

CHAPTER 6: ELECTIONS

<http://elections.delaware.gov>

Article V of the state constitution establishes the basic outline for conducting elections in Delaware. Included are the time of general elections, qualifications for voting, resident requirements, instructions to the General Assembly for uniform laws on registration, absentee registration and voting, and sections covering election offenses.

Administration

Elections in Delaware are under the supervision of the Commissioner of Elections who is appointed by the governor and confirmed by the Senate for a term of four years. The commissioner must prescribe rules and regulations to insure proper and uniform elections and election records throughout the state and is responsible for preparation of lists of registered voters and auditing names of qualified voters.

Each county has a Board of Elections which is responsible for carrying out elections in its own county. The New Castle County Board has ten members, Kent and Sussex County each six. Members are appointed by the governor and confirmed by the Senate for four-year terms with equal representation required for each principal political party.

Each board is responsible for the Department of Elections in its county. It appoints an Administrative Director of the same political party as the state Commissioner of Elections and a Deputy Administrative Director of the opposite political party. All general, primary, and special elections are their responsibility. Most municipal elections are not. In 1998, school district elections were added to the responsibilities of the state Department of Elections.

General Elections

General Elections in Delaware are held biennially in even numbered years on the first Tuesday after the first Monday in November. These include election of the President and Vice President for a four-year term, two U.S. senators for six-year terms, and one U.S. representative for a two-year term. Also included for varying terms are all statewide officers, state legislators, county officers and those of the City of Wilmington.

Registration

To vote in a general election a person must register. To register a person must meet the following requirements: be a citizen of the United States and a resident of Delaware, be 18 years old by the date of the general election, may not be judged mentally incompetent, and must meet Title XV requirements regarding a felony conviction. Some felonies (murder, some sexual offenses, and offenses against public administration) cause a permanent loss of voting privileges. Persons convicted of other felonies may regain voting privileges by applying to the Department of Elections five years after they have served their full sentence and paid all restitution ordered by the court. Article V, Section 2 of the State Constitution. Verification of eligibility and residence are required.

Citizens may register to vote at one of the following locations:

County Department of Elections (DOE) where the applicant resides

Division of Motor Vehicle office when applying for or changing information on a driver's license

Division of Health and Social Services facility when conducting regular business with the agency

Department of Labor, Division of Training and Vocational Rehabilitation office when conducting regular business with the agency

A mobile registration unit - a voter registration drive being conducted by an approved group
Department of Elections - phone to request a registration form and return the completed
registration form to the county Department of Elections

Internet - registration forms are available at <http://elections.delaware.gov/>

Higher Education institutions when registering for classes

The locations of the Departments of Elections are:

Commissioner of Elections: 111 S. West Street, Suite 10, Dover DE, 19904 (302-739-4277
begin_of_the_skype_highlighting 302-739-4277 end_of_the_skype_highlighting)

Kent County, 100 Enterprise Place, Suite 5, Dover 19904 <http://electionskc.delaware.gov/> (302-
739-4498 begin_of_the_skype_highlighting 302-739-4498 end_of_the_skype_highlighting)

New Castle County, Carvel State Office Bldg., Suite 400, 820 N. French St., Wilmington, 19801
<http://electionsncc.delaware.gov/> (302-577-3464 begin_of_the_skype_highlighting 302-577-
3464 end_of_the_skype_highlighting)

Sussex County, 119 N. Race St., Georgetown, 19947

<http://electionssc.delaware.gov/default.shtml> (302-856-5367 begin_of_the_skype_highlighting
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Registration is permanent as long as the registrant's permanent place of residence is within
Delaware and the registrant has not been disenfranchised. Registered voters who change their
name or address need to reregister to avoid delays when voting and/or with possible loss of
voting privileges at the resident's new polling place.

