

# DELAWARE 2024 LAW ENFORCEMENT QUICK REFERENCE GUIDE

This pocket reference guide contains key provisions found within Title 15 of the Delaware Code and other relevant sections.

- Obstructing, hindering, assaulting, or interfering with an election officer is a felony.
- Using force, threat, or intimidation to attempt to or hinder a voter's exercise of voting rights is a misdemeanor.
- Possessing a firearm at a polling place on Election Day is a misdemeanor.

## VOTING HOURS

**Election Day**  
7 a.m. to 8 p.m.

## 2024 ELECTION DATES

**Primary Election:** September 10  
**General Election:** November 5

**For more election dates:**  
[elections.delaware.gov/public/calendar/pdfs/2024ElectionCalendar.pdf](https://elections.delaware.gov/public/calendar/pdfs/2024ElectionCalendar.pdf)

## REPORT SUSPICIOUS BEHAVIOR TO

**Your local election official:**  
[elections.delaware.gov/locations.shtml](https://elections.delaware.gov/locations.shtml)

**DE Board of Elections:**  
302-739-4277  
[coe\\_vote@delaware.gov](mailto:coe_vote@delaware.gov)

**For more information:**  
[elections.delaware.gov](https://elections.delaware.gov)



## **Interference with election officer or challenger; penalty.**

15 Del. C. § 5139

Whoever:

(1) Knowingly or wilfully obstructs, hinders, assaults or by bribery, solicitation or otherwise interferes with any election officer or challenger in the performance of any duty required of that election officer or challenger or which that election officer or challenger may by law be authorized or permitted to perform; or

(2) By any means before mentioned or otherwise unlawfully on the day of election hinders or prevents any election officer or challenger in that election officer's or challenger's free attendance and presence at the place of election in the election district in which that election officer or challenger is appointed to serve, or in that election officer's or challenger's full and free access and egress to and from any such place of election, or molests, interferes with, removes or ejects from any such place of election any such election officer or challenger, or unlawfully threatens or attempts or offers so to do,

shall be fined not more than \$200 or imprisoned not more than 2 years, or both.

## **Election offenses; penalties.**

Del. Const. art. V, § 7

Every person... who shall by force, threat, menace or intimidation, prevent or hinder, or attempt to prevent or hinder, any person qualified for registration from being registered or any person qualified to vote from voting according to said person's choice at any such general, special or municipal election, shall be deemed guilty of a misdemeanor, and shall be fined not less than one hundred dollars nor more than five thousand dollars, or shall be

imprisoned for a term not less than one month nor more than three years, or shall suffer both fine and imprisonment within said limits, at the discretion of the court.

**Possession of a firearm at a polling place; class A misdemeanor.**

11 Del. C. § 1457B

(a) As used in this section:

(1) a. "Election day" means a day on which in-person voting is offered at a polling place, and includes early voting under Chapter 54 of Title 15, for any of the following elections:

1. Primary, general, or special election.
2. School election conducted by the Department of Elections pursuant to Title 14 or Title 15.
3. Municipal election conducted in accordance with the municipality's charter, ordinance, or code.

b. "Election day" includes 2 hours before the polls open until 2 hours after the polls close.

(2) "Firearm" means as defined in § 222 of this title.

(3) a. "Polling place" means 1 of the following locations in the State:

1. Designated by the Department of Elections for in-person voting under §§ 4512 and 5402 of Title 15.
2. Designated in accordance with a municipality's charter, ordinance, or code for in-person voting on an election day.
3. Designated by the Department of Elections for the tabulation and counting of votes.
4. Department of Elections office locations where sealed absentee ballot envelopes may be returned under the provisions of § 5507 of Title 15.

b. "Polling place" shall not mean an area outside of the actual polling place, such as parking areas or adjoining structures that are not part of the polling place.

(b) Except as otherwise provided under subsection (c) of this section, a person who knowingly possesses a firearm at a polling place on election day is guilty of possession of a firearm at a polling place.

[Pursuant to Del. Code. Ann. tit. 11, § 1457B(c), exceptions to this section include law enforcement officers, commissioned security guards, licensed constables acting in their official capacity, and active-duty members of the of the U.S. Armed Forces or Delaware National Guard acting in their official capacity.]

(f) Possession of a firearm at a polling place is a class A misdemeanor.

(h) The Department of Elections shall post signs at the entrance of each polling place on election day to notify the public that firearms are not permitted at the polling place.

### **Breach of peace or violence on election day; penalty.**

15 Del. C. § 5138

Whoever on any day of election or during the reading and counting of the votes cast thereat causes any breach of the peace or uses any violence or threats of violence whereby any such election or reading and counting of ballots is impeded or hindered or whereby the lawful proceedings of election officers or challengers at such election are interfered with shall be fined not more than \$200 or imprisoned not more than 2 years, or both.

