



**House Elections & Government Affairs Committee Minutes**  
3.11.2026  
[House Committee Recording](#)

Chair Stephanie T. Bolden calls the meeting to order at 1:01 p.m.

Members Present:

Rep. Bolden, Chair  
Rep. Morrison, Vice Chair  
Rep. Bush  
Rep. Osienski  
Rep. Phillips  
Rep. Hilovsky  
Rep. Yearick

Chair Bolden introduced Agenda Item No. 1: **HB 301 AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO ELECTIONS AND CRIMINAL OFFENSES.**  
*Time Stamped 1:03.*

Vice-Chair Morrison, as the primary sponsor of HB 301, stated that the legislation updates the existing definition of “breach of peace or violence on election day” to include any action or threat of violence, as well as intent to interfere with election conduct. He explained that during a time of great political division, people’s passions can lead to unfortunate outcomes in society. Rep. Morrison noted reports of political party members planning on monitoring polling places during elections and firmly stated that poll workers and voters should not be subject to violence or fear when participating in democracy. HB 301 expands to protect voters and campaign volunteers at voting locations, anyone at the Department of Elections offices, and meetings of the Board of Canvass when an election is occurring or counting ballots. HB 301 increases the penalty for the “breach of peace” to a class G felony. Vice-Chair Morrison noted that there is a forthcoming amendment to include early voting locations. The Department of Justice did not express concerns regarding the bill, and DOJ retains prosecutorial discretion in cases involving breaches of peace or violence on election day.

Rep. Hilovsky noted that there are six federal laws that govern elections and political activity and asked why this state legislation is necessary.

Vice-Chair Morrison replied that Delaware has state laws protecting against election violence, and HB301 will extend the existing legislation.

Chair Bolden agreed with Vice-Chair Morrison that HB 301 can enhance safety during voting

periods.

Raeanna Warner, House Majority Caucus Attorney, responded to Rep. Hilovsky, saying state law is what governs and is enforced in our state. The state enforces crimes within our state; any legislation can be passed as long as it does not conflict with federal laws.

Rep. Bush added that state legislation is needed to give the state the appropriate responsibility to enforce this type of violence. When federal laws are broken, it is the responsibility of the FBI to enforce them.

Rep. Osienski added his perspective that federal agencies are not always pursuing charges against federal laws, thus state legislation changes the code and gives jurisdiction to the state to seek action.

Rep. Hilovsky asked to clarify language regarding “breach of peace intending to impede” on line 9, as he is concerned the language is subjective and could lead to the weaponization of lawful protest.

Vice-Chair Morrison responded that a forthcoming amendment would add the word “intentionally” before “impede” on line 9 to ensure the legislation is clearly written. He reiterated that the Department of Justice has jurisdiction to prosecute any cases that violate the bill.

Rep. Hilovsky voiced his appreciation for the classification of the bill’s language. He also asked for clarification about the bill's graduated penalty structure, specifically the charge of a class G Felony on first offense.

Vice-Chair Morrison acknowledged that, given the growing prevalence of political violence across the nation, the current political environment warrants this change for the safety of voters and election employees.

Rep. Yearick voiced support for adding the word “intentionally” to the bill. He inquired about the number of cases that have been brought forward regarding the crimes described in the legislation, noting he was unaware of any incidents, and questioned the need to enhance the penalty.

Vice-Chair Morrison indicated he was unsure of the exact number of cases but clarified that the purpose of the legislation is to establish necessary regulations before an incident occurs. He also noted that many poll workers have expressed fear about volunteering at election sites due to fear of violence.

Chair Bolden echoed Vice-Chair Morrison’s point regarding constituent concerns of violence preventing active participation in elections and campaigning.

Rep. Philips noted that constituents have shared with her accounts of violence occurring at polling places, and she expressed her support for the legislation.

Chair Bolden opened the floor for public comment. *Time Stamp 1:20*

Members of the public voiced support to this bill include Alanna Mozeik, Legislative Director of Office of Defense Services.

A motion was made by Rep. Bush and seconded by Rep. Phillips to release HB 301 from committee; motion carried. Yes = 6 (Bolden, Morrison, Bush, Osienski, Phillips, Hilovsky, Yearick); No = 0; Absent = 0. The bill was released from committee with a F=5, M=2, U=0 vote.

Chair Bolden introduces Agenda Item No. 2: **HB 188 AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO PRIMARY ELECTIONS.** *Time Stamp 1:22.*

Chair Bolden recognized Rep. Micheal Smith, the sponsor of the bill HB 188.

Rep. Smith explained that HB 188 establishes semi-open primaries, allowing unaffiliated voters to participate in party primary elections without eliminating the party primary structure. He noted that HB 188 preserves party choice by allowing unaffiliated voters to select which political party they want to participate in. Public records will note the voters' party preferences, but do not affiliate them with said party. Rep. Smith clarified that semi-open primaries prevent voters who are already registered under a party from crossing over to vote in another party's primary election, and the legislation applies only to unaffiliated voters. Rep. Smith noted that since January, the state has seen 20,000 registered Democrats and 10,000 registered Republicans leave their respective parties. He stated that Delaware is within 16,000 registrations from unaffiliated voters, becoming the largest voting group in the state. He provided examples of voters changing their registration to participate in specific state and local primaries, which then affects their ability to participate in other state elections. Rep. Smith added that because elections are funded by taxpayers, conducting semi-open primaries ensures that more voters have a voice in the process. Regarding the bill's implementation, Rep. Smith clarified that an amendment would extend the semi-closed primary process to include absentee ballots. He added that if passed, the bill will be enacted in 2028, providing adequate time to inform the public of the change in Delaware law.

Vice-Chair Morrison expressed his belief that members of the political party should have a say in who is on the general election ballot, and those unaffiliated with a party should not have a role in making decisions for that party. He expressed concern that semi-open primaries could disenfranchise party members by diluting their vote in selecting both their legislative representatives and de facto party leadership.

Rep. Smith noted that a party's convention process exists to nominate its representatives for the general election. He disagreed with Rep. Morrison's claim regarding voter disenfranchisement, stating that two out of ten voters participate in a primary election, and that, as a result, a minority are already determining who appears on the general election ballot.

Vice-Chair Morrison responded that even if limited people vote in primary elections, those voters are the most educated and dedicated. He then pushed back on Rep. Smith's point regarding

the use and influence of a party's convention process.

