

**I-866-OUR-VOTE
(1-866-687-8683)****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.

VOTER REGISTRATION FORMS**1) Where can voter registration forms be obtained?**

There are several ways to get a voter registration form. The form can be downloaded from the state's Commissioner of Elections website at

<https://registertovote.elections.delaware.gov/VoterRegistration/TermsAgreement>.

It is critical to follow the on-screen directions. Application forms are also available at any Department of Elections Office and most mobile registration sites. You can call any Elections Office to have a registration form mailed to you. You also may register to vote at other state offices, such as the Division of Motor Vehicles or the Department of Health and Social Services.

2) Are there restrictions on the use of the National Voter Registration Form?

The National Voter Registration Form can be used in Delaware. If you use the National Voter Registration Form, be sure the completed form contains your state-issued driver's license number or non-operating identification number. If you do not have a driver's license number or non-operating identification number, you must include the last four digits of your social security number. If you have none of these numbers, you should write "NONE" on the form and a unique identifying number will be assigned by the State.

3) Are there restrictions regarding the use of registration form information?

Yes. The registration records shall be open to the inspection of anyone who wants to examine them; however, the social security number, date of birth, driver's license number, and telephone number shall not be subject to such inspection. Anyone can also make copies or partial copies of voter registration forms.

COMPLETING VOTER REGISTRATION FORMS**4) How long must you live in Delaware before you are eligible to register to vote?**

There is no minimum residency requirement. As long as you are a permanent resident of Delaware, you are eligible to register to vote. In order to vote in Delaware (in any county), however, you must consider Delaware to be your legal residence.

5) Are there any restrictions on registering to vote using a P.O. Box?

Yes. Though you can use a P.O. Box as a mailing address for receiving a voter registration form in the mail, you need a physical address to register to vote.

6) If I enter or leave the state because of work or school, can I register to vote?

Use of any address, including a college address, is allowed if you consider that address to be your legal residence. For out of state students attempting to register in Delaware, you should be aware that there might be tax ramifications for you or your parents based on what you list as your legal residence.

7) Are there any identification requirements to register to vote?

You should provide either a valid Delaware driver's license or Delaware identification number when you register. If you have neither, you should provide a social security number.

If you are registering by mail, and it is the first time you have registered to vote in Delaware, you must submit a copy of *one* of the following with your application:

- A current and valid photo identification
- A current utility bill
- A current bank statement
- A current government check
- A current paycheck
- Another current government document that shows your name and address

If you do not provide one of the above forms of identification when you register, you must provide one the first time you vote. If you do not, you will only be allowed to vote by provisional ballot.

8) Can a person vote who has been convicted of a felony?

If you have been convicted of a disqualifying felony (murder, sexual offenses, or crimes against public administration involving bribery, improper influence, or abuse of office), you cannot vote in Delaware.

If you have been convicted of any other felony, you are eligible to register to vote after:

- You have paid all fines and completed any prison sentence stemming from the conviction; and
- At least 5 years have passed since you were convicted of the felony.

9) What are the rules regarding missing or illegible information on registration forms?

The Delaware Department of Elections will call the phone number provided on the registration form for help with missing or illegible information.

10) Can a person whose name has changed since registering vote on Election Day?

Yes. Registered voters who have legally changed their names without re-registering are permitted to vote at their usual polling place on election day. If you have not re-registered under your new name, however, you must:

- Present proof of identity to the election officers at your polling place.
- Complete a voter registration application for your new name.
- Sign the preprinted signature card with both your old and new names.

11) Can a person who has moved since registering vote on Election Day?

Yes. If you go to the polling place for your old place of residence, the election officers there will complete an eligibility affidavit, put it in an envelope that notes the location and address of your new, correct polling place, give it to you, and direct you to the new polling place. You will then be permitted to vote at your new polling place after showing proof of identity, proof of address, and signing a blank signature card.

If you go directly to your new, correct polling place, you will be required to affirm your new address in writing by completing and signing a similar eligibility affidavit. You will then be allowed to vote at your new polling place.

REGISTERING OTHERS TO VOTE

12) What are the laws regarding third-party registration?

Persons and groups conducting voter registration drives in Delaware should register with the Commissioner of Elections.

