d 1065 (Del. 2022); 15 Del. Code §§ 5601-21, repealed

37. **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?

Eligible absentee voters can request that the absentee ballot be sent to them electronically or be mailed to them at an address of their choosing.⁸⁴

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

Voters who miss the application deadline can vote in person but not by mail

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

See [question 54](#) below regarding absentee voting.

40. **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?

See [question 55](#) below regarding absentee voting.

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

See [question 56](#) below regarding absentee voting.

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

See [question 57](#) below regarding absentee voting.

43. **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?

See [question 58](#) below regarding absentee voting.

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

See [question 59](#) below regarding absentee voting.

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

See [question 60](#) below regarding absentee voting.

⁸⁴ <https://ivote.de.gov/VoterView> , <https://elections.delaware.gov/voter/absentee/> (“Voting by absentee ballot”).

46. **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?

See [question 61](#) below regarding absentee voting.

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

See [question 62](#) below regarding absentee voting.

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

See [question 63](#) below regarding absentee voting.

HOW TO VOTE: ABSENTEE **(in this state defined as: absentee voting)**

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

To vote by absentee ballot, the voter must be registered to vote in Delaware and be unable to go to the voter's polling place on election day for any one of the following reasons:⁸⁵

- 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 is a spouse or dependent residing with or accompanying that person);⁸⁶
- 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). This includes college students who are away at school;⁸⁷
- The voter is sick or physically disabled;⁸⁸
- The voter is absent from the election district while on vacation;⁸⁹
- The voter is unable to vote at a certain time or on a certain day due to the tenets or teachings of that person's religion;⁹⁰ or

⁸⁵ On June 28, 2024, the Delaware Supreme Court dismissed a challenge to the state's early voting and permanent absent voter statutes. *Albence v. Manella*, No. 120, 2024 (C.A. No. S23C-03-014)

⁸⁶ 15 Del. Code §§ 5502(1)-(2).

⁸⁷ 15 Del. Code § 5502(3); <https://ivote.de.gov/VoterView>

⁸⁸ 15 Del. Code § 5502(4).

⁸⁹ 15 Del. Code § 5502(5).

⁹⁰ 15 Del. Code § 5502(6).

- The voter is otherwise authorized by federal law, including the federal Uniformed and Overseas Citizens Absentee Voting Act, to vote by absentee ballot.⁹¹

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](#).⁹²

Members of the Uniformed Services, the Merchant Marine, the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration, 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 \(FPCA\)](#) instead of the Delaware absentee ballot request form.⁹³ FPCAs are available at: (1) [Delaware’s online system](#);⁹⁴ (2) the [Federal Voting Assistance Program’s \(FVAP’s\) Delaware page](#); (3) and the [Overseas Vote Foundation](#).

The Federal Write-in Absentee Ballot (FWAB) is a back-up ballot that can be used by voters who are UOCAVA citizens and have not received their absentee ballot from Delaware in time to return it to Delaware by the election deadline.⁹⁵ Voters can use this FWAB whether they are located inside or outside the United States (including APO and FPO addresses), provided that they are away from their voting residence for service-related activities. For specific instructions, visit the [Federal Voting Assistance Program’s \(FVAP’s\) Delaware page](#).⁹⁶

50. **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 noon on the day before the election.⁹⁷ For the September 10, 2024 state primary election, the deadline is therefore noon on September 9, 2024.⁹⁸ For the November 5, 2024 general election, the deadline is noon on November 4, 2024.⁹⁹

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

No, there are no identification requirements for absentee voting. The absentee ballot application requests (among other things) the voluntary provision of the voter’s Social Security number to permit the Elections Department to identify the voter and verify registration status, address, voting district and other information.¹⁰⁰ Voters who choose not to disclose their Social Security number will be assigned an identifying number during application processing.¹⁰¹

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

⁹¹ 15 Del. Code § 5502(7)-(8).