Rep. Smith noted that people who are members of a party might not be the most politically active.

Chair Bolden added that unaffiliated voters have a choice to vote for in the general election.

Rep. Smith responded that statewide elections are funded by taxpayers, not the political parties.

Rep. Phillips stated that many effective solutions exist to increase voter turnout and participation. She inquired about why HB 188 would be the most effective approach.

Rep. Smith stated that allowing unaffiliated voters to participate in primaries is the best solution to widen the number of eligible voters who could participate in primary elections.

Rep. Yearick asked how this process is administered in other states.

Rep. Smith explained that when an affiliated voter arrives at a polling place to vote in a primary, the election worker verifies their registration, after which the voter may choose which parties primarily, they would like to participate in. He noted that a goal when drafting HB 188 is to make the semi-open election process as straightforward as possible for the voter.

Rep. Hilovsky expressed concern regarding unaffiliated voters having influence in a party they chose not to identify with. He did not take a firm position and indicated a willingness to continue discussion on how the bill may impact elections.

Rep. Smith agreed that HB 188 benefits from a larger and more robust debate on the House floor. He also noted that Gen Z is more likely to identify as an independent voter.

Rep. Osienski voiced support for HB 188, which gives voters who feel disenfranchised or frustrated with the political system an opportunity to participate in elections.

Rep. Phillips stated that same-day registration would be a more effective way to increase voter turnout.

Rep. Smith agreed but expressed concern about poll workers being properly trained for same-day voting.

Chair Bolden opened the floor for public comment. *Time Stamped: 1:47*

Members of the public voiced support to this bill included Jennifer Harris, Richard Clair, Micheal Horsman, Andrew Bernstein from the American Civil Liberties Union; Tim Traves, Janet Wurtzel, Jose Calon, Jeremy Gruber the Senior Vice President at Open Primaries; Aaron Smith from Unite America, Dexter Bland a political candidate, Traci Murphy, Brian Reinbold Jr a 3<sup>rd</sup> District Councilman for the Town of Elsmere; Jill Itzkowitz from League of Woman Voters; Carlos Figueroa, Lona Sheilds.

A motion was made by Rep. Yearick and seconded by Rep. Hilovsky to release HB 188 from committee; motion carried. Yes = 5 (Bolden, Bush, Osienski, Phillips, Hilovsky, Yearick); No = 1 (Morrison); Absent = 0. The bill was released from committee with a F=1, M=4, U=0 vote.

Chair Bolden adjourned the meeting at 2:07p.m.

Respectfully Submitted,  
Sydney Johnston, Legislative Fellow

**Attendance List**

- Reprehensive Micheal Smith, District 22
- Reanna Moner, House Majority Caucus Attorney
- Alanna Mozeik, Office of Defense Services
- Jenifer Harris
- Richard Clair
- Micheal Horsman
- Andrew Bernstein from the American Civil Liberties Union
- Tim Trave
- Janet Wurtzel
- Jose Calon
- Jeremy Gruber, Open Primaries
- Aaron Smith, Unite America,
- Dexter Bland, Believe in Bland candidate,
- Traci Murphy
- Brian Reinbold Jr, 3<sup>rd</sup> District Councilman for the Town of Elsmere
- Jill Itzkowitz, Leage of Woman Voters
- Carlos Figueroa
- Lona Sheilds
- Leslie Caruso
- Louis Hinman

## JENIFER HARRIS TESTIMONY

Madam Chair Bolden and members of the committee, thank you for the opportunity to testify today in support of HB 188.

My name is Jennifer Harris, and I am here today to ask you to support HB 188 to create an open primary in the state of Delaware. As you know, Delaware is one of only 14 states with completely closed primaries.

For 15 years, I worked as a recruiting professional, helping people find meaningful work. I now work as a certified yoga and Pilates instructor at a large fitness center in Rehoboth Beach. Three years ago, I moved with my family to Lewes, Delaware.

Over the years, I have voted for both Democratic and Republican candidates, but I have not always fully aligned with the party I was registered with at the time. I've also noticed that the meaning of being a "Republican" or a "Democrat" often shifts depending on the candidate once they are elected. Because of this, I believe it's important to evaluate THE CANDIDATE based on their ideas, character, and leadership—not simply their party label. For this reason, like many Delawareans, I registered as an independent.

However, under our current system, being an independent means I am EXCLUDED from participating in primary elections—even though those elections are publicly funded with my tax dollars. I do not believe that an American Citizen should be forced to join a political party in order to vote in a PUBLIC election.

Independent voters make up 31% of voters in Delaware, representing more than 250,000 people. In fact, there are more independent voters in our state than registered Republicans. Yet we are denied a voice in the elections that often determine who ultimately represents us.

I came here today to make a simple request—PLEASE let me vote.

Thank you for your time and consideration.

**Testimony of Richard Clair to the Delaware House Elections  
and Government Affairs Committee  
March 11, 2026**

Madam Chair Bolden and Members of the Committee, thank you for the opportunity to testify today in support of House Bill 188.

My name is Richard Clair. I have been a resident of Bethany Beach since 2014 and I am here today to ask you to support HB 188 to create an open primary structure.

I have voted in every election, national, state and local, since I was granted the franchise to vote by the Twenty-Sixth Amendment in 1972 at the age of 20, with one exception when I was called out of town on business on the day before Election Day in 1994. I have never registered with a political party and have supported candidates from each of the major national parties. I was a resident of Virginia and Ohio before moving to Delaware for a new job. Having lived in states that allow open primaries, I was very much surprised to learn I would lose the right to vote in primaries in the First State, a fact that has prevented me from voting in five additional elections.

With 31% of Delaware voters listed as independents, I believe that the State is restricting a substantial share of electorate from voting during primary season and, that in so doing, the State is using public funding for those elections for a distinctly partisan purpose; selecting party candidates for the general election. This use of public funding effectively denies me one of the most precious gifts granted to me as a United States citizen; the full franchise to vote.

I ask that the committee approve HB188 and submit it to the full House for consideration and approval.

Madam Chair, I thank you again for this opportunity.

**Good afternoon Chair Bolden and members of the House Elections and Government Affairs Committee,**

My name is Andrew Bernstein, and I am the Civic Engagement Counsel at the ACLU of Delaware. I am here today to express the ACLU of Delaware's support of House Bill 188, which would allow unaffiliated Delawareans a voice in the primary elections.

