



SPONSOR: Rep. Bolden & Sen. Poore  
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Minor-Brown, Yearick, Phillips; Sens. Buckson, Hoffner,  
Wilson, Cruce

HOUSE OF REPRESENTATIVES  
153rd GENERAL ASSEMBLY

HOUSE BILL NO. 65

AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO PRIMARY ELECTIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 3101, Title 15 of the Delaware Code by making deletions as shown by strike through and  
2 insertions as shown by underline as follows:

3 § 3101. Nomination, withdrawal, and primary election dates.

4 The following schedule applies for all candidates:

5 (1) Notification of candidacy shall be on or before 12:00 noon of the ~~second Tuesday in July~~ fourth Tuesday  
6 in February.

7 (2) Such notification of candidacy may be withdrawn on or before 4:30 p.m. on the first Friday after the  
8 ~~second Tuesday in July~~ fourth Tuesday in February. In the event the first Friday after the ~~second Tuesday in July~~  
9 fourth Tuesday in February is a legal holiday, then the final day to withdraw is the next day which is not a Saturday,  
10 Sunday, or a legal holiday.

11 (3) Primary elections for all political parties shall be conducted on the ~~second Tuesday after the first Monday~~  
12 ~~in September~~ fourth Tuesday in April.

13 (4) [Repealed.]

14 Section 2. Amend § 3103, Title 15 of the Delaware Code by making deletions as shown by strike through and  
15 insertions as shown by underline as follows:

16 § 3103. Filing fees.

17 (c) The state chair, county chair and city chairs of each political party shall notify the State Election Commissioner  
18 and the Department of the amount of the filing fee set pursuant to this section. The notification shall be no later than ~~July 1~~  
19 February 1 of each general election year.

20 Section 3. Amend § 3106, Title 15 of the Delaware Code by making deletions as shown by strike through and  
21 insertions as shown by underline as follows:

22 § 3106. Filing of candidacy for nomination at a primary election; withdrawal.

23

24 (g) All candidates for statewide office, the General Assembly, or any elected county office must request a criminal  
25 history background check no earlier than the first date an individual may file as a candidate and no later than the filing  
26 deadline from the State Bureau of Identification and provide proof that the criminal history background check has been  
27 requested before giving notice under subsection (a) of this section.

28 (5) The Commissioner must determine, by ~~August 1~~ March 15 of each general election year that a candidate is  
29 qualified under § 21 of Article II of the Delaware Constitution before the candidate's name may be listed on a ballot in  
30 a primary election.

31 Section 4. Amend § 2049, Title 15 of the Delaware Code by making deletions as shown by strike through and  
32 insertions as shown by underline as follows:

33 § 2049. Change of party designation; procedure.

34 (a) Any duly registered voter may apply to change that registered voter's political affiliation by completing and  
35 submitting a voter registration application to the Department ~~except in the year of a general election during the period from~~  
36 ~~the last Saturday in May through the day of the primary election.~~ except during the 59 days before the day of the primary  
37 election. The application shall be upon a form provided by the Commissioner and shall be signed by the registrant and  
38 returned by mail or delivered to the Department. An appropriately addressed envelope shall be supplied by the Department  
39 for return of the executed application. Upon receipt of the executed application, the Department shall cause the signature to  
40 be compared with the original registration record of such applicant, and if such signature appears to be the same, such  
41 change of affiliation shall be made in the voter registration records and the applicant shall be immediately notified. If the  
42 Department is not satisfied as to the signature on the application, the applicant shall be notified by mail to appear at any  
43 office of the Department to answer under oath such questions as may be deemed necessary.

44 (b) Applications received that change a person's political party affiliation during a period in which a person may  
45 not change that person's own political party affiliation in accordance with provisions of this title shall be held by the  
46 Department and processed when the period to change a person's political party affiliation reopens.

47 (c) Notwithstanding subsection (a) of this section a person may change his or her party affiliation in the year of a  
48 general election during the ~~period from the last Saturday in May through September 1~~ 59 days before the day of the primary  
49 election if:

50 (1) The statewide and county chair of a political party provide a written affidavit to the Department stating  
51 that such person has asked or agreed to be a candidate for office of that political party and the statewide and county  
52 chair of a political party want the person to be a candidate for office representing the political party; and

53                   (2) The person provides an affidavit to the Department stating that such person is changing political parties to  
54                   be a candidate for office of the political party providing the affidavit described in paragraph (c)(1) of this section and a  
55                   withdrawal form for any other candidacies.

56                   Section 5. This Act is applicable to all primary elections after December 31, 2026.

#### SYNOPSIS

This Act moves the date of primary elections for statewide office, county office, and municipal office to the fourth Tuesday in April, which is the date of the presidential primary (in presidential election years). The dates for submitting and withdrawing notification of candidacy have been adjusted accordingly, as have the dates for notice of filing fees and background checks. Section 4 changes the “closed” period in which a voter is not allowed to change his or her political affiliation to match the 60-day limit in 15 Del. C. § 3189 for presidential primaries. This Act is applicable to all primary elections after December 31, 2026.