

CHAPTER 158
FORMERLY
SENATE BILL NO. 119
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE REGARDING A SPECIAL ELECTION FOR REPRESENTATIVE IN CONGRESS.

WHEREAS, the Military and Overseas Voter Empowerment Act (MOVE) provides that there shall be at least 45 days between the date absentee ballots are first mailed to UOCAVA voters and the day of the election; and
WHEREAS, a statewide Special Election should be conducted as efficiently as possible;
NOW, THEREFORE:
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 73, Title 15, Delaware Code, by striking subchapter I in its entirety and substituting in lieu thereof the following:

Subchapter I. Representative in Congress

§ 7301. Special election to fill vacancy.

Whenever a vacancy shall happen by death, resignation or otherwise in the representation from this State in the House of Representatives of the United States, an election shall be held to fill such vacancy on such day as the Governor shall appoint, in the several counties at the same places which at the time shall be prescribed by law for holding the general election.

§ 7302. Time of election; general election.

It shall be in the discretion of the Governor whether to appoint a day for holding elections under this chapter, before the day of holding the general election next after the happening of a vacancy, and, if the day of holding the general election shall be appointed, then the election shall be held and conducted and all the proceedings touching the same had as part of the general election.

§ 7303. Writs of election.

The Governor shall issue writs of election to the department of elections of the several counties reciting the vacancy and commanding each department to cause an election to be held in its county on the day mentioned in the writ, at the place by law prescribed for holding the general election in its county, for choosing a Representative in place of the Representative whose seat shall so have become vacant, which writ shall be delivered to each department at least 60 days before the day therein appointed for holding the election.

§ 7304. Notice to the public.

The State Election Commissioner shall within 10 days after issuance of the writ advertise by suitable news media or by publishing the same each day for at least 3 days in 1 or more daily newspapers printed in each county or, if no daily newspaper is published in a county, in an edition of each of 2 weekly newspapers. Such notice shall state the day and place of the election and the officer to be chosen.

§ 7305. Nomination of candidates.

(a) Political parties with at least 1/10th of 1 percent of registered voters in the State as of the last day of the month before the day the Governor issued the writ may nominate a candidate for the election.

(b) Parties nominating a candidate shall submit a certificate of nomination on the form and in the manner specified by the State Election Commissioner to the State Election Commissioner not later than 7 days following issuance of the writ.

§ 7306. Conduct of special election.

Notwithstanding the provisions of this subchapter, a special election for Representative in Congress shall be conducted in the same manner and form and under the same regulations in all respects as a special election to supply a vacancy in either house of the General Assembly, and the votes given in each county shall be calculated, ascertained and certified at the same time and place and in like manner and by the same method and regulation as in case of such special election.

§ 7307. Polling places; voting machines; election officers

The Departments of Elections:

- (1) May combine all Election Districts voting at a location into a single voting district;
- (2) May combine other Election Districts as necessary for the efficient conduct of the election;
- (3) Shall assign a minimum of two voting machines and a maximum of five voting machines to a voting district; and
- (4) Shall assign a sufficient number of Election Officers to each voting district.

§ 7308. Costs of the special Election.

The Office of Management and Budget shall transfer sufficient funds to cover the cost of the special election to the State Election Commissioner, the Departments of Elections and Superior Court not later than 5 business days following issuance of the writ.”

Approved July 29, 2011