



Law Offices of  
**MURRAY, PHILLIPS & GAY**

*Julianne E. Murray, Esquire*  
*Ronald D. Phillips, Jr., Esquire*  
*Thomas E. Gay, Esquire*  
*Chelsea M. King, Esquire*

P.O. Box 561  
215 E Market Street  
Georgetown, DE 19947  
Phone: 302.855.9300  
Fax: 302.855.9330  
www.murrayphillipslaw.com

**Kent**  
302.422.9300  
Milford, Delaware  
**Western Sussex**  
302.628.9300  
Seaford, Delaware

## **For Immediate Release**

Media Contact: Julianne Murray  
(302)855-9300

### **Court Rules Vote-by-Mail Statute Unconstitutional Ayonne “Nick” Miles et al v. Del. Dep’t of Elections et al Case No. 2022-0644-NAC**

On Wednesday evening September 14, 2022, Delaware Vice Chancellor Nathan Cook issued an 87-page Memorandum Opinion striking down Delaware’s recently-enacted Vote-by-Mail statute.

The decision was rendered in response to a suit filed by Julianne E. Murray, Esquire, on behalf of three Delaware citizens seeking a permanent injunction and a declaratory judgment that the recently-enacted SB320 is unconstitutional under the Delaware Constitution. Another suit was filed the same day (Michael Higgin et al v. Anthony Albence et al Case No. 2022-0641-NAC) and the two suits were heard together.

Citing a rich history of Delaware precedent, Vice Chancellor Cook held that “...in light of applicable and controlling precedent, I must find that the Vote-by-Mail Statute is unconstitutional for purposes of the general election.”

“I am delighted with the decision. The Vice Chancellor took great care in reviewing Delaware’s history as well as Delaware’s case law in coming to his conclusion. I obviously thought that the statute was unconstitutional but to have the Court agree is very validating,” Murray said.

“During the floor debates in both houses, members of the General Assembly said that, despite testimony that the statute is unconstitutional, they were going to pass the law and let it be sorted out in the courts. Well it has now been sorted out” continued Murray.

The plaintiffs in Murray’s suit are all registered voters in Delaware: a Republican, a Democrat and an Unaffiliated. In addition, one is from each of the three counties in Delaware. “This is significant because the suit was filed for all Delawareans and was not intended to be one party against the other party. At the end of the day this affects everyone in Delaware regardless of their political persuasion. It is important to defend the Delaware Constitution,” stated Murray.

“This lawsuit is not an attack on vote by mail. If the General Assembly wants permanent, no-excuse vote by mail, they should amend the constitution. People are going to try to make this a partisan issue and it is really nonpartisan. This is not about the virtues or flaws of vote by mail. This is about following the proper procedure” stated Plaintiff Nick Miles.