Currently, Delaware is one of just eight states where unaffiliated voters are unable to vote in primary elections under state law.<sup>1</sup> This has a major impact on the primary electorate, as Delaware's publicly available January 2026 voter registration totals show that over 200,000 registered voters in Delaware, out of just over 800,000 registered voters, are not affiliated with a political party.<sup>2</sup> Considering independents are the fastest growing group of voters in the nation, Delaware stands to keep even more people out of the primary process if no corrective action is taken.<sup>3</sup>

Keeping these unaffiliated voters out of primary elections removes them from having a significant impact on who will hold a seat in areas that are dominated by one of the major political parties. In these districts, the primary is the most competitive election, so voters have an acute interest in participating. And there are many of these districts in Delaware, as 17 of our 41 House Districts have at least twice as many voters registered with one major party compared to the other major party.<sup>4</sup>

Additionally, it is also widely understood that voting is a habitual act.<sup>5</sup> The current system disrupts the habit of voting for unaffiliated Delawareans, asking them to vote in November without the warmup of voting in September. Therefore, allowing unaffiliated voters more chances to vote could increase their turnout generally.

Lastly, while there are legitimate associational concerns for political parties in making sure it is their voters who pick their candidates for general elections, these concerns are lessened with HB 188, which does not allow voters of one party to vote in another party's primary.

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<sup>1</sup> See National Conference of State Legislatures, *State Primary Election Types* (Updated Dec. 15, 2025) <https://www.ncsl.org/elections-and-campaigns/state-primary-election-types>.

<sup>2</sup> State Department of Elections, *Voter Registration Totals by Political Party* (Jan. 1, 2026) [https://elections.delaware.gov/voter/registrationtotals/pdfs/vrt\\_PP20260101.pdf](https://elections.delaware.gov/voter/registrationtotals/pdfs/vrt_PP20260101.pdf).

<sup>3</sup> See Thom Reilly, Jacqueline S. Salit, and Omar H. Ali, *The Rise of Independents*, University of North Carolina Greensboro (Oct. 25, 2022) <https://research.uncg.edu/news/the-rise-of-independents/>.

<sup>4</sup> See [https://elections.delaware.gov/voter/registrationtotals/pdfs/vrt\\_RD20260101.pdf](https://elections.delaware.gov/voter/registrationtotals/pdfs/vrt_RD20260101.pdf).

<sup>5</sup> See Cravens, Matthew Dirks. (2013). The role of habit in voting: making and breaking habitual voters. Retrieved from the University Digital Conservancy, <https://hdl.handle.net/11299/159682>.

Because HB 188 significantly advances voting rights without sacrificing associational rights, I urge you to vote in favor of HB 188 to give greater voice to your unaffiliated constituents.

**Thank you for your time and consideration.**

Comment on HB188 HEGA

Hearing Date: March 11th, 2026

From Barbara F. Brady-Mikos

I have for decades asked to include Independents in the voting process as a right per the Constitution. As it stands now to not being able to vote for primaries is unconstitutional since only 2 parties are allowed. This is a form of exclusion. Many have chosen to be an independent since they do not fully support either party. Therefore, we are not being represented in the decision of who will be the running in the primary.

I urge you all to be inclusive for this issue. The independent vote is as important as republican or democratic votes.

Sincerely,

Barbara F. Brady-Mikos

31455 Red Mill Drive.

Lewes ,DE 19958



1411 K Street N.W.  
Suite 900  
Washington, D.C. 20005  
202-525-5717

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Testimony from:  
Dr. Jonathan Madison, Governance Fellow, R Street Institute

In Support of House Bill 188, "AN ACT to Amend Title 15 of the Delaware Code Relating to Primary Elections."

March 11, 2026

House Elections & Government Affairs Committee

Chairwoman Bolden and Members of the Committee:

My name is Dr. Jonathan Madison, and I am a governance fellow at the R Street Institute, a nonprofit, nonpartisan public policy research organization. Our mission is to engage in policy analysis and outreach to promote free markets and limited, effective government in a variety of areas, including election administration. This is why we support House Bill 188.

HB 188 makes a meaningful but targeted change to Delaware's existing primary election structure by allowing the state's more than 200,000 unaffiliated voters to select a party ballot and participate in that party's primary. Unaffiliated voters comprise approximately 30 percent of all registered voters.<sup>i</sup> Despite their significant numbers, these voters are currently shut out of the primary process entirely.

Delaware's primary elections are publicly funded and are therefore supported by all taxpayers, including unaffiliated voters, who should not be excluded from a system they help finance.<sup>ii</sup> Enabling more voters to participate fosters legitimacy and trust in election outcomes.<sup>iii</sup> Increased primary participation also encourages prospective candidates to appeal to a wider range of their constituents.<sup>iv</sup> This results in stronger general election candidates who have demonstrated their ability to earn support from a broader electorate.<sup>v</sup> HB 188 does not forcibly open primaries; instead, it offers a practical, administratively feasible path for unaffiliated voters to engage in determining who will be the party standard-bearer.

HB 188 provides Delawareans with the opportunity to become more involved in selecting their representatives. Moreover, it will improve Delaware's primaries and competition, giving unaffiliated voters who are also taxpayers the meaningful participation they've been paying for all along. For these reasons, we respectfully encourage a favorable report of HB 188.

Thank you,

Dr. Jonathan Madison

Governance Fellow  
R Street Institute  
385-500-7537  
[jmadison@rstreet.org](mailto:jmadison@rstreet.org)

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<sup>i</sup> *Voter Registration Totals* (State of Delaware Department of Elections, 2026), [https://elections.delaware.gov/voter/registrationtotals/pdfs/vrt\\_PP20260301.pdf](https://elections.delaware.gov/voter/registrationtotals/pdfs/vrt_PP20260301.pdf).

<sup>ii</sup> *Taxpayer Funding: The Cost of Closed Primaries* (Open Primaries, 2022), <https://openprimaries.org/wp-content/uploads/2022/02/Taxpayer-Funding-The-Cost-of-Closed-Primaries.pdf>.