⁹² <https://ivote.de.gov/VoterView>

⁹³ <https://www.fvap.gov/uploads/FVAP/Forms/fpca.pdf>

⁹⁴ <https://ivote.de.gov/VoterView>

⁹⁵ <https://www.fvap.gov/guide/chapter2/delaware>.

⁹⁶ *Id.*

⁹⁷ 15 Del. Code § 5503(a).

⁹⁸ <https://elections.delaware.gov/public/calendar/pdfs/2024ElectionCalendar.pdf>

⁹⁹ <https://elections.delaware.gov/public/calendar/pdfs/2024ElectionCalendar.pdf>

¹⁰⁰ 15 Del. Code § 5503(d)(2)(e).

¹⁰¹ https://elections.delaware.gov/voter/absentee/pdfs/absentee_ballot_application.pdf

No. The deadlines for a voter to apply for an absentee ballot and for the Elections Department to issue an absentee ballot are both noon the day before the election.¹⁰² If a voter has not requested an absentee ballot by that deadline and becomes unable to vote in-person the next day—for example, due to an unexpected illness or family emergency—there is no Delaware provision for that voter to vote by absentee ballot.

The only type of “emergency” absentee ballot is the Federal Write-In Absentee Ballot (FWAB) available to UOCAVA¹⁰³ citizens who either do not have time to have a regular absentee ballot sent in time for the election or who have timely applied for a regular absentee ballot but have not received it in time to return it by 8 p.m. on Election Day.¹⁰⁴ FWABS are available on the Elections Department [website](#), from a voting assistance officer, from a United States embassy or consulate, or on the [Federal Voting Assistance Program website](#). They may be returned to the voter’s local election office (by the 8 p.m. Election Day deadline) by mail, email or fax.¹⁰⁵

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

Most voters can return their absentee ballot by mail or in-person (by themselves or by others) at their county’s Election Department office.¹⁰⁶ If desired, a voter can appear in-person at their Elections Department office during normal business hours through noon of the day before an election, apply for an absentee ballot, fill out and properly seal and sign the ballot envelope at that time, and deliver it to the department in the same trip.

Military and overseas (i.e. UOCAVA¹⁰⁷) citizens may return their absentee ballots or Federal Write-In Absentee Ballots (FWABs) to the voter’s local election office (by the 8 p.m. Election Day deadline) by mail, email or fax.¹⁰⁸

In addition, certain voters, including those who are sick or temporarily or permanently physically disabled, may receive and return their absentee ballots electronically.¹⁰⁹ Such voters may request electronic delivery of their absentee ballot by selecting that option on the regular absentee ballot application¹¹⁰ or through the voter portal iVote,¹¹¹ and the ballot will be provided in a format that is compatible with accessibility software.¹¹²

¹⁰² 15 Del. Code § 5503(a); <https://elections.delaware.gov/public/calendar/pdfs/2024ElectionCalendar.pdf> (see September 9, 2024 noon deadline for Elections Department county offices to issue absentee ballots for the September 10, 2024 state primary election).

¹⁰³ I.e., military and overseas voters eligible to vote pursuant to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA); 15 Del. Code § 1901 & 52 U.S.C. § 20301 et seq.

¹⁰⁴ <https://www.fvap.gov/guide/chapter2/delaware>; <https://www.fvap.gov/uploads/FVAP/States/delaware.pdf>

¹⁰⁵ [Absentee Voting - Department of Elections - State of Delaware](#); <https://www.fvap.gov/guide/chapter2/delaware> (“How and where to submit your FWAB”).

¹⁰⁶ 15 Del. Code § 5507(4).

¹⁰⁷ I.e., military and overseas voters eligible to vote pursuant to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA); 15 Del. Code § 1901 & 52 U.S.C. § 20301 et seq.

¹⁰⁸ <https://www.fvap.gov/guide/chapter2/delaware> (“How and where to submit your FWAB”).

¹⁰⁹ <https://elections.delaware.gov/voter/specialneeds.shtml>; <https://elections.delaware.gov/voter/absentee/index.shtml>

¹¹⁰ <https://ivote.de.gov/VoterView>

¹¹¹ *Id.*

¹¹² *Id.*, <https://elections.delaware.gov/voter/absentee/index.shtml>

54. 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 drivers 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).¹¹³

55. 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?