Registration deadlines are the fourth Saturday before the

Presidential primary election

Non-presidential primary election

General election

Open periods for changing official party affiliation (including from independent to a party)

For Presidential election cycles:

Before November 1 of the year preceding the presidential primary

Between the day following the presidential primary and March 30

For non-presidential election cycles:

By March 30th of the election year

After the September non-presidential primary

Voting Procedure

A voting procedure video may be viewed at

<http://elections.delaware.gov/information/technology/electronicmachine.shtml>.

General election polling places are open from 7 A.M. until 8 P.M. Each election district has an
inspector, two judges - one from each principal political party - and two clerks for each voting
machine at the polling place. There must be an equal number from each principal political
party. The voter states his name and address and a clerk notates the name on the poll list. After
it is determined that the voter is properly registered in the permanent registration records, he
signs a voter signature card for comparison with the original record. The voter then enters the
voting machine, remaining no longer than three minutes. The permanent registration record is
marked to show that he has voted.

In the event a voter is unable to sign a voter signature card, two election officers may establish
identity by other means. Challenges may be made on three grounds: the person wishing to vote

is not the same person whose registration record is in the Election District Record; the person is challenged for bribery and does not sign an oath denying such; and the person wishing to vote is not a bona fide resident of the election district where his name appears.

Provisional ballots allow an individual to vote for federal office only, even if his name does not appear on the official poll list. Voting using the provisional ballot system requires an individual to sign an affidavit stating that he is a registered voter in that election district and that he is eligible to vote in that election.

Provisional ballots are cast on paper and sealed using a double envelope system. Each voter is then assigned a tracking number, which he can use when accessing the free system set up by the Commissioner of Elections office. This system allows the voter who utilized a provisional ballot to determine whether his vote was counted, and if not, the reason why.

Those voting using the provisional ballot system must show proof of identity and address.

Acceptable forms of identification (ID) are a valid, current photo ID (driver's license, state ID), a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows an individual's name and address. It is important to note that if a federal or state court order extends the time established for polls to be open, votes cast after this time will be by provisional ballot.

Each political party represented in an election may have a challenger in the polling place to observe the conduct of the election and all election records providing he does not obstruct the election process. These challengers may be changed during the day.

A physically challenged voter may bring one or two other electors to assist him in entering the voting room and to assist him in using the voting machine in whatever way is necessary. Since 2006 voting machines are able to accommodate the visually impaired (audio). Election officers may use sample ballots which are posted in the voting room to inform voters. If a voter needs further instruction after entering the voting machine, two election officers will jointly give such instructions but will exit before the voter casts his ballot.

Absentee voting is permitted for those unable to appear at the polling place. A self-sworn affidavit is required of those who are (a) absent in the public service of the U.S. or State of Delaware, (b) absent because of the nature of business or occupation, or (c) temporarily or permanently physically challenged, (d) care-giving. A notarized affidavit is required of those who are absent because of (a) religious tenets, (b) incarceration, (c) vacation. The affidavit must be submitted not more than 90 days before the next election, and not later than 12:00 noon on the day before the election. Absentee ballots must be received by the close of polls in order to be counted.

An absentee ballot affidavit (application form) can be downloaded at <http://elections.delaware.gov/services/voter/absenteeballot.shtml>. The absentee ballot request form should then be mailed to the Department of Elections in the county in which a person resides.



The electronically operated voting machine

State Primary Elections

Since 2006, state primary elections are held on the second Tuesday in September in election years. They are held in the same manner as general elections. (See Political Parties). Voters must be registered 21 days prior to a primary election and must be registered in the political party holding the election.

Source: Title XV, Section 3101A of the Delaware Code

Non-Presidential Primary Election

Non-presidential primary elections are held on the second Tuesday in September in even numbered years. Voters registered as Democrat or Republican select which candidates will represent their respective parties in the general election when two or more candidates from the same party file for the same office. Minor parties do not have non-presidential primary elections. Minor party ballot candidates are selected by their respective state party conventions.