<sup>iii</sup> Richard Nadeau and André Blais, "Accepting the Election Outcome: The Effect of Participation on Losers' Consent," *British Journal of Political Science* 23, no. 4 (1993): 553–63, <https://doi.org/10.1017/S0007123400006736>.

<sup>iv</sup> Joshua Ferrer et al., *The Effect of Open Primaries on Turnout and Representation* (Bipartisan Policy Center, 2024), <https://bipartisanpolicy.org/report/the-effect-of-open-primaries-on-turnout-and-representation/>.

<sup>v</sup> Sarah Anderson et al., *The Electoral Challenge of Balancing Primary and General Electorates* (Institute for Policy Research - Northwestern University, 2023), <https://www.ipr.northwestern.edu/our-work/working-papers/2023/wp-23-07.html>.

# OPEN PRIMARIES

Testimony of Jeremy Gruber, SVP of Open Primaries  
House Elections and Government Affairs Committee

March 11, 2026

HB 188– Delaware Open Primaries

Chair Bolden and Members of the Committee,

My name is Jeremy Gruber and I am the Senior Vice President of Open Primaries-a nonpartisan non-profit organization dedicated to more open and inclusive election systems. I am also a long-time independent voter. I want to thank you for the opportunity to submit testimony in favor of HB 188.

When my organization looked at current rates of growth of Delaware voters in 2020, we projected independents would be 27% of the voter population by 2035. We were wrong. There are 270,000 registered independent voters in Delaware today, making up over a third of all registered voters in the state. That's a higher percentage of independents than either of its neighbors-Pennsylvania or Maryland. It's also the second largest group of voters in the state by far and increasing so rapidly that independents are only 60,000 voters shy of the number of Democratic Party voters in the state. Yet these voters are barred by law from voting in primary elections. There is no context where that isn't a crisis in democracy.

Delaware's independent voters are not going away. They are the fastest growing group of voters in the state by far, having surged in numbers over the last ten years. Denying the fastest growing group of voters in the state the ability to participate in public, taxpayer funded elections is simply unsustainable.

Because that's exactly what primaries are-public elections. In fact there is nothing private about them. They cost Delaware taxpayers millions of dollars every election year. They are held in government buildings, run by government employees and administered by the State Department of Elections. Rules for how primary elections are run are set by state law, not party rules. Yet these elections remain closed to many of the taxpaying citizens that fund them despite the fact that the right to vote is ingrained in the Delaware Constitution. It's a modern version of taxation without representation.

Who are independent voters? They are a cross section of citizens, but some groups stand out. That starts with our young people. Over 50% of millennial and GenZ voters-now the largest group of voters by age in the country-are not affiliated with a political party.

# OPEN PRIMARIES

Half of our military veterans-49% of Iraq and Afghanistan veterans in particular-are independent. They fight for our country, and come home to an election system that shuts them out.

52% of Latinos, 41% of Asian Americans, 20% of African Americans and 27% of Native Americans are independent. These are the voters being shut out in closed primaries; who are denied a say in who represents them and how they are governed. It's a massive act of voter suppression.

That increasingly matters, because general election races in Delaware are becoming more and more uncompetitive. That means the state's primary elections are where the real choices and real opportunities to have a meaningful impact exist for voters.

All the research shows that voter participation goes up in open primaries. The Bipartisan Policy Center among others issues reports that consistently find that to be the case. If you let more people vote, participation goes up-that's simple math. What's less appreciated is how broadly voter participation goes up. Because it's not just the primaries. Studies show that voter participation goes up in the general election as well. That's because once you establish a culture of voting-every election is impacted. That's why when Colorado adopted legislation almost identical to HB 188, voter registration in the state surged, and the state shattered records for participation.

Delaware is in poor company as one of only 14 states that continue to maintain a closed partisan primary, with 36 states having open primaries. These are blue states like California and Massachusetts, red states like Texas and Tennessee and purple states like Arizona and North Carolina. In the past five years alone, Alaska, Colorado, Maine, and New Mexico have opened their primaries, as well as the cities of St. Louis and Washington, D.C. There is a robust debate over similar legislation in Maryland and Pennsylvania. New Mexico is the most recent state to adopt this reform, following the passing of a bipartisan reform bill just last year granting more than 330,000 independent voters the right to vote in that state's primary elections starting this year.

Some folks say well then independents should just join a party. Imagine if the state of Delaware told Democratic Party voters they had to register Republican to vote in the primary or vice versa. That is what the current system asks of independents-to join a party whose values they don't align with in order to vote in elections they help fund.

It's time for Delaware to follow the vast majority of states that are building long term bridges to independent voters. As Democratic Party leader Rahm Emmanuel wrote in a Wall St. Journal editorial recently "independents will be a durable party of any majority moving forward." It's

# OPEN PRIMARIES

time for both parties to recognize that the electorate is going through a massive seachange. 45% of American voters now identify as independent. That's not simply aspirational. Independents are already the largest group of registered voters in 10 states and the second largest group of registered voters in the majority of others.

That change is already happening in Delaware. In fact in the last year alone the state Democratic Party lost 20,000 members, and the state Republican Party lost 10,000 members. Meanwhile, Delaware's independent voters grew by 17,000. At current rates of growth independents will outnumber Democrats in Delaware in a few years. A widening gap is developing between both political parties and the voters. Open primaries can begin the process of closing that gap.

That's why HB 188 is such an important bill. Everyone benefits from a healthier, more inclusive political system. It is a solution that enjoys broad, bipartisan support among voters. It's time to tell everyone in Delaware: No more taxation without representation. No more closed primaries that shut out the fastest growing group of voters in the state from exercising the franchise. HB 188 would let all voters vote in primary elections, it's that simple and that profound. I hope you will lend your support to it.

Thank you again and I'm happy to serve as a resource to the legislature as you debate this important bill.

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Contact: Jeremy Gruber

[jgruber@openprimaries.org](mailto:jgruber@openprimaries.org)

[www.openprimaries.org](http://www.openprimaries.org)



March 6, 2026

## **Testimony in Support of H.B. 188: Semi-Open Primaries**

House Election and Government Affairs Committee

Delaware House of Representatives

Chairwoman Bolden and Members of the Committee:

On behalf of Unite America, a cross-partisan organization working to advance election reforms that strengthen representative government, we respectfully submit this testimony in support of House Bill 188.

