



State of Delaware
Department of Elections

Via Mail and Email

Maureen Riordan
Acting Chief, Voting Section

Michael E. Gates
Deputy Assistant Attorney General, Voting Section

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Dear Ms. Riordan and Mr. Gates,

We write to respond to your letter, dated July 11, 2025 (the “July Letter”) in my capacity as the chief election officer for the State of Delaware and on behalf of Delaware’s Department of Elections (the “Department”).

Your July Letter requested a response within 14 days, by July 25, 2025. While we are not aware of the basis for this deadline under the NVRA, we wanted to be responsive to your request for a reply within 14 days. With respect to timing, our review of the July Letter and the issues raised therein remain ongoing. We anticipate fully responding to the requests and issues raised in your July Letter, in a manner consistent with Delaware’s obligations under the NVRA and its duties under Delaware law, in due course.

There is one aspect of the July Letter that we are able to address at this time, specifically your request for a copy of Delaware’s voter registration list. 15 *Del. C.* § 304(h) authorizes the State Election Commissioner to provide Delaware’s voter registration list reflecting “voter names, addresses, political party affiliations, voting history, legislative district information, and years of birth” upon request. We will provide a copy of Delaware’s voter registration list, pursuant to this section and consistent with the state’s obligations under the NVRA.¹

Your July Letter asked that files be provided electronically. The Department is able to accommodate that request with respect to the voter registration list, although we note that the NVRA does not require the provision of files electronically. The cover email to your July Letter suggested that you would prefer to

¹ 15 *Del. C.* § 304(g) establishes a fee to obtain a copy of the voter registration list, absent a specific statutory exemption. The fee is currently set at \$25. We understand the NVRA to permit states to charge fees for providing copies of records in response to requests made under the NVRA. Nonetheless, as an administrative courtesy, we intend to waive this \$25 fee in this instance.

<https://ivote.de.gov>

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receive files through the secure file-sharing platform, Justice Enterprise File Sharing and offered to send instructions for how to provide files through that platform. Please provide those instructions so that the Department can provide a copy of Delaware's voter registration file.

Your July Letter asked for the inclusion in the voter registration list of additional information fields, which fields are protected from disclosure under Delaware law. It is our understanding that the NVRA does not require the inclusion of sensitive voter information in the voter registration lists that a state provides pursuant to the NVRA. *See, e.g., True the Vote v. Hosemann*, 43 F. Supp. 3d 693, 739 (S.D. Miss. 2014) (“There is no indication in the NVRA's legislative history that Congress intended to open up for inspection information within those records that is otherwise protected as personal information under other Federal or State laws.”); *Project Vote, Inc. v. Kemp*, 208 F. Supp. 3d 1320, 1344 (N.D. Ga. 2016) (“Section 8(i) requires the disclosure of individual voter registration records, but it does not require the disclosure of sensitive information that implicates special privacy concerns.”). Thus, we believe that Delaware's provision of a voter registration list in the form described in 15 *Del. C.* § 304(h) will fully satisfy Delaware's obligations with respect to this request.

We will endeavor to respond to the remaining questions and requests in your July Letter as promptly as it is practical to do so. Delaware does intend to provide the requested records to the extent consistent with its obligations under the NVRA and Delaware law.

Sincerely,

Anthony J. Albence
State Election Commissioner

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