(a) Whoever:

(1) Enters or attempts to enter the voting room before the hour of opening the polls on the day of election or at the time of opening the election, or at any time during the day of the election and before the hour of closing the election for the purpose of interfering with the election officers in the discharge of their duties as such or for any purpose; or

(2) Attempts to molest, disturb or prevent the election officers from proceeding regularly with any general or special election; or

(3) Takes charge or attempts to take charge of any voting room or place where the election is held within the time mentioned in this subsection for the purpose of preventing or delaying an election or for any other purpose on election day;

shall be fined not less than \$500 nor more than \$1,000, and imprisoned not more than 3 years.

(b) Whoever, not in this title authorized so to do, enters or attempts to enter the election room or within the railing leading to the entrance of the election room, or remains within 30 feet of the polling place, contrary to this title, shall be fined not more than \$200.

(c) Whoever resists a challenger appointed pursuant to §§ 3164 and 4934 of this title or a special officer appointed pursuant to § 4935 [repealed] of this title shall be fined not more than \$100 or imprisoned not more than 1 year.

## **Stealing or destroying ballot box, ballot, poll list; penalty.**

15 Del. C. § 5141

Whoever, not being an election officer:

- (1) Steals or wilfully breaks or destroys any ballot box used or intended to be used at any election; or
- (2) Wilfully or fraudulently conceals, secretes or removes any ballot box from the custody of the election officers; or
- (3) Alters, defaces, injures, destroys or conceals any ballot or envelope which has been deposited in any ballot box at such election or any poll list used or intended to be used at such election or any report, return, certificate or other evidence in this title required or provided for;

shall, for each such offense, be fined not more than \$200 or imprisoned not more than 2 years, or both.

## **Tampering with ballots or deceiving voters; penalty.**

15 Del. C. § 5136

Whoever:

- (1) Fraudulently changes or alters the ballot of any elector, or substitutes 1 ballot for another, or fraudulently furnishes any elector with a ballot containing more than the proper number of names; or
- (2) Intentionally practices any fraud upon any elector to induce the elector to deposit a ballot as that elector's own vote and to have the same thrown out and not counted, or to have the same counted for a person or candidate other than the person or candidate for whom such elector intended to vote; or

(3) Otherwise defrauds the elector of the elector's vote, shall be fined not more than \$200 or imprisoned not more than 2 years, or both.

## **Electioneering in polling place; penalties; definitions.**

15 Del. C. § 4942

(a) No election officer, challenger or any other person within the polling place or within 50 feet of the entrance to the building in which the voting room is located shall electioneer during the conduct of the election. No political headquarters or gathering shall be permitted within that building during the conduct of the election.

(b) Whoever violates subsection (a) of this section shall be fined not more than \$200 or imprisoned not more than 90 days, or both.

(c) Whoever, being an election officer, violates subsection (a) of this section shall be deemed to have knowingly and wilfully violated that election officer's own official duty.

(d) For the purposes of this section the following definition shall apply:

"Electioneering" includes political discussion of issues, candidates or partisan topics, the wearing of any button, banner or other object referring to issues, candidates or partisan topics, the display, distribution or other handling of literature or any writing or drawing referring to issues, candidates or partisan topics, the deliberate projection of sound referring to issues, candidates or partisan topics from loudspeakers or otherwise into the polling place or the area within 50 feet of the entrance to the building in which the voting room is located.

## **Powers of election officers to preserve order during election; penalty.**

15 Del. C. § 4946

(a) The inspectors of election, from the opening of the election until all the duties and proceedings connected therewith are fully completed, may:

- (1) Command the peace; and
- (2) Require sureties of the peace from any person disturbing the election, or the officers thereof in the performance of their duties; and
- (3) Commit to prison for refusal or neglect to find such surety.

Whoever, being an officer or other person, disobeys the lawful commands of any inspector of election, shall be fined \$50.

(b) The election officers in each election district, while discharging any of the duties imposed upon them by this title, may:

- (1) Preserve order and enforce obedience to their lawful commands at and around the place of election during the time of any election and counting of votes;
- (2) Keep the access to such places open and unobstructed;
- (3) Prevent and suppress riots, tumult, violence, disorder and all improper practices tending to the intimidation or obstruction of voters, the disturbance or interruption of the voting or counting of votes; and
- (4) Protect the voters and challengers from intimidation and violence, and the registers, poll books, boxes, envelopes and ballots from violence and fraud; and
- (5) Deputize, if necessary, 1 or more electors to communicate their orders and directions and to assist in the enforcement thereof.