By statute, absentee ballots cannot be accepted or counted if the ballot envelope is unsigned or open, has been opened and resealed or has been tampered with or altered, or if the voter is unregistered.¹¹⁴ Moreover, absentee ballots are subject to partisan challenges just as regular ballots are.¹¹⁵

However, Delaware does not require election officials to contact a voter before rejecting an absentee ballot due to such issues. Nor does Delaware provide post-election notice and cure opportunities for defects on an absentee-ballot envelope, including signature mismatch or missing signatures.¹¹⁶

To minimize the risk of having a voter’s ballot rejected, it is critical that the voter carefully read the ballot instructions, **sign** the ballot and meet the submission deadlines. Voters can also check the status of an absentee ballot online (see [question 54](#)).

56. 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.”¹¹⁷
- Return the absentee ballot as early as possible.¹¹⁸
- Fill in the ovals on the ballot with blue or black ink. Voters should not use any other mark. Voters should not write on the ballot except to make selections or correct a mistake.¹¹⁹

¹¹³ *Id.*

¹¹⁴ 15 Del. Code § 5514.

¹¹⁵ 15 Del. Code § 5513(a)-(b).

¹¹⁶ https://ballotpedia.org/Cure_period_for_absentee_and_mail-in_ballots (last updated in January 2024). The statutes governing absentee voter applications require the voter to provide a telephone number and email address “to assist in resolving any challenge” (15 Del. Code § 5503(d)(2)(i)-(j)), and allow party challenges for the same reasons as for regular ballots, as well as other reasons (15 Del. Code § 5513(a)-(b)). While these provisions might suggest the possibility of voter notification and opportunity to cure defects in absentee ballots, in fact, based on the Ballotpedia.org website above and a confirmatory call to the Kent County, Delaware, Elections office on November 7, 2023, the state does not contact voters whose absentee ballots have been rejected by elections officials or challenged by party challengers.

¹¹⁷ 15 Del. Code §§ 5506.

¹¹⁸ <https://ivote.de.gov/VoterView>; https://elections.delaware.gov/voter/absentee/pdfs/absentee_voting_instructions.pdf.

¹¹⁹ *Id.*

- Vote for no more choices than stated in the directions.¹²⁰
- Once the voter has voted the ballot, the voter should place it in the envelope provided, seal the envelope, read the oath and **sign and date** the ballot envelope, and mail or deliver it in-person to the appropriate Elections Department office.¹²¹

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

The Department of Elections resources for voters do not expressly address whether voters may have someone assist them in filling out their absentee ballot. However, such assistance is likely permissible based on the analogous accommodations allowed for in-person voting.¹²²

The Elections Department advises that voters who have problems or questions with absentee voting can call, email, fax or visit the voter’s county Elections Department office.¹²³

58. 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, completed absentee ballots must be *received* by the Elections Department—not just postmarked—by 8 p.m. on Election Day, which for the 2024 state primary is Tuesday, September 10, 2024 and for the general election is November 5, 2024.¹²⁴ Voters who intend to mail their absentee ballots to the Elections Department should do so as early as possible so as to meet these deadlines.

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

Ballots can be dropped off at the local county elections office.¹²⁵ A list of locations is provided below. Please note that ballots may not be dropped off at polling places.¹²⁶

Office	Address	Hours
Kent County	(100 Enterprise Place, Suite 5, Dover DE 19904)	Monday - Friday (8:00AM - 4:30PM)
New Castle County	(Carvel State Office Building 820 N. French St, Ste 400, Wilmington, DE 19801)	Monday - Friday (8:00AM - 4:30PM)
Sussex County	(119 N. Race St, Georgetown DE 19947)	Monday - Friday (8:00AM - 4:30PM)

¹²⁰ *Id.*

¹²¹ *Id.* For delivery of military and overseas voters’ absentee ballots, see [question 53](#).

