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Heffernan, Kenton, Kowalko, Ramone, Wilson; Sen.
Bushweller

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 89

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 Title 15, § 3101 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 shall apply for all candidates:

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

7 (2) Such notification of candidacy may be withdrawn on or before 4:30 p.m. on the first Friday after the ~~second~~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

11 (3) Primary elections for all political parties shall be conducted on the ~~second Tuesday after the first Monday in~~
12 ~~September, except in 2018, when said elections shall be conducted on September 6, 2018~~ fourth Tuesday in April.

13 (4) After the deadline for notification of candidacy set forth in paragraph (1) of this section and before the
14 deadline for withdrawal set forth in paragraph (2) of this section, a candidate may change that candidate's own candidacy
15 and become a candidate for a different office in the coming election. Such change of candidacy shall be deemed to be
16 irrevocable withdrawal from candidacy for the first announced office.

17 Section 2. Amend Title 15, § 3301 of the Delaware Code by making deletions as shown by strike through and
18 insertions as shown by underline as follows:

19 § 3301. Certificates of nomination.

20 (e) In the case of minor political parties not required to select candidates pursuant to Chapter 31 of this title, each
21 party shall select their candidates at the party's state or county nominating convention held on or before ~~August 4~~ March 15

in the year of a general election and shall file the certificates of nomination of the selected candidates within 10 business days of the nominating convention.

Section 3. Amend Title 15, § 3303 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3303. Time of filing certificates.

Certificates of nomination to be filed with the State Election Commissioner or the Department, as the case may be, shall be filed before the close of the official business day on or before ~~September 4~~ April 1 of the year of any general election, and if ~~September 4~~ April 1 is a Sunday or legal holiday, then on the next official business day. Certificates of nomination shall be on the form specified by the State Election Commissioner. However, when there is a national nominating convention, the nominees from said national nominating convention shall be named on a certificate of nomination to be filed before 12:00 noon on the earlier of:

(1) The Tuesday following said national nominating convention; or,

(2) September 15 of said election year.

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

§ 2049. Change of party designation; procedure.

(a) Any duly registered voter may apply to change that registered voter's political affiliation by completing and submitting a voter registration application to the Department ~~except in the year of a general election during the period from the last Saturday in May through the day of the primary election~~ except during the 59 days before the day of the primary election. The application shall be upon a form provided by the Commissioner and shall be signed by the registrant and returned by mail or delivered to the office of the Department. An appropriately addressed envelope shall be supplied by the Department for return of the executed application. Upon receipt of the executed application, the Department shall cause the signature to be compared with the original registration record of such applicant, and if such signature appears to be the same, such change of affiliation shall be made on the original and duplicate records and the applicant shall be immediately notified by mail of the change so made. If the Department is not satisfied as to the signature on the application, the applicant shall be notified by mail to appear at any office of the Department to answer under oath such questions as may be deemed necessary. If the applicant fails to appear as notified, no such change of affiliation shall be made. If the application is made to the registration officers, they shall forward the completed application to the Department at the same time as they forward other registration records at the close of registration, and the Department shall cause appropriate notations thereof

51 to be made upon the applicant's registration record in the applicable County Master File and the applicant's record in the
52 Election System data base.

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

56 (c) Notwithstanding subsection (a) of this section a person may change his or her party affiliation in the year of a
57 general election during the period from the last Saturday in May through September 1 if:

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

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

64 Section 5. This Act shall take effect on January 1, 2020.

SYNOPSIS

Section 1 of this bill 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. Section 2 of the bill changes the deadline for a minor political party selecting its candidate at the party's convention. Section 3 of the bill changes the deadline for filing certificates of nomination from September 1st to April 1st. 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.