

# Challengers and Challenges

In a General Election, each party represented by a candidate on the ballot for the Election District(s) in that Polling Place may have one challenger inside the Polling Place at a time. (Challengers, Title 15, § 4934)

## What is a Challenge?

The questioning of a person's right to vote in the election. ANYONE in the Polling Place may challenge a voter's eligibility to vote BEFORE the voter enters the XL voting machine.

- Challengers must present authorization from the Party or Candidate to the Inspector.
- Challengers sign in/out on the *Challenger Identification Form*.
- Inspector provides the *Advice to Challenger* form to be read and returned.
- Inspector provides a Challenger badge. Challengers must always wear their badge.
- When a Challenger leaves the Polling Place, they sign out and return their badge to the Inspector.
- Challengers sit behind the Check-In Table.
- Once a voter's check-in process is complete, the Election Officers at the Check-In Table will announce the voter's name out loud so that Challengers can hear.
- If a Challenger issues a challenge, they notify the Inspector. The Inspector and two Judges will hear the dispute and decide the outcome before the voter enters the XL voting machine.

## Handling Challenges:

Challenges can be issued based on the following reasons:

- **Identity, Title 15, § 4939-** Does not believe the voter is who he/she claims to be. Challenges based on Identity are resolved by the opinion of a majority vote of the Inspector and Judges based on the identification provided by the voter and/or if the voter is known by the Inspector and Judges.
- **Residency, Title 15, § 4941-** Does not believe the voter lives where voter says he/she lives. Challenges based on Residency are resolved by determining the voter's present place of residence. According to Delaware code, if a voter has moved outside of the State indefinitely, they may lose qualification of residence within the State regardless of any future intention to return at some time. *If the voter states that they do not live in the State of Delaware, they may not vote in this election.*
  - If a voter insists that they are registered to vote at your Polling Place and you cannot confirm that they are eligible to vote at your Polling Place, they may vote by Provisional Ballot at the Help Desk. (see Section 6 under *Provisional Voting*.)
  - If the voter has moved and is still registered to vote in the State of Delaware, the voter may vote at the Polling Place assigned to their new address.
- **Bribery, Title 15, § 4940-** Believes the voter has accepted money or other valuables to vote in a particular way. Challenges based on Bribery are resolved by having the voter sign a Bribery Oath/Affirmation administered by the Inspector. The voter must sign the oath in order to resolve the challenge and proceed with the voting process.

\* Any challenge must be made and resolved *before* the voter being challenged is allowed to enter the XL voting machine. *Inspector + Judge decide whether person can vote -*

The Inspector and Judges vote on challenges. Clerks do not vote. The Election Officers should consult with the Department of Elections if assistance is needed in handling a challenge.

#### What Challengers May Do:

- Challengers have the right to hear the names of all voters. Election Officers should help them by stating the name of the voter loud enough for the Challenger to hear.
- Challengers may observe the election, look at each machine and record the public count numbers, and may use certain electronic devices such as a laptop or notebook (chargers are acceptable if it is not a tripping hazard). Election Officers are not permitted to keep lists for Challengers.
- Challengers may replace other Challengers throughout the day.
- Challengers may assist Election Officers in preserving the peace in the event of a disturbance.
- Challengers may approach the Check-In Table and be satisfied with all records being kept by the Election Officers.

#### What Challengers May Not Do:

- Talk on cell phones or use anything that makes a noise. (beep, chime, chirp, buzz, etc.)
- Take pictures or videos or record any sound in the Polling Place.
- Interfere, disturb, or unreasonably delay the election. If a Challenger is disruptive, he/she must first be warned by the Inspector or a Judge, who must state precisely the conduct that is objectionable. If the Challenger persists in being disruptive, the Inspector and Judges may vote to eject the Challenger. The Challenger may be replaced.
- Perform the duties of any Election Officer, instruct, or advise the Election Officers.
- Sit with the Election Officers.