Presidential Primary Elections

Presidential primary elections are held on the first Tuesday in February in years in which the President is to be elected. Parties may choose not to participate. (Source: Title XV, Section 3183 of the Delaware Code)

Political Parties

Political parties are the bases of power for the entire political and governmental structure, their main purpose being the nomination and election of candidates for office at all levels of government. Democratic and Republican candidates are nominated in direct primary elections which are held on the second Tuesday in September. In case of no contest, there is no primary and the one person who files is the party's nominee. Party conventions nominate candidates for the National Electoral College, elect party officers, formulate party platforms, and in the case of minor parties, choose candidates to run for office. After candidates have been chosen by each party, party workers then try to persuade voters to vote for their candidate on the basis of each candidate's qualifications on the party's platform¹³.

In Delaware the Democratic and Republican parties dominate. In addition, there are voters registered as Declines (Independents) and members of minor parties.

In each party the smallest political units are called election districts¹⁴, the place where citizens vote in an election. The polling place in each district is set up by the state Department of Elections. In the Democratic and Republican parties each election district elects committee persons who are responsible for organizing political campaigning at this level. They ensure that residents in their districts are registered, distribute party and candidate literature, conduct telephone and door-to-door campaigns, solicit financial support for candidates, drive party members to polling places on election day, etc. Any registered party member may be a candidate for committee member in his or her party or vote in the election for this position.

A citizen wishing to be a candidate for committee member must notify both his party committee at the appropriate level and the State Election Commissioner or County Election Department. The individual party decides whether its candidate should file a fee. Any filing fee is payable to the party but deposited with election officials until the withdrawal deadline is passed. The party in which the candidate files sets the amount of the fee but it cannot exceed 1percent of the salary of the office the candidate seeks.

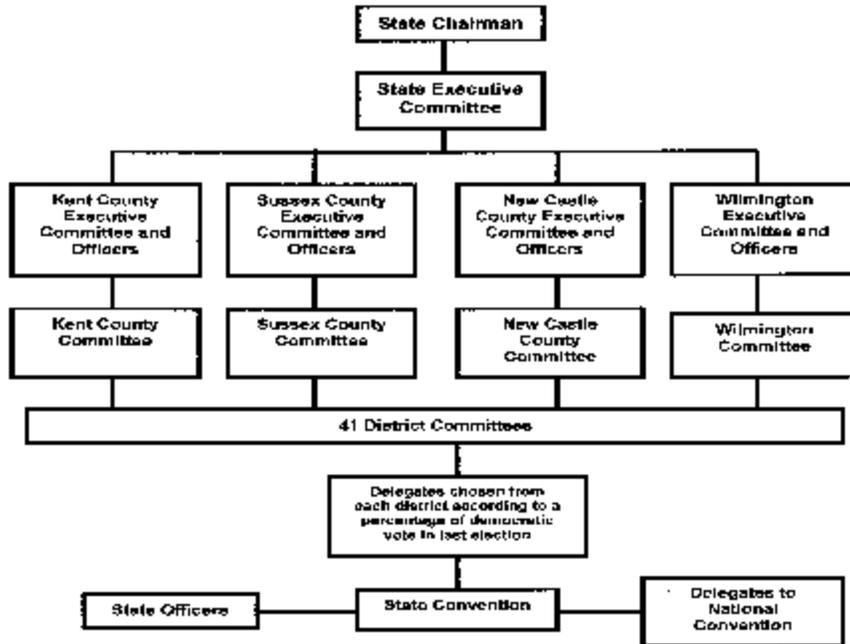
Parties are where the action is and voters who wish to have a piece of that action are urged to contact the party of their choice.