Persons and entities conducting voter registration drives shall:

- Keep a log of all voter registration applications solicited that includes the name of the person or organization conducting the drive, the dates the applications were collected, and a list of the voter registered and application number for each application collected.
- Deliver all applications for Delaware citizens and a copy of the log covering those applications to the Commissioner of Elections or a Department of Elections within 10 days of soliciting the applications.
- Deliver the applications for citizens of other states to the chief election official of those states.
- List the person or group conducting the voter registration drive along with the name of the solicitor on each application.

The voter registration applications solicited during a drive should include sequential application numbers. Applicants should also initial their party affiliation.

13) Are there any laws regarding submission of voter registration forms by individuals receiving compensation?

No. There are no express provisions of the Delaware Electoral Code prohibiting the submission of voter registration forms by individuals receiving compensation.

14) Is training required for voter registration drives?

No. Anyone can conduct a voter registration drive in Delaware.

15) Are volunteers or staff of voter registration drives required to be county or state residents?

No, they are not.

REGISTRATION DEADLINES

16) What is the deadline to register to vote?

For the 2008 general election, the deadline is Saturday, October 11, 2008. Delaware requires voters to be registered by the fourth Saturday prior to the date of the election. All applications to vote must be submitted or postmarked no later than October 11, 2008.

17) Must organizations or individuals engaged in voter registration drives submit their forms within a certain period of time?

Yes. Persons and entities conducting voter registration drives shall deliver all applications for Delaware citizens and a copy of the log covering those applications to the Commissioner of Elections or a Department of Elections within 10 days of soliciting the applications. Del. Code Ann. tit. 15, § 1102.

18) Is Election Day registration allowed?

Generally no, though there is one exception to this rule:

A citizen who has been discharged or separated from a uniformed service, the Merchant Marine, or employment outside of the territorial limits of the United States may register to vote after the usual voter registration deadline if that person was discharged or separated after the usual deadline but within 60 days of the election in which he or she wants to vote. To vote under this exception, the person must present documentation of his or her discharge, separation, or termination of employment to the Department of Elections in the Delaware county in which he or she lives. This exception also applies to any accompanying family members who are otherwise eligible to register to vote.

19) Does state election law allow for early or absentee voting?

Delaware law allows absentee voting. Eligible voters may vote by absentee ballot only if they fall under one of the following categories:

- They are serving the United States or Delaware, or are a citizen of the United States temporarily residing outside the United States. This also applies to any spouses or dependents accompanying them.
- They are in the armed forces of the United States, the Merchant Marine, or are serving with the armed forces of the United States in the American Red Cross or United Service Organizations.
- The nature of their business or occupation.
- They are sick, physically disabled, or providing care to a parent, spouse, or their own child who is living at home and requires constant care due to illness or injury.
- They are absent from the district while on vacation.
- They are unable to vote at a certain time or on a certain day due to religious belief.
- They are otherwise authorized to vote by absentee ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA).
- They are otherwise authorized by federal law to vote by absentee ballot.

To request an absentee ballot, you must fill out an Affidavit for Absentee Ballot.

- Name
- Address in Delaware
- Address to which you want your absentee ballot mailed
- Date of birth
- Social security number
- Political party affiliation
- Expected location on election day
- Why you cannot appear at your regular polling place on election day
- Telephone number
- Email address
- Signature

You must submit your affidavit to the Department of Elections in the county where you live no later than 12:00 noon the day before the election.

VOTER REGISTRATION LEGISLATION

20) Is there any pending legislation that affects voter registration? If so, where is it in the legislative process?

We are unaware of any pending legislation or recent developments in voter registration legislation in Delaware.

21) Are there any helpful elections official contacts?

For more information, please contact:

Commissioner of Elections

111 S. West Street, Suite 10
Dover, DE 19904
Telephone: 302-739-4277
Facsimile: 302-739-6794
Campaign Finance Facsimile: 302-739-7351

New Castle County Department of Elections

Carvel State Office Building
820 N. French Street, Suite 400
Wilmington, DE 19801
Telephone: 302-577-3464
Facsimile: 302-577-6545

Kent County Department of Elections

100 Enterprise Place, Suite 5
Dover, DE 19904
Telephone: 302-739-4498
Facsimile: 302-739-4515

Sussex County Department of Elections

119 N. Race Street
P.O. Box 457
Georgetown, DE 19947
Telephone: 302-856-5367
Facsimile: 302-856-5082

21) What web resources are available?

The state of Delaware's Commissioner of Elections homepage:
<http://elections.delaware.gov/default.shtml>.

The National Campaign for Fair Elections is another resource:
<http://www.nationalcampaignforfairelections.org/pages/delaware>.