

Delaware

*Voter Registration &
Voter List Maintenance Guide*

Provided by

VOTER
REFERENCE 
FOUNDATION

Disclaimer: This is a guide to Arizona's laws relating to voter registration and voter list maintenance.

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 this guide or the information linked to on the state site.

This guide was last updated on 03/01/2026.

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Who can I contact with election related questions?

CHIEF STATE ELECTION OFFICER:
SECRETARY OF STATE

Physical Address:

State Election Commissioner
905 South Governors Avenue, Suite 170
Dover, DE 19904

Mailing Address:

State Election Commissioner
905 South Governors Avenue, Suite 170
Dover, DE 19904

Phone Number:

302-739-4277

Email Address:

coe_vote@delaware.gov

Website:

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

How do I register to vote?

[Link to register to vote](#)

§ 1701. Qualifications for registration as qualified voter.

(a) Every applicant for registration shall be a qualified voter in a general or primary election if such applicant is a citizen of this State of the age of 18 years and upwards, or who will be 18 years old on or before the day of the general election next succeeding the applicant's registration, and is a bona fide resident of this State. An applicant shall be a qualified voter in a special election if such applicant is a citizen of this State of the age of 18 years and upwards on the date of the special election. No person in the military, naval or marine service of the United States shall become a resident of this State by being stationed in any garrison, barrack, or military or naval place or station within this State; and no person adjudged mentally incompetent, person who is ineligible to vote under Chapter 61 of this title, or person rendered incapable of voting by reason of violating § 7 of Article V of the Constitution of this State for 10 years next following that person's conviction and sentence thereunder, shall be a qualified voter. For purposes of this chapter, the term "adjudged mentally incompetent" 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.

How do I cancel my voter registration?

[Link to voter registration cancelation form](#)

If you wish to cancel your Delaware voter registration, [complete the request online](#) or [print this form](#) and return it to your [Department's Office for your county](#).

How is voter list maintenance handled?

§ 1702. Removal of names by board of elections.

(a) At any duly called meeting of the State Board of Elections, the Board may sit to consider the removal of names from any County Master Record in cases where there is a valid reason to believe a person is no longer a duly qualified elector in the election district in which that person is registered.

(b) The board shall afford the affected voter the full right to be heard at such meeting with the right of appeal in all cases, first giving notice as required by § 1711 of this title [repealed].

§ 1703. Duty of officers to notify Department of facts suggesting voter disqualification.

The clerk or prothonotary of any court in this State having jurisdiction of felonies shall, when a person is convicted of a crime deemed by law a felony, notify immediately the Department and the State Election Commissioner. Such notification shall include a full, complete and accurate copy of the record of the name, present residence and last previous residence, date of birth, and Social Security number if available of each individual of voting age who has been convicted of a felony.

§ 1704. Identification of persons who are no longer eligible to vote, establishment of an “inactive state,” cancellation of registration and provision for reregistration.

(a) The Department may use a list of persons registered to vote in Delaware and who are registered to vote in another state or who have obtained a driver’s license or state ID card from another state as a source to send an address verification request to those voters.

(b) The Department shall then send an address verification request via forwardable first class mail to each person on the list. The Department shall mail the request to the address at which the person is registered to vote unless the U.S. Postal Service vendor provides an updated address. The request shall ask the person to sign the return card and: (1) Authorize cancellation of their Delaware voter registration because they are no longer permanent residents of the State; or (2) Provide the address of their permanent place of residence if they still reside within Delaware.

(c) The address verification request shall include a postage-paid return card or envelope preaddressed to the Department.

(d) The Department, upon receipt of the returned notice and in accordance with the response, shall:

§ 1704. CONTINUED

(1) Cancel the person's registration; or (2) Update the person's voter registration record with the new address if it is within the Department's jurisdiction; (3) Update the person's voter registration record showing that the person has certified that the address on the permanent voter registration record is their permanent place of residence.

(e) Sixty days following an address verification mailing in accordance with this section, the Department shall place all persons who did not reply to the address verification request mailed in accordance with this section into "inactive status."

(f) A person shall be returned to active status if the person subsequently returns the return card with a new Delaware address or certification that the person has not changed their address, by completing any other voter registration transaction permitted by this title or by voting in any election conducted in accordance with this title or Title 14.

(g) On or before June 1 of each year following a general election, the State Election Commissioner shall remove from the voting rolls any person who has been in "inactive status" for 2 consecutive general elections.