¹²² The elections code permits a blind, disabled or illiterate voter to take another person of the voter’s choice—other than the voter’s employer, agent of the voter’s employer or union, or the polling place’s partisan election officers—into the voting machine to assist in voting. 15 Del. Code § 4943(a). Delaware also allows a polling place’s election officers to assist an in-person voter in marking a provisional ballot. 15 Del. Code § 4948(f).

¹²³ *Id.*, <https://elections.delaware.gov/voter/absentee/citizen.shtml>

¹²⁴ 15 Del. Code § 5508(b); <https://elections.delaware.gov/calendar/2024ElectionCalendar.pdf>.

¹²⁵ 15 Del. Code § 5507(4)(b); 15 Del. Code § 5508(b); <https://ivote.de.gov/VoterView>;

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

¹²⁶ 15 Del. Code § 5508(b) .

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

Yes. A voter may have someone else return their voted ballot to the Department's office in the voter's county.¹²⁷

61. 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](#).¹²⁸ The voter also has the option to vote in person at their local polling place instead.

62. 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, active duty military, their eligible spouses or dependents, and overseas citizens may fill out and send in a Federal Write-in Absentee Ballot (FWAB) (see [question 49](#) above).

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 poll worker will contact the Elections Department to cancel the absentee ballot and the voter will be permitted to vote in person.¹²⁹

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

If prior to Election Day, the voter should contact the Elections office in their county and request to cancel their absentee ballot. When they arrive at their polling place to vote in person, the voter should let the poll worker know they requested an absentee ballot. The poll worker should be able to look the voter up in the poll book and check their voting status. If the voter did not return the absentee ballot that was requested, the voter will be permitted to vote in person. If the absentee ballot has already been returned to the Department of Elections and is being prepared to be counted, the voter will not be permitted to vote in person.¹³⁰

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

¹²⁷ Although a number of third-party voter information websites have concluded that Delaware law does not specify whether a voter may have someone else drop off a completed absentee ballot to the voter's county Elections Department office, 15 Delaware Code § 5507(4)(b) says that a voter may return their ballot by either mailing it to the Elections Department or "[d]elivering it, or causing it to be delivered, to the Department before the polls close on the day of the election" (emphasis added). Moreover, the Department's website advises that voters can return their ballots by mailing or taking it to their county Elections office or "hav[ing] someone take it to the Department's office in your county." <https://ivote.de.gov/VoterView; https://elections.delaware.gov/voter/absentee/citizen.shtml>.

¹²⁸ <https://ivote.de.gov/VoterView; https://elections.delaware.gov/voter/absentee/citizen.shtml>

¹²⁹ *Id.*

¹³⁰ *Id.*

Voters who request absentee ballots may return their completed ballots in-person to their county Elections Department office any day before the close of voting at 8 p.m. on Election Day.¹³¹ This includes the ability to appear in-person to apply for, complete, and return the completed absentee ballot in the same trip, as long as the ballot is requested before noon of the day before Election Day.¹³²

POLLING PLACE ISSUES

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

The voter should call the Department of Elections at (302) 577-3464.

66. **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?

Voters who are in line to vote at their polling place before the 8 p.m. closing time must be allowed to vote.¹³³ The Elections Department instructs poll workers to allow voters who are in line at the official closing time to vote.¹³⁴

Voters who nonetheless have concerns about their (or others') ability to vote due to long lines at the polling place may call the Delaware Department of Elections at (302) 577-3464. There are no other specific procedures in place for the voter to follow to report long lines at polling places.

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

Voters should immediately notify the polling place 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.¹³⁵ The polling place is required to have an alternative means of voting in the event that all voting devices at the polling place fail.¹³⁶

68. **CAMPAIGNING:** What rules apply to people campaigning or "hanging around" my polling place? What counts as campaigning or electioneering? Can people approach me?

"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,

¹³¹ <https://ivote.de.gov/VoterView>; 15 Del. Code §§ 5507(4), 5508(b);

<https://elections.delaware.gov/voter/absentee/citizen.shtml>;

<https://elections.delaware.gov/public/calendar/pdfs/2024ElectionCalendar.pdf>.