More than 30% of Delaware voters (247,181) are registered with no party affiliation, representing the state's second largest — and fastest growing — voting bloc.<sup>1</sup> Under the current closed primary system, every one of them is barred from participating in the elections that most often determine who holds office in this state.

H.B. 188 offers a simple, proven solution. This narrowly crafted, bipartisan bill would allow unaffiliated voters to choose a party primary ballot without permitting crossover voting by registered partisans. This modest reform would align Delaware with the vast majority of states that already operate under some form of open primary.

### **In Delaware, Primaries Decide the Election**

The scale of disenfranchisement would be troubling anywhere. In Delaware, it is especially acute because primary elections are not a preliminary step — they are nearly always the decisive election.

Based on Unite America Institute's analysis, the primary effectively determines the winner in more than 9 in 10 Delaware state legislative districts, and in nearly all statewide offices. In recent cycles, only about 8% of Delaware's legislative seats were decided in competitive general elections. Fifty-one percent had no decisive election at all.<sup>2</sup>

When unaffiliated voters are barred from voting in the primary, they are locked out of the election that matters most. Their right to vote in November is preserved — but it is, in most cases, a right to ratify a decision already made by a much smaller and less representative slice of the electorate.

### **Veterans Should Not Be Shut Out of the Elections They Fought to Defend**

Among the Delawareans most affected by the closed primary system are the state's veterans, who disproportionately identify as independents. A 2024 survey by Iraq and Afghanistan Veterans of America found that 55% of post-9/11 veterans do not identify with either major political party.<sup>3</sup> Applying that rate to

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<sup>1</sup> Delaware Department of Elections. "Political Party Ballot Status." Updated March 1, 2026.

<https://elections.delaware.gov/candidates/regtotals.shtml>

<sup>2</sup> Unite America Institute. "Meaningful Votes: A New Metric to Understand American Politics." April 2025.

<https://www.uniteamericainstitute.org/research/meaningful-votes-a-new-metric-to-understand-american-politics> (State-specific data: <https://docs.google.com/spreadsheets/d/1sGLnZNU088zrE2wjpZC5tgOlcWu4BaUeSv0WUZEck3l/edit?usp=sharing>)

<sup>3</sup> Iraq and Afghanistan Veterans of America. "IAVA Surveyed Members in the Run-Up to the General Election: Here Are the Results." 2024. <https://iava.org/media/iava-surveyed-members-in-run-up-to-the-general-election-here-are-the-results>

Delaware's veteran population yields an estimated 33,000 or more veterans who are unable to vote in the state's closed primaries.<sup>4</sup>

These are men and women who served this country — often at great personal sacrifice — in defense of the democratic principles Delaware's election system should embody. It is past time to reform a system that excludes our veterans and servicemembers from the elections that determine who represents them.

## **H.B. 188 Enfranchises Communities of Color and Young Voters**

The harms of the closed primary system are not felt equally. National research on decisive primary electorates reveals a stark representation gap between who votes in decisive primaries and who makes up the broader population those elected officials serve.

- Non-white voters make up 35% of the voting-age population, but only 16% of decisive primary voters.
- Voters under 25 represent 9% of the voting-age population, but just 3% of decisive primary voters.
- Voters earning under \$50,000 annually represent 26% of the voting-age population, but just 14% of decisive primary voters.<sup>5</sup>

These disparities are the predictable result of a low-turnout, closed primary system that systematically excludes the voters least likely to be affiliated with a political party. These are often the communities with the most to gain from a legislature that is responsive to a broader electorate.

By opening primaries to unaffiliated voters, H.B. 188 would help ensure that the elections selecting Delaware's leadership are decided by an electorate that better reflects the full population of the state rather than its most partisan element.

## **A Proven Track Record and Broad Public Support**

Delaware is one of only 16 states that still use closed primaries for congressional and state offices. The remaining 34 states — from Massachusetts to Kansas to New Mexico — guarantee all voters the right to participate in primary elections through open, semi-open, or all-candidate primary systems.<sup>6</sup>

The rise of independent voters reflects a national trend. In 2025, Gallup recorded a record-high 45% of U.S. adults identifying as political independents — the highest level in nearly four decades, surpassing both Democrats and Republicans, who each registered at 27%. Among younger generations, 56% of Gen Z and 54% of Millennials now identify as independents.<sup>7</sup>

Enfranchising independent voters enjoys wide public support. A January 2026 *RealClear Opinion Research* poll found that 71% of registered voters support requiring states to hold open primaries — including 79% of Democrats, 70% of independents, and 65% of Republicans. Open primaries topped the list of reforms respondents thought would reduce polarization.<sup>8</sup>

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<sup>4</sup> Veteran population: 61,582 veterans live in Delaware, representing 7.8% of the state's adult population. Source: Veterans Data Central / Housing Assistance Council, tabulations of the 2019–2023 American Community Survey; data derived from the U.S. Department of Veterans Affairs VetPop projection model. <https://veteransdata.info/states/2100000/DELAWARE.pdf>

<sup>5</sup> Cerrone, Joseph. "Primary Voters Elect Most of Congress. They're Not Like Most Americans." Unite America Institute, January 2026.

<https://www.uniteamerica.org/articles/research-brief-primary-voters-elect-most-of-congress-theyre-not-like-most-americans>

<sup>6</sup> National Conference of State Legislatures. "State Primary Election Types."

<https://www.ncsl.org/elections-and-campaigns/state-primary-election-types>

<sup>7</sup> Gallup. "New High of 45% in U.S. Identify as Political Independents." January 12, 2026.

<https://news.gallup.com/poll/700499/new-high-identify-political-independents.aspx>

<sup>8</sup> New Poll: As Midterms Loom, Voters Back Open Primaries to Make Congress Work Better." Unite America, January 2026.

<https://www.uniteamerica.org/articles/new-poll-as-midterms-loom-voters-back-open-primaries-to-make-congress-work-better>

H.B. 188 is a long-overdue response to an overwhelming and bipartisan public consensus.

## **A Commonsense Solution**

H.B. 188 establishes a semi-open primary system with three core features:

- Unaffiliated voters may choose to participate in the primary election of any political party.
- Registered party members continue to vote in their own party's primary. No crossover voting by affiliated partisans is permitted, preserving party integrity.
- A voter's party ballot preference becomes a matter of public record, but the voter is not automatically enrolled in that party.

