



RESPONSE TO A FACEBOOK COMMENT REGARDING
THE APPEARANCE OF 2024 APPOQUINIMINK SCHOOL BOARD
WITHDRAWN CANDIDATE TIMOTHY W. JOHNS' NAME
ON THE 2024 APPOQUINIMINK SCHOOL BOARD ELECTION BALLOT

In response to a Facebook comment made on the Department of Elections' Facebook post of the unofficial results of the 2024 School Board Election, the Department has issued the following statement.

Appoquinimink School Board Election Voters who entered the polling place to vote yesterday were greeted with postings of a large notice with highlighted text in the polling place *and* on each voting machine informing voters that candidate Timothy w. Johns had withdrawn from the 2024 Appoquinimink School Board Election ballot and that any votes cast for candidate Johns would not be counted per Delaware Code. Please see notice here <https://elections.delaware.gov/school/appoquinimink/board/2024/CandidateWithdrawalNoticetoVoters.pdf>.

Appoquinimink voters who chose to vote for the withdrawn candidate despite being notified that Mr. Johns had withdrawn and that their votes for the candidate would not count, made their choices for their own reasons having been made duly aware of the consequences, namely, that their votes for the candidate would not legally count.

Although Mr. Johns did withdraw on 4/24/2024, the removal of his name from the voting machine ballots would have required the Department to prepare, format, and thoroughly test a revised ballot prior to the voting machines being delivered to the polling places. After internal discussions with the Department's IT staff, the Department determined that there was not sufficient time prior to the election to complete those tasks. However, per Delaware Code, Title 14, Section 1075[c][3], the Department took "such action as is possible to inform the voters at the polling place of the withdrawal".

The Department went far beyond this minimum requirement by posting notices of the withdrawal in all polling places in the Appoquinimink School District and, in fact, in all voting machines in all polling places in the Appoquinimink School District. All Election Officers staffing polling places in the district were aware of the withdrawal and trained to answer any questions that voters may have regarding the withdrawal.

In addition, the Department provided ample notice of the candidate withdrawal on the Department website and social media channels and in advertising for the election.

As the candidate withdrawal was received more than seven (7) days prior to the date of the election, per Delaware Code, Title 15, Section 1075[c][4], the Department mailed updated absentee ballots, without the name of the withdrawn candidate, to all voters who had requested an absentee ballot, along with a Notice informing absentee voters of the candidate's withdrawal. Please see the Candidate Withdrawal Absentee Voting Notice which was posted on the Department's website and enclosed with the new absentee ballots here,

<https://elections.delaware.gov/school/appoquinimink/board/2024/CandidateWithdrawalNoticetoAbsenteeVoters.pdf>

If an absentee voter who had previously returned their absentee ballot prior to the candidate withdrawal did not return the subsequent absentee ballot mailed to them, the earlier absentee ballot returned was counted. Please also note that, per this same provision of Delaware Code, that "votes shall not be tallied for persons having withdrawn their candidacy". Additionally, per Delaware Code, Title 15, Section 1075[c][5]: "any votes cast for a person who has withdrawn as a candidate shall be considered null and void and shall not be tallied, canvassed, or reported."

Delaware Department of Elections website: <https://elections.delaware.gov>

Title 15, Delaware Code: <https://delcode.delaware.gov/title15/index.html>

Title 14, Delaware Code: <https://delcode.delaware.gov/title14/index.html>