¹³² <https://ivote.de.gov/VoterView>; 15 Del. Code § 5503(a) (voter must submit absentee ballot request no later than noon the day before an election); <https://elections.delaware.gov/voter/absentee/citizen.shtml>.

¹³³ 15 Del. Code § 4947(d).

¹³⁴ <https://elections.delaware.gov/elections/electionofficers.shtml>.

¹³⁵ 15 Del. Code sec 5010A

¹³⁶ 15 Del. Code sec 5001A(d)

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.¹³⁷

Delaware law prohibits anyone—including election officers and certified partisan challengers—from electioneering within the polling place or within 50 feet of the entrance to the building containing the voting room.¹³⁸ Anyone who violates this prohibition is subject to a fine of up to \$200 or 90 days imprisonment or both.¹³⁹

Media and people conducting exit polls are also not permitted inside the building.¹⁴⁰ They may be within the 50-foot exclusion zone, but may not talk to people who have not yet voted.¹⁴¹ Outside of the exclusion zone, a voter may be approached.¹⁴² Voters are not required to communicate with anyone handing out literature or taking exit polls.¹⁴³

69. **VOTER CONDUCT:** What am I prohibited from wearing or doing in a polling place? Can I take photos inside?

Voters—like any other person—are prohibited from electioneering (see [question 68](#) above) within the polling place or within 50 feet of the building containing the voting room.¹⁴⁴ Therefore, voters may not wear or do things that would constitute electioneering, including wearing political or partisan buttons, t-shirts, or other clothing or accessories, carrying signs, chanting political or partisan slogans or engaging in political or partisan discussions or debates with others, etc.

Regarding photos, the Elections Department has a policy against using cell phones in polling places due to concerns about noise interfering with poll workers and distracting voters, but otherwise does not have a clear policy regarding the taking of photos.¹⁴⁵

70. **POLL WORKER CONDUCT:** What is a poll worker prohibited from wearing or doing in a polling place?

In Delaware, the official poll workers are the following individuals, all of whom are considered “election officers” under Delaware’s elections law:

- **Inspector:** in charge of the polling place, opening and closing the location, ensuring the location is adequately staffed and administered, notifying the Elections Department of problems, installing signs, deciding challenges with the elections judges, completing the official paperwork, ensuring proper processing of the voting machines and their USB data media, etc.;

¹³⁷ 15 Del. Code § 4942.

¹³⁸ 15 Del. Code § 4942(a).

¹³⁹ 15 Del. Code § 4942(b).

¹⁴⁰ 15 Del. Code § 4933(a) (persons permitted in the voting room).

¹⁴¹ 15 Del. Code § 4933(c).

¹⁴² 15 Del. Code § 4933.

¹⁴³ <https://elections.delaware.gov/public/faq/voting.shtml>.

¹⁴⁴ 15 Del. Code § 4942(a) (prohibiting “any other person” from electioneering).

¹⁴⁵ <https://elections.delaware.gov/public/faq/voting.shtml>;

<https://www.cnn.com/interactive/2020/10/politics/ballot-selfie-trnd/>

- **Judges:** with the inspectors they decide challenges to voters and other issues, and perform other duties assigned by the inspector;
- **Clerks:** these include the voting machine operators, poll book operators, greeters and help desk clerks who help open and close the voting location, assist voters, check them in, verify voter identity, etc.¹⁴⁶

As noted above in [question 68](#), election officers are expressly prohibited from wearing, doing or saying anything that would constitute electioneering.¹⁴⁷

In addition, there are a number of prohibitions that apply to election officers related to their official election-related duties, including:

- Election officers may assist a voter in how to vote or operate the voting machine, but may not do anything to influence the voter’s vote, or remain in the voting machine while a voter makes their selections;¹⁴⁸
- Election officers also may not:
 - Improperly try to influence, persuade, intimidate, bribe or coerce any voter into voting a certain way, or disclose any voter’s voting choices;¹⁴⁹
 - Willfully allow an ineligible vote, exclude the vote of a lawfully entitled voter, receive a vote from a challenged voter without exacting legally required oaths or proof of qualification, or fail to challenge an otherwise unchallenged person whom the officers knows or suspects to be ineligible to vote;¹⁵⁰ or
 - Willfully make a false count of votes.¹⁵¹

71. **INTIMIDATION:** Are there any other specific restrictions on conduct outside of a polling place? What should I do if I feel unsafe or uncomfortable outside the polling place?