This legislation is deliberate and balanced. It does not eliminate party primaries. It does not dilute the ability of party members to select their nominees. It simply ends the exclusion of the hundreds of thousands of Delawareans who have chosen not to affiliate with either major party — and ensures they have a voice in the elections that matter most.

## **Conclusion**

Delaware's closed primary system is an outlier among states, out of step with its electorate, and structurally exclusionary toward the voters growing fastest in number and most underrepresented in outcomes. H.B. 188 offers a practical solution already working in states across the country.

Nearly 250,000 First State voters — including tens of thousands of veterans, growing communities of color, and a generation of young voters — are currently paying for elections they cannot participate in. H.B. 188 would solve this problem with a proven model already working in red and blue states alike.

Unite America urges the Committee to move H.B. 188 forward. We are grateful to Representatives Smith and Williams and Senator Buckson for their leadership on this issue, and to the Committee for your thoughtful consideration. We stand ready to provide any additional information or analysis that would be helpful.



**Aaron Smith**  
Political Director  
[Aaron@UniteAmerica.org](mailto:Aaron@UniteAmerica.org)  
(707) 291-0076

*CC: Rep. Michael Smith,  
Rep. Kimberly Williams,  
Sen. Eric Buckson*



**LEAGUE OF WOMEN VOTERS OF DELAWARE**  
PO Box 7224, Wilmington, DE 19803-9995  
lwvde@comcast.net www.lwvdelaware.org

## **LWVDE SUPPORTS PERMITTING UNAFFILIATED VOTERS TO VOTE IN THE DELAWARE PRIMARY**

On June 5, 2025, House Bill 188 was introduced in the General Assembly which allows only non-affiliated voters to receive a ballot of the political party of their choice when voting in a primary election.

The topmost in LWV's extensive list of public policy positions addresses a Citizen's Right to Vote: "*Voting is a fundamental principle, and all Americans deserve the equal opportunity to make their voices heard in our democracy.*"

Currently, 31% of Delaware voters (247,000<sup>1</sup>) are not affiliated with a political party and cannot | in primary elections. This is an increase of 6% and 75,000 voters since 2023. Now independents are the largest and fastest growing groups of voters in the country with over 56% of young people registering as independents.<sup>2</sup> In fact in Delaware, unaffiliated voters outnumber Republicans.

There are several districts in Delaware where the general election is not competitive. In these districts, the primary election is where the candidate is decided. For example, there are several representative districts in the city of Wilmington where over 90% of the voters are registered as Democrats<sup>1</sup>. In this case, the primary election is where the candidate selection takes place.

Many studies have shown that closed primaries make political polarization worse. In an open primary candidates seek out policies with broader support to gain the backing of unaffiliated voters instead of appealing to voters at the extreme ends of the political spectrum. Open primaries also help select candidates that are more reflective of the views of the electorate.

Presently there are only 8 states that hold completely closed primaries<sup>3</sup>. Two of these states, including Pennsylvania, are in the process of making their primaries more open.

### **Summary**

The LWV of Delaware urges this committee to pass HB188, to enable unaffiliated voters to participate in primaries. The electorate is changing, and it is time for Delaware to hold primaries that are more inclusive.

<sup>1</sup> [https://elections.delaware.gov/voter/registrationtotals/pdfs/vrt\\_PP20260301.pdf](https://elections.delaware.gov/voter/registrationtotals/pdfs/vrt_PP20260301.pdf)

<sup>2</sup> <https://www.ncsl.org/elections-and-campaigns/state-primary-election-types#closed>

<sup>3</sup> <https://www.ncsl.org/elections-and-campaigns/state-primary-election-types>

Dear House Elections Committee Members,

My name is Lisa Neuhof. I am a single woman who works as a sales consultant for Raymour & Flanigan Furniture. I am also a registered nonpartisan voter in the state of Delaware. I do not believe in being a member of any political party, but I do believe that I should have the right to vote in any election. Why are independent voters alienated from voting in the primaries? This has never made sense to me since I am a taxpaying, law abiding, American citizen.

Just because a person doesn't have a party doesn't mean the elections don't matter to them. They matter very much. We have made a choice not to get caught up in the division that political parties have created. Our 1<sup>st</sup> President, George Washington, in his 1796 Farewell Address, urged citizens to prioritize a unified national identity over party loyalty, warning that partisan, divisive tendencies would undermine the nation's union.

It is time for our government to do better. We need to unite and to give all voters the right to cast their ballot in all elections.

I believe it is time to move past traditional methods if we hope to evolve into a more inclusive system that works for everyone.

I will leave you with a quote by Henry Ford that resonates true, now more than ever before:

"If you always do what you've always done, you'll always get what you've always got." How has that been working out for us?

Warmest Regards,

Lisa Neuhof

# *Responsive* GOV ACTION

Mar 10, 2026

The Honorable Stephanie T. Bolden  
Legislative Hall  
411 Legislative Avenue  
Dover, DE 19901

**Re.: Letter of Support for HB 188**

Dear Chairwoman Bolden:

We write this letter in support of HB 188, which would allow Delaware's unaffiliated voters to participate in primary elections. At Responsive Gov Action, our core goal is to ensure that government works for all Americans, and that starts with sensible policies that make meaningful participation possible. This legislation is a critical step toward ensuring that our government is more responsive to the needs of all its citizens.

This legislation recognizes that the approximately 170,000 Delawareans who choose not to affiliate with a specific political party are currently excluded from a vital stage of the democratic process. By allowing these voters to cast a ballot in the primary of their choice, HB 188 modernizes Delaware's election system and removes an unnecessary barrier to participation. The bill respects voter choice by allowing individuals to participate in a primary without forcing a permanent change to their registration status, striking a balance between expanding access and maintaining the integrity of voters' choices.

Currently, voters in Delaware must take the steps to affiliate with a political party four months before the primary election takes place. A semi-open system, such as the one being proposed in HB 188, allows an unaffiliated voter to simply show up at their polling place and participate. This "one-step" process reduces friction, increases voter turnout, and makes voting easier.

New voters and younger voters are more likely to be unaffiliated and excluded by Delaware's current system. Semi-open primaries invite these new voters into the political process early, building lifelong habits of civic participation and making our democracy more resilient. Research has shown that opening primaries to unaffiliated participation leads to an electorate that looks more like overall populations along age, income, and education levels.

