



Delaware

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

Provided by

VOTER
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FOUNDATION

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

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What is the Help America Vote Act (HAVA)?

According to the [Election Assistance Commission](#):

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](#)

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 Complaint Process](#)

[Link to non-HAVA 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>

Office of the Attorney General, 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/>