Within the 50-foot exclusion zone outside the entrance to a building containing a polling place (as referred to in [question 68](#)), no person may engage in electioneering, including handing out campaign literature, displaying political signs, clothing or buttons, or trying to persuade would-be voters how to vote. Nor may the media nor anyone else talk to persons who have not yet voted within that 50-foot zone.¹⁵² However, media and persons conducting exit polls may within the 50-foot exclusion zone speak to people who have already voted, although voters are under no obligation to speak with them.¹⁵³

Voters who feel unsafe or uncomfortable outside of a polling place, or feel that the anti-electioneering or other elections laws are being violated, should report their concerns to the polling place’s elections

¹⁴⁶ 15 Del. Code § 101(9) (definition of “Election officers”); 11/8/2023 telephone call to Kent County Elections Office, <https://elections.delaware.gov/elections/electionofficers.shtml>.

¹⁴⁷ 15 Del. Code § 4942.

¹⁴⁸ 15 Del. Code. § 4943(c).

¹⁴⁹ 15 Del. Code § 5123.

¹⁵⁰ 15 Del. Code § 5130.

¹⁵¹ 15 Del. Code §§ 5131, 5132.

¹⁵² 15 Del. Code § 4933(b)-(c).

¹⁵³ 15 Del. Code § 4933(c); <https://elections.delaware.gov/public/faq/voting.shtml>.

officers.¹⁵⁴ It is the responsibility of the election officers, and in particular the inspector, to preserve order and ensure that the election laws are being complied with.¹⁵⁵

72. **CHALLENGE:** Someone is formally challenging my vote. What should I do?

In a Delaware polling place, a voter’s eligibility to vote can be formally challenged by certified candidate- or party-appointed individuals called “challengers” or (less commonly) election officers.¹⁵⁶ Challengers are individuals appointed by candidates (in a primary election) and political parties (in a general election) who are permitted to be in the polling place to monitor the voting check-in process and to lodge objections where they believe a voter is ineligible to vote.¹⁵⁷

Challenges in any election can be to a voter’s identity, residency, or based on an assertion that the voter was bribed, and in a primary election a challenge can also be to the voter’s party affiliation.¹⁵⁸

Upon a challenge to the voter’s identity, residency or party affiliation, the voter’s right to vote must be immediately determined by a majority vote of the inspector and two judges.¹⁵⁹ If the challenge is upheld, the voter must be offered the option to vote by provisional ballot.¹⁶⁰ If a challenge is decided in a voter’s favor, a voter must be permitted to vote.¹⁶¹

In the event of a bribery challenge, a voter may sign an oath (subject to penalty of perjury) affirming that they have not been bribed.¹⁶² Such an oath is deemed legally conclusive evidence for the election officers that the voter has not been bribed and the voter must be permitted to vote.¹⁶³

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

There is no specific guidance from Delaware regarding the mere presence of police or military personnel at a Delaware polling place. Certainly, such personnel are—like anyone else—prohibited from engaging in wrongful conduct such as electioneering, election interference, or voter intimidation.¹⁶⁴ Alternatively, they could be legitimately present as voters, or police could be present to perform as a result of a call by elections officers or others for law enforcement due to an incident.

If a voter has questions or concerns about the presence of police or military personnel at a polling place, they should bring them to the attention of the inspector.

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

¹⁵⁴ 11/8/2023 telephone call to Kent County Elections Department office.

¹⁵⁵ 15 Del. Code § 4946.