HB 188 preserves Delaware's existing primary structure while bringing more citizens into the process. Currently, Delaware is one of only six states that have fully closed primaries, by which we mean state law doesn't let unaffiliated voters take part or join a party at the time of voting. By contrast, 15 other states follow a model similar to the one that HB 188 would enact.

We encourage the Committee to pass this bill. Thank you for your leadership and your work to make Delaware's government more accessible and responsive to the needs of its citizens.

Sincerely,

Jess Unger  
Senior Policy Advisor  
Responsive Gov Action

Public comment through submission to [HouseCommitteeComment@delaware.gov](mailto:HouseCommitteeComment@delaware.gov) on HB 188.

Submitted by Mr. Tim Travers.

*Following is the written statement for the public comment I provided in person at today's meeting of House Elections and Government Affairs Committee.*

*Tim Travers  
119 Carpenters Row  
Wilmington, DE 19807*

*Thank you Chairman Bolden*

*My name is Tim Travers, I live in Greenville*

*I'm here to speak in favor of HB-188 to allow unaffiliated voters to participate in Primary elections.*

*I'm an active and highly informed member of the Democratic party. I'm also an active participant in Indivisible Highlands and Beyond (IHB) and support our mission statement to promote legislation that advances an inclusive, representative democracy.*

*As such, I strongly support SB 2 and 3 and HB 180 and have made public comments to committee on that legislation. Every justification I've heard for those amendments and bill apply equally to HB 188.*

*I recently attended a forum in Newark on Expanding Voting Access in Delaware focused on SB 2 and 3. Speakers from Common Cause and League of Women Voters emphasized it is "a fundamental right to have a voice in democracy." And "there is no reason to restrict the right to vote unless you don't want to have a democracy".*

*Exactly right! That applies to early voting and no-excuse mail-in voting. And that's why I am compelled to strongly support the right to vote for unaffiliated registered voters so they can and will participate in Open Primary elections.*

Public comment through submission to [HouseCommitteeComment@delaware.gov](mailto:HouseCommitteeComment@delaware.gov) on HB 188.

Submitted by Ms. Lynda Anderson.

*To: House Elections and Government Affairs Committee  
Chair: Stephanie Bolden*

*Re: HB 188*

*Hearing Date: March 11, 2026*

*I am writing today in support of Delaware HB 188 to allow voters in my state who are registered Independent to vote in the Delaware Primary Election.*

*I have been a lifelong Democrat. However, due to changes I have seen taking place particularly over the last decade within the Democratic Party that no longer align with my views, I have wanted to change my party affiliation to Independent but have been reluctant to do so because of the inability to vote in primary elections. With the passage of this Bill, I would finally be free to register the way I feel in my heart. I support the right of every registered Independent Delaware voter to cast their ballot in the primary election.*

*Please pass House Bill 188*

*Sincerely,*

*Lynda Anderson*

*38616 Oyster Catcher Dr*

*Ocean View, DE 19970*

Public comment through submission to [HouseCommitteeComment@delaware.gov](mailto:HouseCommitteeComment@delaware.gov) on HB 188.

Submitted by Ms. Lauren Stanly

*To: House Elections and Government Affairs Committee  
Chair Stephanie Bolden*

*Re: HB188*

*Hearing Date: March 11th, 2026*

*My name is Lauren, and I am a college student currently majoring in political science. I am a Gen Z voter and I have been a registered independent since I first registered to vote. Because of this, I have never been permitted to vote in the primary elections.*

*I am not alone in my experience, 56% of my fellow Gen Z voters are independents! In Delaware today are roughly 250,000 other registered voters across the state with the same experience of being barred from the primaries.*

*Primary elections are publicly funded by all those who live in the state, and yet 31% of us are not permitted to participate due to our party affiliation. This is unjust, fosters a lack of competition, and creates election results that poorly represent constituent desires.*

*I, as well as many other Delawareans, would like to exercise my constitutional right to vote regardless of whether I am affiliated with a political party. Please advance HB188 and let us vote!*

*Submitted by: Lauren M Stanley*

*59 Brookview Avenue Camden-Wyoming Delaware 19934*

Public comment through submission to [HouseCommitteeComment@delaware.gov](mailto:HouseCommitteeComment@delaware.gov) on HB 188.

Submitted by Mr. Charlene Straub.

*To: House Elections and Government Affairs Committee  
Chair Stephanie Bolden*

*Re: HB 188  
Hearing Date: March 11, 2026*

*I am 79 year old retired woman who has voted for local, state, and federal elections as an Independent for over 4+ decades.*

*I stayed an Independent to make sure I would vote for the BEST QUALIFIED person for the position; NOT for just any particular party affiliation. During all the years I voted, I only made one regret - voting for Nixon. So I do not think that is too bad of a record. My choices were based on experience, knowledge, and a person's integrity.*

*However, I was always disappointed that even though I have to vote, but only whoever is chosen by a given party, I was not allowed to vote for any candidate in a primary. This I feel was excluding me, as a taxpayer, from giving my input. There are times when more than one candidate was in the primary from the same party, but I was unable to vote in that primary for who I would believe is the best candidate for that party.*

*Therefore, supporting the HB188 bill allowing Independent voters to vote in DE primaries gives us a right to vote for the candidate of our choice in a primary of whichever political affiliation we choose.*

*Submitted by:*

*Charlene M. Klein Straub  
117 Sassafras Lane  
Milton, DE 19968*

Public comment through submission to [HouseCommitteeComment@delaware.gov](mailto:HouseCommitteeComment@delaware.gov) on HB 188.

Submitted by Ms. Sarah Martin.

To:  
*House Elections and Government Affairs Committee*  
*Chair Stephanie Bolden*  
Re: HB 1888

*I am writing in support of open primary elections in Delaware. I have been an independent my whole adult life. I am a school counselor in New Castle, DE and I have watched as the increased polarization of political parties in our country has often led to conflict and ostracization among the students. Especially at the national seat level, policies become more and more about pleasing the “base” and less and less about serving the people—all the people. This administration in particular has threatened the vital funding and support our Title I schools rely on to meet the needs of the most vulnerable students.*

*When I lived in Georgia, I was able to vote in the primary. Locally, it is much easier to find common ground between people and candidates. However, the “big” positions who wield the most power like senators, congress, the presidency, governors, become increasingly more deaf to half the population who aren’t registered with their party. Actually, it’s more than half the voting population as independents are fast becoming the largest voting block nationwide. I firmly believe that we would see more common sense, centrist, moderate candidates if independents were allowed to vote in the primaries nationwide. Make the candidates actually represent the people and not just the party. Please make Delaware primaries open rather than requiring people to align themselves with a party to have a voice in who their choices become.*

*Thank you,  
Sarah Martin  
School counselor*

Public comment through submission to [HouseCommitteeComment@delaware.gov](mailto:HouseCommitteeComment@delaware.gov) on HB 188.