(h) Persons classified as "inactive" shall remain eligible to vote in any election conducted in accordance with this title. Upon presenting themselves at their polling place they shall affirm in writing under penalty of perjury on the form promulgated by the State Election Commissioner the address of their permanent place of residence. If the person's permanent place of residence is different than the permanent place of residence shown on the person's permanent voter registration record, the person shall be permitted to vote at the polling place for the person's permanent place of residence.

(i) A person properly removed from the voting rolls in accordance with this chapter must reregister in order to vote in any election conducted in accordance with this title. The county director and deputy county director may restore to the voting rolls a person removed in error through the process described in this chapter.

(j) The Department may put those persons who failed to respond to these notices mailed on or before August 2, 2017, in "inactive status" 60 days after the date of the mailing or August 2, 2017, whichever is later.

(k) The State Election Commissioner cancel the registration of any person who has been placed in inactive status by this section in accordance with § 2014(h) of this title.

§ 1705. Cancellation of registration of persons reported as deceased.

(a) The State's Office of Vital Statistics shall send each month to the Department and to the State Election Commissioner a complete and accurate file or list of each person 16 years of age or older who has been reported to have died within the State since the previous report.

§ 1705. CONTINUED

The file or list shall contain, as a minimum: the decedent's name, Social Security number, residence at time of death, date of birth, date of death, and death certificate number.

(b) The State's Office of Vital Statistics shall send each month to the Department and to the State Election Commissioner a complete and accurate file or list of each person 16 years of age or older who has been reported to have died within the State since the previous report. The file or list shall contain, as a minimum: the decedent's name, Social Security number, residence at time of death, date of birth, date of death, and death certificate number.

(c) Upon receipt of a file or list from the Office of Vital Statistics, the Department shall cancel the registration of each registered voter whose name is on the list.

(d) The Department may cancel the registration of a person upon receipt of a copy of a death certificate or a written notice from the decedent's spouse, adult child, sibling or parent.

(e) The Department may use an obituary from a Delaware newspaper as authority to cancel the registration of a registered voter who died in another state or country.

§ 1707. Cancellation of registration due to a registrant having moved to another state.

(a) The Department shall consider notification from another state, election jurisdiction or election official that a person registered to vote in Delaware has applied to register to vote or who has registered to vote in another state as permission from that person to cancel that person's Delaware voter registration.

(b) The Department shall consider a written notice from a spouse, adult child, sibling or parent that a registered voter has moved out of state as permission from that person to cancel that person's voter registration. The notice shall be signed and the relationship to the previously mentioned voter stated.

(c) The State Board of Elections may cancel the voter registrations for any person who has moved out of state and given permission in writing or as otherwise provided in this section.

(d) Upon registration of a person in Delaware who is registered to vote in another state, the Department or State Election Commissioner shall notify the other state that the

§ 1708. Correction of errors.

(a) Department personnel, upon approval of the appropriate supervisor, may correct errors on a person's voter registration record as necessary to maintain a complete and accurate voter registration list.

§ 1708. CONTINUED

(b) The State Board of Elections shall approve any change in the year of birth of a registrant where there is a difference between the year submitted on a previous registration application and the year submitted on the most current registration application. The Board may, if deemed appropriate, refer such discrepancies to the Attorney General or the State Election Commissioner for investigation; provided, however, that any discrepancy referred to the State Election Commissioner shall also be referred to the Attorney General.

§ 1709. Reregistration unnecessary upon change in election district boundary.

Any elector whose name appears as a registered voter in an election district affected by a change of boundary shall not be required to reregister because of the change in election districts arising from the change of boundaries.

§ 1710. Notice of change of election district boundary.

When the boundaries of any election district have been changed, the Department shall notify each of the affected voters by mail.

§ 2013. Duties of Department following registration.

(a) After the registration officer delivers the registration records to the Department following each registration day, the Department shall first check the record by the registration number of the registration records to ascertain whether all the records supplied have been returned to the Department. If the Department is satisfied that all records have been returned, it shall file and retain the records for not less than 1 year. If all the records have not been returned, the Department shall notify the Attorney General, who may take appropriate action.

(b) The Department shall then take the applications for registration which have been completed, and signed or marked by the applicant and the registration officers, and examine them for completeness, legibility and eligibility. If the Department is satisfied that the application is complete and legible and that the applicant's name does not appear on the list of disqualified voters and that the applicant is qualified to be registered, the Department shall take the necessary steps to add the person to the list of registered voters.

§ 2014. Notification of disposition of a person's voter registration application and procedure for handling returned mail.

(a) The Department following receipt of a voter registration application for a person who is not registered to vote shall, upon determination that the applicant is eligible to register to vote, register that person to vote.

