

Enforcement of Voter Intimidation Laws During 2016 Elections

With Delaware's primary elections coming up in less than a month and the general election shortly thereafter, the Attorney General wishes to notify the public that the Delaware Department of Justice will be strictly enforcing the voter intimidation provisions of the Delaware Constitution. Those provisions make it a crime in Delaware for a person to "by force, threat, menace or intimidation, prevent or hinder, or attempt to prevent or hinder, any person...qualified to vote from voting according to said person's choice at any such general, special or municipal election."

The DOJ Office of Civil Rights and Public Trust has provided written guidance to the state Department of Elections that will be provided to poll workers that requests that any observed cases of voter intimidation be reported to the Office for investigation. The guidance states that "among the activities that have been identified by a federal court as potential election-day voter intimidation are the following: persons other than duly-appointed election officers questioning voters about their credentials; persons impeding or delaying voters by asking for identification, videotaping, photographing, or otherwise making visual records of voters or their vehicles; or persons distributing literature at the polls outlining the fact that voter fraud is a crime and/or detailing the legal penalties for impermissibly casting ballots."

DOJ notes that the Delaware Code has detailed provisions, which are administered by elections officials, allowing each political party to ensure the absence of election day fraud by challenging the eligibility of persons to vote within polling

places in a proper fashion. In the upcoming primary and general elections, no citizens should take it upon themselves to interfere with people attempting to vote, but should report any concerns to state or county election officials. The Office of Civil Rights and Public Trust will be prepared to respond on the primary and general election days to reports of possible voter intimidation.