

**Delaware Plan
FVAP Compliance
Election 2010**

1. Delaware's 2010 Primary Election is September 14 (the latest it could possibly be) and the General Election is the earliest it could possibly be giving Delaware a "perfect storm" regarding compliance with the 45-day mailing mandate from the MOVE legislation.
2. Delaware passed legislation that moved back our candidate filing deadline to provide the time necessary to mail ballots in our Primary Elections going forward. To increase the mailing time before the General Election, the next option would have been to change the date of the Primary Election. If it were moved back a week, it would be in conflict with a Jewish holiday. Delaware moved its Primary Election from Saturday to Tuesday due to pressure from the Jewish community, so making this change did not appear to be an option.
3. If the Primary Election were moved back to August, problems would arise because many schools are not open yet. The state would then be faced with additional expenses to hire maintenance personnel to open these buildings. Lack of air-conditioning in late August would be an additional problem.
4. Legislation was discussed that would allow us to extend the time period to accept military and overseas ballots to two days following Election Day, however, two of Delaware's three counties would not agree to this change.
5. Legislation was passed that would allow Delaware to both send and receive ballots electronically.
6. Delaware elections are certified on the second day following the election, therefore, the September 14 Primary will be certified on September 16. To meet the requirements of MOVE, ballots need to be in the mail on September 18. Our plan is to mail paper ballots, knowing that it will be necessary to duplicate the returned ballots so that they can go through the scanning process. We will Federal Write-In Absentee Ballot for all races. Delaware is also working with the FVAP Wizard program.
7. In the 2008 Election, Delaware served over 2,100 UOCAVA voters; over 500 were served electronically. However, we do not expect to reach those numbers in a non-Presidential election.
8. As indicated above, Delaware plans to mail ballots to UOCAVA voters on September 18 – the 45-day limit. We are requesting the waiver in the event that we are faced with an unanticipated complication: technology failure, recount, etc. We expect to be able to mail the ballots by the deadline and the waiver is our failsafe.

9. Delaware will not face this situation for another decade. If technology advances have not mitigated the 45-day mailing issue, we will then work to change our Primary Election date.