§ 2014. CONTINUED

(b) The Department shall promptly notify in writing each person whose voter registration application has been rejected and shall state in such notice the specific reason or reasons for such rejection.

(c) Upon registering a person to vote or completing a transfer of address, change of name and/or change of political party affiliation for a registered voter, the Department shall mail a notice informing the registrant of that registrant's polling place by nonforwardable first-class mail. If this notice or any correspondence sent by a state agency or state official using voter registration address data is returned as undeliverable, the Department shall send an address verification request by forwardable first-class mail to the person at the address on their permanent registration record or to the address indicated by the U.S. Postal Service on the returned undeliverable notice or correspondence. The address verification request shall include a postage-paid preaddressed return card. The person shall be asked to sign the return card and:

(1) Authorize cancellation of their Delaware voter registration because they are no longer permanent residents of the State;

(2) Provide the address of their permanent place of residence if they still reside within Delaware; or

(3) Certify that the address at which they are currently registered to vote is their correct address and place of permanent residence.

(d) The Department, upon receipt of the return card in accordance with the response shall

(1) Remove the voter from the records of the State Election Commissioner and the Department if the voter is no longer a permanent resident of the State;

(2) Update the person's voter registration record with the new address if it is within the Department's jurisdiction; or

(3) [Repealed.]

(4) Update the person's voter registration record showing that the person has certified that the address on the permanent voter registration record is their permanent place of residence.

(e) If the person does not return the return card within 60 days of mailing or if the address verification request is returned as undeliverable, the person shall be transferred to "inactive status."

(f) Persons classified as "inactive" shall remain eligible to vote in any election conducted in accordance with this title. Upon presenting themselves at their polling place they shall affirm in writing under penalty of perjury on the form promulgated by the State Election Commissioner the address of their permanent place of residence.

§ 2014. CONTINUED

If the person's permanent place of residence is different than the permanent place of residence shown on the voter's permanent record, the person shall be permitted to vote in accordance with § 2047 of this title.

(g) A person properly removed from the voting rolls in accordance with this chapter must reregister in order to vote in any election conducted in accordance with this title. A person removed in error through the process described in this chapter, however, may be restored to the voting rolls upon the concurrence of the county director and deputy county director of the Department in the county in which such person resides.

(h) On or before June 1 of each year following a general election, the State Election Commissioner shall remove from the voting rolls any person who has been in "inactive status" for 2 consecutive general elections.

§ 2032. Duties of department following receipt of mail registration forms.

(a) Upon receipt, all mail registration forms shall be date-stamped by the department.

(b) A verification inquiry shall be conducted where:

- (1) The applicant has neglected to sign the form;
- (2) Information given on the form is incomplete;
- (3) Information appears unclear or inconsistent; or
- (4) The application appears to be a duplicate.

(c) If the information on the mail registration form appears to be a transfer of address, change of name by marriage or otherwise, or party affiliation change, the change shall be made by the department and the applicant shall be notified such change was made.

§ 2041. Transfer of registration.

(a) Any duly registered voter in the State who has moved to a new residence within the State may apply to transfer that registered voter's voter registration to the new address by completing a voter registration application and submitting it to the Department.

(b) Upon receipt of a properly completed and duly signed application, the Department shall complete the transfer in the accordance with Department procedures.

(c) If it shall be determined that the applicant had not previously registered, that applicant's application shall be treated as an application for registration.

§ 2046. Notice by first-class mail sufficient.

In all cases where this subchapter requires written notice to be given to any person, such notice shall be deemed sufficient if sent by first-class mail addressed to the person to be notified at the post office address named by the person at the time of that person's application for registration.

§ 2047. Change of address within the State.

Change of address or residence within Delaware shall not disqualify any person as a voter. A person who has changed the person's permanent place of residence within Delaware but who has not transferred the person's voter registration shall be permitted to vote at the polling place for the person's place of permanent residence on the day of the election.

(1) If the person who has changed the person's permanent place of residence appears at the polling place for the person's previous permanent place of residence, the election officers at that polling place shall complete the eligibility affidavit promulgated by the State Election Commissioner and obtain the location of the person's correct polling place from the Department of Elections. The election officer shall place the completed eligibility affidavit in an envelope annotated with the location and address of the correct polling place, give the envelope to the person, direct the person to go to the polling place for the person's new permanent place of residence and annotate the poll list to show that the person has been sent to another polling place.

(2) A person appearing at the correct polling place with an eligibility affidavit shall be permitted to vote upon showing proof of identity and address to the election officers and signing a blank signature card. The election officer shall complete the appropriate section of the eligibility affidavit, and place the eligibility affidavit in the special envelope provided by the Department of Elections. If the person has also legally changed that person's name, the election officer shall also place a properly completed voter registration application for the person in the special envelope.