Democratic Party

<http://deldems.org> (302 - 328- 9036 begin_of_the_skype_highlighting 302 - 328- 9036 end_of_the_skype_highlighting)

The State Committee of the Democratic Party of Delaware is responsible for supervising the activities of the Party in Delaware. It is organized according to rules adopted by the state convention which meets every two years. A convention is held prior to a presidential election only for the purpose of selecting delegates to the National Convention. The power of the party is in its convention delegates and committee-people who elect officers, approve a party platform and adopt bylaws. Delegates are elected by district committees.

Democratic Party Organization



The chairman, elected by the convention, serves as the spokesperson for the party, works with all Democratic elected officials as an ombudsman and to strengthen the party, recruits candidates and with the Finance Committee directs fundraising. The chairman also serves as a member of the Democratic National Committee and the Associations of State Democratic Chairs.

The representative district committees are basic units working at the neighborhood level and they represent the party's power. "The power flows from bottom to top" is the phrase that Delaware Democrats often use to describe party power. This is because the party higher-ups have no say in local endorsements. The local committee members are the only ones who can endorse candidates and the state committee is bound by that decision.

Republican Party

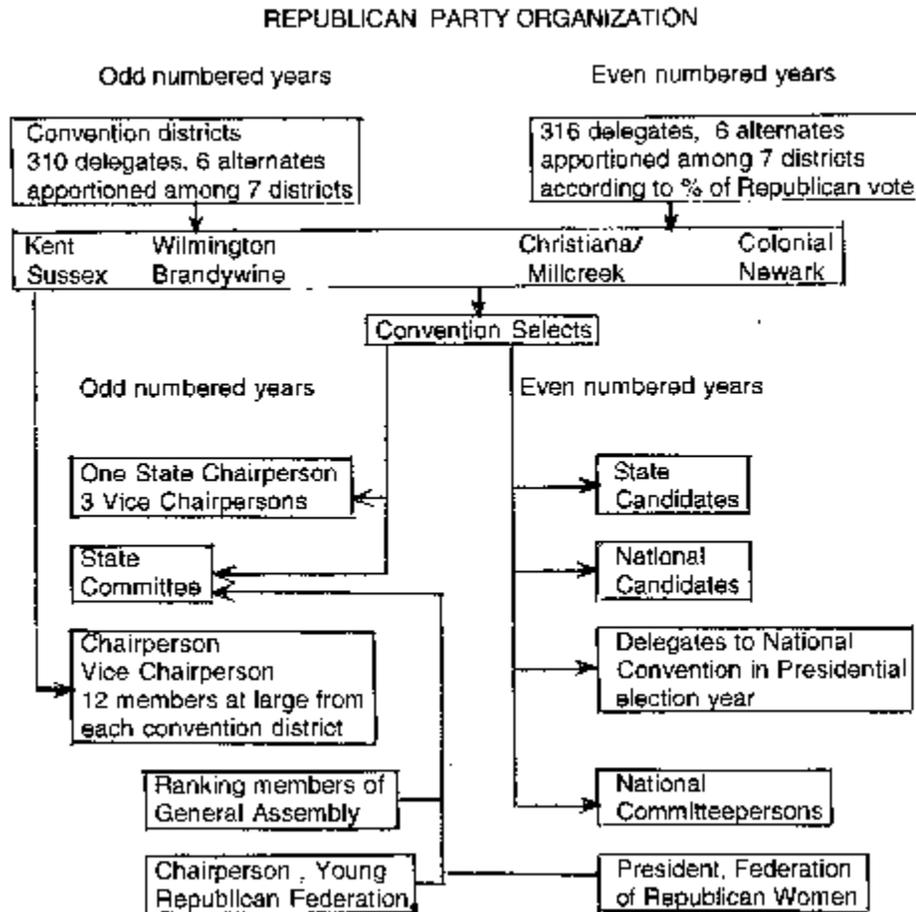
<http://delawaregop.com> (302-651-0260 begin_of_the_skype_highlighting 302-651-0260 end_of_the_skype_highlighting)

The Republican State committee is the governing body of the party and can be expanded by Executive Committee action. It meets on the eve of conventions to conduct business and to elect temporary officials for the convention. In presidential election years, it elects a National Committee man and woman.