Submitted by Mr. Jean Staples.

To: *House Elections and Government Affairs Committee*  
*Chair Stephanie Bolden*

Re: *HB 1888*

Hearing Date: *March 11th, 2026*

*Dear Chair Bolden,*

*I am sorry that I cannot be there today to share my views in person in regard to this issue.*

*Overall it would have helped if this issue was brought to the attention of more constituents.*

*Addressed on the local news and shared in various on-line sites. When I mentioned it to people they thought it was a scam.*

*I am currently a Democrat, only because if I switched to Independent I would not have the ability to vote in a Primary. I have always thought this was ridiculous. There are so many Democrats and Republicans that I personally know, that feel the exact same way.*

*Forcing constituents to pick a party in order to vote, seems to me to be against the freedoms of our democracy.*

*Washington was quoted saying " the creation of two parties, will be the ruination of our society". And he knew what he was talking about. We worry more about party affiliation than representing constituents and fulfilling the doctrine of our Constitution.*

*And it unfairly sets up the playing field for one group or the other.*

*I believe Primaries are extremely important. It gives constituents the ability to "thin the herd" and select individuals to represent them.*

*I believe candidates of either party would work much harder not knowing who would be voting for them based on the political percentages in their areas or states.*

*As I'm sure you know there are many many voters that are registered without a party, people no longer want to be categorized by party, they want to vote for someone who best represents them. I have three boys under 30 and I can tell you, they could care less about parties, but they do care about the candidate and what they represent. They and most of their friends are Independents, but their frustration is that they can't vote in Primaries and they feel that they are being left out of the Voting Process. And I agree.*

*I hope that this Bill HB188 will be passed. Delaware is considered to be a forward thinking state, I hope it will continue to be and allow Delawareans to vote in Primaries no matter what their political focus.*

*Thank you for your time,*

*Jean H. Staples*

*33125 Baratine Lane*

*Selbyville, DE 19975*

Public comment through submission to [HouseCommitteeComment@delaware.gov](mailto:HouseCommitteeComment@delaware.gov) on HB 188.

Submitted by Ms. Jill Gaumer.

*I am Jill Gaumer and a voter in the state of Delaware.*

*I am writing in favor of a HB188, the bill to allow Delaware to hold open primaries. I am sorry I cannot appear in person, but I am out of the country.*

*I am a proponent of the idea that every vote matters, in the general election and in primaries. Having open primaries would allow the approximately 270,000 Delawareans who are not registered as Democrats or Republicans to vote in primaries. What a great way to allow these voices/votes to be heard in our state.*

*In addition to allowing these otherwise disenfranchised voters a vote, open primaries have the advantage of smoothing the edges, i.e. more middle-of-the-road voters cast a ballot which has the overall advantage of removing the extremes of politics – something we are desperately in need of now. As there might be less extremes on either side, there would be less of a swing from one side to the other. I think this would be a stabilizing factor for the business community. I ask this committee to vote yes. For HB 188.*

*Jill Gaumer*

*733 Ambleside Drive*

*Wilmington, DE 19808*

Public comment through submission to [HouseCommitteeComment@delaware.gov](mailto:HouseCommitteeComment@delaware.gov) on HB 188.

Submitted by Ms. Tracy Thomas.

*House Elections and Government Affairs Committee*

*Chair Stephanie Bolden*

*Re: HB 1888*

*Hearing Date: March 11th, 2026*

*Hi am very hopeful that as a registered independent voter that I will be able to vote in the primaries. I feel like this segment of our population is unheard because we do not pick a party. Because I felt strongly about the presidential race I actually changed my affiliation so that I could vote, unfortunately it was too late and I went another primary election unheard.*

*Please help to allow independent voters the ability to vote int he primaries. Thank you.*

*Submitted by:  
Tracy Thomas  
Milton, De*

Public comment through submission to [HouseCommitteeComment@delaware.gov](mailto:HouseCommitteeComment@delaware.gov) on HB 188.

Submitted by Ms. Elissa Davis.

*To: House Elections and Government Affairs Committee  
Chair Stephanie Bolden*

*Re: HB 1888*

*Hearing Date: March 11th, 2026*

*Madam Chair Bolden and members of the committee, thank you for the opportunity to testify today in support of HB188.*

*I am a visual artist, a painter and art instructor. I would be there in person, but I am teaching. I have lived in Wilmington, Delaware, went to college here – I have my BFA in the arts from the University of Delaware and lived my whole life in our state.*

*I am an independent but have been forced to register into a party to exercise the right to vote. This is wrong. It is wrong to have publicly funded elections that exclude the second largest group of voters in our state — those who choose not to affiliate with a party.*

*As a public installation visual artist my work is designed to bring awareness to our communities about the importance of listening to one another. I implore you today to listen to the 250,000 independent voters in our state, who are not apathetic, but deeply concerned, as I am about the direction of our state and country. We want to be able to vote in all publicly funded elections. We want to be able to vote in the primaries, where most decisions are made. Please, advance HB 188 and let us vote.*

*Submitted by: Elissa Davis  
59 Brier Avenue, Wilmington, De 19805*

Public comment through submission to [HouseCommitteeComment@delaware.gov](mailto:HouseCommitteeComment@delaware.gov) on HB 188.

Submitted by Ms. Nancy Hannigan.

*I am a Delaware resident and voter, and am writing to support HB188, the “open primaries “ bill. By passing this bill, we will enable all voters, including independents, to have a voice in the selection of candidates. To me, this is a clear case of democracy in action as currently only those registered to a specific party may participate in primary voting, giving no voice to voters who are unaffiliated.*

*Please vote yes to HB188*

*Regards  
Nancy Hannigan*