

IV. STATE-BY-STATE SURVEY

When states regulate voter registration drives, it directly affects who participates in the electoral process, and who is permitted to assist them. This survey provides a state-by-state snapshot of the following four categories of restrictions.

1) Official Volunteer Systems

- Laws requiring official certification or authorization to conduct voter registration drives.

2) Training Programs

- Laws offering or requiring a specified course of training before conducting voter registration drives.

3) Registration & Reporting Requirements

- Laws requiring groups to first register with the State and maintain or submit various records and reports related to drives.

4) Return Deadlines & Penalties

- Laws requiring the submission of collected voter registration applications prior to the general book closing deadline, and imposing penalties for violations of the return deadline or violations of other rules.

For almost every state, the Brennan Center provided the chief election official with an opportunity to edit the summary. Revised drafts were returned to the official for final review.

These summaries are not intended as, and do not constitute, legal advice. They are provided for informational and educational use only. For more information, including specific voter registration requirements, or any revisions to the laws described, contact the elections office listed for each state.

DELAWARE

Official Volunteer System:	Optional	For More Information: Office of the State Election Commissioner 905 South Governors Avenue, Suite 170 Dover, DE 19904 (302) 739-4277 http://elections.delaware.gov/#
Training:	Optional	
Registration & Reporting:	Yes	
Return Deadline & Penalties:	Varies	
Other:	Yes	

Delaware has an optional official volunteer system. While voter registration drives collecting state forms must comply with all rules applicable to “temporary registrars,” drives collecting federal voter registration forms need not.¹ However, under Delaware statute, drives using the federal forms are still directed to register with the state and are subject to other restrictions.²

Voter registration drives distributing and collecting state registration forms must first register with the State Commissioner of Elections and complete a “temporary registrar” training program.³ This requirement applies to discrete voter registration drives as well as drives run on a continuing basis.⁴ The application must include the name and address of the organization; the place or places where registration will take place; the name, address, and phone number of the chief official of the organization; the target audience or scope of the drive; the name, address, and phone number of the organizer of the drive; attestation by the chief official of the organization that he has authorized the drive; and the number of applications requested.⁵

Only persons trained by personnel from the office of the State Election Commissioner can serve as temporary registrars.⁶ The State Election Commissioner is responsible for developing and making available training programs for temporary registrars and other persons responsible for planning, organizing and operating a voter registration activity or drive.⁷ The Commissioner must approve all drive applications as long as there is a scheduled training date before the drive, and the entity does not have a record of previous violations of the registration rules.⁸

For discrete voter registration drives, completed applications, as well as unused applications, voided or damaged applications, and excess materials must be returned within five days after the end of the drive.⁹ For a continuing voter registration drive, all completed applications must be submitted at least once every five working days.¹⁰ Any registered entity that fails to comply with these return requirements, or fails to return completed applications by 4:30 p.m. on the day registration closes, may be fined up to \$1,000, and denied permission to conduct a voter registration drive or otherwise be involved in the voter registration process for up to five years.¹¹

Persons and groups conducting voter registration drives with federal forms, and not authorized through the temporary registrar system, should still register with the State Election Commissioner or a department of elections.¹² Because these drives must keep a log of all registration applications solicited, they must also

¹ Telephone Interview with Anthony Albence, Director, Department of Elections, New Castle Cnty., Del. (Mar. 9, 2012).

² DEL. CODE ANN. tit. 15, § 1102(d) (2012).

³ DEL. CODE ANN. tit. 15, §§ 2060-61 (2012).

⁴ DEL. CODE ANN. tit. 15, § 2060 (2012).

⁵ *Id.*

⁶ DEL. CODE ANN. tit. 15, § 2060(5) (2012).

⁷ DEL. CODE ANN. tit. 15, § 2061 (2012).

⁸ DEL. CODE ANN. tit. 15, § 2062 (2012).

⁹ DEL. CODE ANN. tit. 15, § 2063(b) (2012).

¹⁰ DEL. CODE ANN. tit. 15, § 2063(c) (2012).

¹¹ DEL. CODE ANN. tit. 15, § 2063(e) (2012).

¹² DEL. CODE ANN. tit. 15, § 1102(d) (2012).

assign a sequential application number for each form collected.¹³ The log must include the name of the person or organization conducting the drive, the dates the applications were collected, and a list of the names of the applicants and the corresponding application numbers.¹⁴ Completed applications and the log must be submitted to the State Election Commissioner or a department of elections within ten days of collecting the applications.¹⁵

View the full report at:

http://www.brennancenter.org/content/resource/state_restrictions_on_voter_registration_drives/

¹³ DEL. CODE ANN. tit. 15, § 1102(b) (2012).

¹⁴ DEL. CODE ANN. tit. 15, § 1102(c) (2012).

¹⁵ DEL. CODE ANN. tit. 15, § 1102(a) (2012).