¹⁵⁶ 15 Del. Code §§ 4934 (challengers), 4936 (challenges can be by challengers or election officers), 4934.

¹⁵⁷ 15 Del. Code §§ 3164, 4933(4), 4934.

¹⁵⁸ 15 Del. Code. §§ 3161 (primary voters can only vote in primary of their registered party affiliation), 3167 (bribery at primary elections), 4937(c) (identity or residency), 4939 (identity) 4940 (bribery), 4941 (residency).

¹⁵⁹ 15 Del. Code §§ 4936, 4937(c).

¹⁶⁰ 15 Del. Code §§ 4936, 4948.

¹⁶¹ 15 Del. Code §§ 4937(d).

¹⁶² 15 Del. Code § 4940(a).

¹⁶³ 15 Del. Code § 4940(a)-(b).

¹⁶⁴ See [question 68](#) re electioneering prohibition; 15 Del. Code §§ 5118 (election interference), 5162 (voter intimidation).

The procedure when a voter does not appear on a given polling place's poll book depends on the situation:

- The voter moved within Delaware and appeared at the polling place for the old residence, and voter's prior registration status, identity, and current residence can be confirmed: election officers at the old location will have the voter complete an eligibility affidavit and direct the voter to the polling place for the new residence, where the elections officers there will complete the proper paperwork and the voter will be permitted to vote in-person normally;¹⁶⁵
- The voter moved within Delaware and appeared at the polling place for the new residence, without having previously changed registration or appeared at the old polling place, and voter's prior registration status, identity, and current residence can be confirmed: election officers at the new polling place should have the voter complete the eligibility affidavit, the officers will complete the affidavit, and the voter will be permitted to vote in-person normally;¹⁶⁶ and
- Voter's registration status cannot be determined at the polling place: The voter may vote a provisional ballot upon proof of identity and address, and a completed provision ballot application. If the voter does not provide proof of ID and address, the person will be permitted to vote a provisional ballot but the fact no ID or address was proved will be noted on the ballot envelope.¹⁶⁷ If the ballot application is missing any required information (full name, complete address, party affiliation (for primaries only) and date of birth), the vote will not be counted.¹⁶⁸ If the application is complete, the voter was registered and the provisional ballot was submitted at the proper polling place for the voter's residence, the vote will be counted.¹⁶⁹ If the voter was not registered to vote, or was not registered at the polling place where the provision ballot was submitted, the vote will not be counted.¹⁷⁰

75. **PROVISIONAL BALLOT:** I have been offered a provisional ballot. What should I do?

See info in the [How to Vote: Election Day](#) Section.

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.¹⁷¹ 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.¹⁷²

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

¹⁶⁵ 15 Del. Code § 2047(1)-(2); 4941(2).

¹⁶⁶ 15 Del. Code § 2047(3)-(4); 4941(2).

¹⁶⁷ 15 Del. Code § 4948(b)-(c).

¹⁶⁸ 15 Del. Code § 4948(h)(5).

¹⁶⁹ 15 Del. Code § 4948(h)(8).

¹⁷⁰ 15 Del. Code § 4948(h)(7).

¹⁷¹ 15 Del. Code §§ 4936, 4948; <https://elections.delaware.gov/voter/provisional.shtml>

¹⁷² 15 Del. Code § 4948; <https://elections.delaware.gov/voter/provisional.shtml>.

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.¹⁷³

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 refuses to go to the correct polling place for the Election District where they reside); or
 - The voter does not provide proof of identity or address;
- The affidavit required to accompany the provisional ballot is incomplete (e.g., is missing any name, address, date of birth information).¹⁷⁴

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](#).¹⁷⁵

ACCESSIBILITY/ASSISTANCE

76. **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.¹⁷⁶

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.¹⁷⁷

77. **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.¹⁷⁸ Voters who believe their polling place is not accessible should contact their county elections office.¹⁷⁹

Voters who need assistance at the polls can inform the election officers there. Voters with special needs may also bring someone with them to help in the voting process.¹⁸⁰

¹⁷³ 15 Del. Code § 4948(c).