(3) A person registered to vote at another location within Delaware who appears at the polling place for their new permanent place of residence without having gone to the polling place of their former place of permanent residence shall affirm in writing the new address by completing and signing the eligibility affidavit promulgated by the State Election Commissioner. The election officers shall obtain authorization for the person to vote from the Department of Elections, complete the election officer section of the eligibility affidavit and place the eligibility affidavit in the special envelope provided by the Department of Elections. If the person has also legally changed that person's name, the election officer shall also place a properly completed voter registration application for the person in the special envelope.

(4) Election officers shall enter the name, address and voter registration number for persons authorized to vote under the provisions of this section on the poll list after the last name listed and on a blank signature card. The person shall sign the signature card and be permitted to vote. A person who has legally changed their name as well as their permanent place of residence shall sign both their old and new names.

§ 2047. CONTINUED

(5) The Department of Elections upon receipt of the eligibility affidavit and the voter registration application following an election shall transfer the person's address in accordance with the transfer procedures elsewhere within this chapter.

(6) The State Election Commissioner shall promulgate rules and procedures by which the Department may accept transfers of address from registered voters between the closing of registration and the day of a primary, presidential primary and general election both within the offices of the Department and at other locations statewide. Such rules and procedures shall contain a provision by which a person so transferring that person's own address in accordance with those rules and procedures may appear at that person's own proper polling place and vote without completing the eligibility affidavit or envelope at the polling place as required in paragraph (1), (2) or (3) of this section. The departments of elections in receipt of such transfers shall process them as soon as practical.

§ 2048. Change of name.

(a) A registered voter who has legally changed such voter's own name by marriage or other legal means should apply to update such voter's voter registration record with the new information.

(b) Such registered voter may apply to update such voter's record on the day of a primary, general or special election at the polling place for the election district where such voter is registered or at the polling place for the election district for such voter's new address in accordance with procedures as set forth by the State Election Commissioner.

(c) The State Election Commissioner shall set forth the procedures to implement subsection (b) of this section above in collaboration with the Department.

(d) Deadlines for registering to vote shall not apply to changes of name.

The National Voter Registration Act of 1993

Congress enacted the National Voter Registration Act of 1993 (also known as the "NVRA" and the "Motor Voter Act"), to enhance voting opportunities for every American. The Act has made it easier for all Americans to register to vote and to maintain their registration. Section 8 of the NVRA contains requirements with respect to the administration of voter registration by States and requires States to implement procedures to maintain accurate and current voter registration lists.

For more information about the NVRA, please visit the [Department of Justice website](#).

List of voter registration statuses and their definitions

Registration Status	Statute
<p>Active - Persons who have registered to vote in accordance with the provisions of this title shall not be removed from the voting rolls so long as their permanent place of residence is within this State, they have not been disenfranchised for any cause prescribed in the laws of this State or their registration has not been canceled as provided elsewhere in this title.</p>	<p><u>§ 1101.</u></p>
<p>Inactive - Sixty days following an address verification mailing in accordance with this section, the Department shall place all persons who did not reply to the address verification request mailed in accordance with this section into “inactive status.”</p> <p>Persons classified as “inactive” shall remain eligible to vote in any election conducted in accordance with this title. Upon presenting themselves at their polling place they shall affirm in writing under penalty of perjury on the form promulgated by the State Election Commissioner the address of their permanent place of residence. If the person’s permanent place of residence is different than the permanent place of residence shown on the person’s permanent voter registration record, the person shall be permitted to vote at the polling place for the person’s permanent place of residence.</p>	<p><u>§ 1704.</u></p>
<p>Canceled - A person properly removed from the voting rolls in accordance with this chapter must reregister in order to vote in any election conducted in accordance with this title.</p>	<p><u>§ 1704.</u></p>

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 non-HAVA Election Complaint Process](#)

[Link to non-HAVA Election 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 Elections Commissioner
905 South Governors Avenue, Suite 170
Dover, DE 19904

Phone Number:

302-739-4277

Email Address:

coe_vote@delaware.gov

Website:

<https://elections.delaware.gov/voter/complaints.shtml>

Attorney General's Office, Division of Civil Rights & Public Trust

Physical/Mailing Address:

Delaware Department of Justice
820 North French Street
Wilmington, DE 19801

Phone Number:

302-577-5400

Email Address:

PublicTrust@delaware.gov

Online Address:

<https://attorneygeneral.delaware.gov/publictrust/>