The Republican state convention is held in even-numbered years. Delegates endorse statewide candidates and in presidential election years elect presidential electors and delegates to the national convention. Organizational conventions are held in odd-numbered years to vote on party rules and elect officials.

In the Republican Party each of the seven convention districts consists of representative districts which elect chairpersons. Each district in turn consists of election districts that elect a chairperson, vice chairperson and four committee members. The election districts choose delegates to the state convention. State committee members are chosen by convention in odd

numbered years and nominating conventions are held in even numbered years to choose candidates for state and national office.



The State Committee supervises party action but the major responsibility for getting out the vote lies with the election districts.

Minority Parties

Minority or new parties may place nominees on Delaware's ballot. At least twenty-one days before the upcoming primary the minor/new party must register members equal to 0.05 percent of the number of voters registered in Delaware on December 31 of the year previous to an election. The party must then hold a state convention to nominate candidates by the fourth Saturday in August. (Senate Bill 162, Section 305; Chapter 19, Sections 1902 and 1903)

Registering members in a new party is difficult because in the year of a general election March 30 has been established as the last day for a person to change his party affiliation prior to the primary election. Nevertheless, in 2006 the Libertarian, Green Party of Delaware and Independent Party of Delaware each appeared on the ballot.

Green Party of Delaware <http://gpde.us/index.php>

Independent Party of Delaware <http://www.independentpartyofdelaware.org/>

Libertarian Party <http://www.lp.org/>

School District Elections

<http://electionsncc.delaware.gov/pubsch.shtml#referenda>

School District elections are held to elect members to local Boards of Education or to decide school tax referenda. Elections within school districts in Delaware have recently been placed under the supervision of the Department of Elections. Provisions for school district elections are in the Delaware Code Title XIV.

There are three kinds of school district elections: (1) election of members to the local board, (2) referenda for school district tax increases, and (3) referenda for bond sales.

With the exception of the six Vocational Technical School Districts whose boards are appointed by the governor, boards are elected in all school districts. The five-year terms are staggered so that all terms do not end at the same time. The size of boards varies from one school district to another. Board elections are held annually on the second Tuesday in May. Polls are open at designated school buildings within a district from 10:00 A.M. until 8:00 P.M. (Title XIV, Chapter 10, Subchapter III, 1052)

Money referenda authorize school districts to issue bonds for capital expenditures or to increase the local property tax rate for operating expenses. All elections relating to revenue are called and publicized by the local school board. No more than two referenda a year may be held in any one district.

In order to vote in any school election, a person must be a citizen of the United States, 18 years old and a resident of the school district. No registration is necessary, but a voter should be prepared to show proof of identity and residence. Voting machines must be used, but there is no provision for write-in votes. Absentee voting is permitted.

Municipal Elections

<http://electionsncc.delaware.gov/municipal/municipal.shtml>

Of the 57 municipalities in Delaware that elect representatives to make governmental decisions, only the villages of Arden, Ardencroft, Ardentown, the New Castle Municipal Service Commission and the City of Wilmington hold partisan elections¹⁵.

Municipal elections occur in all months except September, October and December with the greatest number being held in March. Beach areas hold elections in July and August, and Wilmington elects officials in the November general election under the procedures and provisions applicable to the general election.

Each town or city sets its own election laws and procedures, and information about those procedures may be obtained from municipal offices. State election law does state, however, that voting machines must be used in all municipal elections in all incorporated cities and towns.



The Elbert N. Carvel Building – location of the governor’s office in Wilmington

¹³ The statement written by the party convention which sets forth party position on governmental issues.

¹⁴ 60 in Kent County, 293 in New Castle County, and 46 in Sussex County.

¹⁵ In partisan elections, candidates run as members of a political party; in non-partisan elections, no party labels or sponsors are used.