



SPONSOR: Rep. Hudson & Rep. Dukes & Sen. Simpson
Reps. Bennett, Keeley, Miro, Outten, D. Short,
Spiegelman, K. Williams, Yearick; Sen. Hocker

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 315

AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO ELECTIONS AND CANDIDATE DISCLOSURES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend Chapter 41, Title 15 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 4109. Candidate Disclosure Statement

(a) Any candidate who has filed pursuant to § 3101 of this Title for statewide or other elective office and who will or could appear as a candidate on a general election ballot shall, after August 1st and before September 1st of the election year, file a statement under oath with the State Commissioner of Elections that as of the date of signing of that statement, the candidate has:

(1) Filed all State and Federal personal income tax returns due prior to that date, or has a pending extension of time to file the tax return(s);

(2) Paid all State and Federal personal income taxes that have been determined to be due as of the date of signing the statement; and

(3) Paid all assessed real property taxes due prior to May 30th of the election year on any real property owned jointly or severally by the candidate.

(b) Any candidate who has filed to be a candidate in a special election pursuant to this Code shall file within 7 days of filing to be a candidate a statement under oath with the State Commissioner of Elections that as of the date of signing that statement, the candidate has:

(1) Filed all State and Federal personal income tax returns due prior to that date, or has a pending extension of time to file the tax return(s);

(2) Paid all State and Federal personal income taxes that have been determined to be due as of the date of signing the statement; and

21 (3) Paid all assessed real property taxes due prior to May 30th of the election year on any real property
22 owned jointly or severally by the candidate.

23 (c) A candidate who fails to file the statement required by subsection (a) or (b) of this section shall be fined \$50
24 per day until the statement has been filed, with the total fine not to exceed \$3,000.

25 (d) The Commissioner of Elections shall post by September 8th the statement filed by each candidate required by
26 subsection (a) of this section on the office's internet site, and shall also post the names of all candidates who have failed to
27 file the statement.

28 (e) The Commissioner of Elections shall post at least 10 days before the date of a special election the statement
29 filed by each candidate required by subsection (b) of this section on the office's internet site, and shall also post the names
30 of all candidates in the special election who have failed to file the statement.

SYNOPSIS

This Bill requires all statewide and other candidates that may appear on the general election ballot to disclose whether or not all their State and Federal personal income tax returns are filed and any tax due has been paid and whether or not all their real property taxes have been paid.