
Delaware

*Help America Vote Act
(HAVA) Complaint
Process Guide*

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State Guide to HAVA & Election Complaint Process

This is a guide to your state's laws relating to the Help America Vote Act (HAVA) and other election related complaints.

The statutes/codes cited in this guide may not be the most recent version. States may have more current or accurate information. We make no warranties or guarantees about the accuracy, completeness, or adequacy of the information contained in the individual state guides or the information linked to on the state site.

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What is the Help America Vote Act (HAVA)?

[Link to HAVA Statute](#)

[Link to Election Assistance Commission](#)

According to the EAC.gov website:

The Help America Vote Act (HAVA) of 2002 was passed by the United States Congress to make sweeping reforms to the nation's voting process. HAVA addresses improvements to voting systems and voter access that were identified following the 2000 election. HAVA mandates that EAC test and certify voting equipment, maintain the National Voter Registration form and administer a national clearinghouse on elections that includes shared practices, information for voters and other resources to improve elections.

HAVA creates new mandatory minimum standards for states to follow in several key areas of election administration. The law provides funding to help states meet these new standards, replace voting systems and improve election administration. HAVA also established the Election Assistance Commission (EAC) to assist the states regarding HAVA compliance and to distribute HAVA funds to the states. EAC is also charged with creating voting system guidelines and operating the federal government's first voting system certification program. EAC is also responsible for maintaining the National Voter Registration form, conducting research, and administering a national clearinghouse on elections that includes shared practices, information for voters and other resources to improve elections. HAVA requires that the states implement the following new programs and procedures:

- Provisional Voting
- Voting Information
- Updated and Upgraded Voting Equipment
- Statewide Voter Registration Databases
- Voter Identification Procedures
- Administrative Complaint Procedures

How do I file a HAVA complaint?

[Link to HAVA Complaint Process](#)

If you experience a problem with voting systems standards, provisional voting or any other voting problem covered by Title III of the [Help America Vote Act of 2002 \(HAVA\)](#) and wish to register a formal complaint, there is a specific process for addressing it.

You must submit your complaint to the Office of the State Election Commissioner or any of the Departments of Elections for the counties. The complaint must be:

- In writing
- Notarized
- Signed and sworn by the voter.

If the complaint is originally submitted to the Department of Elections for the county, it will be forwarded to the State Election Commissioner on the same day it is received.

How do I file a non-HAVA election complaint?

[Link to Complaint Process](#)

[Link to Complaint Form](#)

The division of Civil Rights and Public Trust within the Office of the Attorney General is responsible for enforcement of laws designed to ensure citizen trust in government, including election laws, laws governing the use of public funds, and laws governing the conduct of public employees and officials. In these areas, the Division will work collaboratively with the Elections Commissioner, Public Integrity Commission and State Auditor.

Delawareans wishing to file a complaint with the Division MUST fill out the [complaint form](#) and include all relevant information and contact information. The complaint form will automatically be sent to the Division of Civil Rights and Public Trust.

Who can I contact regarding an election related complaint?

Office of the State Election Commissioner

Physical & Mailing Address:	Office of the State Election Commissioner 905 S. Governors Ave Ste 170 Dover DE 19904
Phone Number:	302-739-4277
Fax Number:	302-739-6794
E-mail:	coe_vote@delaware.gov
Website:	https://elections.delaware.gov/voter/complaints.shtml
County Election Offices:	https://elections.delaware.gov/locations.shtml

Attorney General Office, Division of Civil Rights & Public Trust

Physical & Mailing Address:	Delaware Department of Justice 820 N. French St. Wilmington, DE 19801
Phone Number:	302-577-5400
E-mail:	PublicTrust@delaware.gov
Website:	https://attorneygeneral.delaware.gov/publictrust/