¹⁷⁴ 15 Del. Code § 4948(h)(5), (7).

¹⁷⁵ <https://ivote.de.gov/VoterView>.

¹⁷⁶ 15 Del. Code § 4943(b).

¹⁷⁷ 15 Del. Code § 4943(c).

¹⁷⁸ <https://elections.delaware.gov/voter/specialneeds.shtml>, https://elections.delaware.gov/voter/pdfs/ada_voting_delaware.pdf (rev April 2024), p. 8.

¹⁷⁹ *Id.*

¹⁸⁰ 15 Del. Code § 4943(a).

Voting machines can be lowered to accommodate voter needs. Delaware’s ES&S Express Vote XL voting machines are fully ADA-compliant.¹⁸¹

78. 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.¹⁸² Voters may also request that poll workers assist in showing them how to operate the voting machine, although two officers (each from opposing parties) must do so together, and must leave the voting booth before the voter casts their ballot.¹⁸³ Delaware’s voting machines include 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.¹⁸⁴

79. 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, mark the voter’s choices or assist the voter in marking their choices on the ballot.¹⁸⁵ Voters may also request that two poll workers (from different political parties) help them operate the voting machine.¹⁸⁶ Delaware’s voting machines include 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 State¹⁸⁷.

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

Delaware does not have an applicable law on curbside voting and does not offer curbside voting, as all polling places in the State are accessible. Voters who believe their polling place is inaccessible should contact their county elections office or, if it is Election Day, the elections officers at the polling place.¹⁸⁸

81. 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, although care should be taken so as not to appear to be engaging in prohibited electioneering (see [question 68](#)). 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.¹⁸⁹ Additionally, the voter’s time in the voting booth is presumptively limited to 3

¹⁸¹ <https://elections.delaware.gov/voter/specialneeds.shtml>, <https://elections.delaware.gov/voter/technology.shtml>

¹⁸² 15 Del. Code § 4943(a), (c).

¹⁸³ 15 Del. Code § 4943(c).

¹⁸⁴ <https://elections.delaware.gov/voter/specialneeds.shtml>

¹⁸⁵ 15 Del. Code § 4943(a).

¹⁸⁶ 15 Del. Code sec 4943(c)

¹⁸⁷ <https://elections.delaware.gov/voter/technology.shtml>

¹⁸⁸ https://elections.delaware.gov/voter/pdfs/ada_voting_delaware.pdf

¹⁸⁹ <https://elections.delaware.gov/public/faq/voting.shtml>

minutes, although election officers may allow additional time for good cause.¹⁹⁰ If a poll worker thinks the voter is taking too long, the poll worker may ask if the voter needs assistance.¹⁹¹

STATE SPECIFIC SUPPLEMENT

82. **GUNS AT THE POLLING PLACE:** Are people allowed to possess or carry guns at a polling place?

In general, no, the public is prohibited from possession of a gun at a polling place. On August 18, 2023, Delaware’s governor signed a new law that made the possession of a firearm at a polling place (including locations where votes are tallied or where absentee ballots may be returned) a crime, a Class A misdemeanor.¹⁹² The law exempts certain individuals, including law enforcement officers, commissioned security guards, and constables and active duty U.S. military or Delaware National Guard acting in an official capacity at a polling place on election day.¹⁹³ In addition, because many polling places are in schools, a companion law signed the same day may also apply. The law makes knowing possession of a firearm while in or on a school property (a “Safe School Zone”) a class E felony.¹⁹⁴

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

Voters can contact the Election Protection Hotline at 866-OUR-VOTE (866-687-8683). Contact information for the state and county departments of elections is [here](#).

¹⁹⁰ 15 Del. Code § 4937(d).

¹⁹¹ <https://elections.delaware.gov/public/faq/voting.shtml>

¹⁹² 11 Del. Code § 1457B.

¹⁹³ 11 Del. Code § 1457B(c).

¹⁹⁴ 11 Del. Code § 1457A.